



NOTICE OF AN ORDINARY COUNCIL MEETING

**Ōpōtiki District Council Chambers, 108 St John Street, Ōpōtiki
Wednesday, 7 February 2024
Commencing at 10.00am**

This meeting will be livestreamed – the link will be available on Council's website and Facebook page on the morning of the meeting.

ORDER PAPER

OPENING KARAKIA / PRAYER / INSPIRATIONAL READING – DEPUTY MAYOR BROWNE

APOLOGIES

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

PUBLIC FORUM

*Linda Conning (Forest and Bird) – Vehicle Access to Beaches, in particular at Ohiwa
Sharon Oxley – Waiotahi Drifts Subdivision: Vehicle Access*

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PUBLIC EXCLUDED BUSINESS

ITEM 22	CONFIRMATION OF IN-COMMITTEE MINUTES – ORDINARY COUNCIL MEETING 5 DECEMBER 2023	
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ITEM 27	NOTES FROM COUNCIL WORKSHOPS	
ITEM 28	RESOLUTION TO RESTATE RESOLUTIONS AND READMIT THE PUBLIC	

Chair: His Worship the Mayor – David Moore

Members: Cr Shona Browne (Deputy Mayor)

Cr Tom Brooks

Cr Barry Howe

Cr Maxie Kemara

Cr Steve Nelson

Cr Dean Petersen

Committee Secretary: Gae Finlay

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.

Stace Lewer

CHIEF EXECUTIVE OFFICER



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED, TUESDAY, 5 DECEMBER 2023 IN THE
ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 10.00AM**

PRESENT:

Mayor David Moore (Chairperson)
Deputy Mayor Shona Browne (Deputy Chairperson)
Councillors:
Tom Brooks
Barry Howe
Maxie Kemara
Steve Nelson
Dean Petersen

IN ATTENDANCE:

Gerard McCormack (Group Manager Planning and Regulatory)
Anna Hayward (Group Manager Community Services and Development)
Peter Bridgwater (Group Manager Finance and Corporate Services)
Nathan Hughes (Interim Group Manager Engineering and Services)
Tina Gedson (Operations and Office Manager)
Ella Jonker (Planning Policy Lead)
Mercedes Neems (Executive Support Officer)
Gae Finlay (Executive Assistant and Governance Support Officer)

GUEST:

Dafydd Pettigrew

MEDIA:

Diane McCarthy (Local Democracy Reporter, The Beacon)
Mike Fletcher (Correspondent)

PUBLIC:

Leonard Matchitt
Ross Palmer

His Worship the Mayor opened the meeting with a karakia, followed by Councillor Brooks with two inspirational quotes.

APOLOGIES

Nil.

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Councillor Brooks and Councillor Nelson declared an interest in Item 12 (Hukutaia Growth Area Plan Change: Rural to Residential).

Councillor Nelson declared an interest in Item 16 (Earthquake Prone Buildings Within Opotiki District Update).

PUBLIC FORUM

Leonard Matchitt – Council's Wastewater System/River Pollution

Leonard Matchitt thanked Council for the opportunity to present. He stated that people are concerned about what is being left in the sewage ponds to pollute our rivers. Referring to a recent petition he organised, Leonard Matchitt pointed out that all those who signed are concerned about the Council polluting the eco-system. He added that Council is spending money on other things and not on pollution. Council is paying for a new building and paying its bills while it is supposed to be looking after the environment. Hapu access to the rivers is blocked and Council does nothing. Motorbikes are riding around when there is no track for them to ride on. Council has had years and years to fix the sewerage system and the people want to know why. It is still leaching out right now and Leonard Matchitt said he has photos to prove that. There is a danger sign at the river saying to stay away as it is poisonous. People are not happy and want Council's answers and want to know what they are doing about it. If nothing is done in the next few months we will prosecute Council about the pollution. Leonard Matchitt showed photos he had on his phone, adding this is a crime.

His Worship the Mayor thanked Leonard Matchitt for speaking to Council and voicing his concerns, adding that Council has a copy of the petition.

Leonard Matchitt left the meeting at 10.09am.

Ross Palmer – Item 19 (Waiotaha Drifts Subdivision – Issues With Vehicles Getting Access to Beach Via Sand Ladders/Boardwalks

Although the speaker was not on the agenda His Worship the Mayor permitted him to address Council.

Mr Palmer made the following points in relation to Item 19:

- Several residents have concerns with the report and the recommendation to investigate options to provide legal vehicular access through the beach access boardwalk
- The report:
 - Addresses a boardwalk in the sand dunes which is not part of the subdivision

- States that most of the concerns are about quad bikes; residents have significant concerns about quad bike use on reserves, roads (acknowledging roads are a Police matter) and footpaths within the Drifts subdivision – these points have been made several times during on-site visits and e-mails with Council staff
- Conditions 16 and 30 of the Waiotaha Drifts subdivision consents say that vehicular access should be prohibited; the New Zealand Coastal Policy Statement and the Bay of Plenty Regional Council are emphatic around vehicles on the dunes
- Why are Council staff seeking a “legal” way to do something which contravenes every guidance document cited in the report and goes against the issue noted in the title of the report?
- Shouldn’t the report be asking for guidance from Council about side-by-sides use?
- It is a significant health and safety issue to allow pedestrians and motor vehicles to share spaces without separation; both the boardwalk and pedestrian walkways are not suitable for shared use.

Ross Palmer stated that he and his supporters request that Council reject any recommendation or proposal that would encourage more quad bikes to be operated where they are not permitted. Instead, they would like Council to direct staff to look at one of several very inexpensive ways to address the issues identified in the Executive Summary of the report, to prevent motor vehicles on reserves, the dunes and pedestrian walkways.

His Worship the Mayor thanked Mr Palmer for his attendance.

1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 24 OCTOBER 2023 p4

RESOLVED

- (1) That the minutes of the Ordinary Council meeting held on 24 October 2023 be confirmed as a true and correct record.**

HWTM/Browne

Carried

2. CONFIRMATION OF MINUTES – EXTRA ORDINARY COUNCIL MEETING 20 NOVEMBER 2023 p13

RESOLVED

- (1) That minutes of the Extra Ordinary Council Meeting held on 20 November 2023 be confirmed as a true and correct record.**

HWTM/Nelson

Carried

3. MINUTES – COAST COMMUNITY BOARD MEETING 19 SEPTEMBER 2023 p18

RESOLVED

- (1) **That the minutes of the Coast Community Board meeting held on 19 September 2023, and any recommendations therein, be received.**

Kemara/HWTM

Carried

4. MINUTES – PERFORMANCE AND DELIVERY COMMITTEE MEETING 25 SEPTEMBER 2023 p22

RESOLVED

- (1) **That the minutes of the Performance and Delivery Committee meeting held on 25 September 2023, and any recommendations therein, be received.**

Brooks/HWTM

Carried

5. MINUTES – BAY OF PLENTY CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE MEETING 29 SEPTEMBER 2023 p25

RESOLVED

- (1) **That the minutes of the Bay of Plenty Civil Defence Emergency Management Group Joint Committee meeting held on 29 September 2023 be received.**

HWTM/Petersen

Carried

Ross Palmer and other members of the public left the meeting at 10.20am.

6. MINUTES – OHIWA HARBOUR IMPLEMENTATION FORUM MEETING 12 OCTOBER 2023 p38

RESOLVED

- (1) **That the minutes of the Ohiwa Harbour Implementation Forum Meeting held on 12 October 2023 be received.**

Petersen/Nelson

Carried

7. MINUTES – EASTERN BAY OF PLENTY JOINT COMMITTEE MEETING 10 NOVEMBER 2023 p46

RESOLVED

- (1) That the minutes of the Eastern Bay of Plenty Joint Committee meeting held on 30 June 2023, and any recommendations therein, be received.**

HWTM/Browne

Carried

8. MAYORAL REPORT – 14 OCTOBER 2023-24 NOVEMBER 2023 p52

RESOLVED

- (1) That the report titled “Mayoral Report – 14 October 2023-24 November 2023” be received.**

HWTM/Browne

Carried

The Group Manager Community Services and Development left the meeting at 10.24am and returned at 10.28am.

9. ŌPŌTIKI MARINE ADVISORY GROUP (OMAG) UPDATE p56

Councillor Howe expressed the view that OMAG needs to be reviewed. It does not carry any weight as an advisory group. He would also like to see Councillors on the Harbour Steering Group.

The Chief Executive Officer advised that options can be tabled with Council post-construction of the harbour and discussions with MBIE.

RESOLVED

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

HWTM/Howe

Carried

The Planning Policy Lead entered the meeting at 10.31am.

10. LONG TERM PLAN 2023-2034 – UPDATE p62

It was noted that the workshop noted in the report as being on 29 January 2024 will move to 30 January 2024 as 29 January is a Public Holiday.

RESOLVED

- (1) That the report titled “Long Term Plan 2023-2034 – Update” be received.**

- (2) That the Council approve the latest version of the ODC Long Term Plan 2024-2034 – Workplan (Appendix 1).**

HWTM/Browne

Carried

11. RETIREMENT OF NINE POLICIES

p67

RESOLVED

- (1) That the report titled “Retirement of Nine Policies” be received.**
(2) That Council retire the nine policies identified in Appendix 1.

HWTM/Nelson

Carried

12. HUKUTAIA GROWTH AREA PLAN CHANGE: RURAL TO RESIDENTIAL

p74

Councillors Brooks and Nelson declared an interest in this item at the beginning of the meeting.

His Worship the Mayor advised that Council has reassurance from the Bay of Plenty Regional Council that ratepayers would not be forced to join into the scheme if the development eventuated.

Councillor Petersen would like to see the northern boundary changed (around the Baird Road area) as Ōpōtiki also needs industrial areas. Councillor Nelson agreed, adding that people need somewhere to work if they are moving to the district.

The Group Manager Planning and Regulatory advised that a report could be brought back to Council in relation to industrial land across the district.

Councillor Brooks felt that it was a priority for him that the public are communicated with and people have the opportunity to have their say. He asked that a third clause be added to the recommendations as follows:

That Council directs staff to carry out an industrial needs assessment for the district and report back to Council in the first half of 2024.

The mover and seconder approved the addition to the recommendations.

RESOLVED

- (1) That the report titled “Hukutaia Growth Area Plan Change: Rural to Residential” be received.**

(2) That Council agrees to commence and progress the plan change to the Ōpōtiki District Plan as outlined in this report using the draft Structure Plan (as shown in Appendix 1) as a basis for the Hukutaia Growth Area.

(3) That Council directs staff to carry out an industrial needs assessment for the district and report back to Council in the first half of 2024.

HWTM/Petersen

Carried

Abstained: Nelson

The Executive Support Officer left the meeting at 10.42am and returned at 10.48am.

13. CONSTRUCTION OF THE SNELLS ROAD DREDGE ACCESS RAMP AND CAR PARK p92

Councillor Brooks expressed concern around affordability and that the project could be undermined due to the erosion.

His Worship the Mayor noted that Option 3 was not to proceed but that did not mean it will not eventuate at some stage. Erosion is very fast and moves around a very significant area. It seems risky to proceed and have no guarantee that erosion will be stopped.

Councillor Howe had reservations about whether a dredge ramp is actually needed.

Councillor Howe moved that Option 3 – Not proceed with the construction of the Snells Road dredge access ramp and car parking area. This was seconded by Councillor Kemara.

The motion was PUT and CARRIED.

RESOLVED

(2) That Council decides to proceed with:

Option 3 – Not proceed with the construction of the Snells Road dredge access ramp and car parking area.

Howe/Kemara

Carried

The substantive motion was PUT and CARRIED.

RESOLVED

(1) That the report titled “Construction of the Snells Road Dredge Access Ramp and Car Park” be received.

- (2) That Council proceeds with Option 3 – Not proceed with the construction of the Snells Road dredge access ramp and car parking area.**

HWTM/Howe

Carried

The Executive Support Officer left the meeting at 11.13am and returned at 11.17am.

14. ŌPŌTIKI HARBOUR ACCESS ROAD PROJECT FUNDING ALLOCATION p100

RESOLVED

- (1) That the report titled “Ōpōtiki Harbour Access Road Project Funding Allocation” be received.**
- (2) That Council endorses the reallocation of \$526,974 from the Marine Precinct and Wharf Redevelopment to cover a 25% contribution to the Harbour Access Road project costs.**

HWTM/Howe

Carried

The Group Manager Community Services and Development left the meeting at 11.31am and returned at 11.33am.

15. CONSTRUCTION OF JETTY EXTENSION AND RELOCATION OF CHILDREN’S PLAY AREA p105

The Planning and Regulatory Group Manager advised that the jetty consent is straight forward, however the ramp consent is more complicated.

Councillor Howe suggested a multi-purpose boat ramp, noting that Coastguard only get called out around a dozen times per year.

His Worship the Mayor put forward the idea of a non-expensive jetty on the far side of the Coastguard building.

The mover and seconder agreed to the addition of a third clause to the recommendations as follows:
That included in the resource consent application is a jetty to the upstream side of the Coastguard building.

The Group Manager Planning and Regulatory will look at obtaining both consents at once and talk to Coastguard about their aspirations for the ramp. If there are any issues this can be brought back to Council.

RESOLVED

- (1) That the report titled “Construction of Jetty Extension and Relocation of Children’s Play Area” be received.**
- (2) That Council agrees to proceed with the application for resource consent(s) for the jetty extension and relocation of the children’s play area.**
- (3) That included in the resource consent application is a jetty to the upstream side of the Coastguard building.**

HWTM/Petersen

Carried

The Executive Support Officer left the meeting at 11.35am.

16. EARTHQUAKE PRONE BUILDINGS WITHIN ŌPŌTIKI DISTRICT UPDATE **p110**

Councillor Nelson declared an interest in this item at the beginning of the meeting.

RESOLVED

- (1) That the report titled “Earthquake Prone Buildings Within Ōpōtiki District Update” be received.**

HWTM/Kemara

Carried

The Group Manager Finance and Corporate Services left the meeting at 11.43am and returned at 11.48am.

The Executive Support Officer rejoined the meeting at 11.50am.

17. ŌPŌTIKI TOWN CENTRE PUBLIC REALM DEVELOPMENT **p116**

Councillor Brooks stated the shared space on Church Street was a ‘nice to have’. Councillors Howe and Kemara agreed noting that Council is under pressure and needs to consider cutbacks.

Councillor Brooks also considered the Laneway project adjacent to Lots 9 and 10 a ‘nice to have’ adding that there is no clarity around what is happening with the old Low Bucks site.

Councillor Brooks moved amendments to recommendations 2 and 3 in the report as follows:

- That Priority 1 Project (Upgrade of the Elliott Street intersection) be approved.
- That Priority 2 Project (Shared space on Church Street) be added to the Long Term Plan for future funding consideration.
- That the Laneway project adjacent to Lots 9 and 10 not be added to the LTP programme for future funding consideration.

The motion was seconded by Deputy Mayor Browne.

The motion was PUT and CARRIED.

RESOLVED

- (2) That Council agrees to the priority order and funding allocation for the Opotiki Town Centre Public Realm Development projects as follows:**
 - a) Priority 1 project: Upgrade of the Elliott Street intersection**
 - b) Priority 2 project: Shared space on Church Street be added to the Long Term Plan for future funding consideration.**

Brooks/Browne **Carried**

The substantive motion was PUT and CARRIED.

RESOLVED

- (1) That the report titled "Ōpōtiki Town Centre Public Realm Development" be received.**
- (2) That Council agrees to the priority order and funding allocation for the Opotiki Town Centre Public Realm Development projects as follows:**
 - a) Priority 1 project: Upgrade of the Elliott Street intersection**
 - b) Priority 2 project: Shared space on Church Street be added to the Long Term Plan for future funding consideration.**

HWTM/Petersen **Carried**

18. HOW ROAMING HORSES ARE MANAGED WITHIN THE ŌPŌTIKI TOWNSHIP p121

RESOLVED

- (1) That the report titled "How Roaming Horses are Managed Within the Ōpōtiki Township" be received.**

HWTM/Howe **Carried**

19. WAIOTAHE DRIFTS SUBDIVISION – ISSUES WITH VEHICLES GETTING ACCESS TO BEACH VIA SAND LADDERS/BOARDWALKS p125

Councillor Nelson declared an interest in this item at the beginning of the meeting.

The Group Manager Planning and Regulatory noted some items were raised by the speaker in the Public Forum which are not covered in the report. He further noted that the boardwalk was part of the subdivision consent 15 years ago.

Points made during a discussion:

- The ideal is to stop people making their own tracks through the sand dunes
- The paper road runs the entire length of the properties
- The issue is the boardwalk
- A “no motorbikes” sign is not correct as it is a boardwalk
- Apart from the speaker in the Public Forum, Council has not been approached by anyone else
- If bollards are in place quad bike users have to ride on the footpath.

His Worship the Mayor stated that one of the things Council has not done is to undertake consultation with the residents of the Drifts to ascertain if they want Council to proceed with access. The Regional Council would also need to be involved.

The Group Manager Planning and Regulatory mentioned there are a large number of rules which need to be adhered to. If Council consulted, people may come to a consultation meeting expecting something which Council cannot provide due to the rules.

RESOLVED

- (1) That the report titled “Waiotaha Drifts Subdivision – Issues with Vehicles Getting Access to Beach via Sand Ladders/Boardwalks” be received.**
- (2) That the Council direct staff to investigate options to provide legal vehicular access through the established boardwalk.**

HWTM/Browne

Carried

Abstained: Nelson

The meeting adjourned for lunch at 12.25pm and reconvened at 12.50pm. The Operations and Office Manager joined the meeting at this time.

His Worship the Mayor referred to the issues raised in the Public Forum by Mr Leonard Matchitt and invited the Group Manager Engineering and Services to provide a response.

The Group Manager Engineering and Services stated that staff appreciate the community being actively engaged in bringing matters to their attention. There is no Council discharge directly to the river and no pipes directly discharging to the river. All wastewater is taken under the river to the wastewater pond. Council continues to invest in its wastewater system. There is an iron ore problem, however that is specific to the pond so there is no direct discharge, that we are aware of, to the river.

Dafydd Pettigrew joined the meeting via Teams at 12.53pm.

20. FREEDOM CAMPING IN THE ŌPŌTIKI DISTRICT

p130

Dafydd Pettigrew provided a summary of the Analysis Report.

RESOLVED

- (1) That the report titled "Freedom Camping in the Ōpōtiki District" be received.**
- (2) That Council receives the Xyst Freedom Camping in the Ōpōtiki District – Current state analysis, dated 3 October 2023.**
- (3) That Council adopts the Draft Freedom Camping Strategy 2023.**
- (4) That Council progress with the review of the Freedom Camping Bylaw in accordance with the Draft Freedom Camping Strategy.**

HWTM/Nelson

Carried

Dafydd Pettigrew left the meeting at 1.10pm.

21. UPGRADE OF COUNCIL OPERATIONAL FACILITY, 108 ST JOHN STREET

p173

The Group Manager Community Services and Development advised that the area stated in clause (3)2 of the recommendations should be 200sqm, not 20sqm.

Councillor Kemara stated he was in favour of Option 3 but faced with a potential rate increase of 34% he cannot support that now. A lot of people in the community have to make sacrifices and Council needs to cut back on things.

Councillor Nelson was concerned about depreciation. He stated that the building is easy but it is about funding the rest; the ongoing costs are expensive.

His Worship the Mayor said it is a shame that funding of the renewal for the building had not been provided for and he suggested that 5%-10% should be put aside each year for maintenance. While he understood the wishes and wants of staff, His Worship the Mayor said he also understood the community very well. Council is on a hiding to nothing going backwards.

Deputy Mayor Browne agreed and although she understood how difficult it is to work in the current building layout, the bottom line is affordability when looking at a rate increase none of us are very happy about.

Councillor Howe also agreed. Council is in a no-win situation with its ratepayers and what we heard last week was mind boggling and an upgrade of the Council building would go down like a lead balloon at this stage. Councillor Howe added that he had never heard of such a potential rates increase in his 16 years on Council – it was a bombshell. Council has to slash and burn somewhere along the line. He was in agreement with maybe doing the roof and a public toilet.

Councillor Brooks agreed that Council cannot afford the building upgrade and should do what can be done with the existing budget. The upgrade is something that needs looking at in the future but it is not affordable at present. Councillor Brooks suggested looking into how funds could be 'stored' to do a building upgrade in the future.

His Worship the Mayor noted that there are options available to Council, such as the new building in town that has not been leased out.

Councillor Brooks moved Option 4 (status quo) as the preferred option:

That Council directs staff to utilise the existing budget allocation, noting this will not address all the issues such as future proofing for growth, improved working environment, separate toilet facilities.

The motion was seconded by Deputy Mayor Browne.

The motion was PUT and CARRIED.

RESOLVED

- (2) That Council directs staff to utilise the existing budget allocation, noting this will not address all the issues such as future proofing for growth, improved working environment, separate toilet facilities.**

Brooks/Browne

Carried

The substantive motion was PUT and CARRIED.

RESOLVED

- (1) That the report titled "Upgrade of Council Operational Facility, 108 St John Street" be received.**
- (2) That Council directs staff to utilise the existing budget allocation, noting this will not address all the issues such as future proofing for growth, improved working environment, separate toilet facilities.**

Browne/HWTM

Carried

The Office and Operations Manager left the meeting at 1.28pm.

The Group Manager Planning and Regulatory left the meeting at 1.30pm.

22. LOCAL GOVERNMENT NEW ZEALAND – ATTENDANCE AT SPECIAL GENERAL MEETING **p308**

RESOLVED

- (1) That the report titled “Local Government New Zealand – Attendance at Special General Meeting” be received.**
- (2) That Council approves the Mayor and Deputy Mayor attending the Local Government Special General Meeting on 11 December 2023 on behalf of Council and delegates voting authority to the Mayor as presiding delegate.**

HWTM/Kemara

Carried

23. ŌPŌTIKI DISTRICT COUNCIL SCHEDULE OF MEETINGS 2024 **p311**

The Schedule of Meetings 2024 was tabled.

RESOLVED

- (1) That the report titled “Ōpōtiki District Council Schedule of Meetings 2024” be received.**
- (2) That Council notes dates for some joint committees and external groups have not been notified and the schedule will be updated once those dates are known.**
- (3) That the Council approves the schedule as tabled at the meeting.**

HWTM/Browne

Carried

24. CHIEF EXECUTIVE OFFICER’S UPDATE **p315**

The Chief Executive Officer highlighted the following from the report:

- Meeting with Police, noting that there will be ongoing meetings
- LGNZ Future For Local Government workshop – very beneficial and engaging with robust discussions around some of the issues facing the sector
- Reorua workshop with Whakatōhea – acknowledged Danny Paruru’s facilitation
- Taituara Conference – insights on what other Councils are facing and how they are navigating the challenges along with engaging with other CEOs
- ODC/BOPRC Executive Leadership Teams meeting – a regular, beneficial meeting.

RESOLVED

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

Petersen/Howe

Carried

Diane McCarthy and Mike Fletcher left the meeting at 1.44pm

25. RESOLUTION TO EXCLUDE THE PUBLIC

p320

SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987

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:

26. Confirmation of In-Committee Minutes – Ordinary Council Meeting 24 October 2023.

27. Update to the Provisional Opotiki Local Alcohol Policy.

28. Notes of Council Workshops.

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
26.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 24 October 2023.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
27.	Update to the Provisional Ōpōtiki Local Alcohol Policy.	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)
28.	Notes of Council Workshops.	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:

26.	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)
27.	Maintain legal professional privilege.	Section 7(2)(g)
28.	Protection from improper pressure or harassment Prevent disclosure or use of official information	Section 7(2)(f)(ii) Section 7(2)(j)

HWTM/Browne

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/Howe

Carried

RESOLVED

- (1) That the in-committee minutes of the Ordinary Council meeting held on 24 October 2023 be confirmed as a true and correct record.**

HWTM/Kemara

Carried

RESOLVED

- (1) That the report titled "Update to the Provisional Ōpōtiki Local Alcohol Policy" be received.**
- (2) That the Council provides guidance that Option 2 is preferred, noting that this report will be presented to each of the three Councils and a decision will need to be made collectively.**
- (3) That the full authority to represent, participate and settle on behalf of Ōpōtiki District Council in mediation, alternative resolution and/or court proceedings on all matters in relation to appeals to the Eastern Bay Local Alcohol Policy is delegated to the Group Manager Planning and Regulatory.**

Howe/Kemara

Carried

Against HWTM, Nelson, Petersen

RESOLVED

- (1) That the report titled "Notes of Council Workshops" be received.**
- (2) That the Council agrees to publicly release the full notes related to the 11, 19, 21 September 2023 Workshops.**
- (3) That the Council agrees to publicly release the full notes related to the 16 October 2023 Workshop.**
- (4) That the Council agrees to publicly release the full notes related to the 13 November 2023 Workshop.**
- (5) That the Council agrees to publicly release the full notes related to the 20 November 2023 Workshop.**

HWTM/Nelson

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 2.16PM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COUNCIL HELD ON 7 FEBRUARY 2024**

D G T MOORE

HIS WORSHIP THE MAYOR



**MINUTES OF AN EXTRA ORDINARY COUNCIL MEETING DATED, MONDAY, 11 DECEMBER 2023 IN
THE OPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPŌTIKI AT 1.30PM**

PRESENT:

His Worship the Mayor David Moore (Chairperson)
Deputy Mayor Shona Browne (Deputy Chairperson)
Councillors:
Tom Brooks
Barry Howe
Maxie Kemara
Steve Nelson
Dean Petersen

IN ATTENDANCE:

Stace Lewer (Chief Executive Officer)
Anna Hayward (Group Manager Community Services and Development)
Katherine Hall (Strategic Development Manager)
Madeline Kaa (Policy Analyst)
Gae Finlay (Executive Assistant and Governance Support Officer)

SUBMITTERS:

Peter Archer
Michelle Kaa

PUBLIC:

Several members of the public

MEDIA:

Mike Fletcher (Correspondent)
Sven Carlsson (The Beacon)

His Worship the Mayor opened the meeting with a karakia and extended a welcome to everyone attending.

1. DECLARATION OF ANY INTERESTS IN RELATION TO MEETING AGENDA ITEMS

Nil.

2. APOLOGIES

Nil.

3. LATE ITEMS

No late items were presented to the meeting.

4. DRAFT SIGNIFICANCE AND ENGAGEMENT POLICY

p3

RESOLVED

- 1. That the submissions on the draft Significance and Engagement policy be received.**
- 2. That Council notes that three submissions were received.**
- 3. That Council notes that of the three submissions received, all three submitters requested to be heard by the hearings panel.**

HWTM/Kemara

Carried

SUBMITTERS

Peter Archer

Peter Archer spoke to his submission. He stated that there needs to be engagement with the community around the building of social housing in particular areas of town and made the following points:

- Social housing clearly reduces the value of property
- Invested in my property to increase the investment
- Patched gang members have been seen moving into the social housing
- If my property is going to reduce in value the rates should be reduced
- If I was to build five units on my property I would be required to get a Resource Consent whereby I would have to let the whole neighbourhood know
- A letter was received from Kāinga Ora about the building of the houses which said an update would be provided; this has not happened
- Engagement with the community is paramount and there has been no engagement from the Council regarding the building of social housing in my neighbourhood.

Michelle Kaa

Michelle Kaa stated she was speaking to her submission as she cares about communication and made the following points:

- The Policy and flowchart were a good outline for community engagement
- I particularly like consistent, genuine and transparent engagement, and engagement with Māori
- Nationally submission times are often long enough

- A lot of communication is not there; people are interested but the pressures of society do not give them time to put pen to paper
- Current Councils are hated; if Council communicated with the community properly we will communicate back, but need more time to do so
- Council should be engaging more on the Community Facebook page
- Would like to see a community forum on an equal level; there are other interested people in the community who cannot attend meetings or may not be able to verbalise; that has to come from Council as an initiative; there are many who do not buy the local paper or do Facebook
- Long Term Plan – had to make an appointment to see the Mayor as no Councillors were at the consultation meetings with the community; I wonder if Councillors had attended those meetings if they would have the knowledge to answer my questions
- There are comments about Council members here to serve their own needs; advertising that says Councillors will attend things and then do not turn up; if you do turn up it will dispel some of the grumbles in the community
- There is no room for personal agendas as a Council person
- We are a community, he tangata, he tangata, he tangata.

Tracy Hillier

The submitter did not attend.

Peter Archer, Michelle Kaa and several members of the public left the meeting at 1.46pm.

A copy of the draft Significance and Engagement Policy was tabled.

The Group Manager Community Services and Development advised that the draft Significance and Engagement Policy needs to go to Council to be adopted. Councillors may wish to have a conversation based on the feedback from the submitters.

Councillor Howe stated that 99.9% of the time Councillors know what the community is saying.

Councillors agreed that no amendments be made to the draft Significance and Engagement Policy. His Worship the Mayor moved that the draft Significance and Engagement Policy be presented to Council without amendment. This was seconded by Councillor Kemara.

The motion was PUT and CARRIED.

RESOLVED

That the draft Significance and Engagement Policy be presented to Council for adoption without amendment.

HWTM/Kemara

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 2.02PM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COUNCIL HELD ON 7 FEBRUARY 2024**

D G T MOORE

HIS WORSHIP THE MAYOR



**MINUTES OF AN EXTRA ORDINARY COUNCIL MEETING DATED, THURSDAY, 21 DECEMBER 2023
IN THE OPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPŌTIKI AT 1.00PM**

PRESENT:

Deputy Mayor Shona Browne (Chairperson)
His Worship the Mayor David Moore
Councillors:
Steve Nelson
Dean Petersen

IN ATTENDANCE:

Stace Lewer (Chief Executive Officer)
Anna Hayward (Group Manager Community Services and Development)
Katherine Hall (Strategic Development Manager)
Madeline Kaa (Strategic Policy Analyst)
Mercedes Neems (Executive Support Officer)
Gae Finlay (Executive Assistant and Governance Support Officer)

MEDIA:

Mike Fletcher (Correspondent)

Dep Mayor Brown took the chair.

APOLOGY

Councillor Howe.

RESOLVED

That the apology be sustained.

HWTM/Petersen

Carried

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

1. SIGNIFICANCE AND ENGAGEMENT POLICY FOR ADOPTION

p3

A replacement report was tabled. The only change to the report was the addition of recommendations 4 and 5.

RESOLVED

- (1) That the report titled "Significance and Engagement Policy for Adoption" be received.**
- (2) That the updated Significance and Engagement Policy in Appendix 1 be adopted.**
- (3) That, as a result of Recommendation 2, the current Significance and Engagement Policy be superseded and removed from the Policy Index.**
- (4) That all people who provided feedback during consultation be thanked for their participation in the process.**
- (5) That the advice from staff (Appendix 3) be received and used for the basis of responses to submitters.**

Nelson/HWTM

Carried

The Chairperson wished everyone a Merry Christmas and closed the meeting.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 1.06PM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COUNCIL HELD ON 7 FEBRUARY 2024**

D G T MOORE

HIS WORSHIP THE MAYOR



MINUTES OF AN ŌPŌTIKI DISTRICT COUNCIL RISK AND ASSURANCE COMMITTEE MEETING HELD ON MONDAY, 21 AUGUST 2023, IN THE ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 1.37PM

PRESENT:

Philip Jones (Chairperson)
Councillor Tom Brooks
Councillor Steve Nelson
Councillor Dean Petersen
Mayor David Moore

Deputy Mayor Shona Browne
Councillor Barry Howe

IN ATTENDANCE:

Stace Lewer (Chief Executive Officer)
Peter Bridgwater (Group Manager Finance and Corporate Services)
Carol Mio (Manager People and Culture)
Billy Kingi (Financial Controllor), via Zoom
Gae Finlay (Executive Assistant and Governance Support Officer)

GUESTS:

Kent Duston, via Zoom
David Walker and Warren Goslett (Audit New Zealand), via Zoom

MEDIA:

Mike Fletcher (Correspondent)

The Chairperson opened the meeting.

APOLOGIES

Nil.

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

1. MINUTES – RISK AND ASSURANCE COMMITTEE MEETING 1 MAY 2023 **p5**

RESOLVED

- (1) That the minutes of the Risk and Assurance Committee meeting held on 1 May 2023 be confirmed as a true and correct record.**

HWTM/Jones

Carried

2. CONFIRMATION OF MINUTES – EXTRA ORDINARY RISK AND ASSURANCE COMMITTEE MEETING 29 MAY 2023 **p12**

RESOLVED

- (1) That the minutes of the Extra Ordinary Risk and Assurance Committee meeting held on 29 May 2023 are confirmed as a true and correct record.**

Nelson/Petersen

Carried

3. RISK AND ASSURANCE ACTION SHEET **p15**

The Group Manager Finance and Corporate Services advised that some of the dates have been updated. In relation to Items 85 and 86 progress is expected to be made as work on the Long Term Plan progresses.

In response to a query from Councillor Brooks around there being some double-ups, items which could be more simplified and items appearing to not be complete, the Group Manager Finance and Corporate Services stated there are some long outstanding items. That is part of the reason why 'update expected' column was added. The items on the Action Sheet are individual items raised through the Audit Report or through the Committee.

The Chairperson suggested a priority is required, with realistic dates for the next feedback. He would also like a different font or colour used to show items which have been updated.

RESOLVED

- (1) That the Risk and Assurance Action Sheet be received.**

Brooks/HWTM

Carried

4. QUARTERLY REPORT TO 30 JUNE 2023

p16

The Group Manager Finance and Corporate Services advised that this is the same Quarterly Report that went to the Performance and Delivery Committee.

There has been over expenditure in some areas:

- Personnel costs in Support Services – there were very few vacancies in the period of this report which the assumption at the time was probably very optimistic.
- There were some changes which were funded through the Three Waters transition funding.
- RRCs and Solid Waste – there is very little which could be done during the year to mitigate the costs being faced.
- Economic Development – overspend difference in staff costs versus what was budgeted.
- The remainder was across a number of different areas, e.g. higher expenditure on events with lower sales.

In response to the Chairperson asking for some comments around capex, the Chief Executive Officer stated the delivery of the capital works programme has been a challenge. This was compounded by the number of carry overs at the end of the year. There will be an assessment of the projects which will be carried over this financial year to ensure we are more realistic about what is able to be delivered. Funding received has added to the challenge of being able to deliver the programme.

The Chairperson asked if there are any key risks around not achieving the capital works programme. The Chief Executive Officer responded that priority will be given to what Council has grant funding for.

RESOLVED

(1) That the report titled “Quarterly Report to 30 June 2023” be received.

Petersen/Jones

Carried

5. LONG TERM PLAN 2024-34 – UPDATE

p32

Three Waters

The Chairperson queried what the residual cost to Council will be in relation to Three Waters and what the community’s appetite is for costs to be recovered via rates.

The Chief Executive Officer explained the 'no worse off' funding is underfunded and oversubscribed. The original idea was that it would assist with funding stranded overheads for Councils for two years, but unlikely, so is a concern.

Coastal Withdrawal

David Walker (Audit NZ) stated there are two elements to coastal withdrawal:

- Private homes, baches etc.
- The other side is where Council might have infrastructure on land. When selecting a measure be really careful and really sure everyone understands the information and data which can get extremely complicated; a word of caution around creating your own measures.

The Chief Executive Officer shared his concern around who pays for retreat from coastal areas; it would need to be through assistance from Central Government. In relation to the climate change perspective Council is using the Bay of Plenty Regional Council Risk Assessment – climate change risks they have assessed and how those risks can be managed moving forward.

The Chairperson suggested that the sector needs to establish liability rules. There is an expectation that Council has an endless supply of money. A major concern or risk is the buyout of Category 3 properties in Hawkes Bay; the Local Authority is required to find 50%. The clean up costs of the residual is also at the Local Authority's expense as well as making good of the land. If that pathway is to be followed it is a huge percentage for the Local Authority. The ground rules would need to be established before considering putting anything into the Long Term Plan.

Audit Proposal and Fees

David Walker advised that Audit is waiting on the Office of the Auditor-General to provide the information; an exact date has not been given.

The Group Manager Finance and Corporate Services noted there has been a discussion with Audit regarding the workplan (page 34) which will work with Audit's availability, however there will be some changes to the dates.

Warren Goslett (Audit NZ) indicated that the Five Cs will be the focus for this Long Term Plan:

- Covid
- Consultation Document
- Condition of Assets

- Capital Delivery
- Climate Change.

Clause 7 of the recommendations will be removed as the Committee is not providing any feedback in relation to the report.

A timeline will be brought to the 11 December 2023 meeting.

RESOLVED

- (1) That the report titled "Long Term Plan 2024-34 – Update" be received.**
- (2) That the Committee receives Appendix 1: Risk Register.**
- (3) That the Committee receives Appendix 2: ODC Long Term Plan 2024-34 – Workplan.**
- (4) That the Committee receives Appendix 3: ODC Long Term Plan 2024-34 – Roles & Responsibilities.**
- (5) That the Committee receives Appendix 4: Environment Scan.**
- (6) That the Committee receives Appendix 5: Key Assumptions (draft).**

HWTM/Petersen

Carried

Mike Fletcher left the meeting at 2.22pm.

6. RESOLUTION TO EXCLUDE THE PUBLIC

p63

It was agreed that David Walker and Warren Goslett from Audit New Zealand remain in the meeting for the confidential section. The Resolution to Exclude the Public was amended accordingly.

SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987

- 1. THAT the public be excluded from the following parts of the proceedings of this meeting, namely:**
 - 7. Confirmation of In-Committee Minutes – Risk and Assurance Committee meeting 1 May 2023.**
 - 8. Confirmation of In-Committee Minutes – Extra Ordinary Risk and Assurance Committee meeting 29 May 2023.**
 - 9. Harbour and Wharf Financial Modelling.**
 - 10. Health, Safety, Wellbeing and Human Resources Report.**

2. THAT the following persons be permitted to remain at this meeting after the public has been excluded because of their knowledge of the subject item in relation to the following.

This knowledge will be of assistance and is relevant to the matters to be discussed:

Name: Kent Duston and Ian Dickson

Item: 9

Business: To provide Council with detailed information and updates in relation to Item 9 relevant to the Harbour and Wharf Financial Modelling.

Reason: To enable the accurate presentation of sensitive information to the Committee and to provide responses to queries.

3. THAT the following persons be permitted to remain at this meeting after the public has been excluded because of their knowledge of the subject item in relation to the following.

This knowledge will be of assistance and is relevant to the matters to be discussed:

Name: David Walker and Warren Goslett (Audit New Zealand)

Item: 9

Business: To hear the detailed information and updates provided to the Committee in relation to Item 9 (Harbour and Wharf Financial Modelling).

Reason: To enable Audit New Zealand representatives to be part of the meeting in order to be updated.

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
7.	Confirmation of In-Committee Minutes – Risk and Assurance Committee meeting 1 May 2023	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)
8.	Confirmation of In-Committee Minutes – Extra Ordinary Risk and Assurance Committee meeting 29 May 2023	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)

9.	Harbour and Wharf Financial Modelling	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)
10.	Health, Safety, Wellbeing and Human Resources Report	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:

7.	Protect the privacy of natural persons Protect information (commercial sensitivity) Protection from improper pressure or harassment Carry out negotiations Prevent disclosure or use of official information	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(f)(ii) Section 7(2)(i) Section 7(2)(j)
8.	Carry out commercial activities Carry out negotiations Prevent disclosure or use of official information	Section 7(2)(h) Section 7(2)(i) Section 7(2)(j)
9.	Protect information (commercial sensitivity)	Section 7(2)(b)(ii)
10.	Protect the privacy of natural persons Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(j)

Nelson/Petersen

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.**

Brooks/Petersen

Carried

RESOLVED

- (1) That the in-committee minutes of the Risk and Assurance Committee meeting held on 1 May 2023 be confirmed as a true and correct record.**

HWTM/Jones

Carried

RESOLVED

- (1) That the in-committee minutes of the Extra Ordinary Risk and Assurance Committee meeting held on 29 May 2023 be confirmed as a true and correct record.

Jones/Petersen

Carried

RESOLVED

- (1) That the report titled "Harbour and Wharf Financial Modelling" be received.
- (2) That the Risk and Assurance Committee notes the risks associated with the wharf remediation and upgrade.

Jones/Nelson

Carried

RESOLVED

- (1) That the report titled "Health, Safety, Wellbeing and Human Resources Report" be received.

HWTM/Jones

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 3.07PM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE RISK AND ASSURANCE COMMITTEE
HELD ON 11 DECEMBER 2023**

**PHILIP JONES
CHAIRPERSON**

MINUTES OF A MEETING OF THE COAST COMMUNITY BOARD HELD IN THE RUNANGA O TE WHĀNAU OFFICES, STATE HIGH 35, TE KAHA, ON TUESDAY 31 OCTOBER 2023, AT 10.10 AM

PRESENT: Councillor Maxie Kemara (Chairperson)
Jack Parata
Allen Waenga
Michael Collier
Linda Steel

IN ATTENDANCE: Nathan Hughes (Group Manager Engineering and Services)
Katherine Hall (Strategic Development Manager)
Maia Calcott (Workforce Development Co-Ordinator)
Mercedes Neems (Executive Support Officer)

The meeting was opened with a karakia by the Executive Support Officer, and a warm welcome was expressed by the Chairperson.

APOLOGIES

Nil.

RESOLVED

(1) That the apologies be sustained.

Waenga/Parata

Carried

DECLARATIONS OF INTEREST

Linda Steel declared an interest in Item 05 (Coast Initiatives Fund Application: Mataatua Regionals Tōrere 2024).

PUBLIC FORUM

Ripeka Mihaere rāua ko Jack Mihaere (Ripeka and Jack Mihaere) – Item 05

Ripeka and Jack Mihaere spoke to the application for funding on behalf of Memory Mio.

In May, the rākau was handed to Ngaitai iwi to host the Mataatua Kapa Haka Regionals in Tōrere for 2024. This event exhibits the best kapa haka groups in the Mataatua region. Ngaitai has previously hosted this event in 1997 and 2007.

The event will be located at Te One beach, which will allow access to the water for facilities. Safety is paramount to the committee, with the intention for it to be a high-quality event. The stage will be on the beach and teams will be allocated to look after the many aspects involved in running the competition.

Mataatua Inc is the committee above the Ngaitai hosting committee, which oversees the operational aspect of the competition. There are currently around 16 kapa haka groups that are competitive and six whakangahau groups. Confirmation for the number of groups competing will be provided at the end of November. The indicative cost for the whole event is 250K.

Since the application was written, Ngaitai Fisheries have agreed to hold the funds and oversee the financing aspect of the competition.

The Chairperson and board members thanked Jack and Ripeka Mihaere for speaking to their application.

Michael Collier entered the meeting at 10.16am.

Jack and Ripeka Mihaere left the meeting at 10.24am.

1. MINUTES – COAST COMMUNITY BOARD MEETING 31 OCTOBER 2023

p3

RESOLVED

- (1) That the minutes of the Coast Community Board meeting held on 31 October 2023 be confirmed as a true and correct record.**

Waenga/Collier

Carried

2. ŌPŌTIKI WORKFORCE DEVELOPMENT UPDATE

p7

The report was taken as read.

The Chairperson queried Council's involvement with driver licensing in Ōpōtiki in terms of mentoring and course delivery. Staff advised that they are contracted to deliver 40 restricted/full licenses this financial year. It was requested by the Chairperson that staff keep advocating to Waka Kotahi to have testing and license course delivery available in Te Kaha. It would be beneficial if they could deliver the whole course in 8 hours on one day in the Coast Ward. It is not viable to have community members take four days off work to travel and attend two-hour courses per day in Ōpōtiki township.

RESOLVED

- (1) That the report titled “Ōpōtiki Workforce Development Update” be received.**

Kemara/Steel

Carried

3. GROUP MANAGERS’ COMBINED REPORT

p14

The report was taken as read.

The Strategic Development Manager presented the items relating to the Long-Term Plan Update. In response to a query from Linda Steel, the Strategic Development Manager stated that only one submission has been received to date, which was more aimed at rates as opposed to the Significance and Engagement Policy.

The Strategic Development Manager then provided a verbal update on a new engagement tool called “Connect | Hono Mai”. Staff will walk through the engagement tool with board members after the meeting.

RESOLVED

- (1) That the report titled “Group Managers’ Combined Report” be received.**

Kemara/Parata

Carried

4. COAST INAITIVE FUND UDPATE

p50

The report was taken as read.

A discussion ensued regarding the pledge towards the “Technological Mobile Services Van”. The Strategic Development Manager advised that the funding has now been tagged into Year 4 spend for the Long-Term Plan. As discussed at previous meetings, the Board has felt that the needs of the community have changed, therefore the scope of the project may not be fit for the current community needs.

This pledge was renewed last year and will be reviewed in a year’s time.

RESOLVED

- (1) That the report titled “Coast Initiative Fund Update” be received.**

Kemara/Steel

Carried

5. COAST INIATIVES FUND – FUNDING APPLICATION: MATAATUA KAPA HAKA REGIONALS TŌRERE 2024

p55

Linda Steel declared an interest in this item at the beginning of the meeting.

All board members were in favour of supporting this event.

RESOLVED

- (1) That the funding application for “Mataatua Kapa Haka Regionals Tōrere 2024” be received.**
- (2) That the Board grants the funding for Mataatua Kapa Haka Regionals Tōrere 2024 in the amount of \$11,500 as a contribution of costs towards the event.**

Waenga/Kemara

Carried

Abstained: Steel.

6. COAST INIATIVES FUND – FUNDING APPLCIATION: APANUI LITTLE 3 **p60**

The board has previously supported this event on many occasions. A discussion commenced regarding the volume of attendees, with reference to this event not being as widespread as some of the other events the board has supported. It is difficult to quantify the amount applied for when the full scope of the event has not been included in the application.

The Board agreed to grant the funding at a reduced amount.

RESOLVED

- (1) That the funding application for “Apanui Little 3” be received.**
- (2) That the board grants the funding in a reduced amount of \$2,500 to assist with costs of prizes for the event.**

Kemara/Waenga

Carried

7. COAST INIATIVES FUND – FUNDING APPLCIATION: TE KURA MANA MĀORI O MARAENUI – ANNUAL FISHING COMPETITION **p64**

This event is well attended throughout the Coast Ward. It is a huge event that attracts fishers along the Coast. The board were in favor of supporting the application as it has a high participation rate and tends to grow in numbers each year.

RESOLVED

- (1) That the funding application for “Te Kura Mana Māori o Maraenui” be received.**
- (2) That the board grants funding in the amount of \$4,500 as a contribution of costs towards the event.**

Kemara/Waenga

Carried

8. COAST INIATIVES FUND – FUNDING APPLCIATION: LIFE EDUCATION TRUST EBOP **p69**

The board discussed this application and agreed to decline the funding, due to there being other funding

avenues available where the criteria for the application would be better suited.

RESOLVED

- (1) That the funding application for "Life Education Trust EBOP" be received.**
- (2) That the board declines the funding for Life Education Trust EBOP.**

Kemara/Waenga

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 10.45AM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING
A TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COAST COMMUNITY BOARD HELD
12 DECEMBER 2023.**

**MAXIE KEMARA
CHAIRPERSON**



MINUTES OF AN ŌPŌTIKI DISTRICT COUNCIL STRATEGY, PLANNING AND REGULATORY COMMITTEE MEETING HELD ON MONDAY, 15 MAY 2023, IN THE ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 09.00AM

PRESENT: Councillor Steve Nelson (Chairperson)
His Worship the Mayor David Moore
Deputy Mayor Shona Browne
Councillor Tom Brooks
Councillor Barry Howe

IN ATTENDANCE: Stace Lewer (Chief Executive Officer)
Gerard McCormack (Group Manager Planning and Regulatory)
Anna Hayward (Group Manager Community Services and Development)
Mercedes Neems (Executive Support Officer)

The Chairperson welcomed everyone to the meeting.

APOLOGY

Nil

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

1. MINUTES – STRATEGY AND PLANNING MEETING 27 FEBRUARY 2023

p5

RESOLVED

- (1) That the minutes of the Strategy and Planning Committee meeting held of the 27 February 2023 be confirmed as a true and correct record.**

HWTM/Browne

Carried

2. PUBLIC CONSULTATION FOR THE RECREATIONAL USE OF THE WIDER ŌPŌTIKI WHARF AREA – UPDATE TO THE MASTERPLAN **p5**

The Group Manager for Planning and Regulatory spoke to the report. In the report, there are three concepts that have been developed from Council workshop briefings. These concepts will go to the public for consultation.

Councillors suggested a provision for recreational fishing off the jetty. The Mussel boats will be dumping which will attract sea life and would be a good area for recreational fishing. There's wasted space between the boat ramp and the wharf that could be turned into a boardwalk with an area where people can put their surfcasters in rod holders.

With reference to the attachment on appendix 1 of the report, officers in attendance asked for feedback on the public consultation strategy. Councillors suggested dropping these around town so it's accessible for the community in local spots, i.e cafes etc. They see benefit in contacting the Coast Guard Membership Group to get the view of local boat users and fishing people. Councillors noted that it needs to be clear in consultation with the community that these are just base concept ideas, they are not defined in anyway. The community can mix and match the ideas and provide other ideas that they may see fit. These concepts can be reworded and modified into one concept that will go to Council for discussion.

RESOLVED

- (1) That the Strategy, Planning and Regulatory Committee endorse the Ōpōtiki wharf area recreational use concepts for public consultation.**
- (2) That the Strategy, Planning and Regulatory Committee endorse the Consultation Strategy.**

HWTM/Brooks

Carried

The meeting closed at 9.19am.

THE FOREGOING MINUTES ARE CERTIFIED AS BEING A TRUE AND CORRECT RECORD AT A SUBSEQUENT MEETING OF THE STRATEGY AND PLANNING COMMITTEE HELD ON 26 JUNE 2023.

**STEVE NELSON
CHAIRPERSON**



MINUTES OF AN ŌPŌTIKI DISTRICT COUNCIL PERFORMANCE AND DELIVERY COMMITTEE MEETING HELD ON MONDAY, 25 SEPTEMBER 2023, IN THE ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 09.04AM

PRESENT: Councillor Tom Brooks (Chairperson)
His Worship the Mayor David Moore
Councillor Dean Petersen
Councillor Steve Nelson

IN ATTENDANCE: Nathan Hughes (Group Manager Engineering and Services)
Katherine Hall (Strategic Development Lead)
Maia Calcott (Ōpōtiki Workforce Development Co-Ordinator)
Mercedes Neems (Executive Support Officer)

MEDIA: Mike Fletcher

The Chairperson welcomed everyone to the meeting.

APOLOGIES

Nil.

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

1. MINUTES – PERFORMANCE AND DELIVERY MEETING 14 AUGUST 2023

p5

RESOLVED

(1) The minutes of the Performance and Delivery meeting held on the 14 August 2023 be confirmed as a true and correct record.

Petersen/Nelson

Carried

2. ŌPŌTIKI WORKFORCE DEVELOPMENT UPDATE

p09

Report taken as read.

This item was presented by the Strategic Development Lead. The new Workforce Development Co-Ordinator was formally introduced to the committee. An update was provided since the report was written, Eastern Bay REAP launched a pilot testing route in Ōpōtiki, they are working in partnership with Whakatōhea to upskill licenced instructors to take the test in Ōpōtiki. The Chairperson queried licencing in Te Kaha. The Chief Executive Officer noted that this has been discussed with the Coast Community Board and staff are currently looking at options as well as advocating to Waka Kotahi as a future possibility.

RESOLVED

(1) The report titled “Ōpōtiki Workforce Development Update” be received.

Petersen/Brooks

Carried

3. PROPOSED 2022-23 CAPITAL WORKS EXPENDITURE CARRY FORWARDS

p20

This report was presented by Group Manager Engineering and Services.

Councillor Petersen queried Tarawa Creek Pump Station Project and whether it was a priority project given the current economic inflationary environment. He raised a concern around further delays with the ongoing increase in costs. The Group Manager Engineering and Services responded that it's a priority, which is why staff have suggested more time to rescope and re-think as Council would not be able to deliver the full Capital Works programme with its current resources this financial year.

RESOLVED

(1) The report titled “Proposed 2022-23 Capital Works Expenditure Carry Forwards” be received.

HWTM/Petersen

Carried

4. OPERATIONAL AND NON-FINACIAL PERFORMANCE REPORT

p24

This item was presented by the Group Manager Engineering and Services. He referred to a future planned workshop for Councillors, regarding setting Key Progress Indicators (KPI's) for the Long-Term Plan. He requested Councillors familiarise themselves with the content of the report, to see whether the report is fit for purpose or require improvement.

Councillors queried a KPI regarding Transport with reference to potholes. The Group Manager Engineering and Services noted they are currently under resourced with staff moving on. A new staff member has been recruited and will be commencing employment in early October to assist in Transport.

RESOLVED

(1) The report titled "Operational and Non-Financial Performance Report" be received.

Brooks/Petersen

Carried

THERE BEING NO FURTHER BUISNESS THE MEETING CLOSED AT 10:20AM

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE PERFORMANCE AND DELIVERY
COMMITTEE HELD ON 6 NOVEMBER 2023**

**COUNCILLOR TOM BROOKS
CHAIRPERSON**



**DRAFT MINUTES OF A MEETING OF THE COAST COMMUNITY BOARD HELD IN THE COUNCIL
CHAMBERS, 108 ST JOHNS ST, OPŌTIKI, ON TUESDAY 12 DECEMBER 2023, AT 10.08 AM**

PRESENT:

Councillor Maxie Kemara (Chairperson)
Jack Parata
Linda Steel
Allen Waenga
Michael Collier

IN ATTENDANCE:

Nathan Hughes (Group Manager Engineering and Services)
Katherine Hall (Strategic Development Manager)
Mercedes Neems (Executive Support Officer)

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

APOLOGIES

Nil. It was noted that Michael Collier would be late.

DECLARATIONS OF INTEREST

Nil.

PUBLIC FORUM

Item 05 - Coast Initiatives Fund Applicant – Aroha Grant – Re: Horse Sports Event

Aroha Grant spoke to the application via visual/audio link.

This event is proposed to be a horse sports community event. Standfast Riders Club have grown significantly in numbers and the costs to take these riders to competitions outside of the area are escalating.

It is an aspiration to have this event take place annually in Te Kaha too. Standfast Riders club will be assisting in hosting the event alongside other leaders in the sport around the area to build support for the Kaupapa (event). The Board thanked Aroha Grant for speaking to her application.

Aroha Grant left the meeting at 09.15am.

Item 06 - Coast Initiatives Fund Applicant – Māori Girls Charitable Trust

Kathleen Morris & Violet Pou spoke to the application via visual/audio link.

This is a community event with the intent to whakawhiti (exchange) kōrero (conversation) and design an all-ability pathway through Te Kinakina Wetlands and an all-abilities art studio. This is being done in collaboration with Dr James Burghen from Victoria University School of Architecture.

Ivor Jones will be attending the session and doing an article for the paper. Māori Girls Charitable Trust has come to the Board seeking a contribution of costs towards the catering for the event. The Board thanked Kathleen Morris and Violet Pou for speaking to their application.

Kathleen Morris and Violet Pou left the meeting at 09.24am.

Michael Collier entered the meeting at 09.20am.

1. MINUTES – COAST COMMUNITY BOARD MEETING 31 OCTOBER 2023

p3

RESOLVED

- (1) That the minutes of the Coast Community Board meeting held on 31 October 2023 be confirmed as a true and correct record.**

Steel/Collier

Carried

2. ŌPŌTIKI WORKFORCE DEVELOPMENT UPDATE

p7

The report was taken as read.

It was noted by the Chairperson that reports need to be checked for errors prior to being included in the agenda to ensure a high standard of information is being presented to the Board.

RESOLVED

- (1) That the “Ōpōtiki Workforce Development Update” be received.**

Kemara/Parata

Carried

3. GROUP MANAGERS' COMBINED REPORT

p14

The Group Manager Engineering and Services spoke to the report.

Board member Linda Steel requested that the Coast Community Board be involved in the Representation Review process and all workshops relating to that.

RESOLVED

- (1) That the report titled "Group Managers' Combined Report" be received.**

Collier/Parata

Carried

4. COAST INITIATIVES FUND UPDATE

p50

The Financial Controller provided an update on the balance of the account.

RESOLVED

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

Kemara/Collier

Carried

5. COAST INITIATIVES FUND FUNDING APPLICATION: STANDFAST HORSE TREKS

Verbal

Board members were in support of the event. This could be the start of many events to come for the horse-riding community in the Coast Ward. The Board resolved to grant the funding at a reduced amount, noting that Standfast Horse Treks must report on the numbers of attendees and registrations when they provide their completion report after the event.

RESOLVED

- (1) That the funding application from Standfast Horse Treks be received.**
(2) That the Board resolves to grant the funding at the reduced amount of \$4,000, noting that Standfast Horse Treks must report on the number of attendees and registrations for the Horse Sport event.

Waenga/Collier

Carried

6. COAST INITIATIVES FUND FUNDING APPLICATION: MĀORI GIRLS CHARITABLE TRUST **p18**

The Board discussed the funding application and were in favor of supporting this kaupapa.

RESOLVED

- (1) That the funding application from Māori Girls Charitable Trust be received.**
- (2) That the Board resolves to grant the funding in the amount of \$1,700 to assist with the costs of catering for the event.**

Waenga/Collier

Carried

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 COAST COMMUNITY BOARD HELD ON
TUESDAY, 27 FEBRUARY 2024.**

**MAXIE KEMARA
CHAIRPERSON
COAST COMMUNITY BOARD**

MINUTES OF A CHIEF EXECUTIVE'S PERFORMANCE COMMITTEE MEETING DATED, MONDAY, 18 DECEMBER 2023 IN THE ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 1.33PM

PRESENT:

Deputy Mayor Shona Browne (Chairperson)
Mayor David Moore
Councillors:
Dean Petersen
Miles McConway (Independent Advisor, via Teams)

Other Councillors in attendance:
Barry Howe
Steve Nelson
Tom Brooks

IN ATTENDANCE:

Stace Lewer
Gae Finlay (Executive Assistant and Governance Support Officer)

The Chairperson opened the meeting.

APOLOGIES

Nil.

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

- 1. CONFIRMATION OF MINUTES – CHIEF EXECUTIVE'S PERFORMANCE COMMITTEE MEETING 27 JUNE 2023** p5

RESOLVED

- (1) That the minutes of the Chief Executive's Performance Committee meeting held on 27 June 2023 be confirmed as a true and correct record.**

HWTM/Petersen

Carried

2. RESOLUTION TO EXCLUDE THE PUBLIC

p8

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:

- 3. Confirmation of In-Committee Minutes – Chief Executive’s Performance Committee Meeting 27 June 2023.**
- 4. Twelve-Month Chief Executive Officer’s Performance Review.**

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
3.	Confirmation of In-Committee Minutes – Chief Executive’s Performance Committee Meeting 27 June 2023	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)
4.	Twelve-Month Chief Executive Officer’s Performance Review	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:

3.	Protect the privacy of natural persons Prevent disclosure or use of official information	Section 7(2)(a) Section 7(2)(j)
4.	Protect the privacy of natural persons	Section 7(2)(a)

Brooks/HWTM

Carried

RESOLVED

- (1) That the resolutions made while the public was excluded, be confirmed, except for clause 2 of the resolutions for Item 4 (Twelve Month Chief Executive Officer's Performance Review), be confirmed in open meeting.**
- (2) That the public be readmitted to the meeting.**

HWTM/Petersen

Carried

RESOLVED

- (1) That the minutes of the Chief Executive's Performance Committee meeting held on 27 June 2023 be confirmed as a true and correct record.**

HWTM/Petersen

Carried

RESOLVED

- (1) That the report titled "Twelve Month Chief Executive Officer's Performance Review" be received.**

Brooks/HWTM

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 2.08PM.

THE FOREGOING MINUTES ARE CERTIFIED AS BEING A TRUE AND CORRECT RECORD AT A SUBSEQUENT MEETING OF THE CHIEF EXECUTIVE'S PERFORMANCE COMMITTEE HELD ON _____

**DEPUTY MAYOR SHONA BROWNE
CHAIR**

Bay of Plenty Civil Defence Emergency Management Group Joint Committee

Open Minutes

- Commencing:** Friday 15 December 2023, 10:00 am
- Venue:** Tōtara Room, Whakatāne District Council, Ground floor, Commerce Street, Whakatāne and via Zoom (Audio Visual Meeting)
- Chairperson:** Mayor Faylene Tunui – Kawerau District Council
- Deputy Chairperson:** Mayor James Denyer - Western Bay of Plenty District Council (WBOPDC)
- Members:**
- Ōpōtiki District Council (ODC):**
Deputy Mayor Shona Browne, observer on behalf of Mayor Moore
 - Whakatāne District Council (WDC):**
Mayor Victor Luca; Deputy Mayor Lesley Immink (Alternate)
 - Bay of Plenty Regional Council Toi Moana (BOPRC):**
Cr Malcolm Campbell, Cr Ron Scott (Alternate)
 - WBOPDC**
Deputy Mayor John Scrimgeour (Alternate) (via Zoom)
 - National Emergency Management Agency (NEMA)**
Observer Lily Foulds, Regional Emergency Management Advisor
- In Attendance:**
- Emergency Management Bay of Plenty (EMBOP):** Clinton Naude – Director; Mark Crowe – Manager, Operations; Theo Ursum – Advisor, Planning; Cara Gordon – Principal Advisor, Emergency Management; Jason Wharewera – Advisor, Capability Development; Kieran Miller – Senior Advisor, Planning; Ben Neave – Advisor, Planning; Andrea Thompson – Executive Assistant; Callum Van De Weyer – Summer Assistant
 - BOPRC:** Cr Lyall Thurston; Fiona McTavish – Deputy Chair of Coordinating Executive Group (CEG) and Chief Executive Officer; Reuben Fraser – General Manager, Regulatory Services (via Zoom); Merinda Pansegrouw – Committee Advisor
 - ODC:** Stace Lewer, Chief Executive
 - Tauranga City Council (TCC):** Marty Grenfell, Chief Executive (Via Zoom)
 - Other:** Paul Hunter - Advisor Risk Reduction, Fire and Emergency New Zealand

Apologies:

Commission Chair Anne Tolley (TCC), Commissioner Bill Wasley, Alternate (TCC); Mayor Tania Tapsell (RLC); Deputy Mayor Sandra Kai Fong, Alternate (RLC); Mayor David Moore (ODC); Cr Tom Brooks, Alternate (ODC); Deputy Mayor Aaron Rangihika, Alternate (KDC)

Declaration of Public Recording

Committee members were reminded that the meeting was being recorded and that the recording would be made available on the BOPRC website and archived for a period of three years:

Recording of Meeting: [Civil Defence Emergency Management - Joint Committee Meeting - 15 December 202 \(youtube.com\)](https://www.youtube.com/watch?v=...)

Opening Karakia

Provided by the Chair, Mayor Faylene Tunui.

1. Apologies

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1 Accepts the apologies from Commission Chair Anne Tolley, Commissioner Bill Wasley, Mayor Tania Tapsell, Deputy Mayor Sandra Kai Fong, Mayor David Moore, Cr Tom Brooks and Deputy Mayor Aaron Rangihika as tendered at the meeting.**

**Campbell/Denyer
CARRIED**

2. Declaration of Conflicts of Interest

None declared.

3. Minutes

Minutes to be Confirmed

3.1 Bay of Plenty Civil Defence Emergency Management Group Joint Committee Minutes - 29 September 2023

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1 Confirms the Bay of Plenty Civil Defence Emergency Management Group Joint Committee Minutes - 29 September 2023 as a true and correct record.**

**Denyer/Campbell
CARRIED**

4. Reports

Decisions Required

4.1 Bay of Plenty CDEM Group - First Quarter Reporting Schedule 30 June to 30 September 2023

Presented by: Clinton Naude, Director EMBOP.

Key Points:

- Activities progressed well for the first quarter (30 June to 30 September 2023); activities were mostly on track/completed
- For local reporting on local work programmes, territorial authorities were welcome to present reports to the Joint Committee via EMBOP
- Group Training Statistics (KPI 1) - progressed well: clarified that the blue areas on the graph highlighted where further attention would be required to achieve the 60% training goal.

In Response to Questions:

- Governance overview of training statistics would be useful; local emergency management offices could provide further information to elaborate/clarify the reasons for lagging behind (challenges could range from staff movement/numbers/unavailability due to Long Term Plan commitments)
- Commended Whakatāne District Council for the appointment of a second Emergency Management Officer
- Was confident that Group Training Statistics (KPI 1) was on track.

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1 Receives the report, Bay of Plenty CDEM Group - First Quarter Reporting Schedule 30 June to 30 September 2023.**

**Luca/Denyer
CARRIED**

4.2 Bay of Plenty Civil Defence Emergency Management Group - Controller Statutory Appointment

Tabled Document 1 - Schedule 1 - Bay of Plenty Civil Defence Emergency Management Group Appointed Controllers 15 December 2023: Objective ID A4565306

Presented by: Clinton Naude, Director EMBOP.

Key Points:

- Tabled an updated Schedule 1 – Bay of Plenty Civil Defence Emergency Management Group Appointed Controllers
- Confirmed that the Bay of Plenty Civil Defence Emergency Management Coordinating Executive Group had endorsed the appointment of Nassah

Rolleston-Steed as Alternate Group Controller at its meeting on 24 November 2023.

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1. Receives the report, Bay of Plenty Civil Defence Emergency Management Group - Controller Statutory Appointment;**
- 2. Approves the appointment of Nassah Rolleston-Steed, Principal Advisor, Policy and Planning, Bay of Plenty Regional Council as Alternate Group Controller for the Bay of Plenty Civil Defence Emergency Management Group, as defined under s26(2) of the CDEM Act 2002.**

**Campbell/Luca
CARRIED**

4.3 Bay of Plenty CDEM Group Plan 2023-2028 Development, Ministerial Review Feedback Report

Presented by: Clinton Naude, Director EMBOP.

Key Points:

- The draft Bay of Plenty Civil Defence Emergency Management (CDEM) Group Plan 2023-2028 (the Plan) had been submitted to the office of the Minister for Emergency Management prior to the election in October 2023
- Following the election and the establishment of the new government in November 2023, the Plan had been referred to the office of the new Minister of Emergency Management and Recovery
- Expected feedback to be available for the next meeting of the Joint Committee, scheduled for 5 April 2024
- No risks were associated with the delay as legislation allowed for the continuation of the current Group Plan
- Since the Plan was scheduled to be adopted in 2024, the Joint Committee would be requested to consider an amendment to the date of the Plan, changing it to the "2024-2029 Group Plan".

Recommendation

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1. Notes the verbal update on the current status of the Bay of Plenty CDEM Group Plan 2023-2028 Development, Ministerial Review.**

**Tunui/Denyer
CARRIED**

4.4 Bay of Plenty Civil Defence Emergency Management (CDEM) Group Delegations Manual 2023-2028

Presented by: Clinton Naude, Director EMBOP and Cara Gordon, Principal Advisor, Emergency Management.

Key Points:

- The Delegation Manual was approved at the 29 September 2023 Joint Committee Meeting with one outstanding query regarding the ability to further delegate the appointment/replacement of Controllers/Recovery Managers, with the purpose of speeding up this process during a state of emergency
- Following legal advice and input received from the National Emergency Management Agency, it had been clarified that legislation only provided for the delegation of power to replace a primary Group Controller/Recovery Manager with appointed alternatives.

Key Points - Members:

- Concurred that the process to replace Group Controllers/Recovery Managers with a person appointed under subsection 26(2) during a state of emergency should be as easy/quick as possible
- Supported the principle of delegating the authority to the CDEM Group Chairperson, in consultation with at least two members of the CDEM Group.

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1. Receives the report, Bay of Plenty Civil Defence Emergency Management Group Delegations Manual 2023-2028; and**
- 2. Approves the Bay of Plenty CDEM Group Delegations Manual 2023-2028.**

**Denyer/Campbell
CARRIED**

4.5 Bay of Plenty Civil Defence Emergency Management (CDEM) Group submission on the Emergency Management Bill

Presented by: Clinton Naude, Director EMBOP and Cara Gordon, Principal Advisor, Emergency Management.

Key Points:

- Updated members on the status of the new Emergency Management Bill that was intended to replace the current CDEM Act 2002; the Bill had passed its first reading in Parliament and was passed to the Select Committee. Public submissions closed on 3 November 2023.

Key Point - Members:

- Acknowledged that with the recent change of government, potential changes to the Bill/process could be anticipated.

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1. Receives the report, Bay of Plenty Civil Defence Emergency Management Group submission on the Emergency Management Bill, noting that the**

Emergency Management Bill was currently under review by the new government.

**Luca/Campbell
CARRIED**

4.6 Briefing to the Incoming Minister of Emergency Management and Recovery

Presented by: Clinton Naude, Director EMBOP and Cara Gordon, Principal Advisor, Emergency Management.

Key Points:

- Hon Mark Mitchell had been sworn in as the Minister of Emergency Management and Recovery
- In this role, Minister Mitchell would receive a Briefing to the Incoming Minister (BIM) from the National Emergency Management Agency
- This briefing would be supported by a BIM from the Bay of Plenty CDEM Group that was focused on providing an overview of the Bay of Plenty CDEM Group, its roles and functions.

Key Points - Members:

- With reference to “*Our Story - A history of emergencies*” (Page 78 of the Agenda), suggested an amendment to include reference to the 2005 Awatarariki Managed Retreat Programme at Matatā
- Taking into consideration the significant volume of information provided to incoming ministers, suggested that the BIM be kept as short as possible, focusing on key matters only (excluding generic civil defence topics)
- BIM to focus on high-level/local information, with the inclusion of an invitation to meet
- Suggested that the BIM also be shared with local Members of Parliament and local councillors
- Supported the inclusion of the charts.

In response to Questions:

- An event was planned for 2024 involving all Bay of Plenty Members of Parliament, to be hosted by the Chair and Deputy Chair of the Joint Committee, similar to the Civil Defence Emergency Management Seminar for Elected Officials held in 2022.

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1. Receives the report, Briefing to the Incoming Minister of Emergency Management and Recovery;**
- 2. Approves the Draft Briefing to the incoming Minister of Emergency Management and Recovery, with the inclusion of the proposed amendments; and**
- 3. Supported that the Briefing to the incoming Minister of Emergency Management and Recovery be kept brief.**

**Tunui/Denyer
CARRIED**

4.7 Bay of Plenty CDEM Group Tsunami Ready Programme Update

*Presentation 1 - Tsunami Ready Programme 15.12.2023 PDF: Objective ID
A4565302*

Presented by: Clinton Naude, Director, EMBOP and Kieran Miller – Senior Advisor, Planning.

Key Points: Presentation

- Progress on the tsunami evacuation zone maps, regional tsunami inundation modelling and the tsunami impact assessment
- Summary of further projects associated with the Tsunami Ready Programme.

Key Points - Members:

- Emphasised that as part of the tsunami education programme, it would be important to work closely with teachers
- Stressed the importance of education/preparedness at retirement homes/elderly/people with disabilities
- Acknowledged that parents might have children in different schools, with some schools not within tsunami evacuation zones. Highlighted the importance of coordination/having a linked plan
- Emphasised the value of a “joint-up” approach: with having the same warning system for different events, communities needed to understand the appropriate response to the relevant event; communications/messaging therefore needed to be clear
- Encouraged members of the public to ensure that families had tailor-made household emergency plans, co-designed with relevant schools.

In Response to Questions:

- Supported local adaptation of tsunami maps as it demonstrated local support/buy-in, but would still require use of standardised maps to accommodate tourists/visitors
- Tsunami evacuation zone maps were released for the Bay of Plenty Region at the beginning of October 2023 – link to maps: [Documents: Bay of Plenty Civil Defence \(bopcivildefence.govt.nz\)](https://www.bopcivildefence.govt.nz).

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1. Receives the report, Bay of Plenty CDEM Group Tsunami Ready Programme Update;**
- 2. Approves the next phase of key projects to be delivered in the Tsunami Readiness Programme as outlined in the report, Bay of Plenty CDEM Group Tsunami Ready Programme Update; and**
- 3. Commits their respective Local Authorities to leading and/or supporting as identified the key projects to be delivered in the Tsunami Readiness Programme as outlined in the report, Bay of Plenty CDEM Group Tsunami Ready Programme Update.**

**Campbell/Denyer
CARRIED**

4.8 Cyclone Gabrielle Disaster Relief Funding Report

Presented by: Clinton Naude, Director, EMBOP.

Key Points:

- Reminded of the background to the Cyclone Gabrielle Disaster Relief Fund (the Fund): the Bay of Plenty was designated \$200K which was allocated to the Bay of Plenty Civil Defence Emergency Management Group for management/distribution across the rohe
- Following invitations extended to all member Local Authorities impacted by Cyclone Gabrielle, only one application was received from the Western Bay of Plenty District Council (WBOPDC). The full allocation of \$200K was accordingly allocated to WBOPDC
- Purpose of report was for WBOPDC to report on how the \$200K contribution from the Fund was distributed and what process was used to determine/allocate the funding.

Key Points - Members:

- Given the cost of insurance, expressed the view that the concept of a third party insurance for disasters recovery could further be explored by local government
- In terms of the key role that the Joint Committee played in recovery, and based on past challenges to access retrospective funding, this concern could be raised with the new Minister of Emergency Management and Recovery as part of the process of briefing incoming ministers.

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1 Receives the report, Cyclone Gabrielle Disaster Relief Funding Report; and**
- 2 Directs the Director Emergency Management Bay of Plenty to provide a final report to the National Emergency Management Agency on the spending of the Bay of Plenty CDEM Group Cyclone Gabrielle Disaster Relief Fund.**

**Tunui/Campbell
CARRIED**

Information Only

4.9 Presentation: Bay of Plenty CDEM Group Regional Fuel Plan

Presentation 2 - Bay of Plenty CDEM Group Fuel Plan - JC Presentation - 2023-12-15: Objective ID A4565304

Presented by: Mark Crowe - Manager, Operations, EMBOP.

Key Points:

- Purpose of the Bay of Plenty CDEM Group Fuel Plan was to ensure that critical fuel customers who were providing important community services could maintain fuel supply and continue their work in the event of a fuel supply disruption
- Plan was developed in consultation with local councils and Lifeline utility agencies via the Bay of Plenty Lifeline Utilities Group
- Plan highlighted roles/responsibilities of agencies during fuel shortages/mechanisms and processes for managing fuel shortages as well as critical fuel customers in the region and fuel prioritisation during a major fuel disruption
- At a local authority level, it was recommended that a map/list of major sites potentially requiring generator fuel to support local/regional coordination of re-fuelling critical lifeline utilities and community sites be maintained
- Encouraged local authorities to undertake a desktop analysis/review of level of readiness of mechanisms/local fuel plans/providers in their respective rohe.

Key Point - Members:

- Acknowledged the need to ensure at a local authority level, that sufficient fuel sector coordination arrangements/sufficient equipped fuel outlets/action plans were in place in the event of a major disruption to fuel supply.

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1 Receives the Presentation: Bay of Plenty CDEM Group Regional Fuel Plan.**

**Tunui/Campbell
CARRIED**

4.10 Presentation: Fire and Emergency New Zealand (FENZ): Bay of Plenty Fire Season Outlook

*Presentation 3 - Bay of Plenty Wildfire Risk Presentation (1) PDF: Objective ID
A4565305*

Presented by: Paul Hunter, Advisor Risk Reduction, Fire and Emergency New Zealand (FENZ).

Key Points:

- Importance of partnerships in fire risk reduction “we are in this together”
- Collective Strategies: Bay of Plenty Wildfire Response Plan and Bay of Plenty Fire Plan/Ngā Tai ki te Puku
- Significance of science behind Wildfire Prediction
- Overview of fire weather (weather data formatted to produce fire weather indices)
- Bay of Plenty community wildfire risk.

Key Points - Members:

- Reaffirmed earlier concerns raised regarding fire risk for communities surrounded by forested areas. Spatial planning was critical in this regard
- Education of communities key in the prevention of fires
- Acknowledged the value of cross-agency exercises (EMBOP supporting FENZ) and highlighted the importance of a joined-up approach/appropriate messaging/communications.

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1 Receives the Presentation: Fire and Emergency New Zealand: Bay of Plenty Fire Season Outlook.**

**Campbell/Luca
CARRIED**

4.11 Update - Director, Emergency Management Bay of Plenty

Presented by: Clinton Naude - Director, EMBOP.

Key Points:

- **National Exercise Rū Whenua 2024**
 - Tier 4/national exercise under the National Civil Defence Emergency Management Exercise Programme and a national exercise on the Interagency National Exercise Programme, to be led by NEMA
 - The exercise, testing New Zealand's arrangements for responding to and recovering from a significant Alpine fault earthquake event, would be held over three days:
 - 12 June 2024: Phase 1 - Initial impact (functional exercise)
 - 26 June 2024: Phase 2 - Sustained response (tabletop exercise)
 - 10 July 2024: Phase 3 - Transition to recovery (tabletop exercise)
 - Bay of Plenty Civil Defence Emergency Management Group invited to participate in the main exercise
 - Was an opportunity to practise/prepare for significant nationwide emergency response requiring coordination and support from across New Zealand.

Key Points - Members:

- Highlighted the importance of Elected Members familiarising themselves with "AF8" (Alpine Fault magnitude 8), a programme of scientific modelling, coordinated response planning, and community engagement, designed to build resilience to the next Alpine Fault earthquake.

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

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

**Luca/Tunui
CARRIED**

4.12 Update - National Emergency Management Agency (NEMA) - December 2023

Presented by: Lily Foulds, Regional Emergency Management Advisor, NEMA.

Key Points - Members:

- Noted that all parliamentary business, including the Emergency Management Bill, lapsed in September 2023 when Parliament was dissolved with the next Government still to decide whether to reinstate the Bill. Feedback on the reinstatement of the Emergency Management Bill to be provided by NEMA.

Resolved

That the Bay of Plenty Civil Defence Emergency Management Group Joint Committee:

- 1. Receives the report, Update - National Emergency Management Agency (NEMA) - December 2023.**

**Denyer/Luca
CARRIED**

8. 2023 End of year comments

Key Points - Members:

- Expressed appreciation to all staff for their dedication/commitment and hard work in keeping the Bay of Plenty's communities safe
- Tsunami Research Trip to Japan: thanked Liz Oliver, Advisor. Emergency Management (TCC) and Jo Lynskey, Senior Emergency Management Advisor (WBOPDC) for the relevant/informative presentation and sharing of key learnings from their Japan Tsunami Research Trip with the Whakatāne community
- Digital connectivity response - East Coast: requested a future update to the Joint Committee in 2024.

Closing Karakia

Provided by Mayor Faylene Tunui.

11:55 - the meeting closed.

CONFIRMED

Mayor Faylene Tunui
Chairperson, Bay of Plenty Civil Defence
Emergency Management Group Joint Committee

Regional Transport Committee

Open Minutes

- Commencing:** Friday 15 December 2023, 3.10 pm (held at the conclusion of the Regional Land Transport Plan Workshop)
- Venue:** Tōtara Room, Whakatāne District Council, Ground floor, Commerce Street, Whakatāne
- Chairperson:** Cr Lyall Thurston - Bay of Plenty Regional Council Toi Moana (BOPRC)
- Deputy Chairperson:** Cr Ken Shirley - BOPRC
- Members:** Mayor Faylene Tunui - Kawerau District Council, Mayor David Moore - Ōpōtiki District Council, Deputy Mayor John Scrimgeour - Alternate, Western Bay of Plenty District Council (via Zoom), Commissioner Stephen Selwood - Alternate, Tauranga City Council (via Zoom), Cr Andrew von Dadelszen - Alternate, BOPRC, Mayor James Denyer - Western Bay of Plenty District Council, Mayor Victor Luca - Whakatāne District Council, Deputy Mayor Lesley Immink - Alternate, Whakatāne District Council, Jess Andrew - Alternate, Waka Kotahi NZ Transport Agency (NZTA)
- In Attendance:** External Advisors: Glen Crowther - Environmental Sustainability, Peter Bedford - on behalf of New Zealand Automobile Association
- BOPRC: Cr Ron Scott, Cr Malcolm Campbell, Michael Seabourne - Director, Public Transport, Presenters - as listed in the minutes, Amanda Namana - Committee Advisor
- Apologies:** David Speirs - NZTA, Angus Hodgson - KiwiRail (non-voting), Lyndon Hammond - Alternate, KiwiRail (non-voting), Dan Kneebone - Port of Tauranga Advisor, Greg Pert - Freight Advisor, Stacey Spall - NZ Automobile Association Advisor, Mayor Tania Tapsell - Rotorua Lakes Council, Logan Marsh - NZ Police Road Safety Advisor, Chairman Doug Leeder - BOPRC (ex-officio)

Please note: This meeting was livestreamed and recorded, and can be accessed on Council's YouTube channel: [Regional Transport Committee Meeting - 15 December 2023 - YouTube](#)

1. Apologies

Resolved

That the Regional Transport Committee:

- 1 Accepts the apologies from David Speirs, Angus Hodgson, Lyndon Hammond, Dan Kneebone, Greg Pert, Stacey Spall, Mayor Tapsell, Logan Marsh and Chairman Leeder tendered at the meeting.

Thurston/Shirley
CARRIED

2. Public Forum

2.1 Mike Williams (via Zoom) - State Highway 2 Western Bay of Plenty Safety

Tabled Document 1 - Traffic Volumes Exiting sides roads between Katikati and Ōmōkoroa: Objective ID A4568659

Tabled Document 2 - Map - State Highway 2 from Katikati: Objective ID A4568663

Due to technical issues with Zoom audio, Mike Williams was unable to present at this meeting. He was invited to present at the next meeting scheduled for Friday, 9 February 2024.

3. Order of Business

Agenda item 7.1 was considered following Agenda Item 2 to accommodate technical issues. Agenda Item 10 was considered together with Agenda Item 3 at the discretion of the Chair, to accept and consider the item not on the agenda, and ensure an efficient meeting process.

4. Presentations

4.1 Eastern Bay of Plenty Road Safety Operational Group – Ōpōtiki District Road Policing

Presentation: A plea for increased roading Police resourcing in the Ōpōtiki District: Objective ID A4568803

Presented by: Cr Gavin Dennis - Whakatāne District Councillor and Chair of the Eastern Bay Road Safety Operational Group

Key Points:

- The Eastern Bay Road Safety Operational Group covered Kawerau, Ōpōtiki and Whakatāne districts
- Outlined the risk areas for road safety in the Eastern Bay
- There was an education programme in place to address these risks with the community
- Embedded behaviours were difficult to change
- Provided a background of fatal and serious crashes in the Eastern Bay from 2019 – 2023
- Compared the number of accidents involving death and serious injury,

by District

- Ōpōtiki communities were particularly at risk and over-represented in the 2022 Communities at Risk Register
- Some of the issues included difficulty in sourcing police for the Ōpōtiki District and an overall lack of numbers for the work that was required, including the necessity of a dedicated road policing resource
- Expressed a strong commitment to reducing death and serious injury in the Eastern Bay subregion.

Key Points - Members:

- Noted that Ōpōtiki District was also a corridor to Gisborne and the East Cape, therefore many of the statistics provided included motorists travelling through
- Considered that Ōpōtiki District had not been fully staffed with Police since 2014
- Encouraged the Western Bay to also look into the potential of re-establishing a similar road safety committee for the subregion as the previous one had been disbanded.

Item for Staff Follow Up:

- Draft a letter of support for increased, dedicated road policing in the Ōpōtiki District, for the Eastern Bay Road Safety Operational Group to include with their letter to be sent to local Members of Parliament, Minister of Transport and Minister of Police. To include this letter with the Chair's report to the next scheduled meeting on 9 February 2024 for members to review and sign.

5. Item not on the Agenda

5.1 Chairperson's Report

Tabled Document 3 - Chair's Report - Item not on the Agenda: Objective ID A4565986

Key Points:

- Outlined the various correspondence received after the agenda was distributed, which was included in the tabled Chair's report
- A press release was expected during the week of 18-22 December 2023 by Hon. Simeon Brown, Minister of Transport to set out strategic priorities and expectations for transport and the new Government Policy Statement (GPS)
- The main concern around rural school bus safety was buses travelling at open road speeds with children unrestrained. An additional concern was the danger facing children as they travelled to the bus stops to wait on rural roads with traffic travelling at open road speeds. Chair Scott from Environment Canterbury considered that this was a national issue and sought support from regional councils across the country
 - Noted that BOPRC did not currently administer any rural school buses, however there were some operating in the region. There would be no direct implications for BOPRC should there be any change to legislation around this issue
- The new government intended to replace The Land Transport Rule: Setting of Speed Limits 2022 which could impact work being undertaken in the Regional Speed Management Plan space, therefore no further

progress would be made until the new Rule was introduced and understood.

Key Point - Members:

- In order to gain progress through sending a letter regarding rural school bus safety, it would be more effective to also propose a solution, rather than just stating the problem.

In Response to Questions:

- Within the Chair's report, there was a Ministry of Transport link to statistics on rural bus accidents
- The Rotorua Bus Network Refresh was in the Regional Land Transport Plan (RLTP) as a proposed activity, but as the cost was less than \$2M, it was not classed as a Significant Activity.

Resolved

That the Regional Transport Committee:

- 1 Accepts the item not on the agenda, Chairperson's Report, notes that the reason this item is not on the agenda is the information was provided after the agenda was prepared, and cannot be delayed due to the timely nature of the information;**
- 2 Receives the report, Chairperson's Report and accepts it as an Item not on the Agenda;**
- 3 Delegates authority to the Chair of the Bay of Plenty Regional Transport Committee to review and sign a letter in support of addressing the issues associated with rural school bus safety.**

**Thurston/Denyer
CARRIED**

6. Declaration of Conflicts of Interest

None declared.

7. Minutes

Minutes to be Confirmed

7.1 Regional Transport Committee Minutes - 31 August 2023

Resolved

That the Regional Transport Committee:

- 1 Confirms the Regional Transport Committee Minutes - 31 August 2023 as a true and correct record, subject to the following amendment:**
 - **Remove Mayor Luca from the Member's list of attendees as he was an apology for this meeting.**

**Thurston/Luca
CARRIED**

8. Reports

8.1 Waka Kotahi NZ Transport Agency Quarterly Update

Presentation: Waka Kotahi NZ Transport Agency Quarterly Update: Objective ID A4568652

Presented by: Jess Andrew - Regional Manager, System Design, Waka Kotahi NZ Transport Agency

Key Points:

- Awaiting a new Government Policy Statement on Land Transport (GPS), which was being undertaken by the Ministry of Transport - the final GPS would come into effect on 1 July 2024, although there was uncertainty around upcoming changes that would be made
 - Encouraged the Committee to keep progressing the development of the RLTP despite this uncertainty. Highlighted the importance of continuing to prioritise Significant Activities to make regional needs and priorities clear, regardless of the funding source
- Speed cameras were now known as safety cameras due to new multi-functionality - more cameras would be provided across the network, focused on key areas to prioritise placement of fixed and mobile cameras
- State Highway 2 Baypark to Bayfair Link would largely be fully functional for Christmas, with some finishing works completed early 2024. Temporary speed limits would remain in place until all works were completed and road users were used to the new layout
- Hewletts Road rail level-crossing safety improvements had been installed and NZTA would continue working on a long term plan to further increase safety at the site
- Takitimu North Link (TNL) - construction work was beginning on the new Cambridge Road overbridge which would connect Bethlehem and Tauriko. These works necessitated closing a section of Moffat Road for three months from January 2024. Approximately 500 people had attended recent community engagement events regarding the TNL
- Te Ngae Junction intersection of State Highways 30 and 33 had been completed below expected budget and timeframes, which connected Rotorua and Whakatāne.

In Response to Questions:

- As part of the skate park works, safety in the Hull Road level crossing area was also being investigated and would see improvements. There was joint responsibility for safety at level crossings between NZTA and KiwiRail, sometimes including Tauranga City Council, dependent on the crossing location and other factors
- The Public Transport Operating Model (PTOM) was an operational standard that worked separately to the GPS and NZTA were working through operational policy to provide guidance on how this should be implemented following new government direction.

Resolved

That the Regional Transport Committee:

- 1 Receives the report, Waka Kotahi NZ Transport Agency Quarterly Update.**

**Andrew/Thurston
CARRIED**

8.2 Regional Land Transport Plan - Implementation Report

Presented by: Andrew Williams – Team Leader, Transport Planning

Key Points – Environmental Sustainability Advisor:

- Considered that previous public transport aspirations had not been achieved and suggested a closer look at the reasons for projects that were not able to be delivered.

In Response to Questions:

- There were opportunities to learn from the last Regional Land Transport Plan (RLTP) to ensure that the new version was representative of what was possible. Noted that the Committee created a list of what needed to be achieved and delivered through the RLTP, with no direct control over many of the aspects. There was a series of factors across infrastructure delivery at present which made for a significantly challenging environment. When considering measures within the RLTP, it was important to consider accountability and what was able to be controlled against what could only be monitored
- Tauranga State Highway 2 to City Centre project was the managed lane study which had been progressed through the Vehicles Kilometres Travelled (VKT) reduction funding.

Resolved

That the Regional Transport Committee:

- 1 **Receives the report, Regional Land Transport Plan - Implementation Report.**

Thurston/Shirley
CARRIED

8. Verbal Update Opportunity for Committee Members and Advisors

Mayor James Denyer – Western Bay of Plenty District Council:

- Council would be discussing the speed management plan at its meeting on 19 December 2023 and anticipated many of the changes from the new government, with a consideration on how to relate these to the public.

Mayor Victor Luca – Whakatāne District Council:

- Speed management plans were originally scheduled to go to the final Council meeting of 2023, however the discussion would now be delayed to a future meeting.

4.09 PM – the meeting closed.

CONFIRMED

Cr Lyall Thurston
Chairperson, Regional Transport Committee

COUNCIL REPORT

Date : 26 January 2024
To : Ordinary Council Meeting, 7 February 2024
From : His Worship the Mayor, David Moore
Subject : **MAYORAL REPORT 25 NOVEMBER 2023-26 JANUARY 2024**
File ID : A1202467

EXECUTIVE SUMMARY

- This report provides an update to Council on meetings and events attended by His Worship the Mayor for the period 25 November 2023 to 26 January 2024.

RECOMMENDATION

- 1) **That the report titled "Mayoral Report 25 November 2023-26 January 2024" be received.**

PURPOSE

1. To provide an update to Council on meetings and events attended by His Worship the Mayor.

STRATEGIC ALIGNMENT

2. The matters detailed in this report relate to the following priorities from Opōtiki District Council's Long Term Plan 2021-2031:
 - Development and protection of the natural environment.
 - Services and facilities meet our needs.
 - Fair and efficient leadership.
 - A strong and effective community spirit.
 - Purposeful work and learning opportunities.
 - Development supports the community.
 - Culture and history are treasured.

DISCUSSION

3. Since 25 November 2023 I have attended or met with the following:

28 November 2023

Meeting with Waka Kotahi representatives

Council briefing

Interview with 20/20

30 November 2023

Council workshop

4 December 2023

Mayors Taskforce For Jobs Programme update meeting, via Teams

LGNZ meeting via Zoom

5 December 2023

Ordinary Council meeting

6 December 2023

Meeting with Waka Kotahi, via Zoom

7 December 2023

ODC Tenders-Sub Committee meeting

10 December 2023

Meeting re finalisation of Review of Toirāwhiti Charter

11 December 2023

Risk and Assurance Committee meeting

Extra Ordinary Council meeting

LGNZ Special General Meeting

12 December 2023

Elected Members end of year dinner

15 December 2023

Regional Transport Committee workshop and meeting, Whakatane

16 December 2023

Karakia and blessing for Waharoa at the Ōpōtiki Skate Park

Deputy Mayor Shona Browne and Councillor Steve Nelson also attended

18 December 2023

Council workshop

Chief Executive's Performance Committee meeting

19 December 2023

Eastern Bay of Plenty Spatial Plan Project Governance Group Meeting, via Teams

20 December 2023

Ōpōtiki Marine Advisory Group (OMAG) meeting

Property Advisory Group meeting

21 December 2023

Councillor/CEO catch up meeting

Extra Ordinary Council meeting

Interview with 1XX

10 January 2024

Mayors Taskforce For Jobs briefing session – six-monthly progress check-in with LGNZ

15 January 2024

Mayors Taskforce For Jobs – six-monthly progress check-in with LGNZ

17 January 2024

Toirāwhiti Whole of Systems Impact Hui

18 January 2024

Toi-EDA presentation to Executive Leadership Group

22 January 2024

Meeting with MBIE – Ōpōtiki Harbour Development Project

24 January 2024

Toi-EDA presentation to Council

Councillor/CEO catch up meeting

Deputy Mayor Browne represented Council as one of the judges for the Christmas Float Parade on 7 December 2023.

Deputy Mayor Browne attended the following on my behalf:

15 December 2023

Civil Defence Emergency Management Group Joint Committee meeting, Whakatāne

Financial/budget considerations

5. There are no financial/budget considerations associated with this report.

Risks

6. There are no risks associated with this report.

Community wellbeing considerations

7. The purpose of Local Government now includes promotion of social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
8. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
9. There are no known social, economic, environmental, or cultural considerations associated with this matter.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

10. On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be. Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.
11. The level of significance related to the decision in this report is considered to be **low**. Because the decision is determined to have **low** significance in accordance with the policy, the corresponding level of engagement required is **Inform**.

Assessment of engagement

12. As the level of significance has been determined to be **low**, the level of engagement required is **Inform** according to the Engagement Framework of the Significance and Engagement Policy:

INFORM

To provide balanced and objective information to assist understanding about something that is going to happen.

13. The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

David Moore

HIS WORSHIP THE MAYOR

COUNCIL REPORT

Date : 1 February 2024
To : Ordinary Council Meeting, 7 February 2024
From : Councillor Barry Howe
Subject : **ŌPŌTIKI MARINE ADVISORY GROUP (OMAG) UPDATE**
File ID : A1204856

EXECUTIVE SUMMARY

- **This report updates Council on progress advanced through the 20 December 2023 meeting of the Opotiki Marine Advisory Group (OMAG).**

RECOMMENDATIONS

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

PURPOSE

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

STRATEGIC ALIGNMENT

2. The matters detailed in this report relate to the following priorities from Opotiki District Councils Long Term Plan 2021-2031.
 - Development and protection of the natural environment.
 - Services and facilities meet our needs.
 - Fair and efficient leadership.
 - A strong and effective community spirit.
 - Purposeful work and learning opportunities.
 - Development supports the community.
 - Culture and history are treasured.

BACKGROUND

3. The Opotiki Marine Advisory Group (OMAG) was established in 2009 as a technical advisory group to Council in support of the Opotiki 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.

4. 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, Harbour construction contractors, Coastguard, Marine Industrial Zone (OMAI), Toi-EDA. Council has been regularly briefed about the Ōpōtiki Harbour Development Project, OMAG, and activities that are underway.

DISCUSSION

UPDATE ON HARBOUR DEVELOPMENT PROJECT PROGRESS

Update on Harbour construction

5. Carrying on digging off the beach and filling in old river channel 200-250m² left to go into old river channel. Have setup Hinewai2 has pontoons installed and fully operational, both dredges are in main channel in the new year. Dredged and finished new diversion channel on the east side of the river, now down to depth, will be changing over boating lanes early in the new year, changing all the buoys.
6. Installed raised ends on western breakwaters wall, placed, concreted, and currently being cured. Eastern breakwater has 60 metres of sheet piles to drive to final depths, 10 and 15 tonne hanbars are all done on the east side now, 100m left of blocks to do on the top surface, should complete eastern breakwater mid-February, still have to put the pipes in, sealing 2 coats western side 1st or 2nd week.
7. Hinewai 1 and 2 will be on west side of the new channel once HEB open it up, got about 100 000m³ to dredge between the breakwaters, after that will go on to dredge channel across river upstream of the marina and provide full access to the new wharf, should all be done by June 2024. Once completed the main channel will be in the middle of the two groynes, minus 4m depth throughout the channel. There is a 15 metre wide rock apron on the inside of each of those groynes but will be defined with the buoys when they are in their final position.

Update on Harbour progress:

8. Planting on the western side beach, with about 10 hectares of sand to stabilize, will commence May 2024. Currently working to confirm procurement of ecologist services and would like to continue with Tiaki Taiao for planting and protection. The eastern side and estuarine area should be completed planting this winter, then will just be maintenance on east side.

9. Tiaki Taiao team have set traps and active rabbit control both sides.
Dotterels relocated to the east, not hatched yet. The harbour construction is across their traditional breeding area and they have found a way around it, good story.
10. Technical Liaison Group – TLG consists of Whakatōhea, Coast care, DOC, ODC and BOPRC and other advisors. Formed to review environmental management plans that HEB and T&T have come up with at the start of the programme. Revision of EMRP plans going to be final step in the consent compliance.
11. John Galbraith explained the current plan is for a public parking area at the new sub-division 1.2 km from the wall. Will be a walking/cycle track, which is in the original consent. Vehicle use would be for maintenance usage only, mentioning example of the Motu Trails transformation of the dunes, with fencing and dedicated entry points.
12. HEB updated that the Bathymetric survey showed a bar formed end of western groyne following the September flood. The 15 January 2024 survey will determine further, hasn't found its stable point yet, still going through its infancy, not causing problems with boating at the moment. Minus 2 metre level, will re-survey in January 2024. Depending on area dredged but between the break waters is clean sands, southern end of walls is clean sands then turns into silty sand then heavy gravel as it progresses up the river.
13. HEB have provided a list of equipment and operations summary, some suggestions on operators, this is still in progress. Event in August had more effect on scouring out channel, flood material ended up off western wall. Going forward we have got some tolerance in depth we can work to, trick would be not react too soon, dredge when you have to. HEB team have developed depth sounding method which can be used for regular channel monitoring, suggesting there will be various scenarios but will be a learning process for dredging out to sea may need different equipment, there are contractors who do outside walls/ocean. Key will be monitoring and build up data. BOPRC monitor river levels, and the Late September flood was approximately a three-yearly event.

UPDATE ON HARBOUR INDUSTRIAL ZONE (OMAI) DEVELOPMENT

14. Council's major concern is the two year delay just to get the consent and then the structure phase, the structure and re-zoning plan is the key part of the income stream for ODC to operate and maintain the harbour, if that is not going for another five years that is a massive issue, that burden shouldn't fall back on ratepayers.

UPDATE FROM COUNCIL

15. Showing group on map the proposed dredge ramp, gone through design phase, significant erosion along bank, went through a process to overcome that issue with BOPRC, treatment considered rock protection, however BOPRC changed their direction in terms of treatments away from hard infrastructure to soft; maybe planting and other options, this area of sediment is pushing in one direction and will continue to just erode, project put on hold until ODC can overcome this.
16. BOPRC interim solutions done spraying and overflow channel to take pressure off river, potentially doing works in the early part of next year, during high flow events this would operate as an overflow to take pressure off that area.
17. Another challenge is wastewater infrastructure is in close proximity to this location, monitoring and will have to intervene, short term solution to move further away.
18. Consent application to extend part of the jetty and move recreational area further up the Otara, away from the wharf area and encourage swimming further upstream, resolution seeking approval for consent process can begin. Depending on timing potentially incorporate as part of the wharf upgrade and get both things done.

Creating a water park and playground at Memorial Park.
19. Potential for jetty on other side of Coastguard's building. Lodging consents for those pieces of work hopefully won't take too long its consistent with existing infrastructure that is there, small adjustment to carpark.
20. Screen sharing map of proposed town wharf (LTP) explaining options.

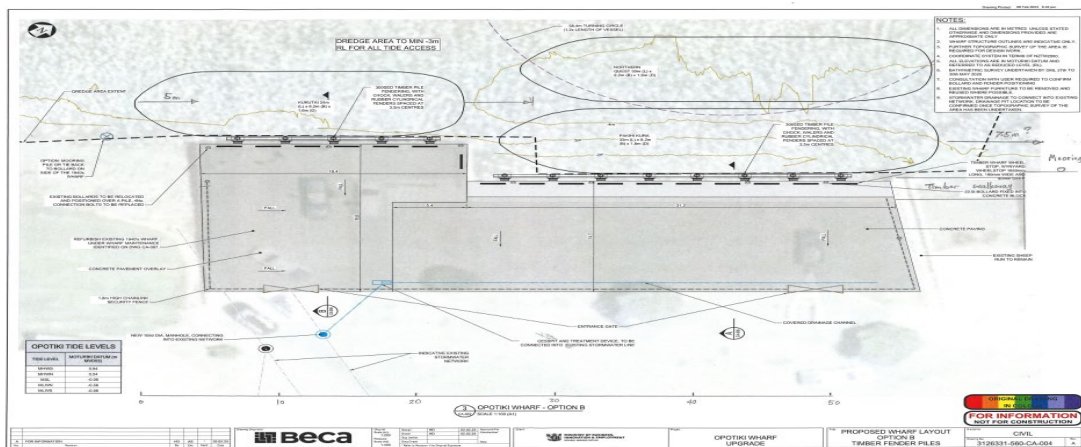


Fig 1. BECA concept option B



Fig 2. Proposed masterplan Ōpōtiki wharf and Coastguard

21. Two options for the town wharf are being considered. Preferred option is to demolish the old wharf and replace with sheet pile along the same alignment as the existing sheet pile. Although its more expensive it gets away from the uncertainty about the old wharf, upgrading or refurbishing what is it actually going to cost.
22. Discussion and interaction with the Coastguard ramp and the interface between the two designs, with a significant ramp and boats coming a lot further in 4m.
23. The other Option looking into at present, is to retain old wharf and fit new fenders and mooring poles along the front, likely won't need a building consent, get exemptions. Using it at least for a period of time.
24. Coastguard noted building and ramp is waiting on consent.
25. John Galbraith recapped that the 1920 wharf section was demolished in 2017 and replaced with this retaining wall. A consent for rebuilding the wharf was also obtained at the same time, as long as it is in the same footprint. Have checked and can put fenders outside original footprint, allowable under the existing consent. John continuing with overall concept for wharf, is that the consent allows some extension of the wharf to the East, upstream. Then we move more away from the end of Coastguard ramp. The objective is to get the wharf operational, then Coastguard will proceed with their plans.

26. There is no consent for ongoing maintenance dredging in the river upstream of the wharf, so need to do while the harbour is in construction.

GENERAL BUSINESS

27. Council in discussions with MBIE on future operational options moving from construction to operations.

Financial/budget considerations

28. There are no financial considerations associated with this matter.

Policy and planning implications

29. No policy and planning implications associated with this report.

Impact on mana whenua

30. The recommendation of this report has no specific impact on mana whenua.

Climate impact considerations

31. The recommendation of this report has no specific climate impact.

Risks

32. There are no risks associated with this report.

Community wellbeing considerations

33. There are no known social, economic, environmental, or cultural considerations associated with this matter.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

34. On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be. Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.

35. The level of significance related to the decision in this report is considered to be **low**. Because the decision is determined to have **low** significance in accordance with the policy, the corresponding level of engagement required is **Inform**.

Assessment of engagement

36. As the level of significance has been determined to be **low**, the level of engagement required is **Inform** according to the Engagement Framework of the Significance and Engagement Policy.

INFORM

To provide balanced and objective information to assist understanding about something that is going to happen.

37. The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

CONCLUSION

38. This report provides an update to Council on progress advanced through the 20 December 2023 meeting of the Ōpōtiki Marine Advisory Group (OMAG).

Councillor Barry Howe

CHAIR, ŌPŌTIKI MARINE ADVISORY GROUP

COUNCIL REPORT

Date : 18 January 2024
To : Ordinary Council Meeting, 7 February 2024
From : Strategic Development Manager, Katherine Hall
Subject : **LONG TERM PLAN 2024-2034 UPDATE**
File ID : A1200750

EXECUTIVE SUMMARY

- This report provides an update to Council on the work carried out on the Long Term Plan 2024-2034 since the previous Ordinary Council Meeting (5 December 2023).

RECOMMENDATIONS

- 1) **That the report titled "Long Term Plan 2024-34 Update" be received.**

PURPOSE

1. The purpose of this report is to provide to Council an update on the work carried out on the Long Term Plan 2024-2034.

STRATEGIC ALIGNMENT

2. The matters detailed in this report relate to the following priorities from Ōpōtiki District Council's Long Term Plan 2021-2031.
 - Development and protection of the natural environment.
 - Services and facilities meet our needs.
 - Fair and efficient leadership.
 - A strong and effective community spirit.
 - Purposeful work and learning opportunities.
 - Development supports the community.
 - Culture and history are treasured.

BACKGROUND

3. At the time of writing this report, the following work has been carried out since the previous LTP update report (dated 29 November 2023, received 5 December 2023).

4. On 30 November, a workshop was held. It included one item: Project Prioritisation. This workshop presented the first iteration of the LTP budget to Councillors for review and feedback. The notes from this workshop will be released following the standard Council approval process.
5. On 5 December, an Ordinary Council Meeting was held. An LTP update report was presented to Council. It included an updated version of the *ŌDC Long Term Plan 2024-34 – Workplan* (the “Snake”) which had a new Council meeting scheduled for 21 December 2023. Council received the report and approved the updated Workplan.
6. On 11 December, a Risk and Assurance Committee was held. An LTP update report was presented to the Committee. It included an updated LTP Risk Register, the approved LTP Strategic Direction and Community Priorities, and the draft Council Activity Structure and Performance Framework. The Committee received the report and appendices.
7. On 18 December, a workshop was held. It included one item: Project Prioritisation II. This workshop presented the second iteration of the LTP budget to Councillors for review and feedback, based on direction provided after the workshop on 30 November. The notes from this workshop will be released following the standard council approval process.
8. On 21 December, an Extra Ordinary Council Meeting was held. The agenda had one LTP item: adoption of Significance and Engagement Policy. The report was received, and the updated policy was adopted by Council.
9. At the time of writing, a workshop is scheduled for 30 January. The following LTP items are included on the agenda for the workshop: Project Prioritisation III and Rates Postponement Policies. The notes from this workshop will be released following the standard Council approval process.

DISCUSSION

10. The purpose of this report is to provide an update to Council on the work carried out on the LTP to date.

Financial/budget considerations

11. Costs associated to the development of the LTP have been included in the 2023-2024 Annual Plan budget.

Policy and planning implications

12. The recommendation of this report supports this requirement.
13. Council is required to ensure it meets legislative requirements under the Local Government Act 2002 when developing the LTP.

Impact on mana whenua

14. The recommendation of this report has no specific impact on mana whenua.

15. However, the matters included in the LTP are consistent with enabling Council's obligations under Te Tiriti o Waitangi and the Local Government Act 2002.

Climate impact considerations

16. The recommendation of this report has no specific climate impact.

Risks

17. There are no risks associated with the recommendation of this report.
18. Additionally, this report provides Council, and the wider community, an opportunity to understand the progress on the LTP to date.

Community wellbeing considerations

19. The purpose of Local Government includes promotion of social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the four wellbeings').
20. The subject matter of this report has been evaluated in terms of the four wellbeings.
21. Social, economic, environmental and cultural wellbeing is enabled through the LTP as it sets the budget and activities for the organisation for the next 10 years.
22. The LTP enables the Council to promote the four wellbeings, as required under the Local Government Act 2002.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

23. On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be. Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.
24. The level of significance related to the decision in this report is considered to be **low**. Because the decision is determined to have **low** significance in accordance with the policy, the corresponding level of engagement required is **Inform**.

Assessment of engagement

25. As the level of significance has been determined to be **low**, the level of engagement required is **Inform** according to the Engagement Framework of the Significance and Engagement Policy:

INFORM

To provide balanced and objective information to assist understanding about something that is going to happen.

26. The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

CONCLUSION

27. This report provides an update to Council on the work carried out on the LTP to date.

Katherine Hall

STRATEGIC DEVELOPMENT MANAGER

COUNCIL REPORT

Date : 31 January 2024
To : Ordinary Council Meeting, 7 February 2024
From : Chief Executive Officer, Stace Lewer
Subject : **ENDORSEMENT OF DIRECTION FOR DRAFT BUDGET FOR LONG TERM PLAN 2024-2034**
File ID : A1200742

EXECUTIVE SUMMARY

- This report presents a summary of the budget workshops held for Long Term Plan 2024-2034.
- The process to create the LTP began in May 2023, and the budget component of the process began in November 2023. To date, three workshops have been held to present, draft and refine the draft budget for the Long Term Plan 2024-2034.
- This report includes a summary of the budget workshops carried out to date, highlighting the direction received at each workshop, and the responses to the direction.

RECOMMENDATIONS

- 1) **That the report titled "Endorsement of Direction for Draft Budget for Long Term Plan 2024-2034" be received.**
- 2) **That Council endorse the direction for the draft budget for the Long Term Plan 2024-2034.**
- 3) **That Council direct the Chief Executive to create the final draft of the budget based on the direction received for the Long Term Plan 2024-2034.**

PURPOSE

1. The purpose of this report is for Council to endorse the direction for the draft budget of the Long Term Plan 2024-2034.
2. It is also to seek approval from Council to progress final draft of the budget for the Long Term Plan 2024-2034, based on the direction for the draft.

STRATEGIC ALIGNMENT

3. The matters detailed in this report relate to the following priorities from Opōtiki District Council's Long Term Plan 2021-2031.
 - Development and protection of the natural environment.

- Services and facilities meet our needs.
- Fair and efficient leadership.
- A strong and effective community spirit.
- Purposeful work and learning opportunities.
- Development supports the community.
- Culture and history are treasured.

BACKGROUND

4. The Long Term Plan 2024-2034 (LTP) process began in May 2023.
5. Over the course of six to seven months, staff and elected members had a series of workshops to work through the underlying documents required for the LTP; update the Community Outcomes of the LTP and update the Significance and Engagement Policy ahead of formal consultation beginning for the LTP.
6. Community engagement events were held on numerous occasions to socialise and seek feedback on the updated Strategic Direction for the LTP, and the community still has the opportunity to provide informal feedback on Council's Connect | Hono Mai website.
7. When the LTP process commenced, the Council was also delivering the 2023-2024 Annual Plan.
8. The 2023-2024 Annual Plan (AP) supports and implements year three of the current 2021-2031 Long Term Plan. For that reason, the AP primarily considers exceptions or variances from the LTP rather than bigger issues such as the major projects, scope or levels of service.
9. The 2023-2024 Annual Plan was adopted on 28 June 2023.
10. The AP saw no change to levels of service. The capital works programme for Year 3 remained the same value (approximate value of \$34 million). The impact of the revaluation of our below-ground assets was not included in the rate requirement for the AP and was deferred to Year 4 of the 2021-2031 LTP. The harbour and wharf activity is included in the 2021-2031 LTP, but only has funding allocated in the outer years (i.e., from Year 4 onward). Therefore, the harbour activity was not a factor in the rate increase for the current financial year but is an activity in the current Long-Term Plan 2021-2031.
11. The AP and LTP are related, but they serve different purposes. The LTP process provides the council an opportunity to review long term plans and actions, and set the budget for the next 10 years, while the AP implements the budget for the next financial year. There is more scope for change when reviewing and creating the Long Term Plan.

Workshop – 30 November 2023

12. On 30 November, a workshop was held. The purpose of the workshop was to present to elected members the first draft of the budget for the LTP, and the proposed rating impact for year 1.

13. The proposed rate increase was 34%. It was comprised of five factors:

- Capital Works Programme (financing) 3%
- OPEX (Operational Expenditure) 8%
- Deferred revaluations 5%
- Harbour & Wharf 8%
- Depreciation funding 10%
- TOTAL YEAR 1 PERCENTAGE INCREASE 34%

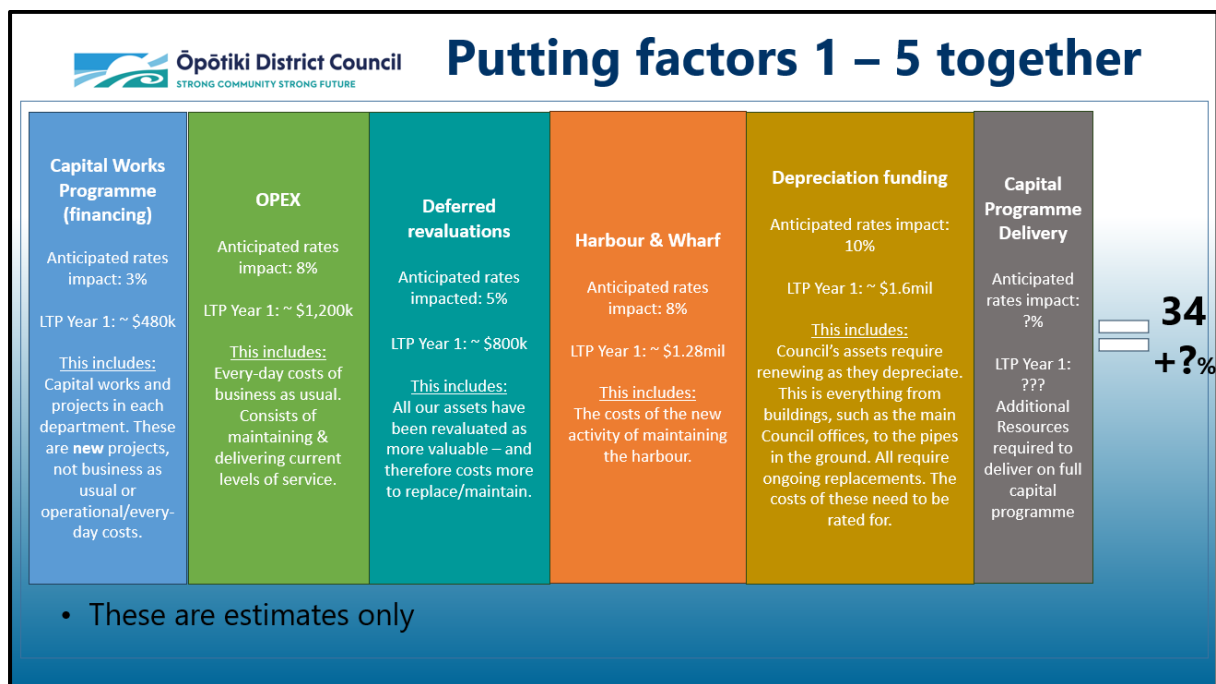


Figure 1: proposed budget for year one of the LTP 2024-34

14. Capital Programme Delivery is also included as a factor, but the percentage impact was not yet known because it relies on the Capital Works Programme being finalised. The information presented to Councillors included options for each factor, and the risks associated with each option.
15. Immediate feedback from elected members was the proposed rating impact for year one was too high and must be reduced. At the conclusion of the workshop, staff sought direction from elected members with regard to how the rating impact should be reduced, and across what factors.
16. Council agreed to provide this feedback to staff in due course, in time for the next scheduled workshop.
17. The slide pack used in the 30 November workshop is included in the notes for the workshop and will be released into the public domain following the usual process.

Workshop – 18 December 2023

18. On 8 December, staff were provided with the following direction to reduce the proposed rating impact in year one of the LTP
- the cost of the harbour operations needs to be delayed
 - revaluation and depreciation needs to be reduced
 - investigate reducing levels of service in isite, Library Toi-EDA and parks
 - capital works, pull back and look for possible external funding to bring projects forward
 - the mobile services van is an item to defer/no longer deliver.
19. Staff used the direction received from councillors to prepare for the 18 December workshop. The purpose of the workshop was to confirm staff were correct in their interpretation and had direction to create the next iteration of the budget.
20. The following information was presented, for clarification and confirmation:

Table 1: summary of direction provided for factors of rating impact

FACTOR	DIRECTION FROM COUNCILLORS	ACTION FROM STAFF
<i>Harbour and Wharf</i>	The cost of the harbour needs to be delayed	Investigate partially rate funding and/or deferring the harbour and wharf activity to later years in the LTP.
<i>Revaluation and depreciation</i>	Revaluation and depreciation needs to be reduced	Investigate partially funding or not funding what is required to reduce the cost
<i>OPEX (Operational Expenditure)</i>	Investigate reducing levels of service in the isite, library, Toi EDA and Parks and Reserves. The mobile services van is an item to defer/no longer deliver.	Investigate partial and targeted reduction in levels of services
<i>CAPEX (Capital Expenditure)</i>	Pull back and look for possible external funding to bring projects forward	Investigate budgeting for historic average.

21. At the workshop, each of the factors was discussed with the direction provided, and the implications and risks were considered as well.

22. Councillors confirmed to staff they had correctly interpreted the feedback with regard to the harbour activity factor, revaluation and depreciation factor and the capital expenditure factor.
23. With regard to operational expenditure, staff presented scenarios for reduced levels of service and no levels of service across the isite (and events), the Library, Toi-EDA and Parks and Reserves. Councillors indicated the scenarios presented to them was not the intended direction and directed staff to investigate other options for reducing levels of service in the isite (and events), the library and Toi-EDA.
24. Staff were not able to present an updated percentage impact at the end of the workshop as councillors requested further work be undertaken with regard to the OPEX factor.
25. The slide pack used in the 18 December workshop is included in the notes for the workshop and will be released into the public domain following the usual process.

Workshop – 30 January 2024

26. On 30 January, a workshop was held. Staff continued to work on refining and finalising the budget based on the feedback received at the 18 December workshop.
27. On 30 January, staff were able to present the following percentage rating impact for year one:
 - Capital Works Programme (financing) 0%
 - Deferred revaluations and depreciation 5%
 - Operational expenditure (current levels of service) 8%
 - TOTAL PERCENTAGE INCREASE 13%
28. When the direction provided was worked on in the financial modelling, the percentage increase proposed for year one was 13% with no change to levels of service.

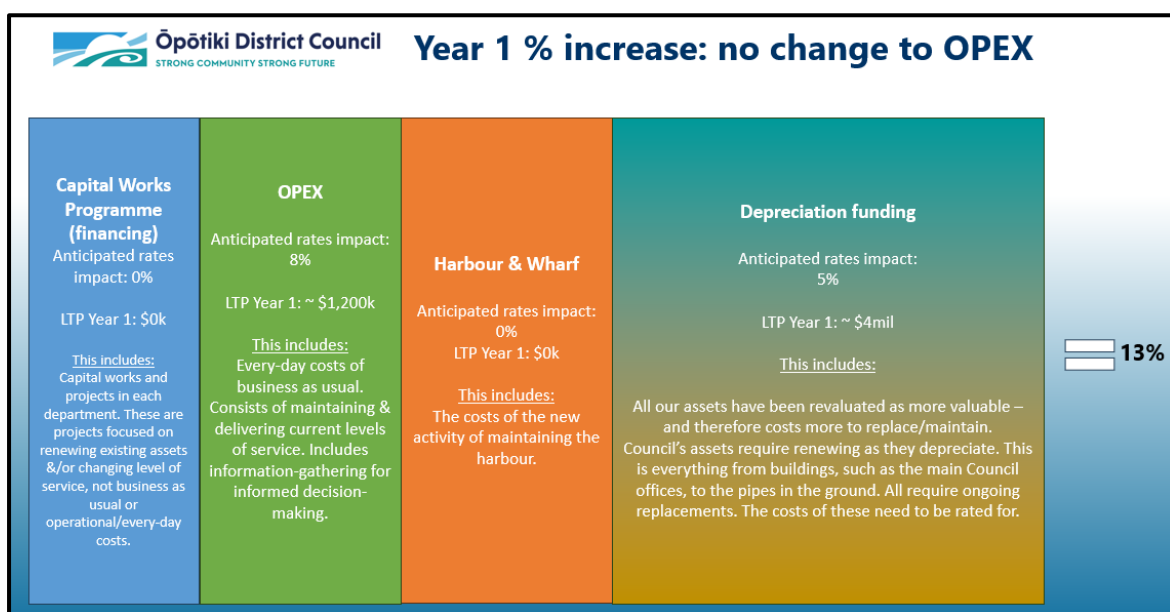


Figure 2: proposed draft budget with no change to OPEX factor

29. The direction of reducing levels of service was also presented to councillors. The following scenarios were presented with regard to the isite and events:
- locate info centre in Library and reduce staff, and deliver one event per year
 - have a static info kiosk in Library building and have reduced staff, and deliver one event per year
 - reduce isite services and reduce staff and deliver one event per year.
30. With regard to the Library, the following was presented
- combine the isite and Library with reduced staff and the makerspace area and associated programmes
 - reduce levels of service to be open for 20 hours per week, no additional programmes and reduce staff levels.
31. For both the isite and the Library activities, the options of maintaining current levels of service was also presented.

Summary of reduced LoS for isite and events, and library					
Option	Cost in Year 1	Cost in Year 2 onward	% reduction in level of service	% cost difference from current LoS	
1. Locate info centre in library building and deliver one event per year	\$410k / 2.56%	\$240k / 1.5%	40-50% reduction	Yr 1	increase 0.10%
				Yr 2 →	less 0.96%
2. Static info kiosk in library building and deliver one event delivered per year	\$315k / 1.96%	\$165k / 1%	80% reduction	Yr 1	less 0.5%
				Yr 2 →	less 1.46%
3. Reduced isite services, one event per year	\$325k / 2.03%	\$205k / 1.28%	50-60% reduction	Yr 1	less 0.43%
				Yr 2 →	less 1.18%
4. Combined info centre and library – reduced staff and reduced levels of service	\$520k / 3.38%	\$460k / 2.87%	30-40% reduction	Yr 1	no change
				Yr 2 →	less 0.51%
5. Reduced FTE and hours at library	\$410k / 2.56%	\$310k / 1.98%	50-60% reduction	Yr 1	less 0.82%
				Yr 2 →	less 1.40%
6. Maintain current LoS to isite	\$395k / 2.46%	\$395k / 2.46%	No reduction in LoS	Nil saving	
7. Maintain current LoS to library	\$540k / 3.38%	\$540k / 3.38%	No reduction in LoS	Nil saving	

Figure 3: summary table of options for reducing levels of service in isite, events and library

32. With regard to Toi-EDA, direction was provided to staff to not allocate funding for the economic development agency within the LTP.
33. With regard to Parks and Reserves, direction was provided to investigate where percentage savings could be made across the Parks and Reserves activity.
34. In summary, the following direction was received from Councillors with regard to reducing the OPEX percentage:

Table 2: summary of direction presented on 30 January workshop for reducing OPEX factor

OPEX FACTOR	DIRECTION FROM COUNCILLORS
Isite	Reduce levels of service
Events	Deliver one event per year
Library	Reduce levels of service
Toi EDA	Do not allocated funding for the economic development agency in the 2024-2024 LTP
Parks and Reserves	Investigate reducing levels of service and shared service arrangements with other councils if possible
Additional new FTEs	Do not implement new FTEs in this LTP unless there is existing staffing budget already allocated which can be reallocated.

35. Elected members provided direction to investigate reviewing the targeted rate applied to water supply for applicable properties, as described in the fees and charges schedule and the Revenue and Financing Policy.
36. At the end of the workshop, staff were able to present the following proposed rating increase for year one, with some proposed reductions in levels of service
 - o Year 1 of LTP: 10.5%

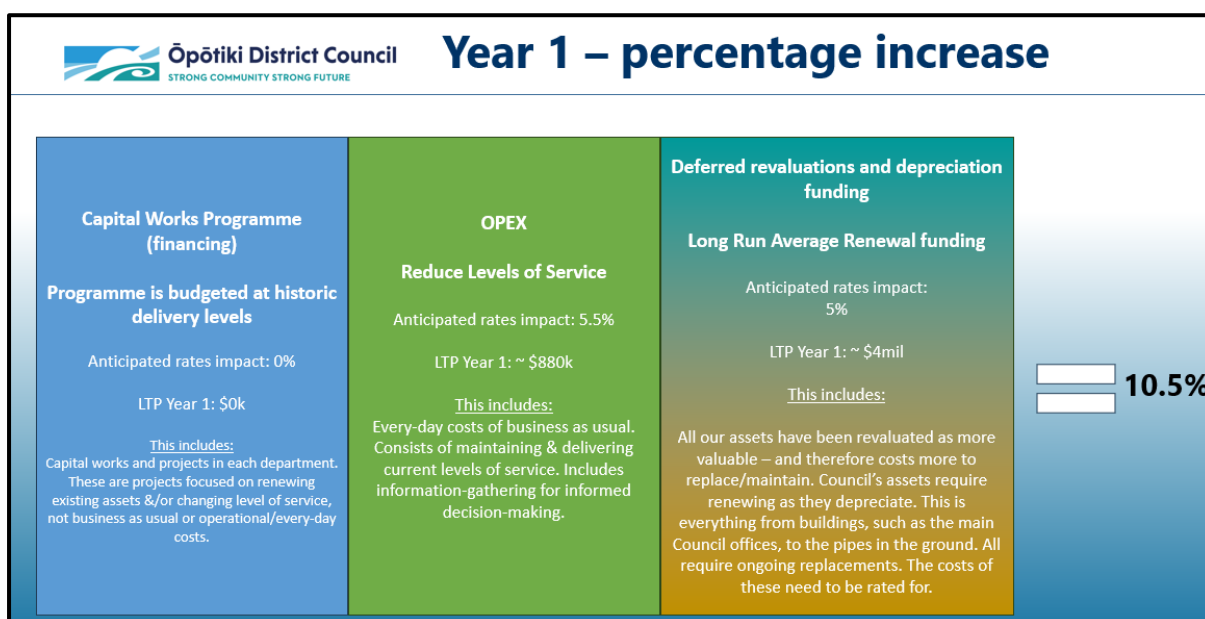


Figure 4: proposed budget for Year One with reduced levels of service

37. The slide pack used in the 30 January workshop is included in the notes for the workshop and will be released into the public domain following the standard process.

OPTIONS

38. There are two options associated with the recommendations in this report.

OPTION 1: Endorse the direction for the draft budget (recommended option)	
Description	<p><i>The direction for the draft budget for year one of the LTP has been presented to elected members in a series of workshops.</i></p> <p><i>The draft budget for year one is a proposed rate increase of 10.5 – 13% and includes the following factors:</i></p> <ul style="list-style-type: none"> • <i>Capital Works Programme financing</i> • <i>Operational Expenditure</i> • <i>Depreciation funding and revaluation council assets.</i>
Advantages	Endorsing the direction for the draft budget enables staff to proceed with finalising the budget and financial modelling, and therefore finalise other key underlying documents of the LTP.
Disadvantages	There are no identified disadvantages associated with the endorsement of the direction for the draft budget for the LTP.
Impact on mana whenua	Approval of the draft budget enables elected members and staff to consult with mana whenua sooner than the formal consultation period begins about the forthcoming rating impact and budget effects.
Strategic alignment	<p>Approving the draft budget for the LTP is aligned to the following community outcomes:</p> <p><i>Services and facilities meet our needs</i></p> <p>The LTP is the key document for planning the budget and activities for the organisation for the next 10 years. Approving the draft budget enables the organisation to finalise the document.</p> <p><i>Fair and efficient leadership</i></p> <p>Elected members are required to ultimately adopt the final version of the Consultation Document and LTP document. These are brought together based on the direction received during the LTP process.</p>
Associated risks	There are no identified risks associated with approving the draft budget for the LTP.

OPTION 2: Do not endorse the direction for draft budget presented

Description	<p>The draft budget for year one of the LTP has been presented to elected members in a series of workshops.</p> <p>The draft budget for year one is a proposed rate increase of 10.5-13% and includes the following factors:</p> <ul style="list-style-type: none">• Capital Works Programme financing• Operational Expenditure• Depreciation funding and revaluation of below ground assets.	
Advantages	There are no identified advantages associated with not endorsing the direction for the draft budget for the LTP.	
Disadvantages	Staff will not be able to progress with developing the final budget, and all associated documentation for the LTP if the draft budget is not approved.	It does not enable staff to begin engagement with the community about the forthcoming rating impacts.
Impact on mana whenua	Elected members and staff will not be able to engage with mana whenua on the draft budget and gain their input on the forthcoming rating impact for the community.	
Strategic alignment	This option does not support the strategic alignment in the LTP 2021-2031.	
Associated risks	Not endorsing the direction for the draft budget for the LTP has the risk of not enabling staff to create the final version of the budget for 2024-2034 LTP.	

DISCUSSION

39. Approving the draft budget enables staff to finalise the financial modelling, key underlying documents, and engagement plan for the LTP.
40. At the workshop on 30 January, there was discussion about community engagement and consultation and the options which Council would be required to include in the Consultation Document for the LTP.
41. This Consultation Document is a key item which requires further work, and the recommendations in this report enable staff to proceed with creating it.

Financial/budget considerations

42. Costs associated to the development of the LTP have been included in the 2023-2024 Annual Plan budget.
43. The recommendations in this report enable staff to continue working on creating the final draft of the budget for the LTP.

Policy and planning implications

44. Council is required to meet legislative requirements under the Local Government Act 2002; the Local Government (Rating) Act 2002, Council's *Revenue and Financing Policy* and Rates Remissions and Postponement Policies.
45. In addition, the Consultation Document for the Long Term Plan must ensure it is accurate with regard to the rating impact various options may have on ratepayers.
46. Approving the draft budget enables the Council to meet these policy requirements. It is also aligned to the Community Outcomes *Services and Facilities Meet our Needs* and *Fair and Efficient Leadership*.

Impact on mana whenua

47. There are no identified impacts on mana whenua in relation to approving the direction for the draft budget for the LTP.
48. During the pre-engagement period of the LTP, Council engaged with iwi. Council will continue to engage with mana whenua as the final version of the LTP is created.

Climate impact considerations

49. There are no identified climate impacts associated with the recommendations in this report.

Risks

50. There are no identified risks associated with adopting the draft budget for the LTP.

Community wellbeing considerations

51. The purpose of Local Government now includes promotion of social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
52. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
53. The LTP is the document which sets out the activities and budget for the organisation for the next 10 years. The LTP is required in order to promote community wellbeing.
54. The recommendations in this report enables the Council to achieve its purpose.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

55. On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be. Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.

56. The level of significance related to the decision in this report is considered to be **medium**. Because the decision is determined to have **medium** significance in accordance with the policy, the corresponding level of engagement required is **Kōrero**.

Assessment of engagement

57. As the level of significance has been determined to be **medium**, the level of engagement required is **Kōrero** according to the Engagement Framework of the Significance and Engagement Policy:

KŌRERO

To ask the community for feedback, ideas, opinions, and information about the development process

58. The level of engagement required for the decision to endorse the direction for the draft budget for the LTP is **Kōrero**.

59. Council can use its social media platforms (Facebook, Antenna, Connect | Hono Mai) and press releases to communicate the decision to the community. Council can invite informal feedback on the decision as these platforms provide for informal two-way communication.

60. There has been community feedback and engagement carried out during the pre-engagement phase of the LTP so it would also be useful and prudent to communicate the decisions to the individuals and groups in the community who have actively participated in the LTP process to date.

CONCLUSION

61. The recommendations in this report enable the Council to continue drafting and refining the budget, the financial modelling and the key underlying documents for the LTP.

Stace Lewer

CHIEF EXECUTIVE OFFICER

COUNCIL REPORT

Date : 18 January 2024
To : Ordinary Council Meeting, 7 February 2024
From : Chief Executive Officer, Stace Lewer
Subject : **DEFERRAL OF ADOPTION OF LONG TERM PLAN 2024-2034**
File ID : A1200734

EXECUTIVE SUMMARY

- The Local Government Act 2002 requires every Council in Aotearoa New Zealand to have in place, at all times, a Long Term Plan. A Long Term Plan must cover a period of 10 years and must be reviewed every three years. It must be updated and adopted by the end of the current financial year (June 2024).
- The Government has signalled changes to water services entities legislation which will have an effect on the ability of the Council to deliver its Long Term Plan within current legislative timeframes.
- This report considers the transition arrangements available to the council from the government to defer the adoption of its Long Term Plan to 30 September 2024, and provides options for the council to choose with regard to its Long Term Plan 2024-2034, its 2023-2024 Annual Report and its Consultation Document.

RECOMMENDATIONS

- 1) **That the report titled "Deferral of Adoption Of Long Term Plan 2024-2034 " be received.**
- 2) **That Council directs the Chief Executive to**
 - a. **retain the current Long Term Plan 2024-2034 adoption date of 27 June 2024**
 - OR**
 - b. **defer the adoption of the Long Term Plan 2024-2034 to 30 September 2024**
- 3) **That Council directs the Chief Executive to**
 - a. **have an audited Consultation Document**
 - OR**
 - b. **not have an audited Consultation Document**
- 4) **That Council directs the Chief Executive to**

a. retain the current Annual Report 2023-2024 adoption date of 31 October 2024

OR

b. defer the adoption of the Annual Report 2023-2024 to a date no later than 31 December 2024.

PURPOSE

1. The purpose of this report is to seek direction with regard to the adoption date of the Long Term Plan 2024-2034 (LTP); the adoption date of the 2023-2024 Annual Report and the audit of the LTP Consultation Document.

STRATEGIC ALIGNMENT

2. The matters detailed in this report relate to the following priorities from Ōpōtiki District Council's Long Term Plan 2021-2031:
 - Development and protection of the natural environment.
 - Services and facilities meet our needs.
 - Fair and efficient leadership.
 - A strong and effective community spirit.
 - Purposeful work and learning opportunities.
 - Development supports the community.
 - Culture and history are treasured.

BACKGROUND

3. The Local Government Act 2002 (the Act) requires all councils to have in place, at all times, a Long Term Plan (LTP). The LTP sets the budget and activities for the organisation for the next 10 years, and it is required to be reviewed and updated every three years. The current LTP was adopted in June 2021 and the next LTP must be adopted by the end of June this year.
4. The ŌDC Long Term Plan 2024-2034 – Workplan (also referred to as the “Snake”) notes formal consultation for the LTP will begin 19 March 2024 and will run for a period of four weeks. Hearings and deliberations for the LTP are currently scheduled for 1 and 2 May.
5. In December 2022, the previous government passed the Water Services Entities Act 2022 which established four water services entities. The intention of establishing the entities was to transfer the ownership of built water infrastructure away from local government to one of four major entities. In April 2023, the previous government renamed and repackaged the water services legislation and introduced legislation to establish ten water services entities, different to the original four (Water Services Entities Amendment Act 2023 and Water Services Legislation Act 2023). These bills were enacted in August 2023.

6. In October 2023, a new Government was elected. The Government has announced cabinet will introduce a bill into the house early this year to repeal the existing water services entities and all associated legislation; reinstate all previous legislation related to the provision of water services and therefore reinstate Council ownership, control and responsibility of water services across the country. The Government will also require all Councils to add and integrate information about water services into their Long Term Plans.
7. The Minister for Local Government has directly communicated the announcement to Mayor Moore and provided a letter outlining the process the Government intends to follow (received 14 December 2023). The letter includes options available to Local Government to help complete the 2024-2034 LTP in light of the announcement and the forthcoming legislative changes.
8. Ōpōtiki District Council has been preparing its LTP based on the legislation as it is written which includes the legislation about the water services entities. What this means is Council has created the document to show all water services infrastructure transferring away from the Council to the Bay of Plenty entity at a date no later than June 2026.
9. The letter from the Minister indicates to Council the Government will be enacting legislation as soon as possible. This means Councils will be required to show water services in their LTP for the entire 10 year period, rather than for one or two years as currently stated in the water services legislation.
10. The options which have been made available to all Councils in the country are to defer the adoption of the LTP to a date no later than 30 September 2024 to provide additional time to include water services infrastructure in the document; defer the adoption of 2023-24 Annual Report as a run-on effect from the deferred LTP adoption date, and not have an audited Consultation Document.
11. All options have advantages and disadvantages for the LTP and the organisation. These are considered in the OPTIONS section.

OPTIONS

12. With regard to the deferral of the adoption date of the LTP, there are two options available.

OPTION 1: Maintain the current LTP adoption date of 27 June 2024

<p>Description</p>	<p><i>Council maintains the current workplan for the LTP, as described in the ŌDC Long Term Plan 2024-2034 – Workplan and adopts the LTP on 27 June 2024.</i></p> <p><i>Water services infrastructure would be included in the LTP and assumes legislation will be introduced and enacted before 27 June 2024, as the Minister for Local Government has indicated.</i></p> <p><i>The 2023-2024 Annual Report adoption date remains the same.</i></p>
<p>Advantages</p>	<ul style="list-style-type: none"> • will complete LTP process within the statutory timeframes prescribed in the Local Government Act 2002 • AuditNZ have allocated and confirmed resource to Ōpōtiki District Council for the LTP based on the current adoption date • the 2023-24 Annual Report is adopted by 31 October 2024 • rates instalments for financial year 2024-2025 will be gathered based on usual processes which is predictable for staff and the community.
<p>Disadvantages</p>	<ul style="list-style-type: none"> • higher workload than originally anticipated due to the inclusion of water infrastructure in the LTP • current resourcing may be insufficient to deliver LTP with water services legislation included which will affect other workstreams within the organisation.
<p>Impact on mana whenua</p>	<p>No identified impact on mana whenua.</p>
<p>Strategic alignment</p>	<p>Services and facilities meet our needs:</p> <ul style="list-style-type: none"> • support and encourage effective planning for the future <p>Fair and efficient leadership:</p> <ul style="list-style-type: none"> • have positive involvement in the day-to-day affairs of our community.
<p>Associated risks</p>	<ul style="list-style-type: none"> • new water services legislation may require an amendment to the LTP after the 27 June 2024 adoption to meet new unknown legislative requirements • Council staff are not able to deliver the LTP within the timeframes when water services in included due to the increased workload.

OPTION 2: Defer the adoption of the Long Term Plan 2024-2034 to 30 September 2024 (recommended option)

<p>Description</p>	<p><i>Council chooses to defer the adoption of the LTP to 30 September 2024. This decision is made based on an announcement from Government, and a letter received from the Minister for Local Government.</i></p> <p><i>Water services infrastructure is included in the LTP and it is assumed new water services legislation is enacted by 30 September 2024, and based on the principles outlined in the letter.</i></p> <p><i>Council is required to use the special consultative procedure in adopting the LTP. With a deferred adoption</i></p> <p><i>The 2023-2024 Annual Report adoption is deferred to a date no later than 30 December 2024.</i></p>
<p>Advantages</p>	<ul style="list-style-type: none"> • provides additional time for staff to create underlying documents and financial modelling showing water services infrastructure included in entire Long Term Plan • provides additional time to include water services infrastructure in the Consultation Document.
<p>Disadvantages</p>	<ul style="list-style-type: none"> • AuditNZ will reallocate and recommit resource for the LTP based on their current timeframes and workstreams • the 2023-2024 Annual Report adoption date is deferred to enable the audit of the LTP to progress adequately • the first rates invoice in year one of the LTP will be based on the current years rates instalment, not the new rates assessment for the LTP. This is not the standard process followed by staff and creates uncertainty for the community.
<p>Impact on mana whenua</p>	<p>No identified impact on mana whenua.</p>
<p>Strategic alignment</p>	<p>Services and facilities meet our needs:</p> <ul style="list-style-type: none"> • help agencies and organisations identify our specific needs • support and encourage effective planning for the future <p>Fair and efficient leadership</p> <ul style="list-style-type: none"> • have positive involvement in the day-to-day affairs of our community.
<p>Associated risks</p>	<ul style="list-style-type: none"> • Council is exposed to potential legal challenge as deferral decision is not based on legislation.

13. The deferral of the 2023-2024 Annual Report is linked with the adoption of the LTP. In order for staff and AuditNZ to provide adequate resource, deferring the adoption of the LTP creates the need to defer the adoption of the 2023-2024 Annual Report.
14. Irrespective of the option to not defer or defer the adoption of the LTP and the 2023-2024 Annual Report, there remains the option to have an unaudited Consultation Document.

OPTION 1: The Consultation Document is audited (recommended option)

Description	<p><i>The Consultation Document is created and provided to AuditNZ ahead of the formal consultation period.</i></p> <p><i>AuditNZ reviews the Consultation Document in line with the requirements of the Local Government Act, provides feedback, and is in a position to issue an audit opinion on the Consultation Document before formal consultation begins.</i></p> <p><i>AuditNZ also reviews the key underlying documents and financial models which inform the Consultation Document.</i></p>
Advantages	<ul style="list-style-type: none">• ŌDC is provided with assurance the Consultation Document is legislatively compliant prior to beginning the formal consultation period
Disadvantages	<ul style="list-style-type: none">• the Consultation Document must be compiled and ready for consultation one month prior to formal consultation.
Impact on mana whenua	No identified impact on mana whenua.
Strategic alignment	Fair and efficient leadership: <ul style="list-style-type: none">• have positive involvement in the day-to-day affairs of our community.
Associated risks	None identified.

OPTION 2: The Consultation Document is not audited

Description	<p><i>The Consultation Document is created and provided to the public for formal consultation.</i></p> <p><i>AuditNZ has not reviewed the consultation document, but still reviews the key underlying documents and financial models which inform the consultation document.</i></p> <p><i>AuditNZ does not issue an opinion on the Consultation Document.</i></p>
Advantages	<ul style="list-style-type: none">• provides additional time for staff to create the document at the same time as the key underlying documents and financial model.
Disadvantages	<ul style="list-style-type: none">• council would be required to seek an external review to a similar standard audit provides to gain assurance the Consultation Document is legislatively compliant.
Impact on mana whenua	Reduced assurance mana whenua can engage with LTP process genuinely, as council does not have the assurance the Consultation Document is adequate.
Strategic alignment	Not applicable.
Associated risks	<ul style="list-style-type: none">• Consultation Document still requires review and assurance it complies with the requirements of the Local Government Act 2002.

DISCUSSION

Defer the adoption of the Long Term Plan 2024-2034 to 30 September 2024 (recommended option)

15. Staff recommend the deferral of the adoption of the LTP to 30 September 2024. In order for public consultation of the LTP to proceed, Council must have the Consultation Document, all key underlying documents and all financial modelling completed. Since 29 May 2023, Council has developed the LTP and all key underlying documents on legislation as it is written (i.e., water services not shown in the LTP from Year 3 onward).
16. This will, by default, require the deferral of the 2023-2024 Annual Report. The letter received from the Minister enables this to happen.
17. Since the new Government was elected, it has been communicated to Councils in New Zealand all legislation related to water services is being repealed. Including water services in the Infrastructure Strategy, the Asset Management Plans, the Financial Strategy and the financial models requires additional work.
18. Staff will require more time than what is planned for in the current workplan in order to ensure water services are adequately included in the LTP, the Consultation Document and all other key underlying documentation. The deferral of the adoption of the LTP enables this to happen.
19. If Council choose to proceed with the recommended option, the new timeframes for the LTP will be adjusted to what is shown in the updated Ōpōtiki District Council Long Term Plan 2024-2034 – Workplan (also known as the “Snake”). An updated “Snake” is attached to this report as Appendix 1.

The Consultation Document is audited (recommended option)

20. Staff recommend the Consultation Document for the LTP is audited.
21. The Local Government Act 2002 requires every Council to create a Consultation Document which provides an effective basis for public participation in Local Government decision-making. It needs to present the overall objectives and proposals, and how rates, debt and levels of service might be affected.
22. When the Consultation Document is audited, Council is provided with assurance we have achieved this requirement.
23. Council does not have the capacity in-house to provide this assurance, so we would need to seek an external review of the Consultation Document if we do not provide it to our assigned auditors (Audit New Zealand).
24. Providing the Consultation Document to AuditNZ, alongside the other required documentation, provides assurance our documents are legislatively compliant.

Financial/budget considerations

25. Deferral of the adoption of the LTP to 30 September 2024 does not give rise to any significant cost implications for plan development.
26. Costs associated to the development of the LTP have been included in the 2023-2024 Annual Plan budget.

Policy and planning implications

27. Council is required to ensure it meets legislative requirements under the Local Government Act 2002 when developing the LTP.
28. The recommendations in this report enable the council to meet its decision-making requirements under the Local Government Act 2002.

Impact on mana whenua

29. There are no identified impacts on mana whenua in relation to the recommendations in this report.

Climate impact considerations

30. There are no climate impact considerations in relation to the recommendations in this report.

Risks

31. The Local Government Act 2002 requires Council to adopt its LTP by the end of June.
32. The new Government has provided the option to councils to defer the adoption of its LTP to a date no later than 30 September 2024. There is a risk the council is open to legal challenge as the decision to defer does not comply with the relevant legislation. The letter provided by the Minister for Local Government states the repeal bill which cabinet intends to introduce will include temporary modifications to Local Government legislation.
33. Council does have the authority to make the decision to defer the adoption of the LTP instruct the Chief Executive to do so and the recommendations in this report enable this decision.

Community wellbeing considerations

34. The purpose of Local Government now includes promotion of social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
35. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
36. The LTP enables the purpose of local government as it sets the activities and budget for the organisation for the next 10 years. The activities of the Council enable all 4 wellbeings.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

37. On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be. Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.
38. The level of significance related to the decision in this report is considered to be **medium**. Because the decision is determined to have **medium** significance in accordance with the policy, the corresponding level of engagement required is **Kōrero**.

Assessment of engagement

39. As the level of significance has been determined to be **medium**, the level of engagement required is **Kōrero** according to the Engagement Framework of the Significance and Engagement Policy:

KŌRERO

To ask the community for feedback, ideas, opinions, and information about the development process

40. The level of engagement required for the decision to defer the adoption of the LTP plan is **Kōrero**.
41. Council can use its social media platforms (Facebook, Antenna, Connect | Hono Mai) and press releases to communicate the decision to the community. Council can invite informal feedback on the decision as these platforms provide for informal two-way communication.
42. There has been community feedback and engagement carried out during the pre-engagement phase of the LTP so it would also be useful to communicate decisions to the individuals and groups in the community who have actively participated in the LTP process to date.

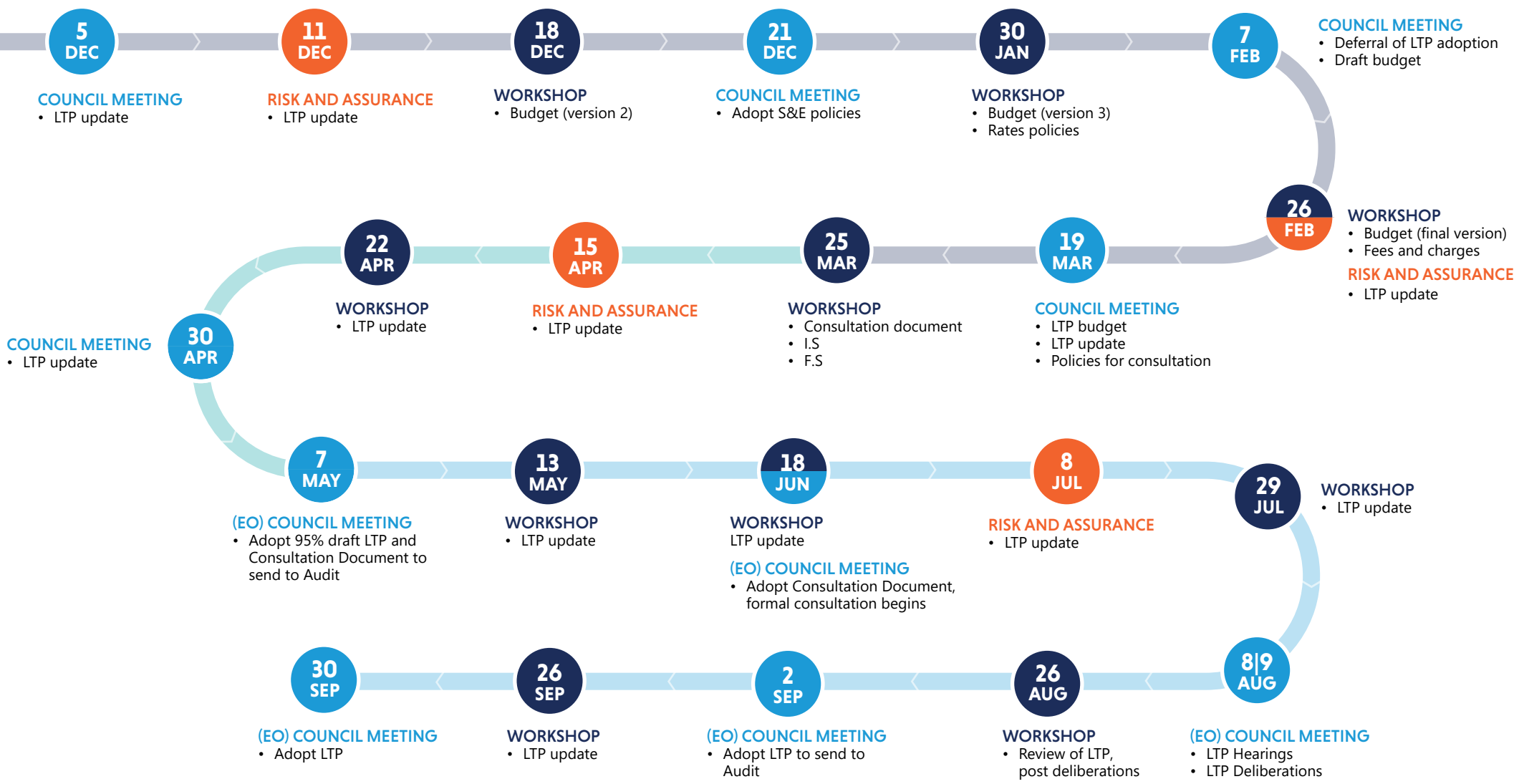
CONCLUSION

43. The recommendations in this report enable the Council to defer the adoption of its LTP and its 2023-2024 Annual Report.

Stace Lewer

CHIEF EXECUTIVE OFFICER

Ōpōtiki District Council Long Term Plan 2024-34 – Workplan



- Workshops
- Council meetings
- Risk and assurance

1. LTP Development phase
2. Audit phase
3. Consultation/Adopt phase*
*subject to Audit timeframes

COUNCIL REPORT

Date : 1 February 2024
To : Ordinary Council Meeting, 7 February 2024
From : Group Manager Finance and Corporate Services, Peter Bridgwater
Subject : **RISKPOOL CALL**
File ID : A1204806

EXECUTIVE SUMMARY

- Council has received a call on members for the Riskpool insurance years 7, 10, 11, and 12. The total call for ODC is \$35,223.00
- Council has not budgeted for this expenditure, the report recommends Council authorise the unbudgeted expenditure required for this call.

RECOMMENDATIONS

- 1) **That the report titled "Riskpool Call" be received.**
- 2) **That Council authorise the unbudgeted expenditure of \$35,223.00.**

PURPOSE

1. To request Council authorise the unbudgeted expenditure required to pay the call on members Council has received from NZ Mutual Liability Riskpool.

STRATEGIC ALIGNMENT

2. The matters detailed in this report relate to the following priorities from Opōtiki District Council's Long Term Plan 2021-2031:
 - Development and protection of the natural environment.
 - Services and facilities meet our needs.
 - Fair and efficient leadership.
 - A strong and effective community spirit.
 - Purposeful work and learning opportunities.
 - Development supports the community.
 - Culture and history are treasured.

BACKGROUND

3. Prior to the current insurance arrangements through AON, Ōpōtiki District Council was a member of Riskpool along with the majority of Territorial Authorities at the time for public liability and professional indemnity insurance. In 2017 Council received notification from Civic Financial Services (providers of Riskpool public liability and professional indemnity insurance) that they were not going to provide any form of cover from July onwards due to not having enough critical mass through members getting cover from elsewhere.
4. When Civic was set up a number of years prior it was done so through a share issue to which the majority of the Councils in the country subscribed. The purpose for Civic was to fill a gap in the market for Local Government insurance at a greater scale. It began its life as a mutual fund, meaning everyone funded the claims of a few, this worked well for a number of years, and realistically for Local Government there was no cost-effective alternative.
5. Then Councils started to get leaky home and earthquake claims coming through and significant calls were being made on all member Councils. This became unsustainable and the directors of Civic, and also the various LASS Groups saw opportunities to seek joint procurement of reinsurance from the global market.
6. This was the beginning of the demise of Riskpool. Some councils scarred by the past calls from the mutual fund moved to LASS and procured alternatives as soon as they became available. Others started dropping off over time as more commercial alternatives became available. The directors of Riskpool this year notified Councils that they would no longer have enough member Councils participating any more to make it cost effective.
7. In 2023 Riskpool was unsuccessful in an appeal to the Supreme Court in relation to a mixed liability claim which was previously declined. This has resulted in further exposure to members of the Riskpool Scheme. By way of background, cover under the Riskpool Scheme was arranged on a Fund Year basis from 1 July to 30 June. Members made an initial contribution to cover estimated claims and expenses arising from the Fund Year, with any deficits to be funded by further calls upon Members in proportion to their initial contribution. Any surplus can either be returned to Members or rolled into a future Fund Year.
8. In aggregate, over all Fund years, Riskpool has incurred more in claims and expenses (before allowing for claims provisions) than has been received as contributions and calls from Members. This has been funded by a loan from Civic Financial Services. In addition, there is more to be paid in respect of currently open claims spread across a few different Fund Years.
9. Riskpool's actuaries have calculated the required contribution from each Member for those Fund years. The amount of the call for Opotiki District Council is \$35,223.00 excl. GST.

10. Once Riskpool has met the short-term needs noted above there will be a process of finalising each Fund Year. This will entail:

- Continuing to operate Riskpool until all claims are settled.
- Issuing further calls upon members for Fund Years still in deficit. The quantum of future calls will depend on the outcome of the late notification issues in respect of outstanding mixed defect claims and reinsurers' position.

11. For Fund Years in surplus either:

- Returning funds to members, or
- Offsetting against later Fund Years in deficit.

OPTIONS

12. As part of the agreement with Riskpool Council is required to pay any calls on the fund years which we are members of. This limits Councils options considerably.

OPTION 1: Council authorises the unbudgeted expenditure required to pay the Call	
Description	<i>Council authorises the unbudgeted expenditure required to pay the Call</i>
Advantages	Council meets its obligations under the agreement
Disadvantages	
Impact on mana whenua	None
Strategic alignment	N/A
Associated risks	None

OPTION 2: Council does not authorise the expenditure required to pay the call	
Description	<i>Council does not authorise the expenditure required to pay the call. Council does not have other established budgets which could be used to pay this call. Council would need to defer payment of the call and look to establish a budget for the payment of this along with any associated costs in year 1 of the LTP.</i>
Advantages	
Disadvantages	Council would be exposed to legal challenge and potential further costs of debt collection.
Impact on mana whenua	None
Strategic alignment	N/A
Associated risks	Council would face risk of legal challenge due to non-payment.

DISCUSSION

13. Staff recommend Option 1 as the risks associated with Option 2 are potentially considerable and unknown. It is unlikely that Council would be able to avoid paying the call even if this option is chosen.

Financial/budget considerations

14. The unbudgeted expenditure required will not have a significant impact on Council's financial position or ability to deliver services in the future. Any further costs will be able to budgeted for once they are known.

Policy and planning implications

15. None.

Impact on mana whenua

16. There is no identified impact on Mana whenua

Climate impact considerations

17. There are no specific climate related impacts identified.

Risks

18. The risks associated with each option are considered in the options section above.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

19. On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be. Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.
20. The level of significance related to the decision in this report is considered to be **low** Because the decision is determined to have **low** significance in accordance with the policy, the corresponding level of engagement required is **Inform**.

Assessment of engagement

21. As the level of significance has been determined to be **low**, the level of engagement required is **Inform** according to the Engagement Framework of the Significance and Engagement Policy:

INFORM

To provide balanced and objective information to assist understanding about something that is going to happen.

22. The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

Peter Bridgwater

FINANCE AND CORPORATE SERVICES GROUP MANAGER

COUNCIL REPORT

Date : 21 January 2024

To : Ordinary Council Meeting, 7 February 2024

From : Group Manager Planning and Regulatory, Gerard McCormack

Subject : **CONSIDERATION OF ADDITIONAL BOAT RAMP AND JETTY FOR THE RESOURCE CONSENT APPLICATION FOR JETTY EXTENSION AND RELOCATION OF THE CHILDREN'S PLAY EQUIPMENT**

File ID : A1202615

EXECUTIVE SUMMARY

- At the Council meeting in December 2023 the Council agreed to proceed with a resource consent application to extend the existing jetty and relocate the children's play area. In addition to this, Council staff were directed to consider the inclusion of an additional boat ramp and jetty to the south-west of the Coastguard building. Detailed exploration and analysis of the additional jetty and boat ramp have been conducted. This report provides information on the various options for how Council could proceed. This report includes a recommendation to proceed only with the extension to the existing jetty and relocation of the children's play equipment as confirmed at the previous meeting.

RECOMMENDATIONS

- 1) **That the report titled "Consideration of Additional Boat Ramp and Jetty for the Resource Consent Application for Jetty Extension and Relocation of the Children's Play Equipment" be received.**
- 2) **That Council agrees to proceed only with the resource consent application for the extension to the existing jetty and relocation of the children's play equipment as confirmed at the previous meeting, and not include the additional boat ramp and jetty.**

PURPOSE

1. To provide information for the Council to be able to determine whether to include an additional boat ramp and jetty to the south-west of the Coastguard building as part of the resource consent application for the jetty extension and relocation of the children's play equipment.

STRATEGIC ALIGNMENT

2. The matters detailed in this report relate to the following priorities from Opōtiki District Council's Long Term Plan 2021-2031.
 - Development and protection of the natural environment.

- Services and facilities meet our needs.
- Fair and efficient leadership.
- A strong and effective community spirit.
- Purposeful work and learning opportunities.
- Development supports the community.
- Culture and history are treasured.

BACKGROUND

3. In March 2023, ŌDC endorsed the adaptation of the existing Ōpōtiki wharf to accommodate mussel boat operations, contingent upon a satisfactory lease agreement and funding for necessary upgrades. At that time, ŌDC also endorsed the development of conceptual options for accommodating community recreational uses in the vicinity of the wharf area. The proposal to extend the existing jetty and relocate the children's play area (swing and slide) to the north, near Memorial Park, was incorporated into the updated masterplan concepts endorsed by Council in September 2023.

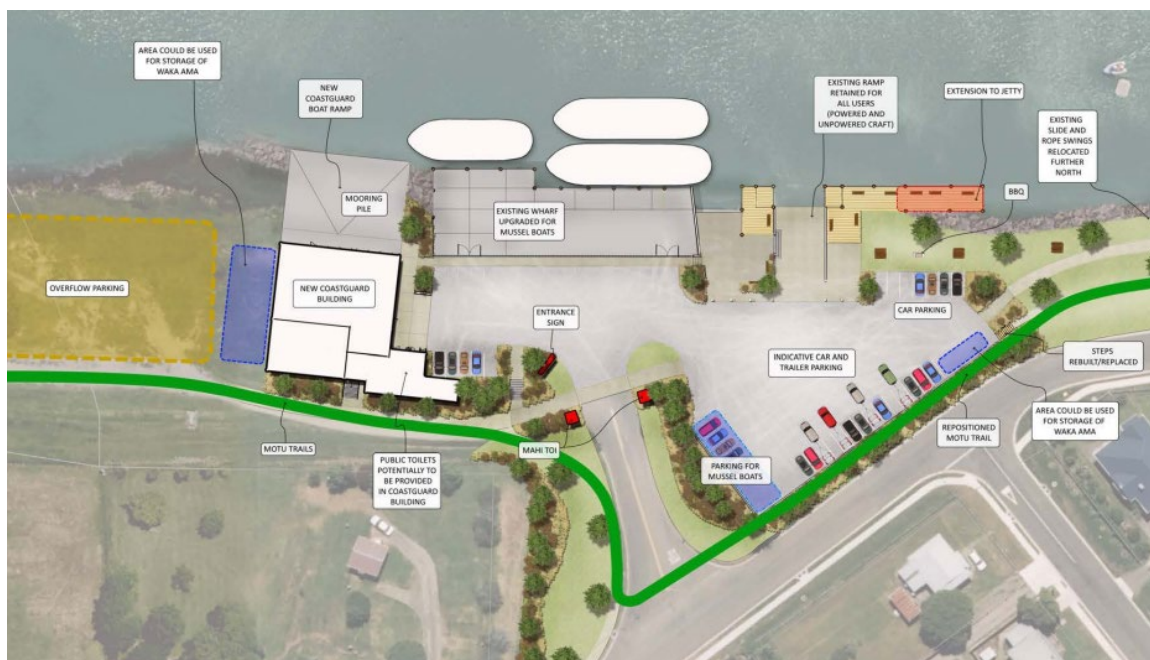


Figure 1. Approved masterplan

4. A report was brought to the Council meeting in December which sought approval from Council to proceed with a resource consent application to extend the existing jetty and relocate the children's play equipment to implement the endorsed masterplan. During the Council meeting the discussion included the possibility of an extra boat ramp and jetty to the south-west of the Coastguard building to be included as part of the resource consent application. Accordingly, this option has been explored and considered by ŌDC staff.

OPTIONS

5. There are four options for how the resource consent application could be approached:
- **Option 1:** Include the additional boat ramp and jetty to the south-west of the Coastguard building as part of the resource consent application for the extension to the existing jetty and movement of the children’s play equipment.
 - **Option 2:** Include only an additional boat ramp to the south-west of the Coastguard building as part of the resource consent application for the extension to the existing jetty and movement of the children’s play equipment.
 - **Option 3:** Include only an additional jetty to the south-west of the Coastguard building as part of the resource consent application for the extension to the existing jetty and movement of the children’s play equipment.
 - **Option 4:** Proceed with the application to only seek resource consent for the extension to the existing jetty and movement of the children’s play equipment as per the endorsed masterplan.
6. These options are all outlined in-turn below.

OPTION 1: Include the additional boat ramp and jetty to the south-west of the Coastguard building.	
Description	Council applies for resource consent for an additional boat ramp and jetty along with the application for jetty extension and relocation of play equipment.
Advantages	<ul style="list-style-type: none"> • Would provide additional boat ramp facilities to accommodate expected increased use from the new harbour entrance. • Enhanced recreational facilities with the addition of a boat ramp and jetty.
Disadvantages	<ul style="list-style-type: none"> • Requires additional funding for the process and construction due to the absence of budget allocation. These structures have not been identified in the masterplan or the associated implementation fund to-date. • The resource consent application would be more complex. An additional boat ramp and jetty in this location would need to be supported by substantial planning, engineering, and ecology assessments. A strong case would need to be made for why additional structures are needed in this location and there is no guarantee that the application would be granted. ŌDC staff consider there to be a high risk that such an application may be publicly notified. • It will delay the ability to progress construction of the jetty extension and play equipment relocation.
Impact on mana whenua	Any potential adverse impacts on mana whenua would have to be identified and addressed as part of the resource consent process.

OPTION 1: Include the additional boat ramp and jetty to the south-west of the Coastguard building.

Strategic alignment	Development supports the community – the proposal will promote tourism and develop infrastructure to grow the visitor economy.
Associated risks	There is a risk that extensive time and money may be utilised to prepare the consent application and go through the application process, with no guarantee that consent will be granted.

OPTION 2: Include an additional boat ramp to the south-west of the Coastguard building.

Description	Council applies for resource consent for an additional boat ramp along with the application for jetty extension and relocation of play equipment.
Advantages	<ul style="list-style-type: none"> • Would provide additional boat ramp facilities to accommodate increased use from the new harbour entrance. • Enhanced recreational facilities with the addition of an extra boat ramp.
Disadvantages	<ul style="list-style-type: none"> • Requires additional funding for the process and construction due to the absence of budget allocation. These structures have not been identified in the masterplan or the associated implementation fund to-date. • The resource consent application would be more complex. An additional boat ramp in this location would need to be supported by substantial planning, engineering, and ecology assessments. A strong case would need to be made for why additional structures are needed in this location and there is no guarantee that the application would be granted. ŌDC staff consider there to be a high risk that such an application may be publicly notified. • It will delay the ability to progress construction of the jetty extension and play equipment relocation.
Impact on mana whenua	Any potential adverse impacts on mana whenua would have to be identified and addressed as part of the resource consent process.
Strategic alignment	Development supports the community – the proposal will promote tourism and develop infrastructure to grow the visitor economy.
Associated risks	There is a risk that extensive time and money may be utilised to prepare the consent application and go through the application process, with no guarantee that consent will be granted.

OPTION 3: Include an additional jetty to the south-west of the Coastguard building

Description	Council applies for resource consent for an additional jetty as part of the application for jetty extension and relocation of children's play equipment.
Advantages	<ul style="list-style-type: none">• Enhanced recreational facilities with the addition of an extra jetty.
Disadvantages	<ul style="list-style-type: none">• Requires additional funding for the process and construction due to the absence of budget allocation. These structures have not been identified in the masterplan or the associated implementation fund to-date.• The resource consent application would be more complex. An additional jetty in this location would need to be supported by substantial planning, engineering, and ecology assessments. A strong case would need to be made for why additional structures are needed in this location and there is no guarantee that the application would be granted. ŌDC staff consider there to be a high risk that such an application may be publicly notified.• It will delay the ability to progress construction of the jetty extension and play equipment relocation.
Impact on mana whenua	Any potential adverse impacts on mana whenua would have to be identified and addressed as part of the resource consent process.
Strategic alignment	Development supports the community – the proposal will promote tourism and develop infrastructure to grow the visitor economy.
Associated risks	There is a risk that extensive time and money may be utilised to prepare the consent application and go through the application process, with no guarantee that consent will be granted.

OPTION 4: Proceed with the application to only seek consent for the extension to the existing jetty and movement of the children's play equipment as per the endorsed masterplan.

Description	Council applies for resource consent for only the jetty extension and relocation of play equipment as per the endorsed Ōpōtiki Wharf Masterplan.
Advantages	<ul style="list-style-type: none">• Utilises the existing structure, minimising the scale and cost of associated construction.• This is currently budgeted for so there is no need for additional funding.• Consistent with community aspirations expressed during the Ōpōtiki Wharf Masterplan consultation.• Opportunities to align the construction works with the construction works to upgrade the existing wharf.
Disadvantages	<ul style="list-style-type: none">• Does not provide an additional boat ramp or jetty facility in the Ōpōtiki wharf area.
Impact on mana whenua	Any potential adverse impacts on mana whenua would have to be identified and addressed as part of the resource consent process.

OPTION 4: Proceed with the application to only seek consent for the extension to the existing jetty and movement of the children’s play equipment as per the endorsed masterplan.

Strategic alignment	The proposal would accord with the endorsed Ōpōtiki Wharf Masterplan and Implementation Plan.
Associated risks	There is a risk that the resource consent is not granted however this application is more straight forward than the alternative options.

DISCUSSION

7. ŌDC staff have had discussions with BOPRC planning staff during the development of the Ōpōtiki Wharf Masterplan process about the proposed extension to the existing jetty and relocation of the children’s play equipment. Subject to a robust consent application being submitted which addresses the relevant adverse effects, no major concerns were raised by BOPRC staff at this time.
8. The inclusion of an additional boat ramp and jetty would occupy a more substantial area of the Coastal Marine Area (CMA) than what currently exists. This results in the potential for greater adverse effects that would all need to be addressed as part of the resource consent application. It is expected that additional technical reports, particularly relating to planning, engineering and ecology would likely be required to support such an application. The inclusion of these extra components to the resource consent application would increase the complexity of the overall process – in terms of both time and costs associated with the process.
9. Considering the potential complications introduced by the inclusion of the additional boat ramp and jetty, it is recommended to proceed with Option 4 as confirmed at the previous meeting, and not include the additional boat ramp and jetty.

Financial/budget considerations

10. Funding for the jetty extension and relocation of children’s play equipment, as part of the Ōpōtiki Wharf Masterplan, has been secured and allocated within the Long-Term Plan (LTP) budget for 2021-2031. However, additional funding would be required for accommodating the cost associated with the inclusion of the extra boat ramp and jetty in the resource consent application. This is in terms of both the costs of preparing the resource consent application and the associated construction costs should the resource consent be granted.

Policy and planning implications

11. The recommended option, focusing on the endorsed Ōpōtiki Wharf Masterplan, aligns strategically with the Council’s Long-Term Plan and policy framework. This alignment addresses community aspirations identified during public consultation and is consistent with the principles of the New

Zealand Coastal Policy Statement (NZCPS) and the Bay of Plenty Regional Council (BOPRC) Coastal Plan by minimising construction of structures within the Coastal Marine Area (CMA).

Impact on mana whenua

12. As identified earlier, any potential adverse impacts on mana whenua would have to be identified and addressed as part of the resource consent process.
13. It is also important to note that the Whakatōhea Māori Trust Board were consulted as part of the process to update the Ōpōtiki Wharf Masterplan in 2023 and at this time no concerns were raised about the proposed extension to the jetty or relocation of the children's play equipment.

Climate impact considerations

14. There are no known climate impact considerations associated with this matter.

Risks

15. The recommended option seeks to reduce the risk of a lengthy and more expensive resource consent application process.

Community wellbeing considerations

16. There are no known social, economic, environmental, or cultural considerations associated with this matter.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

17. On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be. Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.
18. The level of significance related to the decision in this report is considered to be **low**. Because the decision is determined to have **low** significance in accordance with the policy, the corresponding level of engagement required is **Inform**.

Assessment of engagement

19. As the level of significance has been determined to be **low**, the level of engagement required **Inform** according to the Engagement Framework of the Significance and Engagement Policy:

INFORM

To provide balanced and objective information to assist understanding about something that is going to happen.

20. The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

CONCLUSION

21. Due to the anticipated complexities and the need for substantial additional funding associated with an additional boat ramp and jetty, it is advisable to refrain from including these components in the resource consent application. It is recommended that Council proceeds with Option 4 and seeks consent for the extension to the existing jetty and movement of the children's play equipment as per the endorsed Ōpōtiki Wharf Masterplan at this time.

Gerard McCormack

GROUP MANAGER PLANNING AND REGULATORY

COUNCIL REPORT

Date : 19 January 2024
To : Ordinary Council Meeting, 7 February 2024
From : Group Manager Planning and Regulatory, Gerard McCormack
Subject : **WAIOTAHE DRIFTS SUBDIVISION – VEHICLE ACCESS**
File ID : A1202686

EXECUTIVE SUMMARY

- This report provides information to the Council on the options to provide legal vehicular access through the established boardwalk following the direction of the Council at the Council meeting in December 2023.

RECOMMENDATIONS

- 1) **That the report titled "Waiotahe Drifts Subdivision – Vehicle Access" be received.**
- 2) **That Option 2 (maintain status quo) be endorsed by Council.**
- 3) **That the letter attached in Appendix 3 of this report which outlines the rules and regulations that apply to quad bikes be approved for release to Waiotahe Drifts and Dunes residents.**

PURPOSE

1. To provide the Council with information on the procedural steps that would apply if legal vehicle access via the existing boardwalk was to be sought.

STRATEGIC ALIGNMENT

2. The matters detailed in this report relate to the following priorities from Opotiki District Councils Long Term Plan 2021-2031.
 - Development and protection of the natural environment.
 - Services and facilities meet our needs.
 - Fair and efficient leadership.
 - A strong and effective community spirit.
 - Purposeful work and learning opportunities.
 - Development supports the community.

- Culture and history are treasured.

BACKGROUND

3. In recent years, attention has been drawn to the uncontrolled use of quad bikes within the Waiotaha Drifts and Dune subdivision. Incidents involving quad bikes have been reported on boardwalks, private properties, and the dunes.
4. This raises concerns about potential threats to pedestrian safety and impacts on the dune ecosystem. It is important to ensure the issue is addressed for the safety of people in the area, but also for the preservation of the coastal ecosystem. This matter was reported to the Council in December along with a comprehensive overview of the consents which established the Waiotaha Drifts and Dunes subdivision and the resource management considerations that apply.

Waiotaha Drifts Subdivision

5. The original subdivision consent for Waiotaha Drifts was approved in 2003, outlining plans for residential developments through seven stages in the area adjacent to the coast, situated east of the Waiotaha River mouth and west of Ōpōtiki. It is important to highlight that the conditions of the original consent make specific reference to how pedestrian access to the beach is to be provided and how vehicular access to the beach is to be restricted. For details of the exact wording within the consent conditions please refer to **Appendix 1**.
6. In regard to vehicle access, the officer's assessment of environmental effects for the Sec 127 variation to the consent which was granted in 2022 makes reference to beach access as follows:
 - The subdivision layout includes **various reserves to link the residential area to the coast and unformed road and these will provide pedestrian access only**. Vehicle access to the coast is not provided for under the existing subdivision conditions. These reserves will remain and are unaffected by this s127 land use proposal. There is no effect on the public's ability to use the unformed road or access the coast.
7. This makes it evident that approval for vehicle access to the beach via the boardwalk was not anticipated or provided for by the original consent for the subdivision.

Investigation of vehicle access as per Council's direction in December 2023

8. At the Ordinary Council meeting in December 2023, the Council directed staff to investigate options to provide legal vehicular access through the established boardwalk. Two options have been identified as set out below along with the legislation and procedural steps that would apply if the provision of quad bike vehicle access to the beach was to be pursued.

OPTIONS

OPTION 1: Council applies for resource consent(s), amendments to the ŌDC bylaw and changes to the Ōpōtiki Reserve Management Plan

Description	<p>Council would need to engage a planning consultant support to prepare the necessary applications and documents to go through the regulatory processes outlined in the discussion section of this report. It is important to note that these are substantial regulatory processes and that any such applications would need to satisfy the relevant provisions that apply in order to be granted/approved. Procedurally, such applications are likely to be notified to the public and would need to be heard by Independent Commissioners. Any submitters on a resource consent would then also have appeal rights to the Environment Court.</p> <p>It is also important to note that except for amendments to the Ōpōtiki Reserve Management Plan (which would need to be initiated by ŌDC), any individual could make these applications to the Council's Regulatory Department for consideration.</p>
Advantages	<p>If Council was successful in obtaining the necessary approval(s), vehicle access for quad bikes would be provided for residents in the Waitahe Dunes and Drifts subdivision.</p>
Disadvantages	<p>Preparing these applications would come at a substantial cost. Given they are variable processes, it is difficult to estimate exactly what cost may be incurred and how long the processes would take. It would be reasonable to estimate that costs could be in the vicinity of \$50k-\$200k and that the processes could take several years to complete. Initial review of the relevant legislation by ŌDC staff also indicates that it is unlikely that the application(s) would be able to satisfy the relevant provisions and gain approval.</p>
Impact on mana whenua	<p>Any potential adverse impacts on mana whenua would have to be identified and addressed as part of the applications(s).</p>
Strategic alignment	<p>As outlined in Appendix 2, pursuing this option would not align with the relevant legislation.</p>
Associated risks	<p>As ŌDC staff have highlighted that such applications(s) are unlikely to be approved, there is a risk that Council commits to substantial funding for these applications and no consents or approvals are obtained.</p>

OPTION 2: Maintain the status quo

Description	Council would maintain the status quo and not pursue provision of vehicle access for quad bikes from the Waiotaha Drifts and Dunes subdivision.
Advantages	This would align with the intent of the original subdivision and the requirements of the New Zealand Coastal Policy Statement 2010 (NZCPS), Bay of Plenty Regional Council Coastal Plan, Ōpōtiki District Plan, Ōpōtiki consolidated Bylaw 2021 and Ōpōtiki Reserve Management plan.
Disadvantages	There would be no lawful provision for quad bikes to access the beach from the Waiotaha Drifts and Dunes subdivision.
Impact on mana whenua	As this maintains the status quo, there are no impacts on mana whenua.
Strategic alignment	As identified above, this would align with the requirements of relevant legislation.
Associated risks	There is a risk that unlawful use of the boardwalk by quad bikes persists if no other lawful access is provided.

DISCUSSION

9. The options have been explored by ŌDC staff. The following legislation, policies and binding documents applies:
 - New Zealand Coastal Policy Statement 2010 (NZCPS)
 - Bay of Plenty Regional Council Coastal Plan
 - Ōpōtiki District Plan
 - Ōpōtiki consolidated Bylaw 2021
 - Ōpōtiki Reserve Management Plan.
10. Detailed information on the relevant provisions that apply under this legislation can be found in Appendix 2.
11. Following a comprehensive review of the legislation by ŌDC staff, the following procedural steps would need to be undertaken for quad bike access to be provided:
 - Resource consent would need to be obtained under the Ōpōtiki District Plan.
 - Permission would need to be sought under the Ōpōtiki Consolidated Bylaws 2021.
 - The Ōpōtiki Reserve Management Plan would need to be amended.
12. As outlined earlier, these are substantial regulatory processes which would likely incur substantial costs for Council, with no guarantee of approvals being obtained. The initial review of this legislation by ŌDC staff indicate that it is unlikely that the application(s) would be able to satisfy the relevant provisions and gain approval.

13. On this basis, it is recommended that Council endorses Option 2.

Letter to Waiotaha Drifts and Dunes residents

14. If approved by Council a letter is to be sent to residents, to ensure that all residents of the Waiotaha Drifts and Dunes subdivision understand the restrictions on quad bikes that apply. This letter has been prepared to provide information to residents on the provisions that apply and the need to comply with the requirements.
15. The letter provides information about the matters which fall within the jurisdiction of ŌDC and makes reference to those matters which are dealt with by the NZ Police.

Recent vandalism

16. It is important to note that instances of vandalism have been observed, where barriers and bollards installed to restrict vehicle access have been moved or removed to create a widened access to enable vehicles to pass through. Signage has also been removed in places. The costs to undertake the necessary repairs will be approximately \$1000. This is not the first-time bollards and signage have been vandalised in this way and has resulted in cost being incurred by Council to rectify. ŌDC has a zero-tolerance approach to vandalism of Council property within our parks and reserves. The vandalism to Council property has been reported to the Police and they are currently investigating.

Financial/budget considerations

17. The financial cost of repairing and reinstating the bollards would fall within operational ŌDC budgets.
18. As noted earlier in the report, substantial costs would occur if Option 1 were to be preferred.

Policy and planning implications

19. The recommended option will be aligned with the requirements of the New Zealand Coastal Policy Statement 2010 (NZCPS), Bay of Plenty Regional Council Coastal Plan, Ōpōtiki District Plan, Ōpōtiki consolidated Bylaw 2021 and Ōpōtiki Reserve Management plan.

Impact on mana whenua

20. As the recommended option maintains the status quo, there are no impacts on mana whenua.

Climate impact considerations

21. There is no climate impact consideration associated with the preferred option.

Risks

22. There is no risk related to the recommended option, as it is maintaining the status quo.

Community wellbeing considerations

23. The purpose of Local Government now includes promotion of social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
24. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
25. This report seeks to provide information to Council and does not seek any decisions on matters that would impact on community wellbeing.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

26. On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be. Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.
27. The level of significance related to the decision in this report is considered to be **low**. Because the decision is determined to have **low** significance in accordance with the policy, the corresponding level of engagement required is **Inform**.

Assessment of engagement

28. As the level of significance has been determined to be **low**, the level of engagement required is **Inform** according to the Engagement Framework of the Significance and Engagement Policy:

INFORM

To provide balanced and objective information to assist understanding about something that is going to happen.

29. The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

CONCLUSION

30. Whilst it is understood that there is a desire of some residents of the Waiotaha Drifts and Dunes subdivision to have quad bike access to Waiotaha Beach, there are substantial regulatory requirements that currently restrict this use. It is recommended that the status quo be maintained. It is important for residents of the subdivision to understand these limitations and to comply with the requirements.

Gerard McCormack

GROUP MANAGER PLANNING AND REGULATORY

Appendix 1

Subdivision consent conditions

- **Condition 16** – Each of the reserves and residential lots facing the sea (north) shall have a fence of a type agreed to by the Planning and Regulatory Manager that will **prevent vehicular access** and restrict pedestrian access except via approved sand ladders/boardwalks routes.
- **Condition 17** – Reserves Lots 200 (subject area), 201, and 202 are to have the road boundary fenced to a standard agreed to by the Planning Regulatory Manager. This fencing will be of a type that will **prevent vehicular access**, except to designated areas. Construction is to be to the satisfaction of the Planning and Regulatory Manager.
- **Condition 21** – The consent holder shall submit a Landscape Plan to be approved by the Planning and Regulatory Manager. **The plan shall provide for street tree planting and landscaping within the land to be vested as Recreation, Local Purposed and Road reserve** in accordance with Opotiki District Council “Code of Practice – Subdivision and Development and utilize species in the Opotiki Vegetation Palette report (August 2018). It shall be based on the Landscape Plans prepared by LASF Landscape Architects, Drawings 001-004, dated January 2019, but must also provide details of the following:
 - i. Planting within Lots 200 and 201.
 - ii. Planting around the stormwater drainage reserve.
 - iii. Buffer planting around the wetland a minimum of 2.5m wide.
 - iv. Buffer planting along the eastern boundary of the parent parcel that is shared with the Huntress Creek Conservation Area (DOC administered land), a minimum of 2.5m wide.
 - v. Planting within the esplanade reserve a minimum of 3m wide along the stream edge (subject to the consent holder obtaining Bylaw Authority from BOPRC).
 - vi. Location and design of boardwalks from Lots 200 (subject area) and 201 to the beach to manage pedestrian access.**
 - vii. Fencing of the wetland boundary (covenant area Z) and the eastern lot boundary with a minimum 1.8m tall post and wire fence, constructed using 500mm mesh with and an overhanging hood in accordance with the “best approach” recommendation from Willie Shaw of Wildland Consultants dated March 2019 and included as Appendix D to the s92 response.
 - viii. Provision of a lockable gate, built to the standard specified in (vii), across the boundary between Lot 308 and the Huntress Creek Conservation Area (DOC administered land).
 - ix. Street tree planting in accordance with standard drawings R23 and R24 of the Code of Practice.
 - x. **Details of proposed fencing** as per condition 14, 16 and 17.

- **Condition 30** - That a Consent Notice shall be registered on the Record of Title for Lots 5, 6, 9, 10, 13, 14, 17, 18, 20 23, 24, 27, 28 31, 32, 35, 36, stating that **vehicular access to the beach via the unformed legal road on the front (northern) boundary of these lots is not permitted.**

Appendix 2

Relevant legislation

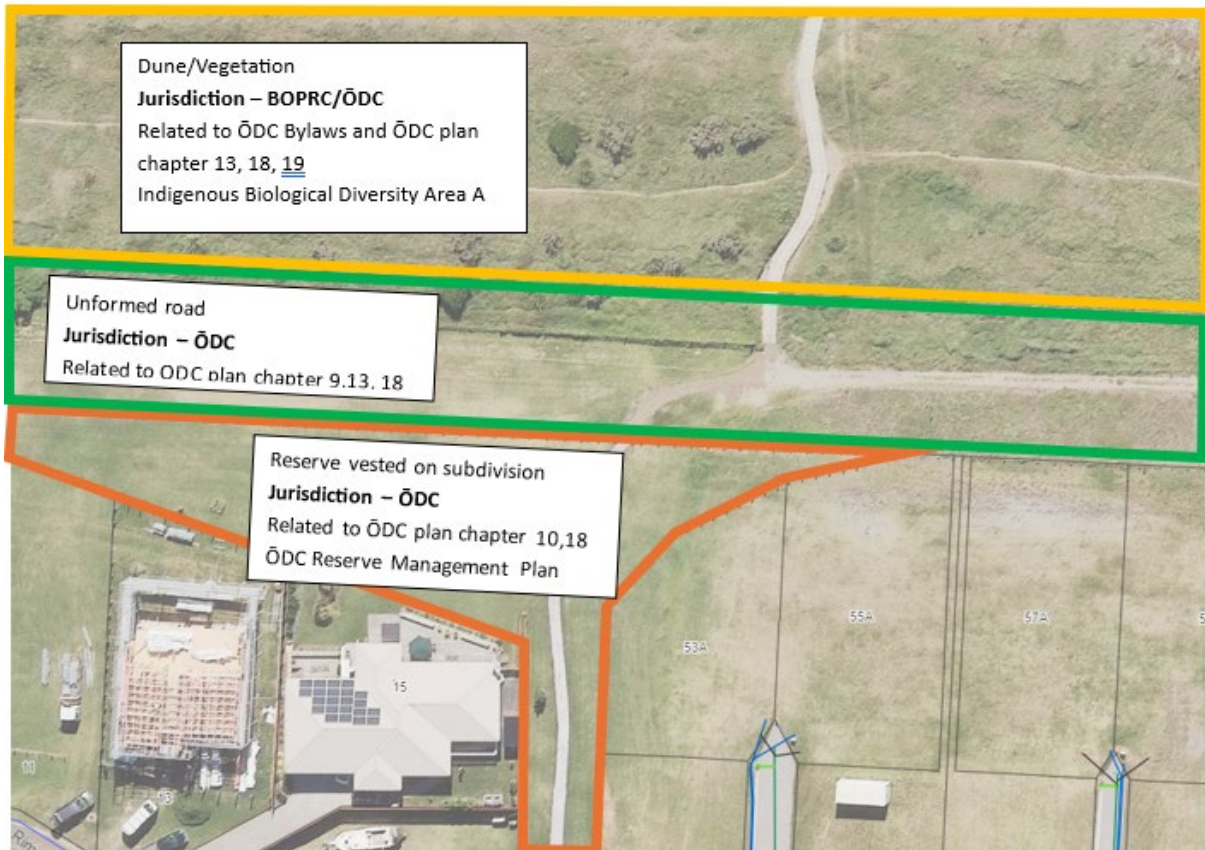


Figure 1. Overview of Jurisdiction

Opotiki District Council Consolidated Bylaws 2021	
3.4 Public safety and nuisances	3.4.2 A person must not use any object, including wheeled recreational devices or mobility devices, in a public place in a way that causes a nuisance, endangers public health and safety, or damages the public place.
3.5 Obstructing or damaging public places	<p>3.5.1 Except with the prior written permission of the Council or an authorised officer, and in accordance with any conditions that may be required, a person must not:</p> <ul style="list-style-type: none"> (a) Work on any vehicle in any public place, except in the case of an accident or emergency when immediate repairs are necessary to allow the vehicle to be removed. (b) Park or use any machinery, equipment, materials, or waste disposal bins on any road or public place. (c) Allow vegetation from land they own or occupy to encroach onto any public place in a way that endangers public health and safety or obstructs the free movement of people in that public place. At the discretion of an authorised officer, any vegetation referred to in this clause 3.5.1(c) may be partly or fully removed, or trimmed back to the property boundary. (d) Disturb or remove any naturally occurring material found in a public place, including rock, soil, or vegetation.

	<ul style="list-style-type: none"> (e) Use any vehicle, including parking a vehicle, in a way that damages any part of a public place. (f) Organise or take part in any assembly (including parades or processions) or combine with other persons in a public place in a way that impedes pedestrian or vehicular traffic or obstructs access to any shops or premises facing onto any public place.
4.6 Vehicle permitted areas	<p>4.6.2 The following conditions apply in vehicle permitted areas:</p> <ul style="list-style-type: none"> (a) Vehicles must be driven at a maximum speed of 15 kilometres per hour. (b) Vehicles must not be driven in a manner that endangers public health or safety, or causes a nuisance to any other person. (c) Vehicles must enter and exit the beach only from Council approved designated entry and exit points. (d) Vehicles must be driven only within the area between the tidal wash line at mean high water springs and mean low water springs. (e) Vehicles must not be driven on the beach sand dune areas, or on any area set aside for coastal vegetation, rehabilitation or conservation. (f) Vehicles must give way to people, dogs, and horses at all times.
Opotiki District Plan	
Chapter 9 Coastal Zone	<p>9.2.4 Objective</p> <p>Manage activities to ensure vehicle movement is undertaken in a safe and efficient manner that does not adversely affect the functioning of the transport network.</p> <p>9.2.4.1 Policy</p> <p>To avoid remedy or mitigate the adverse effects of activities on the safety and efficiency of the transport network.</p> <p>9.3 Activity Status</p> <p>9.3.6 Non-complying activities</p> <p>9.3.6.1 The activities listed below may only be established if resource consent has been granted by Council. The Council may refuse or grant consent for a non-complying activity. The Zone standards in 9.6 will be used as a guideline when assessing the application.</p> <ol style="list-style-type: none"> 1. Any activity not specifically stated as a Permitted, Controlled, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Zone Standards, unless otherwise stated.
Chapter 13 Earthworks, Landscapes, Indigenous Vegetation and Habitats	<p>13.2.2 Objective – Indigenous Vegetation and habitats</p> <p>The sustainable management of indigenous vegetation and habitats of indigenous fauna to maintain and, where appropriate, enhance biodiversity of the District. This includes</p>

	<p>maintaining the overall extent of rare and threatened ecosystem types.</p> <p>13.2.2.11 Policies</p> <p>To restrict vehicle access to the coast, rivers and their margins in accordance with NZCPS Policy 20(1)(b).</p> <p>13.2.4 Objective – Natural Character</p> <p>Coastal and estuarine margins, wetlands and riparian areas within the District continue to support indigenous flora and fauna as part of a wider ecological system and their natural character is maintained and enhanced.</p> <p>13.2.4.3 Policies</p> <p>To restrict vehicle access to the coast, rivers and their margins in accordance with NZCPS Policy 20(1)(a).</p> <p>13.3 Activity Status</p> <p>13.3.2 Indigenous Vegetation Clearance</p> <p>13.3.2.4 Indigenous vegetation disturbance within an IBDA A identified in the BOP Regional Coastal Environment Plan is Discretionary Activity.</p> <p>Noted – 13.7 Other methods</p> <p>13.7.1 other methods for achieving the objectives and policies of this section are:</p> <p>10. Council notification of a plan change to provide practical planning provisions and restrictions to give effect to Policy 20 of the NZCPS and implement Policy RA 5 of the BOP Regional Coastal Environment Plan by identifying locations in which vehicle access will be restricted and/or prohibited, and to develop an integrated rule framework in consultation with the community.</p>
Chapter 18 Natural Hazards	<p>18.3 Activity Status</p> <p>18.3.3 Discretionary activities</p> <p>18.3.3.2 Activities located within Areas Sensitive To Coastal Hazards (ASCH) as identified on the Planning Maps [or identified coastal hazard areas] where a report from a suitably qualified person detailing:</p> <ul style="list-style-type: none"> (a) The impacts of the perceived hazard on the proposed activity; and (b) The impacts of the proposed activity on the perceived hazard; and (c) Where the outcome of the report indicates there will be no significant adverse effects from the activity, or from the hazard.

<p>Chapter 19 Coastal Environment Overlay</p>	<p>19.2.5 Objective</p> <p>Protect indigenous biological diversity in the Coastal Environment.</p> <p>19.2.5.3 Policies</p> <p>To restrict vehicle access to the coast, rivers and their margins in accordance with NZCPS Policy 20(1)(a) and (b) while ensuring that vehicle access to the coast, rivers and their margins is provided for life saving, management and emergency purposes.</p> <p>19.3 Activity Status</p> <p>19.3.4 Non-complying Activities</p> <p>19.3.4.1 The activities listed below may only be established after resource consent has been granted by Council. The Council may refuse resource consent or grant consent subject to conditions. The relevant standards will be used as a guideline when assessing the application.</p> <ol style="list-style-type: none"> 1. Any activity not specifically stated as a Permitted, Restricted Discretionary or Discretionary Activity or an activity which does not comply with the Standards, unless otherwise stated.
<p>Ōpōtiki Reserve Management Plan</p>	
<p>9.2.7 Grazing, riding and driving on reserves</p>	<p>The ODC has a number of reserves that are located within rural townships, or reserves that are located adjacent to rural activity. The ODC receives a number of complaints regarding the grazing, riding and tethering of horses, the grazing of stock the driving of vehicles and the riding of motorcycles on reserves.</p> <p>Objective</p> <ul style="list-style-type: none"> • to promote the safety of reserve users and the protection of the environment by preventing the recreational riding of motorcycles or the driving of vehicles on ODC reserves • to control the riding of horses or grazing of stock or horses on all ODC owned reserves • to allow for grazing of stock on ODC owned reserves within the conditions of a formal written agreement between the ODC and the lessee • to recognise the number of complaints regarding riding and tethering of horses, the grazing of horses and stock and the riding of motorcycles and driving of vehicles on ODC reserves • control riding on reserves, taking into consideration the cultural; natural; historical and archaeological values on ODC reserves. <p>Policy</p> <p>The Council will:</p> <ul style="list-style-type: none"> • not permit the recreational riding of motorcycles or the driving of vehicles on reserves

	<ul style="list-style-type: none"> • not permit the riding and tethering of horses on reserves • not permit the grazing of horses or stock on reserves unless by formal license or agreement • accommodate the grazing of stock to assist with vegetation management or reduce fire risk on reserves in accordance with an adopted reserve management plan or a formal agreement. A fee for formal grazing agreement or license will be charged • attend to public complaints regarding riding and tethering of horses, grazing of stock and horses; and riding of motorcycles or driving of vehicles on reserves • where issues have been identified, seek to restrict vehicle access on reserves.
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New Zealand Coastal Policy Statement 2010 (NZCPS)	
Policy 20 – Vehicle access	<p>(1) <u>Control use of use of vehicles</u>, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:</p> <p>(a) <u>damage to dune</u> or other geological systems and processes; or</p> <p>(b) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or</p> <p>(c) <u>danger to other beach users</u>; or</p> <p>(d) <u>disturbance of the peaceful enjoyment of the beach environment</u>; or</p> <p>(e) damage to historic heritage; or</p> <p>(f) damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or</p> <p>(g) damage to sites of significance to tangata whenua; might result.</p>
BOPRC Regional Coastal Environment Plan	
Recreation, public access and open space (RA) Policies 7.1.5 Vehicle access	Policy RA 5 Regional district and city councils should restrict, and prevent where appropriate, vehicle use of foreshore, seabed, beaches and adjacent public land: <p>(b) On dunes, bird roosting areas, shorebird nesting areas and any other areas sensitive to vehicle disturbance identified in a Schedule 2, Table 1 Indigenous Biological Diversity Area A, other than for surf lifesaving operations; emergency</p>

	<p>situations; law enforcement activities and coastal conservation management activities;</p> <p>(c) On any beach abutting an urbanised settlement area, with the exception of:</p> <ul style="list-style-type: none"> (i) Surf lifesaving vehicles, police vehicles, emergency response vehicles, vehicles used by people with disabilities, vehicles used for boat launching and retrieval; (ii) Local government vehicles undertaking public service activities including but not limited to coast care, debris removal, maintenance of structures; (iii) Land yacht, all-terrain vehicles, or motor cycle provided it is driven at less than 15 kms per hour and does not have the potential to cause danger to any person; and provided it is not otherwise restricted by any Local Government Act Bylaw; (iv) Vehicles used for setting up and running events on the beach, provided the event has been authorised by the District or City Council; (v) Vehicles used for coastal conservation management activities; and (vi) Vehicles used for the establishment and maintenance of regionally significant infrastructure. <p>(d) At any part of the coastal environment, where the use of vehicles is causing damage to dunes, vegetation or river mouths and where the damage from vehicles is or has the potential to result in an increased rate of erosion;</p> <p>(e) In any circumstances listed in NZCPS Policy 20(1).</p>
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Appendix 3

Letter to residents

Our Ref: File Ref Number

22 January 2024

To Waiotahe Drifts and Dunes residents

Quad bike use in the Waiotahe Drifts and Dunes subdivision

Over the past five years, the number of quad bikes in the Waiotahe Drifts and Dunes subdivision has increased as the area has grown.

It is important that you know the rules that apply to all vehicles, but particularly quad bikes in your subdivision.

A number of concerns have been raised with Council about HOW these vehicles are being used (for example unsafe driving, speeding, too many passengers, and under-age drivers) and also WHERE these vehicles are being used (dangerously on roads, footpaths, pedestrian areas and fragile dune areas).

What rules apply to quad bikes in the Waiotahe Drifts and Dunes subdivision?

Quads on footpaths and beach access ways including the boardwalk: Vehicular access including by cars, quad bikes and motorcycles isn't allowed under the consent for your subdivision, the council bylaw, and the council's Reserve Management Plan.

Quads on public roads: Quad bikes may be driven on public roads if they are registered with the New Zealand Transport Agency and driven by a licensed driver. There are other restrictions that owners are obliged to know and follow and violations of the laws around this are enforced by NZ Police.

Quad bikes on the beach: Under the council Bylaw, there are several restrictions on vehicles on the beach, including the rule that quad bikes and other motor vehicles must travel at speeds of no more than 15km/hour. The closest access point by registered quad bikes driven by licensed drivers is at the Appleton Road beach entrance. Please note that vehicle use is prohibited at Waiotahe Beach between the Totem Poles and Appleton Road (see diagram from the bylaw attached to this letter).

While we understand there are many quad bike owners in the Drifts and Dunes who wish to access the beach on quad bikes, there are very good reasons the rules above are in place.

- **Safety:** Quad bikes within pedestrian walkways and reserves risks pedestrian safety.
- **Environment:** Quad bikes cause damage to the dune ecosystem in terms of both wildlife and vegetation.
- **Impacts on residents:** Quad bikes are loud and are disturbing residents who are adjacent to the commonly used routes.

Next steps:

Council is required to enforce the legislation that restricts quad bike use as outlined above. The signs barring quad bikes on pedestrian footpaths and the bollards that were recently moved or removed are being replaced. Any individuals observed vandalising Council signage and bollards will be referred to the Police.

Council rules, regional rules and national laws are there for a reason. The consents that established the subdivision apply to all houses built and bought there. There is a need to balance public access with the dangers and difficulties of vehicle use around our precious ecosystems and pedestrian users. We all want to enjoy our natural spaces safely. As our dunes deteriorate or are worn out with vehicle movements, the whole subdivision is at risk from coastal erosion and surges.

Yours sincerely

Gerard McCormack

GROUP MANAGER PLANNING AND REGULATORY

COUNCIL REPORT

Date : 26 January 2024
To : Ordinary Council Meeting, 7 February 2024
From : Chief Executive Officer, Stace Lewer
Subject : **CHIEF EXECUTIVE OFFICER'S UPDATE**
File ID : A1202383

EXECUTIVE SUMMARY

- To provide an update to Council on LGOIMA requests and meetings attended by the Chief Executive Officer.

RECOMMENDATIONS

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

PURPOSE

1. To provide an update to Council on LGOIMA requests and meetings attended by the Chief Executive Officer.

STRATEGIC ALIGNMENT

2. The matters detailed in this report relate to the following priorities from Opotiki District Council's Long Term Plan 2021-2031:
 - Development and protection of the natural environment.
 - Services and facilities meet our needs.
 - Fair and efficient leadership.
 - A strong and effective community spirit.
 - Purposeful work and learning opportunities.
 - Development supports the community.
 - Culture and history are treasured.

DISCUSSION

3. LGOIMA Requests

LGOIMA Report (13/11/2023-31/01/2024)

Month	Submitter	Subject	Due
November 2023	M&D Stringfellow	LGOIMA Information Request - Whanarua Bay	Completed
	MBIE (Alan Clark)	Seeking data for BRANZ 'model documents' project	Completed
	Salmon.P	information about the performance of Council Controlled Organisations	Completed
	Leoine Exel	Standard Operating Procedures, Forms re uplifting dogs, no reg, barking, agro	Completed
	Kyle Owen	Whakatohea Mussels Acoustic report and associated correspondence	Completed
December 2023	Mikael Andersson	Culvert data	08/01/2024
	Bay Wide Law	Steve Carthew Dog Attack	09/01/2024
	Taxpayers NZ	Christmas LGOIMA	Completed
	Chris Hopman	General Rates rational	Completed
	Stefan Speller	territorial authorities	12/01/2024
	NZ Taxpayers	Ratepayers Report	22/01/2024
January 2024	Tasman Democracy	Council Debt	09/02/2024
	Tasman Democracy	LGOIMA Process 2023	Completed
	Alcohol Harm Reduction Project	District Licensing Committee decisions	Completed
	Stephen Bell	Request for numbers of dogs dealt with by animal control	Completed
	Lyn Mayes	Plastic Packaging Product Stewardship - Data Request	16/02/2024

4. Meetings / Events Attended by the Chief Executive Officer – 25 November 2023 – 26 January 2024

27 November 2023

Eastern Bay of Plenty Spatial Plan Leadership Group meeting, via Teams

28 November 2023

Meeting with Waka Kotahi representatives

Council briefing

30 November 2023

Council workshop

4 December 2023

Ōpōtiki Harbour Project meeting with MBIE, via Zoom

LGNZ meeting via Zoom

5 December 2023

Ordinary Council meeting

6 December 2023

Council CE Entity B Group Meeting (Three Waters), via Zoom

Meeting with Waka Kotahi, via Zoom

7 December 2023

ODC Tenders-Sub Committee meeting

11 December 2023

Risk and Assurance Committee meeting

Extra Ordinary Council meeting

12 December 2023

Ōpōtiki Harbour Steering Group meeting, via Zoom

End of year dinner with Elected Members

13 December 2023

Taituara webinar "Council Workshops and LGOIMA"

15 December 2023

Bay of Plenty Civil Defence Emergency Management Group Joint Committee Meeting, Whakatāne

16 December 2023

Karakia and blessing for Waharoa at the Ōpōtiki Skate Park

18 December 2023

Council workshop

Chief Executive's Performance Committee meeting

Ōpōtiki Harbour Project meeting with MBIE, via Zoom

19 December 2023

Eastern Bay of Plenty Spatial Plan Project Governance Group Meeting, Whakatāne

20 December 2023

Briefing with Whakatōhea re wastewater treatment plant consent

Ōpōtiki Marine Advisory Group (OMAG) meeting

Property Advisory Group meeting

21 December 2023

Councillor/CEO catch up meeting

Extra Ordinary Council meeting

10 January 2024

Mayors Taskforce For Jobs briefing session – six-monthly progress check-in with LGNZ

11 January 2024

Catch up meeting with Toi-EDA CEO, Donna Perese, via Teams

15 January 2024

Mayors Taskforce For Jobs – six-monthly progress check-in with LGNZ

16 January 2024

Ōpōtiki Harbour Steering Group meeting, via Zoom

18 January 2024

Toi-EDA presentation to Executive Leadership Group

ODC Tenders Sub-Committee meeting

Taituara Chief Executives' Hui, via Teams

22 January 2024

Meeting with MBIE – Ōpōtiki Harbour Development Project

24 January 2024

Toi-EDA presentation to Council

Councillor/CEO catch up meeting

Financial/budget considerations

5. There are no financial/budget considerations associated with this report.

Risks

6. There are no risks associated with this report.

Community wellbeing considerations

7. The purpose of Local Government now includes promotion of social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
8. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
9. There are no known social, economic, environmental, or cultural considerations associated with this matter.

SIGNIFICANCE AND ENGAGEMENT ASSESSMENT

Assessment of significance

10. On every issue requiring a decision, Council is required to determine how significant a decision is to the community, and what the corresponding level of engagement should be. Council uses the Significance Flowchart in the Significance and Engagement Policy to determine the level of significance.
11. The level of significance related to the decision in this report is considered to be **low**. Because the decision is determined to have **low** significance in accordance with the policy, the corresponding level of engagement required is **Inform**.

Assessment of engagement

12. As the level of significance has been determined to be **low**, the level of engagement required is **Inform** according to the Engagement Framework of the Significance and Engagement Policy:

INFORM

To provide balanced and objective information to assist understanding about something that is going to happen.

13. The tools that Council will use for the 'Inform' level of engagement include a report in the public agenda of the Council meeting and may include a combination of public notices in the newspaper and/or on Council's social media.

Stace Lewer

CHIEF EXECUTIVE OFFICER

REPORT

Date : 26 January 2024
To : Ordinary Council Meeting, 7 February 2024
From : Chief Executive Officer, Stace Lewer
Subject : **RESOLUTION TO EXCLUDE THE PUBLIC**

SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987

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

22. **Confirmation of In-Committee Minutes – Ordinary Council Meeting 5 December 2023.**
23. **In-Committee Minutes – Risk and Assurance Committee Meeting 21 June 2023.**
24. **Draft In-Committee Minutes – Chief Executive’s Performance Committee Meeting 18 December 2023.**
25. **Harbour Operating Model.**
26. **Chief Executive’s 12 Month Performance Review – January 2023-December 2023.**
27. **Notes From Council Workshops.**

2. **THAT the following person be permitted to remain at this meeting after the public has been excluded because of their knowledge of the subject item in relation to the following. This knowledge will be of assistance and is relevant to the matters to be discussed:**

Name: Kent Duston

Item: 25 – Harbour Operating Model.

Business: To provide Council with detailed information and updates in relation to Item __ relevant to the Opōtiki Harbour Development Project (Harbour Operating Model)

Reason: To enable the accurate presentation of sensitive information to the Council and to provide responses to queries

3. **THAT the following person be permitted to remain at this meeting after the public has been excluded because of their knowledge of the subject item in relation to the following. This knowledge will be of assistance and is relevant to the matters to be discussed:**

Name: Miles McConway

Item: 26 – Chief Executive’s 12 Month Performance Review – January 2023-December 2023.

Business: To provide Council with guidance and/or advice on process, if sought by Council, in relation to Item 26 relevant to the Chief Executive Officer’s 12 Month performance review.

Reason: To enable the accurate presentation of sensitive information to the Council and to provide responses to queries.

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
22.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 5 December 2023.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
23.	In-Committee Minutes – Risk and Assurance Committee Meeting 21 August 2023.	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)
24.	Draft In-Committee Minutes – Chief Executive’s Performance Committee Meeting 18 December 2023.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
25.	Harbour Operating Model.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

26.	Chief Executive Officer's 12 Month Performance Review – January 2023- December 2023.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
27.	Notes From Council Workshops	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:

22.	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)
23.	Protect the privacy of natural persons Protect information (commercial sensitivity) Protection from improper pressure or harassment Carry out negotiations Prevent disclosure or use of official information Carry out commercial activities	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(f)(ii) Section 7(2)(i) Section 7(2)(j) Section 7(2)(h)
24.	Protect the privacy of natural persons Prevent disclosure or use of official information	Section 7(2)(a) Section 7(2)(j)
25.	Protect information (commercial sensitivity)	Section 7(2)(b)(ii)
26.	Protect the privacy of natural persons Prevent disclosure or use of official information	Section 7(2)(a) Section 7(2)(j)
27.	Protection from improper pressure or harassment Prevent disclosure or use of official information	Section 7(2)(f)(ii) Section 7(2)(j)