



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED TUESDAY, 9 OCTOBER 2018 IN THE
OPOTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPOTIKI AT 9.00AM**

PRESENT:

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

IN ATTENDANCE:

Aileen Lawrie (Chief Executive Officer)
Bevan Gray (Finance and Corporate Services Group Manager)
Gerard McCormack (Planning and Regulatory Group Manager)
Ari Erickson (Engineering and Services Group Manager)
Joseph Hayes (Events and Senior i-SITE Officer)
Gae Newell (Personal Assistant to CEO and Mayor)

MEDIA:

James Sandbrook (Opotiki News)

PUBLIC:

Rangitahi Wharepapa
George and Susan Holt
Janet Thompson
Susan Cook

Councillor Tuoro opened the meeting with a prayer.

APOLOGIES

Nil.

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Councillors Young, Howe and Tuoro declared an interest in relation to any items pertaining to the Opotiki Harbour Development Project and Whakatōhea Mussels (Opotiki) Ltd.

PUBLIC FORUM

Liquor Ban – Maraetai Bay

Rangitahi Wharepapa stated there are issues with people drinking and using drugs at Maraetai Bay on a regular basis. There was an occurrence recently where relatives were cleaning up the aftermath of a party. Rangitahi Wharepapa said she is trying to change this continuous cycle; she is doing this on her own as she believes it is quite simple: Do we want a beautiful pristine beach or do we want broken glass on the beach?

Rangitahi Wharepapa further stated that she has 253 signatures on a petition in support of her plea to Council, adding that she has made contact with the local police on many occasions but they have not got back to her but she is still trying to build a relationship with them. She asked Council to consider her concerns.

His Worship the Mayor suggest to Rangitahi Wharepapa that she talk to the Coast Community Board. Council does have jurisdiction over the reserve and some jurisdiction, along with DOC and the Regional Council, in relation to beaches.

The Planning and Regulatory Group Manager stated that there are different aspects to the points raised by Rangitahi Wharepapa. Council is in the process of introducing a litter infringement regime and has some funding from central Government to do compliance monitoring. Currently, there is a liquor ban in place for two weeks over summer. The Liquor Bylaw will be reviewed in December. Crime and disorder are factors and it is important that incidents are reported to the police and to Council as a service request. The more information Council has will assist with the bylaw review.

Rangitahi Wharepapa and the Planning and Regulatory Group Manager left the meeting at 9.15am.

1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 28 AUGUST 2018 p4

RESOLVED

- (1) That the minutes of the Ordinary Council meeting held on 28 August 2018 be confirmed as a true and correct record.**

Riesterer/Tuoro

Carried

2. MINUTES – AUDIT AND RISK COMMITTEE MEETING 16 AUGUST 2018 **p15**

RESOLVED

- (1) That the minutes of the Audit and Risk Committee meeting held on 16 August 2018 and any recommendations therein be received.**

Tuoro/Young

Carried

3. MINUTES – COAST COMMUNITY BOARD MEETING 31 JULY 2018 **p24**

RESOLVED

- (1) That the minutes of the Coast Community Board meeting held on 31 July 2018 and any recommendations therein be received.**

McRoberts/Tuoro

Carried

4. MINUTES – REGIONAL TRANSPORT COMMITTEE MEETING 14 SEPTEMBER 2018 **p29**

Councillor Young advised that he raised the cleaning of the Waioeka Bridge at the Regional Transport Committee meeting. The response was that there is no budget for bridge cleaning.

RESOLVED

- (1) That the minutes of the Regional Transport Committee meeting held on 14 September 2018 be received.**

Young/HWTM

Carried

The Planning and Regulatory Group Manager rejoined the meeting at 9.18am.

5. MAYORAL REPORT 24 AUGUST 2018 – 4 OCTOBER 2018 **p37**

RESOLVED

- (1) That the report titled “Mayoral Report 24 August 2018 – 4 October 2018” be received.**

HWTM/McRoberts

Carried

6. ŌPŌTIKI MARINE ADVISORY GROUP (OMAG) UPDATE **p41**

RESOLVED

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

Riesterer/Browne

Carried

7. ŌPŌTIKI HARBOUR DEVELOPMENT PROJECT VALIDATION STAGE CLOSURE REPORT p44

RESOLVED

- (1) That the report titled "Opotiki Harbour Development Project Validation Stage Closure Report" be received.**

HWTM/Tuoro

Carried

8. REGIONAL GROWTH LEADERSHIP GROUP p60

His Worship the Mayor commended Kiri Allan and Sir Michael Cullen for the work they have done in bringing this together.

It was agreed that a letter be sent to Kiri Allan and Sir Michael acknowledging their work in relation to the Regional Growth Leadership Group. The mover and seconder agreed to a clause being added to the recommendations in this regard.

His Worship the Mayor also acknowledged the Finance and Corporate Services Group Manager for his input. He thanked the Chief Executive Officer for the resources which went into the Regional Growth Leadership Group, acknowledging that this put a lot of pressure on the organisation.

Council agreed that a presentation to the community in the form of a public meeting to present the Eastern Bay Report would be advantageous. The Chief Executive Officer was asked to look at organising a public meeting

The Chief Executive Officer suggested that a further clause be added to the recommendations endorsing the continuation of the Regional Growth Leadership Group to drive the recommendations of the report. The mover and seconder agreed to the additional clause.

RESOLVED

- (1) That the report titled "Regional Growth Leadership Group" be received.**
- (2) That Council endorse the report "Eastern Bay of Plenty: Regional Development Project" authored by Stakeholder Strategies.**
- (3) That a letter be sent to Kiri Allan and Sir Michael Cullen, acknowledging the work they have put into the Regional Growth Leadership Group.**
- (4) That Council endorses the continuation of the Regional Growth Leadership Group to drive the recommendations of the report.**

McRoberts/Riesterer

Carried

The Events and Senior i-SITE Officer entered the meeting at 9.49am.

Councillor Tuoro left the meeting at 9.56am and returned at 9.59am.

Councillor Howe left the meeting at 10.00am and returned at 10.02am.

The meeting adjourned for morning tea at 10.05am and reconvened at 10.19am.

Item 12 was considered prior to item 9.

9. APPROVAL OF LITTER INFRINGEMENT REGIME AS SET OUT IN SECTION 13 AND 14 OF THE LITTER CONTROL ACT 1979

In response to a query, the Planning and Regulatory Group Manager advised that Council does have the personnel resource to undertake the work.

Councillor Tuoro stated she would like to see the community involved in owning the litter infringement regime and some exposure given to it on Facebook and social media.

RESOLVED

- (1) That the report titled "Notification of Litter Infringement Regime As Set Out in Section 13 and 14 of the Litter Control Act 1979" be received.**
- (2) That the proposed litter infringement fee structure as set out in Appendix 1 be approved:**

Infringement	First Offence	Second of subsequent offence within one year
Litter, of less than or equal to 1L, left in a public space, or on private land, without the occupier's consent	\$75	\$200
Litter, of more than 1L and less than or equal to 20L, left in a public space, or on private land without the occupier's consent*	\$100	\$400
Litter, of more than 20L and less than or equal to 120L, left in a public space, or on private land without the occupier's consent**	\$250	\$400
Litter, of more than 120L, left in a public space, or on private land without the occupier's consent	\$400	\$400
Hazardous litter or offensive litter left in a public space, or on private land without the occupier's consent	\$400	\$400

*20L is the approximate maximum capacity of two standard supermarket bags in normal conditions.

**120L is the approximate maximum capacity of a standard mobile garbage bin in normal conditions.

Hazardous litter refers to broken glass, barbed wire, jagged metal, medicines, hazardous waste.

Offensive waste refers to rotting food, animal remains, faeces and discarded nappies.

Browne/Howe

Carried

10. REVIEW OF COUNCIL'S CLASS 4 VENUE POLICY (GAMBLING POLICY) p147

The Planning and Regulatory Group Manager tabled two papers: Gambling Harm Statistics for Ōpōtiki and The Southern Trust Grant Return.

Deputy Mayor Riesterer stated that Ōpōtiki is oversubscribed with the number of gaming machines and we cannot get rid of them any faster. She questioned how could Council get central Government to help with that.

Following a discussion regarding the impact of gaming machines on the community, it was agreed that the Planning and Regulatory Group Manager will bring a report back to Council around the social impact.

RESOLVED

- (1) That the report titled "Review of Council's Class 4 Venue Policy (Gambling Policy)" be received.**

Browne/Howe

Carried

11. ŌPŌTIKI COMMUNITY DRIVER MENTOR PROGRAMME – UPDATE AND PLANS FOR 2018-2019 p157

RESOLVED

- (1) That the report titled "Ōpōtiki Community Driver Mentor Programme – Update and Plans for 2018-2019 be received.**
- (2) That the support and involvement of the Eastern Bay of Plenty Road Safety Committee, Toi-EDA, and Bay of Plenty Regional Council in enabling the Ōpōtiki Community Driver Mentor Programme to continue for a further year be acknowledged.**

Riesterer/Browne

Carried

Janet Thompson left the meeting at 10.47am

Item 12 was considered prior to Item 9

12. SUMMER FESTIVAL FUNDING APPLICATIONS **p161**

Deputy Mayor Riesterer expressed the view that Council should be applying for a higher amount of funding, adding that the gambling organisations are not putting as much back into the community as they could be.

RESOLVED

- (1) That the report titled "Summer Festival Funding Applications" be received.**
- (2) That Council approves a funding application to be lodged with the Southern Trust to support the 2018/19 Summer Festival subject to quotes.**
- (3) That Council approves a funding application to be lodged with The Lion Foundation to support the 2018/19 Summer Festival subject to quotes.**

McRoberts/Tuoro

Carried

The Events and Senior i-SITE Officer left the meeting at 10.21am.

13. CHIEF EXECUTIVE OFFICER'S UPDATE **p164**

RESOLVED

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

HWTM/Riesterer

Carried

Susan Cook, George Holt, Susan Holt and James Sandbrook left the meeting at 11.07am.

14. RESOLUTION TO EXCLUDE THE PUBLIC **p173**

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:

- 15. Confirmation of In-Committee Minutes – Ordinary Council Meeting 28 August 2018.**
- 16. In-Committee Minutes – Audit and Risk Committee Meeting 16 August 2018.**
- 17. Draft Minutes – Toi-EDA Meeting 3 September 2018.**
- 18. Financial 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:

Item No	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
15.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 28 August 2018	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)
16.	In-Committee Minutes – Audit and Risk committee Meeting 16 August 2018	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
17.	Draft Minutes – Toi-EDA Meeting 3 September 2018	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
18.	Financial Matter	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:

15.	Protect the privacy of natural persons Protect information Free and frank expression of opinions Protection from improper pressure or harassment Prevent disclosure or use of official information Carry out negotiations Maintain legal professional privilege Carry out commercial activities Avoid prejudice to measures protecting the health and safety of members of the public	Section 72(a) Section 7(2)(b)(i) & (ii) and Section 7(2)(c)(i) & (ii) Section 7(2)(f)(i) Section 7(2)(f)(ii) Section 7(2)(j) Section 7(2)(i) Section 7(2)(g) Section 7(2)(h) Section 7(2)(d)
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	Avoid prejudice to measures that prevent or mitigate material loss to members of the public Commercial sensitivity	Section 7(2)(e) Section 7(2)(ii)
16.	Maintain effective conduct of public affairs Protect information Protect the privacy of natural persons Carry out negotiations	Section 7(2)(f)(i) & (ii) Section 7(2)(b)(i) & (ii), (d) and (e) Section 7(2)(a) Section 7(2)(i)
17.	Protect the privacy of natural persons Protect information	Section 7(2)(a) Section 7(2)(b)(i) & (ii)
18.	Protect the privacy of natural persons Protect information	Section 7(2)(a) Section 7(2)(b)(ii)

McRoberts/Young

Carried

RESOLVED

- (1) That the in-committee minutes of the Ordinary Council meeting held on 28 August 2018 be confirmed as a true and correct record.**

Tuoro/Young

Carried

RESOLVED

- (1) That the in-committee minutes of the Audit and Risk Committee meeting held on 16 August 2018 and any recommendations therein be received.**

Young/Tuoro

Carried

RESOLVED

- (1) That the report draft minutes of the Toi-EDA meeting held on 3 September 2018 be received.**

HWTM/Riesterer

Carried

RESOLVED

- (1) That the report titled "Financial Matter" be received.**

HWTM/McRoberts

Carried

RESOLVED

- (1) That the resolutions made while the public was excluded, except for clause 2 of the resolutions for Item 18 (Financial Matter), be confirmed in open meeting.**

(2) Clause 2 of the resolutions for Item 18 (Financial Matter) will be retained in-committee until the next in-committee meeting of Council.

(3) That the public be readmitted to the meeting.

Riesterer/Browne

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.48AM.

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

J H FORBES

HIS WORSHIP THE MAYOR