



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED, TUESDAY, 21 MARCH 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:

Stace Lewer (Chief Executive Officer)
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)
Dale Clarke (Interim Asset Manager)
Barbara MacLennan (Workforce Development Co-ordinator)
Gae Finlay (Executive Assistant and Governance Support Officer)
Mercedes Neems (Executive Support Officer)

MEDIA:

Mike Fletcher (Correspondent)

Councillor Howe opened the meeting with an inspirational about the community coming together.

APOLOGIES

Nil.

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Item 10 (Ōpōtiki Harbour-Wharf Masterplan and Implementation Plan)

Councillor Nelson declared an interest.

Councillor Petersen declared an interest, noting his interest is not over the threshold.

Councillor Howe declared an interest, noting his interest is not over the threshold.

PUBLIC FORUM

Nil.

1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 7 FEBRUARY 2023 p4

RESOLVED

- (1) That the minutes of the Ordinary Council meeting held on 7 February 2023 be confirmed as a true and correct record.**

Brooks/HWTM

Carried

2. MINUTES – RISK AND ASSURANCE COMMITTEE MEETING 12 DECEMBER 2022 p14

RESOLVED

- (1) That minutes of the Risk and Assurance Committee meeting held on 12 December 2022, and any recommendations therein, be received.**

Nelson/HWTM

Carried

3. MINUTES – COAST COMMUNITY BOARD MEETING 13 DECEMBER 2022 p20

RESOLVED

- (1) That the minutes of the Coast Community Board meeting held on 13 December 2022, and any recommendations therein, be received.**

Kemara/Browne

Carried

4. DRAFT MINUTES – STRATEGY PLANNING AND REGULATORY COMMITTEE MEETING 27 FEBRUARY 2023 p28

RESOLVED

- (1) That report draft minutes of the Strategy Planning and Regulatory Committee meeting be received.**

Browne/Nelson

Carried

5. DRAFT MINUTES – PERFORMANCE AND DELIVERY COMMITTEE MEETING 27 FEBRUARY 2023 **p34**

RESOLVED

- (1) That the draft minutes of the Performance and Delivery Committee meeting 27 February 2023 be received.**

Brooks/Browne

Carried

6. MAYORAL REPORT – 21 JANUARY 2023 – 10 MARCH 2023 **p38**

RESOLVED

- (1) That the report titled “Mayoral Report 21 January 2023-10 March 2023” be received.**

HWTM/Nelson

Carried

7. ŌPŌTIKI MARINE ADVISORY GROUP (OMAG) UPDATE **p42**

Councillor Howe stated he believed that the Ōpōtiki Marine Advisory Group should be a CCO of Council. He added that he would like to see a public day for visits to the harbour development site.

The Chief Executive Officer advised that he is working with the project team around a public day.

Councillor Howe suggested that the Ōpōtiki Marine Advisory Group include representation from Te Whānau a Apanui, given the development of their spat hatchery.

RESOLVED

- (1) That the report titled “Ōpōtiki Marine Advisory Group (OMAG) Update” be received.**
(2) That the Ōpōtiki Marine Advisory Group recommends to Council that it undertakes an investigation into the options available for the future operational and recreational governance and management of the Opotiki Harbour and consult accordingly.

Howe/HWTM

Carried

8. ANNUAL PLAN 2023 – 2024 UPDATE **p46**

RESOLVED

- (1) That the report titled “Annual Plan 2023-2024 Update” be received.**

HWTM/Nelson

Carried

9. TE TĀHUHU O TE RANGI SIGNAGE

p55

Councillor Brooks stated that, after reading the report, he wondered if he was at the same meeting. He suggested a sign on the corner of King and Church Streets so people driving along the road could see it, adding that he did not think anything needed to be done on the front of the building. Councillor Brooks queried the cost and thought a pre-made sign, screwed on to the barge board, with the Council logo and "Library" possibly in English and Maori would suffice.

The Group Manager Community Services and Development advised that what Councillor Brooks had suggested was Option 4 and there is no visual of that option.

Councillor Kemara was of the opinion that Option 3 was what was agreed to at the meeting with Whakatōhea. He queried why Option 2 was included as that was putting relationships with iwi against budget.

The Group Manager Community Services and Development noted that there is budget for Option 2 but not the other options. She added that Whakatōhea were clear it was for Council to make the decision.

Councillor Brooks reiterated that the signage needs to go on the side of the building as he mentioned earlier. He added that everyone had a consensus that would be the location and he finds it a challenge that there are a number of options which were not agreed to at the meeting. It was never said that we were going to change the name. Councillor Brooks did not think clause 3 of the recommendations should be considered as that is a separate issue and he does not agree with clauses 4 and 5.

Deputy Mayor Browne stated that the report should be received as in clause 1 of the recommendations. She also thought clause 4 of the recommendations should become clause 3.

Councillor Howe stated that this matter is a storm in a teacup, and he is happy with the original name and how it was presented to the public. He added that people should know when they go past it is a Library. Councillor Howe further stated that he would prefer to keep the status quo and it is a waste of money to change anything.

Councillor Kemara said he was not happy with clause 2 of the recommendations but was comfortable with clause 3, and clause 4 should have stated Option 3. He further said other libraries have names on the door so he was not against Option 2 and iwi were happy with door signage. He did not agree with clause 5 of the recommendations.

Councillor Petersen agreed with Councillor Howe that this matter was a storm in a teacup and the discussion seems to have changed a bit. He noted that he was happy with clauses 1, 2 and 3 of the recommendations but not clauses 4 and 5.

Councillor Nelson thought clause 4 of the recommendations needs to state Option 3 which was discussed at the meeting with Whakatōhea.

His Worship the Mayor said this was never about changing the name. The meeting with Whakatōhea cleared the air and it was about adding some wording. It is a Council building and we can do what we want but need to take in the aspirations of the iwi. We came away agreeing to put the name of the building in half font on the side of the building. The cost is minimal and he was comfortable if it keeps some parts of the community happy and does not upset our iwi partners.

His Worship the Mayor moved that clause 1 of the recommendations, to receive the report, be considered separately.

Moved: HWTM

Seconded: Nelson

That the report titled "Te Tāhuhu o Te Rangi Signage" be received.

The motion was PUT and CARRIED.

RESOLVED

(1) That the report titled "Te Tāhuhu o Te Rangi Signage" be received.

HWTM/Nelson

Carried

Councillor Brooks moved that clauses 4 and 5 of the recommendations be replaced with a new clause 4:

Moved: Brooks

Seconded: Browne

That Council agrees to an aluminium sign on the barge board on the corner of King and Church Streets, with Ōpōtiki District Library in the same font half size with the Council logo.

The motion was PUT and CARRIED.

RESOLVED

- (4) That Council agrees to an aluminium sign on the barge board on the corner of King and Church Streets, with Ōpōtiki District Library in the same font half size with the Council logo.**

Brooks/Browne

Carried

Abstained: Howe

The substantive motion was PUT and CARRIED.

RESOLVED

- (1) That the report titled “Te Tāhuhu o Te Rangi Signage” be received.**
- (2) That the Council recommits and confirms the name of the building on the Cnrs of King and Church Streets as “Te Tāhuhu o Te Rangi”.**
- (3) That Council note a report will be presented at a later date regarding consistent signage and branding across our buildings and sites.**
- (4) That Council agrees to an aluminium sign on the barge board on the corner of King and Church Streets, with Ōpōtiki District Library in the same font half the size with the Council logo.**

Brooks/Browne

Carried

Abstained: Howe

10. ŌPŌTIKI HARBOUR-WHARF MASTERPLAN AND IMPLEMENTATION PLAN

p71

Councillor Howe stated there needs to be a connection between the Masterplan and the Ōpōtiki Marine Advisory Group to reflect that we are all in this together and in the same waka.

The Group Manager Planning and Regulatory advised that will be part of the concept in the consultation.

It was noted that the reference to “Open Oceans” in clause 2 of the recommendations was incorrect and should be replaced with “Whakatohea Mussels (Ōpōtiki) Limited. The change was agreed to by the mover and the seconder.

RESOLVED

- (1) That the report titled “Ōpōtiki Harbour-Wharf Masterplan and Implementation Plan” be received.**
- (2) That Council endorses the option to adapt the existing Ōpōtiki wharf to provide for the use of Whakatohea Mussels (Ōpōtiki) Limited for mussel boat operations subject to the satisfactory terms of a lease agreement and funding for the upgrade being agreed.**

- (3) That Council endorses the development of conceptual options for accommodating community recreational uses in the vicinity of the wharf area for public consultation.**

Brooks/HWTM

Carried

The Interim Asset Manager entered the meeting at 10.45am.

11. EASTERN BAY SPATIAL PLAN: ODC'S PARTICIPATION

p77

RESOLVED

- (1) That the report titled "Eastern Bay Spatial Plan: ODC's Participation" be received.**
- (2) That Council resolves to participate in the Eastern Bay Spatial Plan project (Option 2 as outlined in the report).**
- (3) That Council resolves to consider as part of the Annual Plan process allocating \$50,000 in the annual plan budget for 2023/24 for additional costs associated with participation in the Spatial Plan.**

HWTM/Nelson

Carried

The Group Manager Community Services and Development left the meeting at 10.50am and returned at 10.54am.

12. ADOPTION OF THE DRAFT EASTERN BAY OF PLENTY LOCAL ALCOHOL POLICY FOR PUBLIC CONSULTATION

p88

Deputy Mayor Shona Browne and Councillor Barry Howe agreed to being appointed to the Eastern Bay of Plenty Local Alcohol Policy hearing panel.

RESOLVED

- (1) That the report titled "Adoption of the Draft Eastern Bay of Plenty Local Alcohol Policy for Public Consultation" be received.**
- (2) That the Council confirms that the Draft Eastern Bay of Plenty Local Alcohol Policy will continue to be a joint policy between Whakatāne District Council, Kawerau District Council and Ōpōtiki District Council.**
- (3) That the Council adopts the Draft Eastern Bay of Plenty Local Alcohol Policy, Statement of Proposal, and Research Report, as per appendices 1-3 for consultation between 27th March 2023 – 28th April 2023.**

- (4) That the Council nominates two Councillors to be representatives for the joint hearings and deliberations meeting following consultation taking place:**

That Deputy Mayor Shona Browne be appointed to the hearing panel.

That Councillor Barry Howe be appointed to the hearing panel.

HWTM/Browne

Carried

13. BOPLASS LTD STATEMENT OF INTENT FOR 2023-2026 AND HALF YEARLY REPORT p199

Council requested the Chief Executive Officer to write a letter of thanks to BOPLASS acknowledging the work done on behalf of Council. Council did not have any formal feedback on the BOPLASS Statement of Intent for 2023-2026.

RESOLVED

- (1) That the report titled "BOPLASS Ltd Statement of Intent for 2023-2026 and Half Yearly Report" be received.**
- (2) That the Chief Executive Officer write a letter of thanks to BOPLASS acknowledging the work done on behalf of Council.**

HWTM/Browne

Carried

14. TRANSPORT STORM DAMAGE 2022-2023 p230

RESOLVED

- (1) That the report titled "Transport Storm Damage 2022-2023" be received.**
- (2) That Council approves additional spending of \$1,400,000 up to a maximum of \$2,474,408 (\$146,279.60 up to a maximum of \$200,000 being Council share to be reallocated from the 2022/23 Seal Extensions Budget).**

HWTM/Kemara

Carried

The Interim Asset Manager left the meeting at 11.10am.

15. ŌPŌTIKI WORKFORCE DEVELOPMENT CO-ORDINATION – UPDATE p238

The Group Manager Community Services and Development spoke to the report, highlighting updates since the report was written:

RESOLVED

- (1) That the report titled "Ōpōtiki Workforce Development Co-ordination – Update" be received.
- (2) That the Te Ara Moana a Toi – Benefits Realisation to October 2022 Report is approved for public release and distribution to key stakeholders following this meeting.

HWTM/Petersen

Carried

16. CHIEF EXECUTIVE OFFICER'S UPDATE

p242

Councillor Nelson extended thanks to the Chief Executive Officer for the work being done, adding that there is a lot of healing in the community.

RESOLVED

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

HWTM/Nelson

Carried

The Executive Support Officer and Mike Fletcher left the meeting at 11.17am.

17. RESOLUTION TO EXCLUDE THE PUBLIC

p248

SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987

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

- 18. Confirmation of In-Committee Minutes – Ordinary Council Meeting 7 February 2023.**
- 19. In-Committee Minutes – Risk and Assurance Committee Meeting 12 December 2022.**
- 20. Laneway (Lot 9 and 10) 107 Church Street – Lease.**
- 21. Council Workshop Notes 24 January 2023.**
- 22. Council Workshop Notes 7 February 2023.**
- 23. Council Workshop Notes 21 February 2023.**

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

Item No	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
18.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 7 February 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)
19.	In-Committee Minutes – Risk and Assurance Committee Meeting 12 December 2022	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
20.	Laneway (Lot 9 and 10) 107 Church Street – Lease	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
21.	Council Workshop Notes 24 January 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)
22.	Council Workshop Notes 7 February 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.	Council Workshop Notes 21 February 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)

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

18.	Protect the privacy of natural persons Protect information	Section 7(2)(a) Section 7(2)(b)(i) & (ii); (d) & (e) and Section 7(2)(c)(i) & (ii)
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	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)(f)(ii) Section 7(2)(j) Section 7(2)(i) Section 7(2)(g) Section 7(2)(h)
19.	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)(i) & (ii) Section 7(2)(f)(ii) Section 7(2)(i) Section 7(2)(j)
20.	Protect the privacy of natural persons Protect information (commercial sensitivity)	Section 7(2)(a) Section 7(2)(b)(ii)
21.	Protection from improper pressure or harassment Prevent disclosure or use of official information for improper gain or improper advantage	Section 7(2)(f)(ii) Section 7(2)(j)
22.	Protection from improper pressure or harassment Prevent disclosure or use of official information for improper gain or improper advantage	Section 7(2)(f)(ii) Section 7(2)(j)
23.	Protection from improper pressure or harassment Prevent disclosure or use of official information for improper gain or improper advantage	Section 7(2)(f)(ii) Section 7(2)(j)

HWTM/Browne

Carried

RESOLVED

- (1) That the resolutions made while the public was excluded, except for clauses 2, 3 and 4 of Item 20 (Laneway (Lot 9 And 10) 107 Church Street – Lease), be confirmed in open meeting.**
- (2) That the public be readmitted to the meeting.**

HWTM/Browne

Carried

RESOLVED

- (1) That the in-committee minutes of the Ordinary Council meeting held on 7 February 2023 be confirmed as a true and correct record.**

HWTM/Browne

Carried

RESOLVED

- (1) That the in-committee minutes of the Risk and Assurance Committee meeting held on 12 December 2022, and any recommendations therein, be received.**

HWTM/Nelson

Carried

RESOLVED

- (1) That the report titled "Laneway (Lot 9 and 10) 107 Church Street – Leases" be received.

HWTM/Browne

Carried

RESOLVED

- (1) That the notes of the Council workshop dated 24 January 2023 be received.
(2) That Council agrees to publicly release the full notes of the 24 January 2023 workshop.

Howe/HWTM

Carried

RESOLVED

- (1) That the notes of the Council workshop dated 7 February 2023 be received.
(2) That Council agrees to publicly release the full notes of the 7 February 2023 workshop.

HWTM/Nelson

Carried

RESOLVED

- (1) That the notes of the Council workshop dated 21 February 2023 be received.
(2) That Council agrees to publicly release the full notes of the 21 February 2023 workshop.

HWTM/Brooks

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.39AM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COUNCIL HELD ON 2 MAY 2023**

D G T MOORE

HIS WORSHIP THE MAYOR