



# NOTICE OF AN ORDINARY COUNCIL MEETING

**Ōpōtiki District Council Chambers, 108 St John Street, Ōpōtiki  
Tuesday, 12 November 2019  
Commencing at 9.00am**

## ORDER PAPER

**OPENING KARAKIA / PRAYER / INSPIRATIONAL READING – DEPUTY MAYOR BROWNE**

**APOLOGIES**

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

**PUBLIC FORUM**

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#### **PUBLIC EXCLUDED BUSINESS**

ITEM 16	IN-COMMITTEE MINUTES ORDINARY COUNCIL MEETING 5 SEPTEMBER 2019	
ITEM 17	IN-COMMITTEE MINUTES EXTRA ORDINARY COUNCIL MEETING 4 OCTOBER 2019	
ITEM 18	IN-COMMITTEE MINUTES AUDIT AND RISK COMMITTEE MEETING 9 SEPTEMBER 2019	
ITEM 19	RESOLUTION TO RESTATE RESOLUTIONS AND READMIT THE PUBLIC	

#### **CITIZENSHIP CEREMONY**

*The meeting will adjourn at 10.00am for a Citizenship Ceremony.*

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

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

Cr Debi Hocart

Cr Barry Howe

Cr David Moore

Cr Steve Nelson

Cr Louis Rāpihana

**Committee Secretary:** Gae 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.**

**Aileen Lawrie**

**CHIEF EXECUTIVE OFFICER**



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED THURSDAY, 5 SEPTEMBER 2019 IN THE  
OPOTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPOTIKI AT 9.00AM**

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PRESENT:

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

IN ATTENDANCE:

Aileen Lawrie (Chief Executive Officer)  
Gerard McCormack (Planning and Regulatory Group Manager)  
Ari Erickson (Engineering and Services Group Manager)  
Michael Homan (Finance, Systems and Property Group Manager)  
Muriel Chamberlain (Corporate Services Manager)  
Joseph Hayes (*i*-SITE Manager)  
Garry Page (Reserves Manager)  
Billy Kingi (Chief Financial Officer)  
Sarah Jones (Corporate Planner and Executive Officer)  
Amy Kirikiri (Payroll Officer and HR Advisor)  
Sue Robb (Policy Planner)  
Gae Newell (Executive Assistant and Governance Support Officer)

MEDIA:

James Sandbrook (Opotiki News)

PUBLIC:

Helen Laurence and several members of Extinction Rebellion  
Xiao Yu Chen  
Alex Dobie  
Carol Quirk  
Several members of the Extinction Rebellion

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Prior to opening the meeting with a karakia, Councillor McRoberts acknowledged that this was the last full Council meeting of the triennium. As some elected members were not seeking re-election, he took the opportunity to say this has been the nicest Council he has worked with because everyone has worked so well together. Councillor McRoberts also extended thanks to Council staff for the work they do.

## **APOLOGY**

Councillor Young.

## **RESOLVED**

- (1) That the apology be sustained.**

HWTM/Tuoro

**Carried**

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

Nil.

## **PUBLIC FORUM**

*Extinction Rebellion Ōpōtiki – Climate and Ecological Emergency Declaration*

Tiaho Morehu tabled a paper which she spoke to, highlighting what Extinction Rebellion Ōpōtiki are asking of Council and addressing some issues raised by Council at the Ordinary Council meeting of 23 July 2019.

In conclusion, Tiaho Morehu stated that it is irresponsible of Council not to sign the Local Government Leaders Action Declaration. She urged Council to pass a resolution declaring a Climate and Ecological Emergency and to sign the Local Government Leaders Action Declaration.

*Carol Quirk entered the meeting at 9.07am.*

## **1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 23 JULY 2019** **p4**

### **RESOLVED**

- (1) That the minutes of the Ordinary Council meeting held on 23 July 2019 be confirmed as a true and correct record.**

Tuoro/Riesterer

**Carried**

## **2. MINUTES – COAST COMMUNITY BOARD MEETING 18 JUNE 2019** **p18**

### **RESOLVED**

- (1) That the minutes of the Coast Community Board meeting held on 18 June 2019 and any recommendations contained therein be received.**

McRoberts/HWTM

**Carried**

*Helen Laurence (Extinction Rebellion) entered the meeting at 9.10am.*

**3. MINUTES – CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE MEETING 21 JUNE 2019 p23**

**RESOLVED**

- (1) That the minutes of the Civil Defence Emergency Management Group Joint Committee meeting held on 21 June 2019 be received.**

HWTM/Browne

**Carried**

**4. MAYORAL REPORT – 19 JULY 2019–30 AUGUST 2019 p31**

**RESOLVED**

- (1) That the report titled “Mayoral Report 19 July 2019–30 August 2019” be received.**

HWTM/Riesterer

**Carried**

*The Corporate Services Manager and the Payroll Officer & HR Advisor entered the meeting at 9.13am.*

**5. ŌPŌTIKI MARINE ADVISORY GROUP UPDATE p36**

**RESOLVED**

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

Browne/McRoberts

**Carried**

**6. DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER DURING INTERIM ELECTION PERIOD p42**

His Worship the Mayor queried cover around Civil Defence during the interim election period. He will raise this at the next Civil Defence Emergency Management Group Joint Committee meeting.

**RESOLVED**

- (1) That the report titled "Delegations to the Chief Executive Officer During Interim Election Period" be received;**
- (2) That subject to the limitations set out in clause 32(1) of the Seventh Schedule to the Local Government Act 2002, the Council delegates all of its responsibilities, duties, and powers to the Chief Executive for the period from the day after the declaration of the election results**

**until the swearing in of the new Council, subject to a requirement that the Chief Executive may only exercise this delegation after the following:**

- (a) Consultation with the person elected to the position of Mayor;**
  - (b) May only attend to those matters that cannot reasonably await the first meeting of the new Council and;**
  - (c) Shall be reported to the first meeting of the new Council; and**
- (3) That if any urgent decisions arise in this period, requiring significant political input, then an Extraordinary Council meeting will be called; and**
- (4) That in accordance with Clause 30 (7) of Schedule 7 of the Local Government Act 2002 Council resolves not to discharge any of the committees of Council so that they can continue to function during the time between the declaration of the election results and the appointment of new committee members in November.**
- (5) That the Chief Executive Officer or delegate be authorised to appoint Independent Commissioners or re-elected Council members that are qualified Hearing Commissioners to hear and decide on any applications for resource consents between the period from 17 October until 31 October 2019 or when representatives take office.**

Tuoro/Riesterer

**Carried**

*The Reserves Manager entered the meeting at 9.18am.*

## **7. TE TĀHUHU O TE RANGI – LIBRARY REDEVELOPMENT**

**p45  
and separate document**

The Chief Executive Officer spoke to a powerpoint presentation which gave the background relating to the Library Redevelopment Project from its beginning in 2011 to date.

Staff answered queries around the consultation recently undertaken and the process Council went through before adopting a preferred option.

The Chief Executive Officer advised that every single Long Term Plan goes out with a preferred option. This is something Audit ask that we do.

Councillor Howe raised questions around the cost of the Library redevelopment and the funding of it, adding that this would be imposing on the new Council. He felt a decision should be left to the new Council.

Deputy Mayor Riesterer stated that the current status is a natural progression to where Council has got to. It is business as usual, not about waiting until after the election.

Councillor Howe moved that clause 3 of the recommendations be replaced as follows:

#### MOTION

1. That Council defer making a decision on the Library redevelopment.
2. That a decision regarding the Library redevelopment be made by the new Council post elections.

The motion failed for want of a seconder.

#### RESOLVED

- (1) That the report titled “Te Tāhuhu o Te Rangi – Library Redevelopment” be received.**
- (2) That Council notes the feedback and comments received through the recently completed consultation.**
- (3) That Council resolves to proceed with the full development of Te Tahuhu o Te Rangi and commit to funding up to \$3.1m through external loan funding source (LGFA).**

HWTM/Riesterer

**Carried**

Councillor Howe asked that his vote against be recorded.

*The i-SITE Manager entered the meeting at 10.00am.*

*The Corporate Services Manager, the Payroll Officer & HR Advisor, the Chief Financial Officer and the i-SITE Manager left the meeting at 10.20am.*

#### **8. OPTIONS FOR MAKING A DECLARATION ON CLIMATE CHANGE**

**p65**

The Corporate Planner and Executive Officer suggested that the word ‘ecological’ not be used as requested by the presenter in the Public Forum as it has not been included in any other New Zealand or international declaration.

Following a discussion as to the use of the word ‘emergency’, Deputy Mayor Riesterer moved that the word ‘crisis’ be used instead.

#### MOTION

That Climate Change Emergency be changed to Climate Change Crisis.

Moved: Deputy Mayor Riesterer



The motion failed for want of a seconder.

The original recommendations were put with clause 1 and clause 2(a) being carried.

## **RESOLVED**

**(1) That the report titled "Options For Making a Declaration on Climate Change" be received.**

**(2) That the Council makes a declaration in relation to climate change as follows:**

**Ōpōtiki District Council declares a climate change emergency and will consider further policies and initiatives as part of future planning processes.**

HWTM/Browne

**Carried**

Councillor Howe asked for his vote against to be recorded.

*The meeting adjourned for morning tea at 10.28am and reconvened at 10.38am.*

*The Finance, Systems and Property Group Manager, the Corporate Planner and Executive Officer, Carol Quirk and some Extinction Rebellion representatives did not rejoin the meeting at this time.*

*The Finance, Systems and Property Group Manager rejoined the meeting at 10.42am.*

## **9. ŌPŌTIKI DISTRICT COUNCIL RESERVE MANAGEMENT PLAN POLICIES AND PROCEDURES p84 and separate document**

An updated draft of the Reserve Management Plan document was tabled.

The Reserves Manager spoke to the report and a powerpoint presentation. He noted that some work has been done to refine the timeframe to align with the bylaws work. The Reserves Manager suggested a change to the recommendations as follows:

- Clause 2 – the words "in accordance with Sections 41 and 119 of the Reserves Act 1977" be added to the recommendation.
- An extra clause be added as clause 3 of the recommendations:  
That the ability to make minor amendments to the Draft Opotiki District Council Reserve Management Plan 2019 before its release for public consultation be delegated to the Chief Executive Officer.

These amendments were agreed to.

**RESOLVED**

- (1) That the report titled “Ōpōtiki District Council Reserves Management Plan – Policies and Procedures” be received.**
- (2) That the Draft Ōpōtiki District Council Reserves Management Plan 2019 be adopted for public consultation.**
- (3) That the ability to make minor amendments to the Draft Opotiki District Council Reserve Management Plan 2019 before its release for public consultation be delegated to the Chief Executive Officer.**

Tuoro/Browne

**Carried**

*The Chief Executive Officer left the meeting at 10.58am.*

*The Reserves Manager left the meeting at 11.00am.*

*The Policy Planner entered the meeting at 11.01am.*

*The Chief Executive Officer rejoined the meeting at 11.02am.*

**10. REPEAL OF THE ŌPŌTIKI DISTRICT COUNCIL EARTHQUAKE-PRONE BUILDINGS POLICY 2006** **p90**

**RESOLVED**

- (1) That the report titled “Repeal of the Ōpōtiki District Council Earthquake-Prone Buildings Policy 2006” be received.**
- (2) That the Ōpōtiki District Council Earthquake-Prone Buildings Policy 2006 be repealed.**
- (3) That the development of a new Ōpōtiki District Council Earthquake-Prone Buildings Policy is delayed until after Council has completed the identification of ‘priority’ earthquake-prone buildings.**

Tuoro/Howe

**Carried**

**11. PROGRESS REPORT ON THE IDENTIFICATION OF ‘PRIORITY’ EARTHQUAKE-PRONE BUILDINGS AND CONSULTATION ON THOROUGHFARES** **p93**

It was noted that in clause 2B there is reference to a roundabout at the intersection of King and St John Streets. As there is no roundabout at that intersection, the words “ending at the roundabout” will be deleted from clause 2B.

**RESOLVED**

1. The report titled "Progress Report on the Identification of 'Priority' Earthquake-Prone Buildings and Consultation on Thoroughfares" be received.
2. The following thoroughfares (including the footpath on both sides) are identified as having sufficient vehicle or pedestrian traffic and unreinforced masonry buildings (or parts) that could fall onto them in an earthquake:
  - A Church Street from Richard Street to Kelly Street
  - B King Street from Potts Avenue to St John Street
  - C Elliott Street from Potts Avenue to St John Street ending at the roundabout
  - D Kelly Street from Potts Avenue to the Kelly Street cemeteryand are adopted for consultation in relation to determining 'priority' buildings.
3. There are no buildings that have been identified that if they collapsed in an earthquake would impede routes of strategic importance and that given this it is not considered necessary to undertake consultation on transport routes of strategic importance.
4. The Statement of Proposal prepared in relation to thoroughfares (recommendation no. 2) under section 83 of the *Local Government Act 2002* Special Consultative Procedure is adopted for consultation (appendix 1).
5. That the consultation period for determining the thoroughfares relating to 'priority' buildings is from Monday 9 September 2019 to Friday 18 October 2019.
6. That Council will consider submissions and hear the views of people and organisations at the meeting of Council on 12 November 2019.

Riesterer/McRoberts

Carried

**12. 2019 REVIEW OF THE ŌPŌTIKI DISTRICT COUNCIL DANGEROUS AND INSANITARY BUILDINGS POLICY p107**

**RESOLVED**

- (1) That the report titled "2019 Review of the Ōpōtiki District Council Dangerous and Insanitary Buildings Policy" be received.
- (2) That the Statement of Proposal for the Ōpōtiki District Council Dangerous and Insanitary Building Policy 2019 be adopted for public consultation using the special consultative procedure in accordance with section 83 of the Local Government Act 2002.
- (3) That it be noted that the submission period for feedback on the Statement of Proposal for the Ōpōtiki District Council Dangerous and Insanitary Building Policy 2019 will be aligned

**with the submission period of feedback on Ōpōtiki District Council's reserve management plans, Dog control policy and Bylaw review 2019.**

- (4) That the ability to make minor amendments to the Statement of Proposal for the Ōpōtiki District Council Dangerous and Insanitary Building Policy 2019 before its release for public consultation be delegated to the Chief Executive Officer.**

HWTM/Browne

**Carried**

*The Policy Planner left the meeting at 11.17am.*

**13. WAINUI ROAD SAFETY IMPROVEMENTS FUNDING p119**

The Chief Executive Officer noted that this is a very small component of the wider programme, adding that Council has not formally been advised that the full programme has not been funded.

**RESOLVED**

- (1) That the report titled "Wainui Road Safety Improvements Funding" be received.**
- (2) That Council approves the loan fund of \$115,000 to complete the project in 2020-21.**
- (3) That Council approves the loan fund of \$10,000 to complete the project in 2019-20.**

Tuoro/Browne

**Carried**

*The i-SITE Manager entered the meeting at 11.20am.*

*Councillor Howe left the meeting at 11.25am and returned at 11.27am.*

**14. LAND TRANSPORT FUNDING 2019-20 p122**

**RESOLVED**

- (1) That the report titled "Land Transport Funding 2019-20" be received.**
- (2) That Council approves additional loan funding of \$91,500 for land transport capital works in 2020-21.**

Riesterer/HWTM

**Carried**

**15. SUMMER FESTIVAL FUNDING APPLICATIONS p125**

**RESOLVED**

- (1) That the report titled "Summer Festival Funding Applications" be received.**
- (2) That Council approves a funding application to be lodged with the Southern Trust to support the 2019/20 Summer Festival subject to quotes.**

- (3) That Council approves a funding application to be lodged with The Lion Foundation to support the 2019/20 Summer Festival subject to quotes.**

Howe/McRoberts

**Carried**

**16. CHIEF EXECUTIVE OFFICER'S UPDATE**

**p128**

**RESOLVED**

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

HWTM/Riesterer

**Carried**

His Worship the Mayor advised that there will be a late item tabled in the in-committee section of the meeting relating to the former Scout Hall, Ford Street. This item cannot be delayed due to the urgency for Council to agree to the next steps following the non-compliance of a Notice under the Litter Act.

**17. RESOLUTION TO EXCLUDE THE PUBLIC**

**p132**

A replacement Resolution to Exclude the Public to allow John Galbraith to remain in the in-committee meeting for Items 19-22 inclusive and the consideration of the urgent late item was tabled

**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:**

**18. Confirmation of In-Committee Minutes – Ordinary Council Meeting 23 July 2019.**

**19. Ōpōtiki Harbour Development Project – Procurement of Expert Advice**

**20. Ōpōtiki Harbour Development Project Workstream 2 – Rock Sources**

**21. Ōpōtiki Harbour Development Project Workstream 3**

**22. Ōpōtiki Harbour Development Business Case Input**

**23. Ōpōtiki District Land**

**Extra Item: Update Former Scout Hall, Ford Street**

- 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: John Galbraith**

**Items: 19-22 inclusive**

**Business: To provide Council with detailed information and updates in relation to Items 19-22 inclusive relevant to the Ōpōtiki Harbour Development Project**

**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:

<b>Item No</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
18.	<b>Confirmation of In-Committee Minutes – Ordinary Council Meeting 23 July 2019</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
19.	<b>Ōpōtiki Harbour Development Project – Procurement of Expert Advice</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
20.	<b>Ōpōtiki Harbour Development Project Workstream 2 – Rock Sources</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
21.	<b>Ōpōtiki Harbour Development Project Workstream 3</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
22.	<b>Ōpōtiki Harbour Development business Case Input</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
23.	<b>Ōpōtiki District Land</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding.	Section 48(1)(a)

<b>Extra Item</b>	<b>Update Former Scout Hall, Ford Street</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding.	Section 48(1)(a)
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**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  Protection from improper pressure or harassment Prevent disclosure or use of official information Carry out negotiations Maintain legal professional privilege Carry out commercial activities Commercial sensitivity	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) Section 7(2)(b)(ii)
19.	Commercial sensitivity Protect the privacy of natural persons	Section 7(2)(b)(ii) Section 7(2)(a)
20.	Protect information Commercial sensitivity Protect the privacy of natural persons	Section 7(2)(b)(i) Section 7(2)(b)(ii) Section 7(2)(a)
21.	Commercial sensitivity Protect the privacy of natural persons	Section 7(2)(b)(ii) Section 7(2)(a)
22.	Protect information Prevent the disclosure or use of official information Carry out negotiations	Section 7(2)(b)(i) & (ii) Section 7(2)(j) Section 7(2)(i)
23.	Protect the privacy of natural persons Commercial sensitivity Carry out negotiations	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(i)
Extra Item	Protect the privacy of natural persons Carry out negotiations Avoid prejudice to measures protecting the health or safety of members of the public	Section 7(2)(a) Section 7(2)(i) Section 7(2)(d)

Riesterer/McRoberts

**Carried**

*Alex Dobie, Xiao Yu Chen and James Sandbrook left the meeting at 11.34am.*

**RESOLVED**

- (1) That the resolutions made while the public was excluded, except for the resolutions for 19-23 inclusive, be confirmed in open meeting.**
- (2) That the public be readmitted to the meeting.**

McRoberts/Browne

Carried

**RESOLVED**

- (1) That the in-committee minutes of the Ordinary Council meeting held on 23 July 2019 be confirmed as a true and correct record.

Browne/Tuoro

Carried

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 12.51PM.**

**CONFIRMED PURSUANT TO ŌPŌTIKI DISTRICT COUNCIL STANDING ORDERS 27.4**

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**J H FORBES  
MAYOR**

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**A LAWRIE  
CHIEF EXECUTIVE OFFICER**

**Date:**





**MINUTES OF AN EXTRA ORDINARY COUNCIL MEETING DATED FRIDAY, 4 OCTOBER 2019 IN THE  
ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 2.00PM**

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PRESENT:

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

IN ATTENDANCE:

Aileen Lawrie (Chief Executive Officer)  
Ari Erickson (Engineering and Services Group Manager)  
Tina Gedson (Property Officer)

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Deputy Mayor Riesterer opened the meeting with a blessing for making wise decisions.

**APOLOGIES**

Arihia Tuoro

**RESOLVED**

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

McRoberts/Riesterer

**Carried**

**LATE ITEM**

His Worship the Mayor advised that a late item will be added to the agenda – Waiōtahe Public Toilets Water Supply and Waste Water Extension. This item needs to be considered as a matter of urgency as a Council resolution is required to approve loan funding to expedite the completion of the project.

It was agreed that the item would be considered prior to going into the confidential section of the meeting.

A report was tabled.

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

Nil.

## **PUBLIC FORUM**

Nil.

## **WAIŌTAHE PUBLIC TOILETS WATER SUPPLY AND WASTE WATER EXTENSION**

The Engineering and Services Group Manager spoke to the report. He advised that water and sewerage are already at Appleton Road.

In response to a query as to whether there is capacity to extend further up Paerata Ridge, the Engineering and Services Group Manager stated that the pump station at the motor camp can go no further. The motor camp is already connected to the sewerage and water and will be available to houses between the motor camp and the Surf Club toilets.

## **RESOLVED**

- 1. That the report titled “Waiōtahe Public Toilets Water Supply and Wastewater Extension” be received.**
- 2. That Council approves the loan fund of \$50,000 to complete the project.**

Young /Riesterer

**Carried**

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

**p3**

## **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:**
  - 2. Resource Allocation Request.**
  - 3. Ōpōtiki Harbour Development Project – Business Case 2019.**
  - 4. Ōpōtiki Harbour Development Project – ODC Financial Considerations.**
  - 5. Engagement Strategy.**

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:** John Galbraith and Kent Duston

**Items:** Item 3 – Ōpōtiki Harbour Development Project – Business Case 2019

Item 4 – Ōpōtiki Harbour Development Project – ODC Financial Considerations

Item 5 – Engagement Strategy

**Business:** To present the agenda reports for Items 3, 4 and 5

**Reason:** To enable the accurate presentation of sensitive information to the Council 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:** Robert Edwards (Chair) and Dickie Farrar (CEO), Whakatōhea Maori Trust Board

**Items:** Item 3 – Ōpōtiki Harbour Development Project – Business Case 2019

**Business:** To provide input from Whakatōhea Maori Trust Board in relation to Item 3

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

4. **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 Cunliffe

**Items:** Item 5 – Engagement Strategy

**Business:** To present Item 5 to Council

**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
2.	<b>Resource Allocation Request</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
3.	<b>Ōpōtiki Harbour Development Project – Business Case 2019</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
4.	<b>Ōpōtiki Harbour Development Project – ODC Financial Considerations</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
5.	<b>Engagement Strategy</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

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

2.	Protect the privacy of natural persons Commercial sensitivity	Section 7(2)(a) Section 7(2)(b)(ii)
3.	Protect the privacy of natural persons Commercial sensitivity Prevent the disclosure or use of official information for proper gain or improper advantage	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(j)
4.	Protect the privacy of natural persons Commercial sensitivity Prevent the disclosure or use of official information for improper gain or improper advantage	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(j)
5.	Commercial sensitivity Prevent the disclosure or use of official information for improper gain or improper advantage	Section 7(2)(b)(ii) Section 7(2)(j)

Browne/Young

**Carried**

*Mr Chen left the meeting at 2.13pm.*

**RESOLVED**

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

Browne/HWTM

**Carried**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 3.51PM.**

**CONFIRMED PURSUANT TO ŌPŌTIKI DISTRICT COUNCIL STANDING ORDERS 27.4**

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**J H FORBES  
MAYOR**

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**A LAWRIE  
CHIEF EXECUTIVE OFFICER**

**Date: 10 October 2019**



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED THURSDAY, 31 OCTOBER 2019 AT THE  
ŌPŌTIKI RSA, 103 ST JOHN STREET, ŌPŌTIKI AT 10.12AM AND RECONVENED IN THE ŌPŌTIKI  
DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 11.03AM**

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PRESENT:

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

Coast Community Board Members:  
Michael Collier  
Gail Keepa  
Jack Parata  
Allen Waenga

IN ATTENDANCE:

Aileen Lawrie (Chief Executive Officer)  
Gerard McCormack (Planning and Regulatory Group Manager)  
Ari Erickson (Engineering and Services Group Manager)  
Gae Finlay (Executive Assistant and Governance Support Officer)  
Several other Ōpōtiki District Council staff members

PUBLIC:

Elected Members' guests  
Invited guests  
Several members of the public

MEDIA:

James Sandbrook (Ōpōtiki News)

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A pohiri and morning tea took place prior to the commencement of the meeting.

The Chief Executive Officer took the Chair. She welcomed everyone to the meeting.

Louis Rāpihana opened the meeting with a karakia.

## **APOLOGIES**

Nil.

The Chief Executive Officer extended congratulations to the elected members. She noted the high voter turnout in the Ōpōtiki district and thanked the candidates who went out and encouraged people to vote.

## **1. ELECTION RESULTS**

**p3**

The Electoral Officer's Declaration of Results of Election for the Ōpōtiki District Council 2019 elections was received.

## **2. DECLARATIONS**

**p5**

### **Her Worship the Mayor**

Lyn Riesterer attested her declaration for the Mayoral position which was received by the Chief Executive Officer.

Robert Edwards, Danny Poihipi and Bill Maxwell then placed the Mayoral chains on Her Worship the Mayor.

Her Worship the Mayor took the Chair for the remainder of the meeting.

### **Councillors**

Her Worship the Mayor received the declarations for each of the Councillors in the order of:

Councillor Browne

Councillor Hocart

Councillor Howe

Councillor Moore

Councillor Nelson

Councillor Rāpihana

### **Coast Community Board Members**

Her Worship the Mayor received the declarations for each of the Coast Community Board members in the order of:

Michael Collier

Gail Keepa

Tiaki (Jack) Parata

Allen Waenga  
Louis Rāpihana

Her Worship the Mayor addressed the meeting.

*The meeting adjourned at 10.44am and reconvened in the Ōpōtiki District Council Chambers at 11.03am.*

### **3. APPOINTMENT OF DEPUTY MAYOR**

**p9**

#### **RESOLVED**

- (1) That the report titled "Appointment of Deputy Mayor" be received.**
- (2) That the Council endorses the appointment by the Mayor of Councillor Shona Browne as Deputy Mayor.**

HWTM/Hocart

**Carried**

### **4. ELECTION OF COAST COMMUNITY BOARD CHAIRPERSON AND DEPUTY CHAIRPERSON**

**p11**

It was agreed that System A be used to determine the appointment of the Coast Community Board Chairperson and Deputy Chairperson.

Jack Parata nominated Louis Rāpihana as Chairperson and Allen Waenga as Deputy Chairperson of the Coast Community Board. This was seconded by Mike Collier.

Councillor Rāpihana and Allen Waenga accepted their respective nominations.

#### **RESOLVED**

- (1) That the report titled "Election of Coast Community Board Chairperson and Deputy Chairperson" be received.**
- (2) That the Coast Community Board resolve to use System A to determine the appointment of the Chairperson and Deputy Chairperson.**
- (3) That Coast Community Board member Louis Rāpihana be elected to the position of Coast Community Board Chairperson.**
- (4) That Coast Community Board members Allen Waenga be elected to the position of Coast Community Board Deputy Chairperson.**

Parata/Collier

**Carried**



**5. PROPOSAL TO APPOINT CULTURAL AMBASSADOR**

**p14**

**RESOLVED**

- (1) That the report titled "Proposal to Appoint Cultural Ambassador" be received.**
- (2) That Council appoint Councillor Louis Rāpihana to the role of Ōpōtiki District Council Cultural Ambassador.**

Howe/Browne

**Carried**

*The Engineering and Services Manager entered the meeting at 11.09am.*

**6. RISK AND ASSURANCE COMMITTEE AND APPOINTMENT OF CHAIR**

**p16**

Councillor Howe said he believed Council should advertise on the open market for the independent positions on the Risk and Assurance Committee. He further stated that Councillors all campaigned on inclusiveness and he wants the community to have the opportunity to come forward. The community has always felt it has not been brought on board by Council.

The Chief Executive Officer stated that some Councils have advertised for independent positions. There is a Job Description and there would be a cost for recruitment. The successful applicant would need to be someone who has an understanding of the processes involved.

Councillor Browne stated that Arihia Tuoro has proven in the last two terms that she is more than capable of chairing the Risk and Assurance Committee and she has no problem with that appointment whatsoever.

Her Worship the Mayor put forward that it is not about the people; it is about how you want to view this committee. Council is in the middle of some significant projects and she was looking for some continuity by having an ex-Councillor who has the knowledge. David Love also brings the capabilities Council needs from the wider perspective, adding that there is a Councillor also appointed to the Risk and Assurance Committee.

Councillor Moore was in favour of going out to the market.

Councillor Nelson thought it would be good to go out to the market.

Councillor Hocart stated that she was sitting on the fence but maybe Arihia Tuoro is the best person for the position of independent Chair.

Councillor Rāpihana supported Councillor Howe's view of including the entire community.

The Chief Executive Officer noted that the Risk and Assurance Committee meeting is set down for 25 November. A recruitment process could take four weeks which would mean an appointment could not be made until the January Council meeting. She suggested that the independent member, David Love, be retained in the role during the recruitment process time. The Mayor could Chair the committee during this time.

It was agreed that clause 3 of the recommendations be replaced as follows:

- (3) *That Council direct staff to bring recommendations for undertaking an expressions of interest process for the position of independent Risk and Assurance Committee Chair and independent member.*
- (4) *That David Love continue in the interim until those appointments are made.*

#### **RESOLVED**

- (1) That the report titled "Risk and Assurance Committee and Appointment of Chair" be received.**
- (2) That the Council endorses the decision to continue the committee and adopts the attached Terms of Reference.**
- (3) That Council direct staff to bring recommendations for undertaking an expressions of interest process for the position of independent Risk and Assurance Committee Chair and independent member.**
- (4) That David Love continue in the interim until those appointments are made.**

Browne/Hocart

**Carried**

#### **7. CONFIRMATION OF COUNCIL AND JOINT COMMITTEES AND EXTERNAL ORGANISATION APPOINTMENTS**

**p22**

Councillor Howe stated that he would like to be on the Property Working Party. He did not agree with an ex-Councillor being appointed to this working party and suggested that Councillors Moore and Nelson would be suitable.

Her Worship the Mayor noted the importance of continuity. There are other appointment positions which will take time to become familiar with.

The Chief Executive Officer stated that the Property Working Party was set up as an advisory group to give advice to staff. It is quite an informal mechanism.

Councillor Howe moved an amendment to the proposed membership of the Property Working Party:

*That Councillors Moore, Nelson, Howe and Browne be appointed to the Property Working Party.*

MOTION

Moved: Councillor Howe

Seconded: Councillor Rāpihana

The motion was PUT and CARRIED.

#### **RESOLVED**

**That Councillors Moore, Nelson, Howe and Browne be appointed to the Property Working Party.**

Howe/Rāpihana

**Carried**

#### **RESOLVED**

- (1) That the report titled "Confirmation of Council and Joint Committees and External Organisation Appointments" be received.**
- (2) That Council endorse the confirmation of the following committees for the 2019-2022 Triennium:**
  - A) Risk and Assurance Committee (refer separate report).**
  - B) Regulatory Appeals Committee.**
  - C) Eastern Bay of Plenty Joint Committee.**
  - D) Eastern Bay of Plenty Road Safety Committee.**
  - E) Regional Transport Committee.**
  - F) Civil Defence Emergency Management Group Joint Committee.**
- (3) That the Council approve the Terms of Reference and any associated delegations for the committees as attached to this report.**
- (4) That Council appoints/reconfirms the following members (and chairpersons) to the Council and Joint Committees as below.**

- (5) That Council appoints/reconfirms the following members to external organisations as below.
- (6) That the Council delegate to the Regulatory Appeals Committee the authority to hear, consider and determine objections under the Dog Control Act 1996 in respect of:  
 Classification as a probationary owner (s22)  
 Classification as a disqualified owner (s26)  
 Classification as a dangerous dog (s31)  
 Classification as a menacing dog (s33b and 33d).
- (7) That Council delegates to the Regulatory Appeals Committee the authority to hear, consider and determine objections under the Litter Act 1979 in respect of:  
 A notice issued under Section 10 of this Act requiring an occupier of private land to clear litter from it.
- (8) That Council delegates to the Regulatory Appeals Committee the authority to hear objections against certain decisions as set out in Section 357 of the Resource Management Act 1991.

<b>Council Committees</b>	<b>2019-2022 Triennium</b>
<b>Risk and Assurance</b>	<b>Member: Cr Steve Nelson Mayor Riesterer Ex Officio Interim external member David Love</b>

<b>Council Committees</b>	<b>2019-2022 Triennium</b>
<b>Hearings Committee – Regulatory Appeals</b>	<b>Member 1: Cr Howe Member 2: Cr Rāpihana Member 3: Cr Hocart Committee to elect Chairperson at first meeting</b>

<b>Joint Committees</b>	<b>2019-2022 Triennium</b>
<b>Eastern Bay of Plenty Joint Committee</b>	<b>Mayor Riesterer Cr Nelson</b>
<b>Regional Transport Committee</b>	<b>Mayor Riesterer Reserve: Cr Moore</b>

<b>Civil Defence Emergency Management Group Joint Committee</b>	<b>Mayor Riesterer Reserve: Cr Browne</b>
<b>Eastern Bay Road Safety Committee</b>	<b>Cr Moore</b>

<b>Non-Statutory Internal Working Parties/Groups</b>	<b>2019-2022 Triennium Representatives</b>
CBD/Town Revitalisation Project	Mayor Riesterer Crs Howe, Browne, Nelson
Youth initiative (details to be confirmed following consultation) e.g. Future leaders, Tuia	TBC
Property Working Party	Cr Howe Cr Moore Cr Nelson Cr Browne
Library Fundraising Working Party	Mayor Riesterer Cr Browne Cr Rāpihana

<b>External Organisation</b>	<b>2019-2022 Triennium Representative</b>
Creative Communities New Zealand (Two required)	Cr Hocart Mayor Riesterer ex officio
Waiouka-Otara Flood Scheme Liaison Group (Two Required)	Cr Nelson Cr Moore
Ōhiwa Harbour Implementation Forum (One required)	Mayor Riesterer Reserve: Cr Hocart
Ōpōtiki Marine Advisory Group (OMAG) (Two required)	Mayor Riesterer Cr Howe Cr Browne
Ōpōtiki Theatre Trust	Cr Hocart
Sport NZ Rural Travel Fund	Cr Howe

HWTM/Howe

**Carried**

**8. LEGISLATIVE ADVICE FOR THE INCOMING COUNCIL  
2019-2020**

**p38**

The Chief Executive Officer spoke to the report with the aid of a powerpoint presentation.

**RESOLVED**

- (1) That the report titled "Legislative Advice for the Incoming Council" be received.**

Nelson/Hocart

**Carried**

*Councillor Browne left the meeting at 11.47am and returned at 11.49am.*

**9. FIXING OF DATE AND TIME OF FIRST ORDINARY COUNCIL MEETING**

**p57**

**RESOLVED**

- (1) That the report titled "Fixing of Date and Time of First Ordinary Council Meeting" be received.**
- (2) That the first Ordinary meeting of the Ōpōtiki District Council be held on Tuesday, 12 November 2019, commencing at 9.00am in the Council Chambers, 108 St John Street, Ōpōtiki.**

Hocart/Browne

**Carried**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 12.15PM.**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A  
TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE COUNCIL HELD ON 12 NOVEMBER  
2019**

**L J RIESTERER**

**HER WORSHIP THE MAYOR**



**MINUTES OF AN OPOTIKI DISTRICT COUNCIL AUDIT AND RISK COMMITTEE MEETING HELD ON MONDAY, 9 SEPTEMBER 2019 IN THE OPOTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPOTIKI AT 10.00 AM**

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**PRESENT:**

Councillor Arihia Tuoro (Chairperson)  
Councillor Ken Young  
David Love  
Mayor John Forbes  
Deputy Mayor Lyn Riesterer

**IN ATTENDANCE:**

Aileen Lawrie (Chief Executive Officer)  
Gerard McCormack (Planning and Regulatory Group Manager)  
Ari Erickson (Engineering and Services Group Manager)  
Michael Homan (Finance, Systems and Property Group Manager)  
Billy Kingi (Chief Financial Officer)  
Muriel Chamberlain (Corporate Services Manager)  
Gae Newell (Executive Assistant & Governance Support Officer)

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**APOLOGIES**

Nil.

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

David Love noted that he is a Bay of Plenty Regional Councillor and is also a member of the Regional Council's Audit and Risk Committee.

**PUBLIC FORUM**

Nil.

**1. CONFIRMATION OF MINUTES – AUDIT AND RISK COMMITTEE MEETING** **p5**  
**13 MAY 2019**

**RESOLVED**

- (1) That the minutes of the Audit and Risk Committee meeting held on 13 May 2019 be confirmed as a true and correct record.**

Love/Young

**Carried**

**2. ACTION SCHEDULE** **p12**

**RESOLVED**

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

Young/Tuoro

**Carried**

**3. ADOPTION OF 2019 DRAFT ANNUAL REPORT FOR AUDIT** **p14**  
**and separate document**

The Chief Financial Officer tabled excerpt pages from the draft Annual Report, noting that the highlighted parts are still subject to figures being displayed as to the breakdown of different parts. The breakdown numbers will not change Council's situation or the financial results, but are more disclosure requirements.

After speaking to the updates and corrections on the tabled papers, the Chief Financial Officer answered queries from the Committee.

The Committee provided some comments on the draft Annual Report and made some suggestions for minor changes.

It was agreed that clause 2 of the recommendations be amended to allow for some minor changes to be made.

His Worship the Mayor commended staff for all the hard work they had put into the draft Annual Report.

**RESOLVED**

- (1) That the report titled "Adoption of 2019 Draft Annual Report for Audit" be received.**

HWTM/Young

**Carried**



- (2) That the Audit and Risk Committee adopts the 2019 Draft Annual Report for audit with minor changes.**

Tuoro/Love

**Carried**

**4. BUILDING CONTROL AUTHORITY ACCREDITATION UPDATE**

**p17**

**RESOLVED**

- (1) That the report titled "Building Control Authority Accreditation Update" be received.**

Love/Young

**Carried**

**5. SUBMISSION ON THE PRODUCTIVITY COMMISSION'S DRAFT REPORT ON THE INQUIRY ON LOCAL GOVERNMENT FUNDING AND FINANCING**

**p20**

Following a discussion regarding the submission and suggestions for amendments and additions, it was agreed that the Chief Executive Officer be authorised to make the changes and note the comments of the Committee. Clause 2 of the recommendations will be amended to reflect this.

The submission will be copied to local Members of Parliament, the Minister for Local Government, the Vice President of LGNZ and the Chair of the Bay of Plenty Regional Council.

**RESOLVED**

- (1) That the report titled "Submission on the Productivity Commission's Draft Report on the Inquiry on Local Government Funding and Financing" be received.**
- (2) That the draft submission be approved for submission subject to any changes suggested and agreed by the Committee, with authority to the Chief Executive Officer to make the changes and note the comments of the Committee.**

Love/Young

**Carried**

**6. KOHA REPORT**

**p27**

The Chief Executive Officer noted that Councillor McRoberts attended the Whakatōhea Māori Trust Board training workshop as Council's Cultural Ambassador.

**RESOLVED**

- (1) That the report titled "Koha Report" be received.**

Love/Young

**Carried**

**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:**

- 8. Confirmation of In-Committee Minutes – Audit and Risk Committee Meeting 13 May 2019.**
- 9. RRC Security and Safety Treatments.**
- 10. Health, Safety, Staff Resources and Wellbeing Report.**

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

<b>Item No</b>	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>8.</b>	<b>Confirmation of In-Committee Minutes – Audit and Risk Committee Meeting 13 May 2019</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
<b>9.</b>	<b>RRC Security and Safety Treatments</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
<b>10.</b>	<b>Health, Safety, Staff Resources and Wellbeing Report.</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)

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

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

HWTM/Young

**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.**

Love/Young

**Carried**

**RESOLVED**

- (1) That the in-committee minutes of the Audit and Risk Committee meeting held on 13 May 2019 be confirmed as a true and correct record.**

HWTM/Young

**Carried**

**RESOLVED**

- (1) That the report titled "RRC Security and Safety Treatments" be received.**
- (2) That the Audit and Risk Committee update RRC security and safety risk on the risk register.**
- (3) That the Audit and Risk Committee support the treatment option to go cashless.**

Tuoro/HWTM

**Carried**

**RESOLVED**

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

Young/HWTM

**Carried**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.54AM.**

**CONFIRMED:**

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**COUNCILLOR ARIHIA TUORO**  
**CHAIRPERSON**

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**AILEEN LAWRIE**  
**CHIEF EXECUTIVE OFFICER**

**Date: 10 October 2019**

# Minutes of the Eastern Bay of Plenty Joint Committee Meeting held in Mataatua Room, Bay of Plenty Regional Council, 5 Quay Street, Whakatāne on Tuesday, 3 September 2019 commencing at 1.00 p.m.

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## Present:

**Chairperson:** Councillor Bill Clark (Bay of Plenty Regional Council)

**Deputy Chairperson:** Deputy Mayor Lyn Riesterer (Ōpōtiki District Council)

**Appointees:** Mayor John Forbes (Ōpōtiki District Council), Mayor Malcolm Campbell (Kawerau District Council), Mayor Tony Bonne (Whakatāne District Council), Councillor Norm Bruning (Bay of Plenty Regional Council), Deputy Mayor Judy Turner (Whakatāne District Council)

**In Attendance:** Bay of Plenty Regional Council: Chairman Doug Leeder, Rebecca Roe – Programme Manager: Regional Economic Development, Stephen Lamb – Environmental Strategy Manager, Amanda Namana – Committee Advisor

Whakatāne District Council (WDC): Stephanie O’Sullivan – Chief Executive

Ōpōtiki District Council (ODC): Aileen Lawrie – Chief Executive

Kawerau District Council (KDC): Russell George – Chief Executive

Others: Ian Morton – General Manager: Operations (Toi EDA)

**Apologies:** Councillor David Sparks (Kawerau District Council)

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## 1 Apologies

Resolved

That the Eastern Bay of Plenty Joint Committee:

- 1 Accepts the apology from Councillor David Sparks (Kawerau District Council) tendered at the meeting.

Clark/Forbes  
CARRIED

## 2 Public Forum

Nil.

### 3 **Acceptance of Late items**

Nil.

### 4 **General Business**

Nil.

### **Order of Business**

The Chairperson advised that the Order of Business would be changed to hold the Committee Members' Discussion at the conclusion of the reports, due to this being the last meeting of the triennium.

### 5 **Confidential Business to be Transferred into the Open**

Nil.

### 6 **Declaration of Conflicts of Interest**

Nil.

### 7 **Previous Minutes**

#### 7.1 **Eastern Bay of Plenty Joint Committee Minutes - 04 June 2019**

#### **Resolved**

That the Eastern Bay of Plenty Joint Committee:

- 1 **Confirms the Eastern Bay of Plenty Joint Committee Minutes - 04 June 2019 as a true and correct record.**

Clark/Campbell  
CARRIED

### 8 **Reports**

#### 8.1 **Regional Economic Development Update**

Rebecca Roe, Programme Manager: Regional Economic Development presented this item and provided key regional updates on economic development activity.

#### Key Points

- Highlighted the two recent Provincial Growth Funding announcements:
  - \$980,000 contribution to Tauranga City Council for the Cruise Gateway and Welcome Hub
  - \$15M contribution toward the re-opening of the Rotorua Museum, expected to occur in 2022
- Outlined the first meeting held with Bay of Connections Leadership Team on 26 August 2019. The next meeting was scheduled for the end of October 2019
- Following the report and review, four priority areas emerged – infrastructure, Māori economic development, low carbon/circular economy and workforce

- Bay of Plenty Regional Council and Bay of Connections had provided letters of support for the Whakatāne Regeneration Programme, including the redevelopment of the harbour and the infrastructure to support it.

#### In Response to Questions

- Timeframes for construction and opening of the Cruise Welcome hub at Mount Maunganui were yet to be confirmed and were also dependant on securing the remainder of the funding required
- The Eastern Bay of Plenty could benefit from tourists partaking in activities advertised at the Information Centre facility within the new Welcome Hub.

## **Resolved**

**That the Eastern Bay of Plenty Joint Committee:**

- 1 Receives the report, Regional Economic Development Update.**

**Bonne/Forbes  
CARRIED**

## **9 Standing Items**

### **9.1 Toi EDA Update**

*Refer PowerPoint Presentation Objective ID: A3354738*

Toi EDA General Manager: Operations Ian Morton presented this item.

#### Key Points of Presentation

- The Regional Growth Leadership Group identified four key growth clusters and strongly supported these. The focus was on getting the Provincial Growth Fund (PGF) applications in and through Central Government with the aim of creating jobs and addressing deprivation issues in the Eastern Bay of Plenty
- Outlined Toi EDA's strategic framework, aspirations and measures of success for how they might be achieved
- Described opportunities for how value could be added in supporting growth in the Eastern Bay of Plenty
- Workforce development to support growth was going to be a key consideration
- There were mechanisms to gain sustainable workforces which needed to be considered and worked through

#### **High Value Horticulture**

- Outlined kiwifruit development along the East Coast and production of Miro berries in Te Teko area
- Provided updates on this cluster including Raukōkore irrigation, Te Kaha and Ōmaio developments
- Noted development at Te Kaha as a significant piece of work and the \$13.5M PGF amount received was primarily for a 30 hectare land block development, accommodation for workers, irrigation and a Centre of Excellence
- Digital Connectivity had successfully been installed at Raukōkore marae, allowing the hosting of presentations for large hui
- Ōmaio development was not currently being progressed due to lack of hapū support

#### **Aquaculture**

- Aquaculture processing cluster included sea farm expansion and Ōpōtiki Harbour, for which the focus was on getting a PGF application in by 2 October 2019

- The processing plant would deliver a significant amount of all year round jobs in the Ōpōtiki area with the opportunity for workers to be upskilled and promoted
- Whakatōhea funded sea farm acceleration project was in the process of developing a marine spatial plan, expected to be completed by November 2019
- Different species being investigated for the 4,000 hectare area included mussels, seaweed and oysters which could drive additional revenue

#### **Tourism and Whakatāne Revitalisation**

- Whakatāne CBD cluster of focus was around the regeneration and revitalisation of Whakatāne, along with driving tourism
- The value and the constraints of the boat building sector were better understood and the industry was now much more engaged in the process
- Ngāti Awa were on board and helping drive the project together with Whakatāne District Council
- The new boat harbour would provide safe access for boats along with the additional functionality of a travel lift for larger boats
- Regional tourism and growth of the boat building industry were at the forefront of the initiative
- A potential marine training centre was another important aspect being considered to help build skills and support the growing industry
- Providing training locally would prevent people leaving the region to study

#### **Kawerau – Pūtauaki Industrial Development**

- KiwiRail Container Terminal analysis was complete and was now expected to be sent through for PGF funding within the next six weeks
- Stage one of the new State Highway 1 intersection and the Waiū commissioning were both nearing completion
- The Eastern Bay of Plenty Driver and Operator Training Centre was open and study was underway with courses including Supply and Logistics, Chemical handling and Forklift operation
- Additional funding was available to help create further Pathways to Work for rangatahi
- Various barriers to work needed to be targeted including driver licensing, numeracy and literacy issues, mental health, drug and alcohol problems which could benefit from Toi EDA playing advocacy and support roles.

#### Members' Comments

- It would be beneficial to show Raukōkore on the presentation map
- Noted that the economy was interrelated and benefits from these initiatives positively impacted the entire region
- Ensuring relationships with Pacific Islands were fostered was extremely important in relation to seasonal workers
- Whakatōhea mussels were at the leading edge internationally in terms of the scale and positive results of the project
- Providing workers with guaranteed minimum hours of pay year-round gained loyalty of workers and exhibited a strong family ethos
- A strong potential of the mussel industry was offering continuity of employment for its workers
- A second bridge in Whakatāne was an increasingly important issue in planning for regional developments underway and into the future
- Commended the work of Toi EDA and the positive differences the current leadership had made in a short period of time
- The initiatives were all really commendable but needed to be integrated across a suite of actions.

#### In Response to Questions

- Soil analysis funded through the Ministry for Primary Industries had been undertaken at Raukōkore to ensure the land was suitable



- The timing of Miro berry production cycles had a slight overlap with that of kiwifruit
- Workforce support to progress development was a key consideration.

## 10 Committee Members' Discussion

A brief discussion was held by members on topics including natural resources and water assets in the Eastern Bay of Plenty and comments were made regarding the success of the Eastern Bay of Plenty Joint Committee (EBoPJC) to date.

Members noted the importance of having continuity among the councils and that EBoPJC had been beneficial in sharing knowledge and provided an effective way of identifying things to do better together.

Mayor Bonne and Mayor Forbes were acknowledged for their significant contribution to the Eastern Bay of Plenty.

### 10.1 Public Excluded Section

#### Resolved

#### Resolution to exclude the public

**THAT the public be excluded from the following parts of the proceedings of this meeting.**

**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:**

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
11.1 Public Excluded Eastern Bay of Plenty Joint Committee Minutes - 04 June 2019	Please refer to the relevant clause in the minutes	Good reasons for withholding exists under section 48(1)

Clark/Bonne  
CARRIED

**The meeting closed at 2.58 pm.**

\_\_\_\_\_  
Councillor Bill Clark – Chairperson  
Eastern Bay of Plenty Joint Committee

\_\_\_\_\_  
Date

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Fiona McTavish – Chief Executive  
Bay of Plenty Regional Council

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Date

# Minutes of the Regional Transport Committee Meeting held in The Council Chamber, Rotorua Lakes Council, Civic Administration Building, 1061 Haupapa Street, Rotorua on Friday, 6 September 2019 commencing at 9.30 a.m.

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## Present:

**Chairperson:** Councillor Stuart Crosby (Bay of Plenty Regional Council)

**Deputy Chairperson:** Councillor Jane Nees

**Appointees:** Mayor John Forbes - Ōpōtiki District Council, Mayor Malcolm Campbell - Kawerau District Council, Deputy Mayor Dave Donaldson - Alternate, Rotorua Lakes Council, Mayor Tony Bonne - Whakatāne District Council, Councillor Berice Julian - Alternate, Kawerau District Council, Councillor Andrew Iles - Alternate, Whakatāne District Council, R I'Anson – Acting Regional Relationships Manager, New Zealand Transport Agency

**In Attendance:** John Galbraith - Freight Advisor, G Crowther - Environmental Sustainability Advisor

Bay of Plenty Regional Council: Namouta Poutasi – General Manager Strategy & Science, David Phizacklea – Regional Development Manager, Bron Healey – Senior Transport Planner, Amanda Namana – Committee Advisor

Ministry of Transport: Brent Johnston - Manager, Mobility and Safety and Danielle Bassan - Senior Policy Advisor

Other: Robert Brodnax – UFTI Project Director, Cole O'Keefe – New Zealand Transport Agency, Alistair Talbot – Tauranga City Council

**Apologies:** Mayor Steve Chadwick – Rotorua Lakes Council, Councillor Larry Baldock – Tauranga City Council

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## 1 Apologies

### Resolved

That the Regional Transport Committee:

- 1 Accepts the apologies from Mayor Steve Chadwick – Rotorua Lakes Council and Councillor Larry Baldock – Tauranga City Council tendered at the meeting.

Crosby/Bonne  
CARRIED

Chairperson Stuart Crosby – Bay of Plenty Regional Council welcomed newly appointed Environmental Sustainability Advisor Glen Crowther and acknowledged the contribution the late Noel Pope had made to regional transport.

## 2 **Public Forum**

Nil.

## 3 **Acceptance of Late Items**

Nil.

## 4 **General Business**

Nil.

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

Nil.

## 6 **Previous Minutes**

### 6.1 **Regional Transport Committee Minutes - 24 May 2019**

#### **Resolved**

That the Regional Transport Committee:

- 1 **Confirms the Regional Transport Committee Minutes - 24 May 2019 as a true and correct record.**

Nees/Donaldson  
**CARRIED**

## 7 **Reports**

### 7.1 **Key Highlights from the 2016-2019 Triennium**

Bron Healey – Senior Transport Planner outlined key highlights of the Regional Transport Committee over the 2016-2019 Triennium.

#### Key Points

- Approval of the Regional Land Transport Plan (RLTP) in 2018
- Review of the role of the Regional Transport Committee and the appointment of external advisors
- Completing Phase 1 of the Bay of Plenty Rail Study
- Submissions on key national policy documents
- Ongoing monitoring and implementation of the RLTP

#### Members' Comments:

- The RLTP process was difficult and there were many learnings to employ in the next iteration
- A key complexity was how to align council's longer term planning with separate government planning.

#### **Resolved**

That the Regional Transport Committee:

## 1 Receives the report, Key Highlights from the 2016-2019 Triennium.

Forbes/Campbell  
CARRIED

## 7.2 Update from Committee Members and Advisors

### Mayor John Forbes – Ōpōtiki District Council

#### Key Points

- The level of reporting over the years had been of a high quality, contributing to effective decision making
- The build-up of litter on state highways was becoming significant and the regular collection was not currently underway possibly due to safety concerns
- Roading upgrade project for Snells Road to Ōpōtiki harbour entrance was to start mid-2020
- National state highway maintenance budget needed revisiting and deterioration from the increased pressure of trucks on the roads was becoming apparent
- Road condition was proven to affect the quality of high value export product such as kiwifruit.

### Deputy Mayor Donaldson – Rotorua Lakes Council

#### Key Points

- Two Provincial Growth Fund projects – forest development and lakefront were proceeding on track and on budget
- Agreed that the condition of state highways was a concern.

### Cr Stuart Crosby (Chairperson) – Bay of Plenty Regional Council

#### Key Points

- Acknowledged the long standing contribution to transport of retiring Mayors Forbes and Bonne
- Repositioning with regard to the new Government Policy Statement (GPS) through the Urban Form and Transport Initiative (UFTI) was making progress
- The purpose of meeting with each territorial authority was to gain a clear understanding of key issues at a local level moving into the next strategy round
- Developing a structure for communication was a consideration to be made in improving working relationships in the next triennium.

### Councillor Jane Nees – Bay of Plenty Regional Council

#### Key Points

- Updated members on work underway in the public transport space including scope and programme for the Stage 3 review of the Tauranga public transport network which had implications for easing congestion across the network.

### Glen Crowther – Environmental Sustainability Advisor

#### Key Points

- Noted there were two major issues at present with reference to environmental sustainability:
  - The Bayfair/Baylink underpass issue which had a lot of community interest

- The free fares initiative had held a series of meetings across the Bay of Plenty with the aim of establishing free public transport fares across the region for positive social and environmental outcomes.

### **Mayor Tony Bonne – Whakatāne District Council**

#### Key Points

- The Waimana Gorge had been closed from 8 July 2019 to 21 August 2019 and was causing ongoing issues
- Planning for a second bridge into Whakatāne was an important part of planning for future congestion issues.

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

#### Key Points

- Supported a second bridge for Whakatāne with planned development as it affected the Kawerau community with access to their main service centre
- Important to activate public education regarding road litter, trucks securing loads, and debris such as rocks and bark coming from logging trucks
- Economic development opportunities were progressing and the use of rail would be a significant factor.

### **John Galbraith – Freight Advisor**

#### Key Points

- Noted Freight Logistics Action Group (FLAG) received regular updates from UFTI and were a key interface with the freight sector for the region
- Regional freight flows work was underway with an upcoming workshop scheduled
- The Driver and Operator Training Centre opened in Kawerau on 19 August 2019 with a full course underway in Level 3 Distribution, along with a series of short courses including working at heights and dangerous goods handling
- Surveys undertaken by FLAG highlighted 300-400 new drivers and operators would be required in the Eastern Bay of Plenty in the next two to five years.

## **Resolved**

**That the Regional Transport Committee:**

- 1 Receives the report, Update from Committee Members and Advisors.**

**Crosby/Nees  
CARRIED**

## **7.3 New Zealand Transport Agency Update**

*Refer PowerPoint Presentation Objective ID A3355204*

Ross l'Anson – Acting Director Regional Relationships presented this item.

#### Key Points of Presentation

- Continued engagement would be part of developing the 2021-24 National Land Transport Plan (NLTP), with communication more frequent and open during the development of Regional Land Transport Plans (RLTPs)
- Transparency around the current investment plan across a range of options

- The Investment Decision-Making Framework Review
- Innovating streets for people by enabling walking, cycling and public transport and increasing transport choices
- Identified four areas undergoing a speed review in the Bay of Plenty
- Outlined the speed review projects at State Highway (SH)33 Paengaroa/SH33 and SH30 Ōkere Falls to Rotokawa Road
- Waioeka bridge cleaning in Ōpōtiki had been approved
- Advised of Bay of Plenty level crossing projects planned
- NZTA revitalisation had been confirmed and was in the process of being implemented, with 16 regional teams at the core of the new structure
- Safety practices for NZTA workers
- Bayfair to Baypark underpass was not viable due to cost and funding, therefore other options were being investigated.

#### Presenters in Response to Questions

- Repairs were still underway to make Waimana Gorge safe, including rock fall netting
- State highway improvements activity class was overcommitted, meaning there were more projects than available funding
- There had been an increase in the programme for local roads across the country
- The scope for Stage 1 of the Eastern Corridor project had been adjusted
- SH30A improvements were part of revocation work funded through the original project
- The initial focus for mode shift plans was urban high growth areas
- Long term view principles were being used to develop Arataki, the Agency's Ten Year Plan
- Glen Crowther noted that the proposed overbridge solution at Bayfair was not an option that would meet the needs of the community.

## **Resolved**

**That the Regional Transport Committee:**

- 1 Receives the report, New Zealand Transport Agency Update.**

**Forbes/Crosby  
CARRIED**

10.50am – The meeting **adjourned**.

10.50am – Mayor Tony Bonne and Councillor Andrew Iles **withdrew** from the meeting.

11.06am – The meeting **reconvened**.

## **Order of Business**

The Chairman advised that item 8.5 Ministry of Transport Update would be received next to accommodate the arrival of presenters and the departure of their return flight.

### **7.4 Ministry of Transport Update**

*Refer PowerPoint Presentation Objective ID A3367276*

Brent Johnston (Manager, Mobility and Safety) and Danielle Bassan (Senior Policy

Advisor) from the Ministry of Transport updated the committee on current Ministry of Transport policy initiatives.

#### Key Points of Presentation

- Provided comparison of New Zealand and international statistics with road deaths per 100,000 population
- There had been a 52% increase since 2013
- An effective road strategy was an important part of improving road safety outcomes
- Noted the different roles and responsibilities held in relation to transport and road safety
- Detailed the progress made from April 2018 to the end of August 2019
- Outcomes from engagement with Local Government
- Outlined Road to Zero framework: vision, target, principles and focus areas
- Key focus areas were identified for the region
- Explained the tackling unsafe speeds programme and the three initiatives being considered:
  - Improving the way councils plan and implement speed limit changes - establishing a new regulatory framework for speed management
  - Transitioning to lower speed limits in areas with high numbers of active mode users including schools and urban centres
  - Moving toward the Swedish model of safety cameras, focusing on encouraging people to routinely drive at safer speeds
- Outlined the timeframe for delivery and next steps
- Government Policy Statement (GPS) 2018 was ambitious and represented a big change from the approach of the previous government
- Summarised the key points from GPS 2018 and three themes for how the results should be delivered
- A ten year rail plan was likely to be out for engagement around the same time as GPS 2021
- Greater ambition meant greater pressures on the National Land Transport Fund (NLTF)
- Provided a development timeline for GPS 2021, with the draft expected at the end of 2019 or beginning of 2020, subject to ministerial decision making
- The aim was to finalise GPS 2021 based on feedback and publish it by July 2020, one year before it was required to come into effect
- This timeframe was intended to allow time for the GPS to be interpreted and incorporated into plans and RLTPs
- 14 regional roadshows had been undertaken
- Mode shift varied in different geographies and sub-regions
- Provided advice to the Minister of Transport and had recommended to keep the direction of GPS 2018 consistent based on feedback received from public consultation.

#### Members' Comments

- Personal responsibility was paramount and there was not enough emphasis on the driver and road user choices
- A collaborative approach between the agencies was proven successful in dealing with drivers of unsafe vehicles
- Having submissions for GPS 2021 still open in February would be beneficial, with the timing linking in well with annual plan preparation
- Noted slow drivers were a problem as well as speeding drivers
- Noted railways as an important part of regional transport strategy and private options for rolling stock to accommodate freight increases needed to be considered.

#### In Response to Questions



- A total of 1300 submissions were received on Road to Zero and one of the most common topics was driver licensing and driver training
- Focus area on vehicle safety - mandated electronic stability control, a fundamental look at all elements of the system including warrants and certificates of fitness, offences and penalties for those non-compliant
- Policy intention was safe and appropriate speeds including slow drivers, it needed to be consistent with the design and function of the road e.g. slow vehicle and passing lanes
- A longer term piece of work regarding the future of the revenue system was in the early stages
- The Minister of Transport had asked for a general review of the public transport operating model, for which an update was anticipated to be available in the next two months, once an external evaluator was secured
- Key messages for members to consider were the timeline and the strategy process.

## Resolved

**That the Regional Transport Committee:**

- 1 Receives the report, Ministry of Transport Update.**

**Forbes/Donaldson  
CARRIED**

## 7.5 Urban Form and Transport Initiative Update

*Refer PowerPoint Presentation Objective ID A3367278*

Robert Brodnax – Project Director for UFTI presented this item.

### Key Points of Presentation

- Showed UFTI in context with spatial planning in the Western Bay of Plenty and in terms of the region
- Summarised the strategy, concept, design, delivery and responsibilities
- Highlighted that UFTI was a subset of SmartGrowth focused on Urban Form and Transport
- The first deliverable achieved was the draft Foundation Report which focused on three key challenges, available to download online at [www.ufti.org.nz](http://www.ufti.org.nz)
- The next steps in the business case process were:
  - Developing investment measures and objectives related to the challenge statements
  - Preparing and testing different programmes of integrated urban form and transport options
- Outlined the reports yet to come and timeframes on when to expect these
- Supporting technical research was due at the end of October 2019, including a regional freight flows analysis
- Also researching what was achievable in terms of mode shift in the Western Bay sub-region community
- The Regional Transport Committee would be asked to consider the recommended programmes for prioritisation as part of the 2021 RLTP process.

### In Response to Questions

- Anticipated to capture data on transport flows through sub-regions by work including the freight study
- UFTI programme was framed around the Western Bay of Plenty, with work underway in wider sub-regions that would need to be integrated as it progressed

- Expected that any upgrades required between Kawerau and the Port of Tauranga would be identified in the programmes developed
- Stakeholder engagement process was largely focused on active groups in the sub-region
- Economic and people flows through the region were being informed through engagement with Bay of Plenty Regional Council.

## **Resolved**

**That the Regional Transport Committee:**

- 1 Receives the report, Urban Form and Transport Initiative Update.**

**I'Anson/Nees  
CARRIED**

## **7.6 Draft Road to Zero Submission**

Bron Healey – Senior Transport Planner presented this item.

## **Resolved**

**That the Regional Transport Committee:**

- 1 Receives the report, Draft Road to Zero Submission;**
- 2 Approves the attached submission on the Ministry for Transport's 'Road to Zero' consultation document.**

**Crosby/Campbell  
CARRIED**

## **7.7 Transport Planning Update**

Bron Healey – Senior Transport Planner and David Phizacklea – Regional Development Manager provided an update on current transport planning initiatives.

### Key Points

- HenleyHutchings update had been prepared specifically for the Regional Transport Committee
- Further detail was provided on Regional Freight Flows Study work, including potential future freight flows across the region or over to Hamilton
- The proposed new National Policy Statement for Urban Development emphasized the importance of UFTI, highlighting Tauranga as one of the six highest growth areas in the country.

### Members' Comments/Items for Staff Follow-up

- Progressing a travel 'App' where people could ride share safely and conveniently wherever possible would be a positive step forward.
- Noted lack of attendance at Regional Advisory Group meetings and questioned as a result whether the Group could be relied on to provide sound advice in the next triennium.

## Resolved

That the Regional Transport Committee:

- 1 Receives the report, Transport Planning Update.

Forbes/Crosby  
CARRIED

## 7.8 Regional Land Transport Plan Implementation Report

Bron Healey – Senior Transport Planner provided a brief summary on progress made in implementing the activities in the RLTP.

### Key Points

- A number of activities were starting to progress through the business cases
- Noted that Tauranga City are starting some stages of their activities without National Land Transport funding

### Members' Comments

- Raised the issue of the removal of the significant State Highway component of the road safety programme between Ōpōtiki and Whakatāne
- Road safety barriers between Te Teko and Awakeri had created hazardous conditions.

## Resolved

That the Regional Transport Committee:

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

Donaldson/Nees  
CARRIED

## 7.9 Transport Related Provincial Growth Fund Proposals in the Bay of Plenty

Bron Healey – Senior Transport Planner and David Phizacklea - presented this item.

### Key Points

- Noted there had been some additions with the announcement of the funding contribution to the Tauranga Cruise Hub and a proposal for upgrading SH2 between Ōpōtiki and Gisborne for full high-productivity motor vehicles (HPMV), primarily strengthening bridges between the two centres
- A lot of work was happening behind the scenes, particularly in Eastern Bay and Rotorua to get Provincial Growth Fund (PGF) applications through the process, which had local and regional benefits.

### Members' Comments

- Driver Operator Training Centres were already operating in the Western Bay of Plenty and at Mount Maunganui
- The pilot training centre was unique in that it combined driving, operating and a range of industrial skills without restrictions on who could study there.

## **Resolved**

**That the Regional Transport Committee:**

- 1 Receives the report, Bay of Plenty Transport Related Provincial Growth Fund Proposals.**

**Donaldson/Crosby  
CARRIED**

### **7.10 Regional Land Transport Plan Variations**

#### Key Points - Members

- Te Papa Spatial Plan was an important piece of work supporting UFTI driven by Tauranga City Council
- It was important that comprehensive testing was carried out on light-emitting diode (LED) lighting used in projects to minimise impact to animals, insects and the environment
- Recommendation 2 relating to the State Highway Speed Management Guide Implementation was fully funded through NLTF under state highway improvement activity class.

## **Resolved**

**That the Regional Transport Committee:**

- 1 Receives the report, Regional Land Transport Plan Variations.**
- 2 Adds the State Highway Speed Management Guide Implementation activity to the Bay of Plenty Regional Land Transport Plan 2018.**
- 3 Adds the State Highway 2 High Productivity Motor Vehicle Upgrade – Gisborne to Ōpōtiki activity to the Bay of Plenty Regional Land Transport Plan 2018.**
- 4 Adds the Light Emitting Diode Conversion of Streetlights activity to the Bay of Plenty Regional Land Transport Plan 2018.**
- 5 Adds Te Papa Spatial Plan Indicative Business Case activity to the Bay of Plenty Regional Land Transport Plan 2018.**
- 6 Determines that the proposed variations are not significant for the purposes of public consultation.**

**Nees/Campbell  
CARRIED**

**The meeting closed at 12.32 pm.**

Confirmed DATE

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Councillor Stuart Crosby – Chairperson  
Regional Transport Committee

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Fiona McTavish  
Chief Executive – Bay of Plenty Regional Council

# Minutes of the Ōhiwa Harbour Implementation Forum Meeting held in Waimana Kaaku Room, Waimana School, 9 Raroa Road, Waimana on Thursday, 19 September 2019 commencing at 9.30 a.m.

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## Present:

**Chairperson:** Councillor Tīpene Marr - Bay of Plenty Regional Council

**Deputy Chairperson:** Deputy Mayor Lyn Riesterer - Ōpōtiki District Council (ODC)

**Appointees:** Councillor Andrew Iles Whakatāne District Council, Matt Te Pou - Te Waimana Kaaku, Charlie Bluett - Te Rūnanga o Ngāti Awa, Maui Manuel (Alternate) - Te Upokorehe, Tu O'Brien (Alternate) - Te Rūnanga o Ngāti Awa

**In Attendance:** Bay of Plenty Regional Council Toi Moana (BOPRC): Pim de Monchy – Coastal Catchments Manager, Tim Senior – Land Management Officer (Eastern), Amanda Namana – Committee Advisor

Whakatāne District Council (WDC): Jane Wright – Places and Open Spaces Planner

Whakatōhea Māori Trust Board: Bruce Pukepuke

Other: Matt McDougall - Fish & Game, Dr Kura Paul-Burke – NIWA, Joe Burke – MUSA Dive Marine & Environmental Services, Mike Jones – Department of Conservation, Bridget Palmer – Project Halo

**Apologies:** Trevor Ransfield - Te Upokorehe, Josie Mortensen - Whakatōhea Māori Trust Board, Councillor Nando Tánzos (Alternate) - Whakatāne District Council

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## 1 Karakia

Matt Te Pou – Te Waimana Kaaku opened the meeting with a karakia.

## 2 Apologies

### Resolved

That the Ōhiwa Harbour Implementation Forum:

- 1 Accepts the apologies from Trevor Ransfield - Te Upokorehe, Josie Mortensen - Whakatōhea Māori Trust Board, Councillor Nando Tánzos (Alternate) - Whakatāne District Council tendered at the meeting.

Iles/Riesterer  
CARRIED

Chairperson Tīpene Marr welcomed Matt Te Pou – Te Waimana Kaaku onto the Ōhiwa Harbour Implementation Forum.

### 3 **Public Forum**

Nil.

### 4 **Acceptance of Late Items**

Nil.

### 5 **General Business**

Nil.

### 6 **Declaration of Conflicts of Interest**

Nil

### 7 **Previous Minutes**

#### 7.1 **Ōhiwa Harbour Implementation Forum Minutes - 28 March 2019**

##### **Matters Arising:**

- Shooting of the black swan in Ōhiwa Harbour had not been arranged for the 2019 duck shooting season as it was important to gather further information first in regards to numbers, location and other pertinent data
- In the latest information received from the Waitangi Tribunal, Upokorehe were not formally recognised as an iwi and therefore could not be referred to as such in council minutes and reports
- Noted that this was a regulatory issue only, Upokorehe were recognised as valued participants in the Forum and for providing important kaitiakitanga.

##### **Resolved**

That the Ōhiwa Harbour Implementation Forum:

- 1 **Confirms the Ōhiwa Harbour Implementation Forum Minutes - 28 March 2019 as a true and correct record, subject to the following amendments:**

- **Remove any referral to Upokorehe as 'Upokorehe iwi'**
- **Minute Item 10.1: Add a note that the Forum chose not to respond to Tabled Document 1 – letter from Mr Lance Reha - Upokorehe.**

**Marr/Iles  
CARRIED**

A motion was **put**.

##### **Resolved**

That the Ōhiwa Harbour Implementation Forum:

- 1 **Agrees to review the Terms of Reference at the start of the new triennium.**

**Riesterer/Iles  
CARRIED**

## 8 Reports

### 8.1 2019 Local Government Elections Update

#### Resolved

That the Ōhiwa Harbour Implementation Forum:

- 1 Receives the report, 2019 Local Government Elections Update.

Iles/Riesterer  
CARRIED

### 8.2 Update on the Mussel Restoration Project

*Refer PowerPoint Presentation Objective ID A3378886*

Dr Kura Paul-Burke – NIWA and Joe Burke – MUSA Dive Marine & Environmental Services provided an update on progress with the mussel restoration project and further funding designated for the project.

#### Key Points of Presentation

- Provided a map showing the location of the last mussel bed remaining in Ōhiwa Harbour and the locations of the traditional eastern and western mussel beds which were no longer present
- In 2007 there were 112 million mussels in a 2km stretch of continuous reef
- In 2019 there were just 78,000 mussels in the one remaining bed at the harbour entrance. This had grown by almost 20,000 which showed that the mussels in this bed were recruiting and reproducing
- No sea stars were observed during the monitoring from June 2019 to August 2019 in the remaining bed
- An estimated 59,000 eleven-armed sea stars and 24,000 cushion sea stars were observed in the traditional beds where there were no mussels remaining
- There were two substantial pipi beds in Ōhiwa Harbour, estimated in 2016 to be infested with 100,000 sea stars
- Studies had shown a sustainable number of predatory sea stars in shellfish beds was 15 per hectare - in 2016 Ōhiwa Harbour had 50,000 sea stars per hectare
- A short form funding proposal had been submitted to the National Science Challenge Sustainable Seas, which was accepted with \$1M earmarked to assist research in the harbour to better understand the degradation and to promote shellfish recovery for Ōhiwa
- The name of the proposal was Awhi Mai Awhi Atu: Enacting a kaitiakitanga based approach to Ecosystem Based Management
- In the context of this mahi the name represented reciprocal sharing of knowledge and expertise to assist the recovery of the harbour
- Awhi Mai Awhi Atu was a four year project comprised of five key tasks:
  - Why there were so many sea stars and how to manage them
  - Where the best sites for mussel recovery were and why
  - How to retain the remaining mussels still on the bottom
  - What tools/models could assist decision-making for the harbour
  - How to manage for the long term
- Retaining existing mussels that were still on the bottom was important in terms of biodiversity and keeping the harbour clean
- Results of the sea star proof of concept trial showed lime as the most successful sea star repellent. Although lime was good for mussels and their shells there were many other complexities to consider in this research.



### In Response to Questions

- Although 50 sea stars a day were allowed to be harvested, the problem was what to do with them
- Uses for sea stars were being considered and investigated such as fertiliser, bio-nutrients and whether the fact they can regenerate in two ways could potentially have benefits for human health
- There were also ethical considerations to be made in managing sea star numbers as they were an indigenous species to New Zealand and not classified as a pest
- Fertilising and composting options were both possible with sea stars, although with the effort and time involved were not likely to be economically viable. A green waste trial was suggested to be undertaken with the first number of sea stars to be removed
- The spawning cycle of mussels was due to start, with more spat lines and floats purchased in preparation
- The trial co-funded by NIWA and Bay of Plenty Regional Council (BOPRC) ended the week of 23 September 2019.

### Points Raised by Members

- A solution to the sea star situation was a priority and needed to be addressed before mussels diminished further
- In terms of ecosystem balance it would be prudent to work with the correct population by looking at sustainable numbers and dealing with the excess
- Commended the work Dr Paul-Burke was doing and the passion with which she approaches the research.

## **Resolved**

### **That the Ōhiwa Harbour Implementation Forum:**

- 1 Receives the report, Update on the Mussel Restoration Project**
- 2 Write a letter in support of Awhi Mai Awhi Atu, to be signed by the Chair on behalf of the Forum.**

Iles/Riesterer  
CARRIED

10.48 am – The meeting **adjourned.**

11.08 am – The meeting **reconvened.**

## **8.3 Impacts on Seagrass Beds: the Case for the Black Swan**

*Refer PowerPoint Presentation Objective ID A3368552*

Matt McDougall from Fish & Game presented this item.

### Key Points of Presentation

- Had been involved with managing waterfowl population for many years
- Outlined the history of black swan in New Zealand and the three main complaints received from the public about them
- The black swan was now considered a native species to New Zealand. Extinct by the time the Europeans arrived, 100 swan were reintroduced by the Acclimatisation Societies in the 1860's and there was a general consensus they reintroduced themselves around the same time

- Summarised relevant population statistics, including geographic movements within the country
- The black swan was particularly susceptible to major weather events
- Neck collars and banding of the swans had been performed to learn more about their movements
- Swans were classified as a game bird under Schedule 1 of the Wildlife Act 1953
- Plants that the swans used to eat in Waikato lakes had disappeared so they moved to the harbours to eat
- Sea grass (Zostera) was disappearing ten times faster than tropical rainforest
- Evidence gathered supported sediment and nutrient run off as the main factor in seagrass loss from the harbours
- Outlined the work done by Whāingaroa Harbour Care at Raglan and the results achieved in their catchment
- Suggested further investigation into this success could be useful (Fred Lichtwark - Plenty More Fish in the Sea: The Whāingaroa Harbour Journey)
- Noted that humans had driven the swan to extinction once before, therefore it was important to be careful they were not over-harvested
- In addition to the four month season, on the weekend of 29 February - 1 March 2020 swan shooting was permitted with no limit
- Swan populations were cyclic and fluctuated, as did Zostera growth.

#### In Response to Questions

- Eutrophication referred to the build-up of nutrients
- Fish & Game's game bird hunting season license could be used to hunt swan
- Shooting from a boat was acceptable as long as it was anchored/ not moving and when under power the guns had to be securely stowed.

#### Staff in Response to Questions

- Regulatory settings needed to be elevated through implementation of the National Policy Statement (NPS) for freshwater as the current regulatory and non-regulatory regime was not sufficient to manage the diffuse sources of contaminants that were entering Ōhiwa Harbour
- Recruitment was underway for a new Land Management Officer to work in the Ōhiwa Harbour catchment with the focus on getting farmers signed up to improved Farm Environment Plans.

#### Points Raised by Members

- BOPRC was responsible for catchment management and for setting rules for discharge into waterways
- Prioritisation was of utmost importance to progress tasks with a sense of urgency before the situation worsens
- Incentivising areas near streams to protect waterways was a significant factor
- Latest government freshwater release showed waterways as the top priority, with drinking water second.

#### **Resolved**

#### **That the Ōhiwa Harbour Implementation Forum:**

- 1 Receives the report, Impacts on Seagrass Beds: the Case for the Black Swan.**

**Iles/Marr  
CARRIED**

## 8.4 HALO Whakatāne – Pest eradication

*Refer PowerPoint Objective ID A3369182*

Bridget Palmer from HALO Whakatāne presented this item.

### Key Points of Presentation

- HALO started in 2014 with a hikoi to Moutohorā Island with a group of tangata whenua, business people and volunteers with the vision of achieving similar success on the mainland
- ‘Building a HALO’ was primarily about creating an unfenced conservation sanctuary in the heart of the Eastern Bay of Plenty
- Provided a map detailing the proposed project area of approximately 150,000 hectares
- Outlined existing conservation community group projects within the project area. HALO Whakatāne was not seeking to be an umbrella organisation, but an organisation offering support, connecting and resourcing community conservation cooperation
- A key focus was providing the groups with administration assistance related to their individual requirements including insurance policies on public, or council land, health and safety plans, accountancy and solicitor services
- A collection of knowledge was being established to assist schools and new initiatives gain the knowledge they need to succeed
- Highlighted rat and stoat trap placement around Whakatāne urban area and along Ōhope spit
- Traps made and painted by local children in a joint effort with Whakatāne Rotary Club and the Men’s Shed had proven successful in their placement at Awatapu Lagoon
- Introduced the Awatapu Otamakaukau Kaitiaki Trust with their planned stages for replanting through an application to the Environmental Enhancement Fund
- Possums were being targeted first as they were in low numbers in the area and were an achievable target with the technology and research readily available.

### In Response to Questions

- The dots on the existing projects map were not representative of the area size or the numbers of volunteers or traps involved and would be amended to reflect a more factual approach.

### Points Raised by Members

- Suggested considering the best harakeke and raupō species for weaving in plantings around the lagoon and to map the plants so weavers could harvest when required

## **Resolved**

**That the Ōhiwa Harbour Implementation Forum:**

- 1 Receives the report, HALO Whakatāne and gives strength to the project by supporting the kaupapa.**

**Te Pou/Bluett  
CARRIED**

## 8.5 **Ōhiwa Harbour Strategy Work Programme Annual Report to 30 June 2019**

*Refer PowerPoint Presentation Objective ID A3369649*

Tim Senior, Land Management Officer (Eastern) summarised the work carried out against the deliverables over the last financial year.

### Key Points of Presentation

- Shared learnings from a helicopter flight taken over the catchment to check for any sediment hotspots which highlighted how steep some of the land was
- Showed areas of previous forestry which had been cleared and left for pasture but had evident scars which were unlikely to heal
- New regulations had fencing requirements of 5m from banks which kept moving and planting to hold it from erosion was challenging
- Outlined the new government freshwater reforms and potential benefits
- Banks of the Kakaho stream had been battered to mitigate flooding at Kutarere, stop some of the erosion and enhance capacity of stream
- Although shrub willows were not native, they had been used in the plantings as they were very effective in holding up the banks
- Stage one of the heritage trail was completed and stage two was well underway.

### In Response to Questions

- The catchment specific plan had to take a regulatory approach to smaller waterways (less than 1 metre in width) or landowners would always need to do more than was required by regulation.

### Points Raised by Members

- The impact of climate change on rivers and streams was clearly seen and erosion was worsening
- Returning to native planting was the only option that would survive and be effective
- To correct the effects on Ōhiwa Harbour consideration had to be given to the entire length of the waterways that began inland.

### Items for Follow-Up

- On Page 62 of the agenda 'four iwi' were mentioned and it was agreed that this would be revised to 'four tangata whenua partners' and referred to as such in future reports.

## **Resolved**

**That the Ōhiwa Harbour Implementation Forum:**

- 1 Receives the report, Ōhiwa Harbour Strategy Work Programme Annual Report to 30 June 2019, subject to above amendment.**

**Manuel/Marr  
CARRIED**

## 8.6 **Summary of the Ōhiwa Harbour Implementation Forum and Ōhiwa Harbour Strategy Coordination Group Combined Workshop, June 2019**

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

### Key Points

- The notes were a direct transcription of everything that had been written down at the workshop
- It was agreed that all the information gathered would be collated, documented and contextualised for prioritisation and action
- There were seven priorities and 14 proposed actions identified for the Forum to consider.

### In Response to Questions

- Found the workshop to be very useful and productive and supported the suggestion of future strategic workshops
- Proposed action number 11 was about leading the conversation around resourcing those who act in kaitiaki roles and how to do this; resourcing included people as well as money
- Comments from members regarding the best approach to resourcing work in the Ōpōtiki District would be included in further discussions held at BOPRC and would be reported back at the next meeting of the Forum
- Noted that the Forum had authority to make recommendations to Council, including for increases in budget and resourcing.

### Points Raised by Members

- It was a priority for Forum members and tangata whenua partners to upskill and become more conversant in different areas such as consenting processes and the Resource Management Act (RMA), which could gain fresh perspective and be more productive
- The government had put additional emphasis on freshwater strategies and expectations
- Raised whether two meetings per year was enough time to perform the work of the Forum, increasing meeting frequency could enhance knowledge sharing, gather momentum and support being more productive as governors
- Kaitiakitanga understanding and principles needed to be brought to the Forum
- The three councils needed to get together to discuss budget implications and how to lead resourcing kaitiaki through the Annual Plan process
- There was frustration around the time it took to get things done, which was a consideration for the budget discussions e.g. creating a discretionary fund to progress work that did not come under particular work streams.

The following decisions were made for the proposed actions and agreed by each party:

1. BOPRC to develop a sediment and nutrient mitigation action plan with input from Ōhiwa Harbour Strategy Coordination Group (OHSCG) and Ōhiwa Harbour Implementation Forum (OHIF) - **BOPRC to lead**
2. OHSCG to develop a revised mangrove management in line with the Regional Coastal Environment Plan - **BOPRC to lead**
3. OHSCG to develop a co-ordinated habitat and species action plan to ensure that collective efforts are maximised and make the most of any external funding - **Department of Conservation to lead**
4. OHSCG to review earthworks/forestry rules in BOPRC/WDC/ODC plans and the provisions in the National Environmental Standard for Production Forestry - **BOPRC to lead**
5. OHSCG to develop consenting and compliance (resource management) strategy - **BOPRC to lead**
6. OHSCG to hold one or more wānanga on the consenting/compliance process involved in the RMA, bylaws and other regulations and which will include a Māori perspective – **BOPRC to lead**
7. OHSCG to develop a co-ordinated plan to cover all aspects of fishery work, including research in the harbour – **tangata whenua to lead**

8. OHSCG to investigate how to progress the identification of cultural sites with BOPRC Geographic Information System (GIS) team, Māori Policy team and others – **tangata whenua to lead**
9. OHSCG to continue the development of Stage 2 of the heritage trail and, as part of that, discuss with iwi how to tell the stories of important cultural sites and general Māori history of the area and whether or not there are existing trails past important sites that could use extra signage - **BOPRC to lead**
10. Identify the eight kaitiaki of the harbour and provide signage to explain as part of the heritage trail – **tangata whenua to lead**
11. OHSCG to investigate ways of assisting and resourcing Māori wardens to monitor resource use – this could be incorporated in a resource management strategy as in proposed action 5 above – **this would be left open to further explore who would lead the conversation around resourcing**
12. OHSCG to ensure that the tikanga around waahi tapu sites is noted on interpretation signage as appropriate – **lead to be confirmed**
13. OHSCG to investigate ways of providing more recognition to voluntary groups and landowners and investigate other avenues of funding and support – **lead to be confirmed**
14. OHSCG to invite group representatives or individual landowners to present at OHSCG and OHIF meetings periodically – **lead to be confirmed.**

#### Items for Follow-up

- Agreed that a similar workshop should be held at the start of each triennium with the focus on a longer term strategic approach and another one halfway through the triennium to track progress.

## **Resolved**

### **That the Ōhiwa Harbour Implementation Forum:**

- 1 **Receives the report, Summary of the Ōhiwa Harbour Implementation Forum and Ōhiwa Harbour Strategy Coordination Group Combined Workshop, June 2019;**
- 2 **Endorses the seven priority actions and the 14 proposed actions,**
- 3 **Agrees on the appropriate agency/iwi or grouping to lead those actions, as outlined above and;**
- 4 **Notes that the implementation of the actions will be subject to approval and resourcing by the nominated agency/iwi or grouping.**

**Riesterer/Bluett  
CARRIED**

## 8.7 **Interim State of the Ōhiwa Harbour and Catchment Environment Report**

Tim Senior – Land Management Officer (Eastern) updated the Forum on the results of the environmental monitoring taken place in the catchment over the past year.

#### Key Points of Presentation

- The increase in Fernbird numbers on Uretara Island was a fine example of the power of pest control

- 10 hectares of kahikatea forest on Ruatuna Road had been fenced
- Bathing water quality and shellfish consumption safety within Ōhiwa Harbour was good
- Nukuhou River had been analysed over the last ten year period which provided a more meaningful indication showing a slight decline in water quality except for E.coli, which remained fairly stable.

#### In Response to Questions

- The red lines on the shellfish consumption safety graph were the guidelines set by the Ministry of Health so although consumption would not cause illness the bacteria levels were still cause for concern.

## **Resolved**

**That the Ōhiwa Harbour Implementation Forum:**

- 1 Receives the report, Interim State of the Ōhiwa Harbour and Catchment Environment Report.**

**Iles/Marr  
CARRIED**

## **9 Closing Karakia**

Bruce Pukepuke – Whakatōhea Maori Trust Board closed the meeting with a karakia.

**The meeting closed at 1.32 pm.**

Confirmed DATE

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Cr Tīpene Marr  
Chairperson – Ōhiwa Harbour Implementation Forum

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Fiona McTavish  
Chief Executive – Bay of Plenty Regional Council

# Minutes of the Civil Defence Emergency Management Group Joint Committee Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Friday, 27 September 2019 commencing at 10.00 a.m.

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## Present:

**Chairman:** Mayor G Brownless (Tauranga City Council)

**Deputy Chairman:** Councillor D Love (Bay of Plenty Regional Council)

**Appointees:** Western Bay of Plenty District Council (WBOPDC): Mayor G Webber  
Whakatāne District Council (WDC): Deputy Mayor Judy Turner (Alternate)  
Ōpōtiki District Council (ODC): Mayor J Forbes  
Kawerau District Council (KDC): Mayor M Campbell

**In Attendance:** Emergency Management Bay of Plenty (EMBOP): Clinton Naude - Director; Matthew Harrex - Manager, Planning & Development; Nic Barnes – Emergency Management Advisor; Andrea Thompson - Personal Assistant  
KDC: Russell George - Chair of Coordinating Executive Group (CEG) & Chief Executive Officer  
BOPRC: Sarah Omundsen - General Manager, Regulatory Services; Donna Llewellyn - In-house Legal Counsel; Merinda Pansegrouw - Committee Advisor  
TCC: Rowan Wallace, Manager Emergency Management  
Other: Hon Peeni Henare - Minister of Civil Defence; Stefan Weir - Private Secretary Civil Defence, Department of the Prime Minister and Cabinet, New Zealand; John Titmus - Regional Coordinator, Ministry of Civil Defence and Emergency Management; Peter Clarke - Area Manager Bay of Plenty District, Fire and Emergency New Zealand; Mah'rufa Cassim - Student, Papamoa College; Sarah Cowie - Teacher, Papamoa College

**Apologies:** Mayor S Chadwick (RLC), Deputy Mayor D Donaldson (Alternate, RLC), Councillor S Browne (Alternate, ODC), Chairman D Leeder (Alternate, BOPRC)

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## 1 **Apologies**

### **Resolved**

That the Civil Defence Emergency Management Group Joint Committee:

- 1 **Accepts the apologies from Mayor S Chadwick, Deputy Mayor D Donaldson, Councillor S Browne and Chairman D Leeder tendered at the meeting.**

Campbell/Webber  
CARRIED

## 2 **Public Forum**

Nil

## 3 **Acceptance of Late Item**

### **Tabled letter received from Hon Peeni Henare - Minister of Civil Defence - Establishment of Disaster Relief Funds (NEMA)**

Members noted that correspondence had been received from Hon Peeni Henare Minister of Civil Defence, dated 24 September 2019. The letter was in response to correspondence sent to the Minister following the Civil Defence Emergency Management Group Joint Committee meeting of 21 June 2019, enquiring about future considerations for disaster relief funding.

The Minister's letter would be considered under item 7.7 "*Update on Changes in Emergency Management for New Zealand – Hon Peeni Henare, Minister of Civil Defence*".

## 4 **General Business**

Nil

## 5 **Confidential Business to be Transferred into the Open**

Nil

## 6 **Declaration of Conflicts of Interest**

Nil

## 7 **Previous Minutes**

### 7.1 **Civil Defence Emergency Management Group Joint Committee Minutes - 22 March 2019**

#### **Resolved**

That the Civil Defence Emergency Management Group Joint Committee:

- 1 Confirms the Civil Defence Emergency Management Group Joint Committee Minutes of 22 March 2019 as a true and correct record.

Love/Forbes  
CARRIED

## 7.2 Civil Defence Emergency Management Group Joint Committee Minutes - 21 June 2019

### Resolved

That the Civil Defence Emergency Management Group Joint Committee:

- 1 Confirms the Civil Defence Emergency Management Group Joint Committee Minutes of 21 June 2019 as a true and correct record.

Brownless/Turner  
CARRIED

### Matter arising

- **Emergency Management System Reform**

Regional Coordinator, Ministry of Civil Defence and Emergency Management John Titmus, advised that as part of the Emergency Management System Reform and amending the Civil Defence Emergency Management Act 2002 accordingly, Principal Policy Advisor - Department of the Prime Minister and Cabinet, Rachel Hyde was available to visit the Bay of Plenty Region and address the Joint Committee should there be any further information/clarification required.

## 7.3 Director Emergency Management Bay of Plenty Update

Director, Emergency Management Bay of Plenty Clinton Naude presented the report providing a high level summary of the key developments and activities in the Civil Defence Emergency Management sector.

### Key Points:

- Ministry of Civil Defence & Emergency Management (MCDEM) had signed-off and published the 3<sup>rd</sup> edition of the Coordinated Incident Management System (CIMS)
  - Emergency Management Bay of Plenty (EMBOP) would develop an implementation plan for the roll out of CIMS (3<sup>rd</sup> edition) across the Bay of Plenty CDEM Group ensuring that all training, exercises and multi-agency responses reflected CIMS (3<sup>rd</sup> edition) by 1 July 2020
- National Disaster Resilience Strategy came into effect on 10 April 2019 and replaced the previous National Civil Defence Emergency Management Strategy
- International Association of Emergency Managers (IAEM) 2019 Awards: EMBOP and BOPRC, supported by Bay of Plenty Schools had been awarded two international awards for their partnership in the Civil Defence Youth Ambassador Programme. These were: (1) IAEM-Oceania Partners in Preparedness Award and (2) IAEM-Global Partners in Preparedness Award
- Public Warning Systems test for the Bay of Plenty CDEM Group took place on 10 June 2019 - one siren in the Eastern Bay of Plenty did not activate and had subsequently been repaired

- Since there continued to be confusion amongst members of the public understanding the difference between the regional Text Alerting System (an opt-in system) and the National Emergency Mobile Alert (automatically sent to every phone), this would be reviewed in November 2019 following the next national test of the Emergency Mobile Alert System: once the national system reached a 70% coverage, the regional texting alert system would be phased out
- The National Welfare Coordination Group (NWCG) - Angela Reade, Bay of Plenty CDEM Group Welfare Manager has been appointed as one of the CDEM sector representatives to this national group
- Response and Recovery Leadership Programme: Two Bay of Plenty CDEM Group candidates had completed the first Response and Recovery Leadership Programme tier 1 course and one Bay of Plenty CDEM Group candidate had been enrolled on the current Response and Recovery Leadership Programme tier 1 course
- Bay of Plenty CDEM Group Response Seminar was hosted on 10 September 2019 in Mount Manganui. The theme of the seminar was the health sector emergency management
- New Zealand ShakeOut 2019 – next national earthquake drill and tsunami hiko (walk) scheduled for 17 October 2019.

Members' Comments:

- Commended the Director, Emergency Management Bay of Plenty Clinton Naude on the quantum and quality of work undertaken in the emergency management field within the Bay of Plenty
- Congratulated Bay of Plenty CDEM Group Welfare Manager Angela Reade on being appointed as one of the CDEM sector representatives to the National Welfare Coordination Group
- Acknowledged that there were training issues due to resourcing challenges/maintained that sufficient resourcing/leadership training should be continuously prioritised.

10:17 a.m. Deputy Mayor Judy Turner **entered** the meeting.

**Resolved**

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

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

**Forbes/Campbell  
CARRIED**

**7.4 Bay of Plenty Civil Defence Emergency Management Group - Recovery Manager Appointments**

Director, Emergency Management Bay of Plenty Clinton Naude presented the report.

**Resolved**

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

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

- 2 Approves the appointment by the Bay of Plenty CDEM Group Joint Committee of Nikki Melvin as a Local Recovery Manager for the Bay of Plenty Civil Defence Emergency Management Group, Kawerau District, as defined under s30 of the Civil Defence Emergency Management Act 2002;
- 3 Approves the change in appointment by the Bay of Plenty CDEM Group Joint Committee of Glenn Sutton as Alternate Local Recovery Manager for the Bay of Plenty Civil Defence Emergency Management Group, Kawerau District, as defined under s30 of the Civil Defence Emergency Management Act 2002;
- 4 Rescinds the appointment of Jacinda Lean as Alternate Local Recovery Manager for the Bay of Plenty Civil Defence Emergency Management Group, Tauranga City, as defined under s30 of the Civil Defence Emergency Management Act 2002.

Forbes/Brownless  
CARRIED

## 7.5 Bay of Plenty CDEM Group Annual Report 2018/19

Director, Emergency Management Bay of Plenty Clinton Naude and Manager, Planning & Development Matthew Harrex presented the Bay of Plenty CDEM Group Annual Report 2018/2019 for approval:

### Key Points:

- 2018/2019 has been a significant year for the Bay of Plenty Civil Defence Emergency Management (CDEM) Group filled with mayor achievements
- A number of successful reviews had followed Cyclone Debbie, Cyclone Cook and the 2017 Edgecumbe flooding event
- A key accomplishment had been the review, update and agreement to the new partnership agreement for the Bay of Plenty CDEM Group - a key recommendation from the 2018 review of the Bay of Plenty CDEM Groups service delivery model
- The past year had seen changes being initiated at national level on enhancing the emergency management system, with progress on the Emergency Management Assistance Team (EMAT) concept, developing the National Emergency Management Agency (NEMA) and amendments to the CDEM Act 2002
- Training was a concern and required focus during the next reporting period alongside the national focus on professionalising the emergency management sector
- Required an objective review of the current workforce model, i.e. needed a better model to ultimately be smarter and offering a shared workforce. This would also address the current training challenges
- Pointed out that in recommendation 3(c), the remaining balance of \$450,000 would be allocated for the following key projects:
  - To establish and maintain a multi-alerting platform
  - To provide additional resource for the development of a Te Ao Māori CDEM Framework
  - To develop bespoke training and public education packages to support formal training
  - To prepare and plan for the application of national and international guidance to the Bay of Plenty context; and
  - Technology improvements.

### Members' Comments:

- Current challenges regarding training matters related to a political decision by territorial authorities to retain their own controllers – hence the current structure

requiring 22 controllers across the Bay of Plenty region. Accordingly, the responsibility to resource local controllers would vest with the relevant territorial authorities. This arrangement should be challenged/reviewed in the new triennium

- Significant achievements by the Bay of Plenty CDEM Group, as reflected in the Annual Report, should be shared with territorial authorities' communication teams to enable sharing of this information with ratepayers via quarterly panui
- Reaffirmed the importance of committing to the training of resources
- Noted that members were not required to approve a budget, rather consider the utilisation of the current Bay of Plenty CDEM Group Reserve Funds.

Item for Staff Follow-up:

- The current workforce model/structure to be reviewed to ensure the most efficient/cost effective model for emergency management in the Bay of Plenty region.

## **Resolved**

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

- 1 Receives the report, Bay of Plenty CDEM Group Annual Report 2018/19;**
- 2 Approves the Bay of Plenty CDEM Group Annual Report 2018/2019;**
- 3 Approves that the current Bay of Plenty CDEM Group Reserve Funds be utilised as follows:**
  - a. A balance of \$400,000 is retained in reserves to cover any unbudgeted response costs;**
  - b. Allocate \$450,000 to the 2020/2021 Bay of Plenty CDEM Group operational budget to lessen the CDEM Group Targeted Rate increase arising from the transition to the new delivery model;**
  - c. The remaining balance of \$450,000 is allocated for specific projects to enhance the capability of the Group over the 2019/20 and 2020/21 financial years.**

**Brownless/Forbes  
CARRIED**

## **7.6 Declaring States of Local Emergency during Local Government Elections**

Director, Emergency Management Bay of Plenty Clinton Naude presented the report.

Key Points:

- During local government elections when there may be no-one available to declare a state of local emergency as members could not act as elected representatives until they were sworn in, a state of local emergency could be declared through one of the following options:
  - The Minister of Civil Defence could declare a state of local emergency for a CDEM Group area or any district or ward within that area; or
  - In circumstances that provided a period of warning, such as an impending adverse weather event, a council meeting may be called as soon as

practicable to have the new council sworn in, allowing the Mayor to declare a state of local emergency.

## **Resolved**

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

- 1 Receives the report, Declaring States of Local Emergency during Local Government Elections.**

**Forbes/Brownless  
CARRIED**

## **7.7 Fire and Emergency New Zealand - Establishment of Local Advisory Committees**

*Refer Tabled Item 2 – Fact Sheet: Local Advisory Committees - Objective Reference A3387901.*

Peter Clarke, Area Manager Bay of Plenty District, Fire and Emergency New Zealand (FENZ) provided an update on the establishment of Local Advisory Committees:

### Key Points:

- The Fire and Emergency New Zealand Act 2017 had established Local Advisory Committees (LACs) to provide local input into national planning, ensuring that FENZ was responsive to the risks and needs of communities
- LACs would ensure that the voices of local communities were heard, particularly in relation to their risks and needs, and provided a mechanism for ensuring a strong local voice in fire and emergency services
- FENZ would be able to leverage the national network of LACs to better inform its planning processes and to help plan for and mitigate current and future risks, collaboratively with the community
- LACs would be advisory only, and would not be involved in governance, management or operational matters and decisions
- Recent trials had been completed in the Hawke's Bay and West Otago regions, with good learnings in preparation for setting up the next LACs
- The FENZ Board would appoint members to LACs after a nomination and selection process.

### In Response to Questions:

- Establishment of the LAC for the Bay of Plenty region was scheduled to commence June 2020
- LACs would be made up of local people who reflected a range of community interests and had a good understanding of local risks and needs.

## **Resolved**

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

- 1 Receives the report, Fire and Emergency New Zealand - Establishment of Local Advisory Committees.**

**Love/Brownless  
CARRIED**

- 11:00 a.m. The meeting **adjourned**.
- 11:15 a.m. The meeting **reconvened**.
- 11:15 a.m. Hon Peeni Henare - Minister of Civil Defence and Stefan Weir - Private Secretary Civil Defence, Department of the Prime Minister and Cabinet, New Zealand **entered** the meeting.

## 7.8 Youth Ambassadors

*Refer Tabled Item 3 – Letter of appreciation presented to Mah’rufa Cassim from Mayor Brownless on behalf of Bay of Plenty Civil Defence Emergency Management Group - Objective Reference A3387901*

Civil Defence Youth Ambassador/Papamoa College Student Mah’rufa Cassim presented to members, and special guest, Hon Peeni Henare, Minister of Civil Defence the benefits of being part of the Civil Defence Youth Ambassador Programme, both as an attendee in 2018 and a mentor in 2019:

### Key Points:

- Obtained a much broader understanding of what civil defence emergency management involved
- Gained an increased understanding of natural hazards and appropriate disaster and emergency response processes and how students could take an active role
- Developed leadership skills
- Could assist with raising awareness of civil defence matters both at school and in the community
- Enjoyed the engagement with civil defence emergency staff members
- Helped her with a school project “Future focussed” and preparing the school to be ready for disasters
- The opportunity to participate in teamwork had helped improve skills such as communication, critical thinking, patience and project work
- Papamoa College/community benefitted from her participation – made connections and created an increased awareness/interest by educating her peers
- Expressed appreciation for the opportunity to both learn and contribute.

Hon Peeni Henare, Minister of Civil Defence thanked Mah’rufa for the great work she had achieved in her school and community.

Emergency Management Advisor Nic Barnes provided a brief overview of what the Civil Defence Youth Ambassador Programme involved: It was an internationally recognized workshop for students run by Emergency Management Bay of Plenty focussing on emergency preparedness and disaster response. The objective of the programme was to train students from every high school in the Bay of Plenty to become civil defence leaders.

Members noted that Emergency Management Bay of Plenty and the Bay of Plenty Regional Council, supported by Bay of Plenty Schools have been awarded two international awards for their partnership in the Civil Defence Youth Ambassador Programme. These were: (1) IAEM-Oceania Partners in Preparedness Award and (2) IAEM-Global Partners in Preparedness Award.

Mayor Brownless, on behalf of Bay of Plenty Civil Defence Emergency Management Group, presented Mah’rufa Cassim with a letter of appreciation for her engagement and commitment towards the Civil Defence Youth Ambassador Programme.

## 7.9 **Update on Changes in Emergency Management for New Zealand – Hon Peeni Henare, Minister of Civil Defence**

*Refer Tabled Item 1 – Letter from Hon Peeni Henare, Minister of Civil Defence – Disaster Relief Funds (NEMA) dated 24 September 2019 - Objective Reference A3379514*

Hon Peeni Henare, Minister of Civil Defence provided a verbal update on recent changes in emergency management for New Zealand:

### Key Points raised by Hon Peeni Henare:

- Congratulated all on being awarded two international awards for their partnership in the Civil Defence Youth Ambassador Programme
- Expressed appreciation and support for involving youth in civil defence emergency management matters
- Following the Technical Advisory Group's report into how New Zealand responded to natural disasters and emergencies, a multi-year work programme was developed to deliver extensive changes to New Zealand's emergency response system: the outcome being the development of the National Emergency Management Agency (NEMA), Emergency Management Assistance Teams (EMAT) and amendments to the CDEM Act 2002
- Purpose of NEMA was to (1) lift the mana of the civil defence portfolio by including it in the Prime Minister's Office and (2) to allow it to adapt and grow with the needs of the regions
- Emphasized the importance of regional leadership/growth. NEMA provided an opportunity to develop this along with the development of standards for crisis response at a regional level
- Emergency Management Assistance Team (EMAT) – “fly-in teams” would be providing specialist skills and better responses to natural disasters and other emergencies and would ensure that New Zealanders received a consistent level of support in any emergency, wherever and whenever it happened
- Emphasised that the changes required unity and a cohesive response
- Highlighted that the changes were in the interest of all new Zealanders and required the support of all the regions; encouraged and challenged all to embrace NEMA/EMAT and provide continuous feedback
- Stressed the importance of having serious discussions on matters relating to resilience and recovery. These needed to include all portfolios across national government
- Acknowledged the important role played by emergency management and thanked all for their continued commitment.

### Members' Comments:

- With regards to recovery and resilience in communities, in the past, Mayoral Relief Funds had been utilised to assist communities post severe events, and National Government had matched every dollar contributed by a Mayoral Relief Fund. Suggested that since incentivisation was an effective tool to assist communities with resilience and recovery, consideration be given to re-introduce the principle
- Expressed concern about the financial burdens carried by smaller local councils post extreme events
- Although local government was responsible for civil defence emergency management, no funding was provided for this - hence creating a tension between the level/quality of service delivery required and rates to be levied (an example was sending staff members for training which would have an impact on business as usual/costs of resources).

## **Resolved**



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

- 1 Receives the letter from Hon Peeni Henare, Minister of Civil Defence – Disaster Relief Funds (NEMA) dated 24 September 2019.**

**Forbes/Webber  
CARRIED**

## **8. General Business**

### End of Triennium Words of Appreciation

Chairman Mayor Brownless thanked members, in particular the retiring mayors, and staff for their continued support during this triennium as well as their valuable contribution towards emergency management in the Bay of Plenty Region.

He conveyed his best wishes to all for the upcoming Local Government Elections.

**The meeting closed at 12:00 p.m.**

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Mayor Greg Brownless – Chairperson  
Civil Defence Emergency Management  
Group Joint Committee

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Date

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Russell George  
Chair of Coordinating Executive Group

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Date

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# Hon Peeni Henare

MP for Tāmaki Makaurau  
Minister of Civil Defence  
Minister for Whānau Ora  
Minister for Youth

Associate Minister of Health (Māori Health)  
Associate Minister of Tourism



**4 SEP 2019**

Mr Greg Brownless  
Chair, Joint Committee  
Bay of Plenty Civil Defence Emergency Management Group  
PO Box 364  
Whakatāne

Ref: PH 2019/20 - 006

Tēnā koe Mayor Brownless

Thank you for your email of 2 September 2019 requesting clarification on where disaster relief funds will fit into the new National Emergency Management Agency (NEMA).

Establishing a disaster relief fund is a decision for city and district councils to make. Having a relief fund pre-established, however, with terms of reference and governance set out in advance of an emergency is something I'd strongly encourage.

Central government can contribute to disaster relief funds and the policy for this is set out in the National Civil Defence Emergency Management Plan 2015 and Guide to the Plan. The basis and amount of any contribution varies depending on the circumstances of the emergency.

In determining what support the Government might give a disaster relief fund, advice is currently taken from the Ministry of Civil Defence & Emergency Management. I anticipate the NEMA will perform a similar function as per the existing policy in the Plan and Guide once the Agency is established and replaces the Ministry.

Thank you for taking the time to write to me.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Peeni Henare', written over a circular stamp.

Hon Peeni Henare  
Minister of Civil Defence

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## FACT SHEET: LOCAL ADVISORY COMMITTEES

September 2019

Fire and Emergency New Zealand is setting up Local Advisory Committees to provide us with advice about what your community values, its needs and the risks it's facing.

### Why have local advisory committees?

Fire and Emergency New Zealand is committed to maintaining strong links with communities throughout the country.

By being informed about current and future community risks and needs, we will be better able to assist communities prepare for, respond to, and recover well from emergencies.

The Board is establishing local advisory committees as a way of helping ensure that community voices, interests, risks and needs are well represented, understood and taken into account in Fire and Emergency's local and national planning.

### What will local advisory committees do?

The main purpose of local advisory committees is to engage with local communities of interest and provide advice to Fire and Emergency about what the community values, its needs and the risks it's facing.

### What geographical area will each local advisory committees cover?

After public consultation, the Board has set boundaries for 16 local advisory committees.

### When will we set up local advisory committees ?

The first seven local advisory committees will be setup by 30 June 2020 in Northland, Tairāwhiti, Hawke's Bay, Marlborough, Chatham Islands, West Coast and Otago.

### Will local advisory committees be involved in Fire and Emergency's day to day business?

Local advisory committees are advisory only, and will not be involved in governance, management or operational matters and decisions.

### Local advisory committee boundaries



#### Who will be appointed on local advisory committees?

Committees will be made up of local people who reflect a range of community interests and have a good understanding of risks and needs.

They will be people who, through their extensive connections with the community, can help inform our local and national planning.

They will have a range of attributes, including:

- skills, knowledge and experience of their communities of interest
- representation across a local area's communities and stakeholders
- diversity of perspectives.

We expect the committee to be made up of around eight members, including a chair and deputy chair.

#### What is expected of committee members?

Committee members will be expected to engage with their communities of interest and seek feedback on local risks and needs.

Committee members are likely to meet quarterly as a group to discuss their findings and provide advice to Fire and Emergency.

Committee members will be remunerated with a modest daily rate for meetings and community engagement, plus reasonable expenses.

#### How will local advisory committee members be appointed?

The Board will appoint members to local advisory committees after an expression of interest process. Appointments are for up to three years, with the option to renew.

Ref Number: A3379030



[www.bopcivildefence.govt.nz](http://www.bopcivildefence.govt.nz)

27 September 2019

Dear Mah'rufa,

I wanted to formally thank you on behalf of the Bay of Plenty Civil Defence Emergency Management Group for your engagement and commitment since joining the Civil Defence Youth Ambassador Programme. It is refreshing to see our young people so keen to learn about emergency management and show such an interest in giving back to their community.

During the workshops in 2018, the facilitation staff suggested that they weren't sure who had learnt more; the staff or the students! It was great to hear that the students had so many innovative ideas and embraced the content of the course. The resilience of communities will be improved by your understanding and ability to raise awareness amongst your peers.

I was really pleased to see you return as a mentor for the 2019 workshops to share your knowledge and experience with the new Youth Ambassadors. Articulating the challenges you have had in raising awareness within your school allowed our staff to problem solve and support the new Youth Ambassadors in their journey.

It is exciting to see you and other students continue to engage with Emergency Management Bay of Plenty. I know that this engagement is supporting you through your study but it is also great that you are taking the time to completely understand how emergency management really works. It is also really pleasing to see you share your understanding with the wider school community.

Your work with the Pāpāmoa community has been incredibly beneficial and will increase resilience across the area. It has helped to increase understanding of our local hazard scape and has helped to create supportive networks that could be vital in an emergency. If we continue to develop these relationships it will significantly increase the resilience of Pāpāmoa.

Finally, thank you for briefing the Bay of Plenty Civil Defence Emergency Management Group Joint Committee and the Minister of Civil Defence. It is really useful for us to see the journey you have been on since joining the programme and to understand the benefits of engaging with our youth.

Thank you again Mah'rufa

Sincerely

A handwritten signature in black ink that reads 'Greg Brownless'.

Mayor Greg Brownless,  
Chair: Joint Committee  
Bay of Plenty Civil Defence Emergency Management Group



5 Quay Street, PO Box 364, Whakatane, New Zealand  
Telephone 0800 884 880 Facsimile 0800 884 882



## REPORT

Date : 7 November 2019  
To : Ordinary Council Meeting, 12 November 2019  
From : Her Worship the Mayor, L J Riesterer  
Subject : **MAYORAL REPORT 18 OCTOBER 2019–7 NOVEMBER 2019**  
File ID : A182217

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Since 18 October 2019 I have attended or met with the following as Mayor Elect:

### **18 OCTOBER 2019**

#### Future Leaders

Rachael Elder and Bridget Cassie (from Inspiring Stories) were touring through the districts where the Future Leaders programmes are being run. Ōpōtiki District has this programme running and the Future Leaders Showcase was run at Ōpōtiki College on Saturday, 2 November. Deputy Mayor Shona Browne attended this event.

### **19 OCTOBER 2019**

#### Rising Stars Awards

The Rising Stars Awards evening is courtesy of Whakaatu Whanaunga Trust. An inspirational evening highlighting our young people's achievements. It is very professionally run and uplifting to be part of.

### **21 OCTOBER 2019**

Bay of Plenty Regional Council Inaugural ceremony held at Manuka Tutahi – a first for Ngāti Awa to host. A lovely powhiri. Doug Leeder, Bill Clark and Toi Iti are our Eastern Bay representatives on the Regional Council. The three Eastern Bay Mayors were all present.

## **22 OCTOBER 2019**

Regional Aquaculture meeting in Tauranga. John Forbes and I travelled together to this meeting. There was a fascinating presentation from Matt Mooney of Bay Dynamics on marine robotics in aquaculture. Bay Dynamics is New Zealand's most advanced small ROV company.

## **24 OCTOBER 2019**

Agricultural Group Day at Nukuhou North School

I was a steward, not a judge, for the calf section. Lovely to see parents and grandparents there in force. The animals were cute too.

## **25 OCTOBER 2019**

Whakatāne District Council Inaugural Ceremony held outside the Council building in the courtyard, followed by the inaugural meeting. Great to see Judy Turner become Mayor and later on Andrew Iles was named as Deputy Mayor.

## **29-30 OCTOBER 2019**

Mayors' Induction Training, Wellington

Full on and even more information to absorb and learn. Lovely to network with a lot of the other Mayors. There are about 30 new Mayors and 20 women Mayors from the 67.

## **31 OCTOBER 2019**

Ōpōtiki District Council Pohiri and Inaugural Council and Coast Community Board Meeting

Our day! Tamati Coffey MP, BOPRC Chair Doug Leeder and BOPRC Councillor Toi Iti were present. A fitting ceremony for the start of our Triennium together.

## **POST SWEARING-IN AS MAYOR**

### **1 NOVEMBER 2019**

Ōpōtiki Community Safety hui

Future Leaders meeting

### **6 NOVEMBER 2019**

Meeting with MBIE Senior Leadership Team and BOP Mayors/CEs, Tauranga

Ōpōtiki College Senior Prizegiving

**7 NOVEMBER 2019**

Rotary Club Dedication of Don Riesterer Shelter, Moody Place

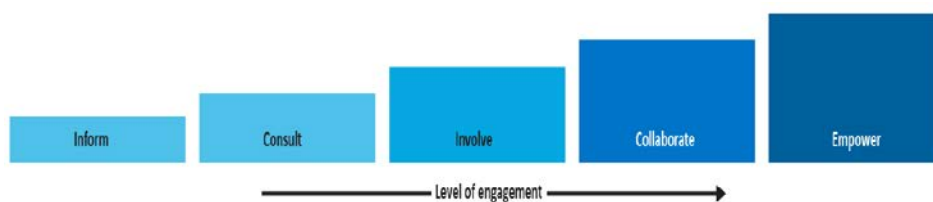
**SIGNIFICANCE ASSESSMENT**

**Assessment of significance**

Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of Significance for the Mayoral Report is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

**Assessment of engagement requirements**

As the level of significance for the Mayoral Report is considered to be of low the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



**RECOMMENDATION:**

- 1. That the report titled “Mayoral Report 18 October 2019 –7 November 2019” be received.**

Lyn Riesterer

**HER WORSHIP THE MAYOR**





## **REPORT**

Date : 3 October 2019

To : Ordinary Council Meeting, 12 November 2019

From : Former Mayor John Forbes

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

File ID : A173868

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### **EXECUTIVE SUMMARY**

**This report updates Council on progress advanced through the October 2019 meeting of the Ōpōtiki Marine Advisory Group.**

### **PURPOSE**

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

### **BACKGROUND**

The Ōpōtiki Marine Advisory Group (OMAG) was established in 2009 as a technical advisory group to Council in support of the Ōpōtiki Harbour Development Project. This arrangement harnesses the expertise of an important cross-sectoral group of stakeholders to provide advice and address issues in a confidential and efficient manner. OMAG focuses on all matters relevant to the long-term goal of creating the infrastructure required to enable a thriving aquaculture industry centred in Ōpōtiki.

OMAG meets every two months. Members include representatives from the Ōpōtiki community, Ōpōtiki District Council (ODC), Whakatōhea Māori Trust Board, Eastern Sea Farms Limited, Whakatōhea Mussels (Ōpōtiki) Limited, Ōpōtiki Community Development Trust, Toi-EDA, Bay of Plenty Regional Council, and Bay of Connections.

Council has been fully briefed about the Ōpōtiki Harbour Development Project, OMAG, and activities that are underway.

**Updates from OMAG**

- Barry Howe provided an update from Pakihi Trading Company Ltd and that this is the best mussel year to date.
- Chris Peterson provided an update on the Ōpōtiki Marina Industrial Park Ltd and that the resource consent planning is going well in these initial stages.
- Aileen Lawrie and John Galbraith provided an update on the harbour development project. John Galbraith took the group through the Te Ara Moana a Toi business case page by page and asked for feedback.
- Barbara MacLennan provided an update on the workforce development project. Refer to attachment one.

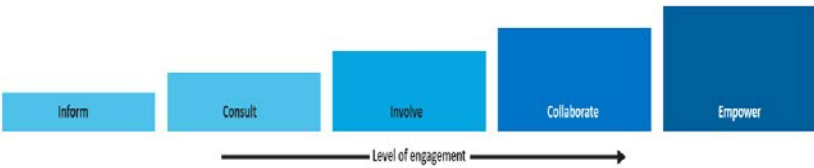
**SIGNIFICANCE ASSESSMENT**

**Assessment of significance**

Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of significance for receiving the OMAG report is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

**Assessment of engagement requirements**

As the level of significance for receiving the OMAG report is considered to be low, the level of engagement required is determined to be at the level of ‘inform’ according to schedule 2 of the Significance and Engagement Policy.



**RECOMMENDATION:**

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

Former Mayor John Forbes

**CHAIR, ŌPŌTIKI MARINE ADVISORY GROUP**

# Workforce Development Update to OMAG

## 2 October 2019

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

**1) He Poutama Rangatahi funded programmes**

These focus on 16-24 year olds and a whole suite of initiatives are now in action, led by Ōpōtiki providers, the College, Whakaatu Whanaunga Trust and Te Pou Oranga ō Whakatohea. There are two providers in Whakatāne, and a cluster of providers in Kawerau. The Ōpōtiki providers have completed their first year of programmes and reported to MBIE about progress to date. Kawerau Pathways to Work initiatives include PGF support to new three month cadetships in local industries.

**2) Te Ara Huringa ō Pupuwharau – the EBOP Driver and Operator Training Facility** based in Kawerau, opened in August and is already humming. As well as new Class 2 and 3 Programmes, a wide range of industry training is being well supported, with many new enquiries and “walk ins” weekly.

**3) SLH Contracting TPK Cadetship** – This Kawerau-based labour hire company has role modelled recruitment and retention of six local young people through applying the TPK resources. All have now completed their six month cadetships, and are in work either within SLH or through contracts with other companies. Another cohort of six are currently being recruited.

**4) Upgrade with a Trade** – Ministry of Education, Toi EDA and Chamber of Commerce supported this event in Whakatāne last week . It facilitates “speed dates” between well-prepared EBOP senior school students, and employers seeking talented young people keen on trades careers and jobs. We’re looking forward to hearing how many “matches” were successful.

**5) Horticulture/Logistics Industry Exploration Programme** – This new programme has attracted nine 16-18 year olds who will spend next week exploring the industry and career options offered, completing a unit standard, and will be eligible to apply for cadetships and scholarships etc in the industries.

### Addressing Barriers to Participation in Work

**6) Youth Employability Programme- Licence to Work** which teaches the seven core competencies for work is now integrated into programmes at three EBOP secondary schools, two teen parent units (at two other secondary schools), one business, and one post school programme. So far this year 98 rangatahi have been involved, with 8 graduates to date. Sites are working on finalising Term 4 Plans to support many others to complete the Programme.

**7) Class 1 Driver Licencing** There are increasing calls to government to address system problems with the graduated Driver Licensing system. In the Eastern Bay we have recently mapped current provision, which is piecemeal. In Ōpōtiki, all participants in work preparation programmes get the option to advance their Licence level. So far the Ōpōtiki Community Driver Mentoring Programme has supported well over 100 rangatahi to achieve their Restricted Licence, with 150 as the target by Christmas. A new role will follow up all of these rangatahi to help them move to Full Licences.

# Workforce Development Update to OMAG

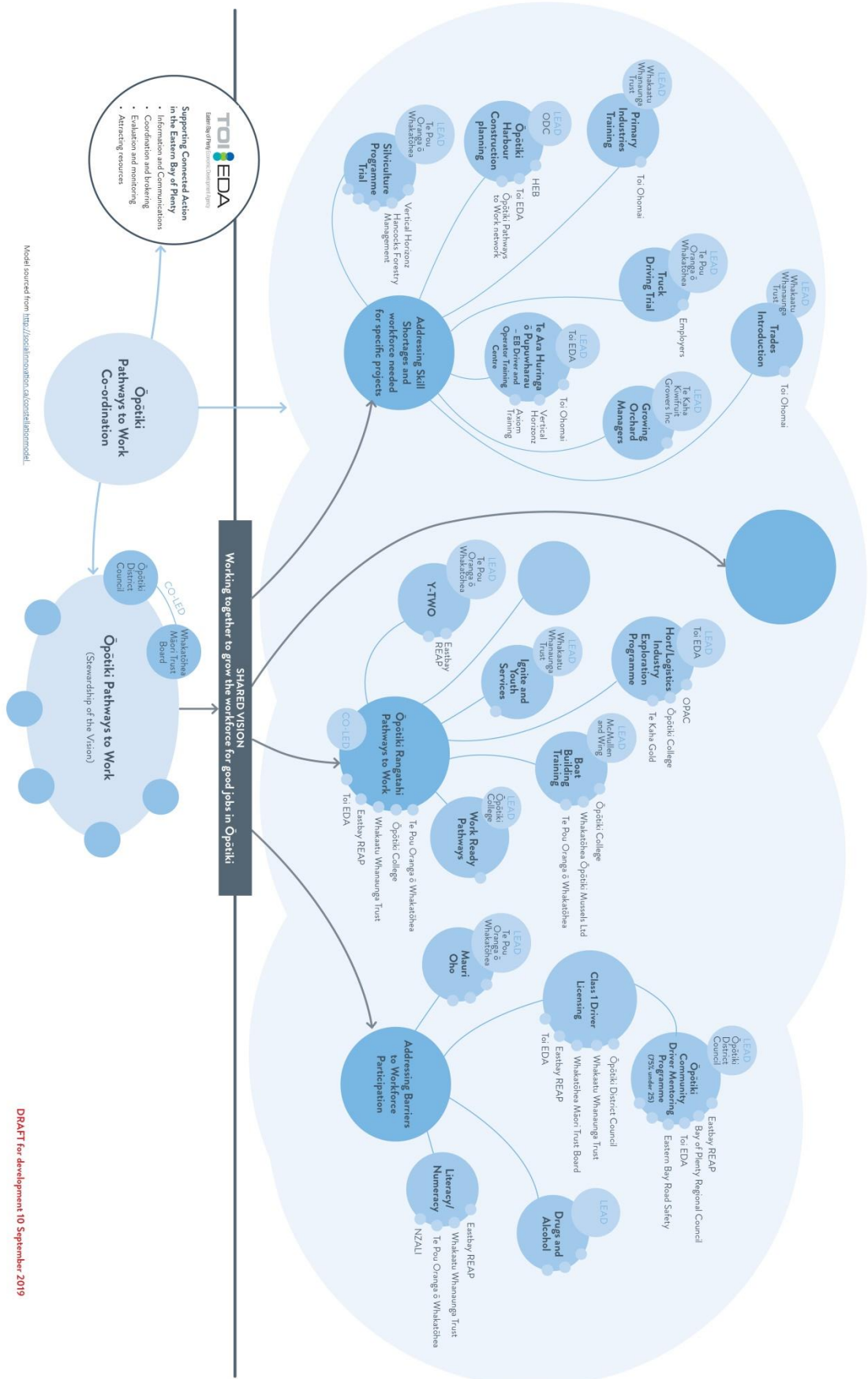
## 2 October 2019

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

- 8) **Refreshing Ōpōtiki Pathways to Work** Youth and employment services, the College, Iwi representatives, employers, central and local government gathered on 30 August to review progress and renew commitment and plans to create more pathways to work locally. (See Constellation Diagram on p3 about existing clusters of activity.) A PGF funding proposal is under preparation for new local backbone and employment hub roles.
- 9) **Freight and Logistics Research in BOP** Toi EDA and the Bay of Connections Freight and Logistics Action Group recently co-funded a survey of BOP companies involved in transport, logistics and contracting/machine operation.
- Some key points: (includes the results of the earlier EBOP survey)
- 95 responses (out of 248 companies surveyed and phone followups.)
  - Average number employees approx 20
  - Driver/operator demand next 2-5 years: 703 (ie, about 7 per company responding – higher than we had originally estimated)
  - Interest in cadetships 72%, with 60% wanting more info.
  - Priorities for industry? Top 5 in order
    - Training
    - Roads (mostly condition – may be influenced by recent industry push to highlight roading problems?)
    - Driver shortage
    - Costs/compliance
    - Getting more young people in industry/in cabs
  - Training courses priority:
    - Driver training – by a long way!
    - Hiab/crane/forklift/Wheels Tracks and Rollers (each of these 2<sup>nd</sup> equal priority)
    - Dangerous goods
- 10) **Dedicated EBOP Information for Employment**- An initial information report has been prepared, there is a proposal for BoP region management of information, and a BoP gathering in mid October will discuss concepts about this, and employment hubs.
- 11) **Government Youth Employment Action Plan:**
- Government released its Action Plan for Youth Employment in August. The directions signalled are informing Toi EDA's refresh of our Workforce Development approach. This includes more attention to supporting employers to create work exploration, work experience, and work options for young people.
- 12) **International Expert – Youth to Employment, David Turner (AU)** is being hosted in EBOP by Toi EDA for the week of 4-11 November. An Ōpōtiki Breakfast event with employers is planned for the morning of Wednesday 6 November, and invitations will be out and about shortly. David brings practical approaches from learning around the world. He is a strong advocate of employer-education collaboration, youth peer support systems and regional youth to employment plans.

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

# Workforce Development Update to OMAG 2 October 2019



Model sourced from <http://250011monofico.ca/korofelididomodel>

DRAFT for development 10 September 2019

## REPORT

Date : 30 September 2019  
To : Ordinary Council Meeting, 12 November 2019  
From : Chief Executive, Aileen Lawrie  
Subject : **CONFIRMING ELECTED MEMBER REMUNERATION**  
File ID : A180638

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### **EXECUTIVE SUMMARY**

**The remuneration for the Mayor and elected members is set by the Remuneration Authority. Following a major review of the remuneration setting process for elected members, the Remuneration Authority confirmed changes effective from 1 July 2019 and further changes effective from the 2019 Local Government Elections.**

**This report outlines the proposed changes to elected member remuneration seeking a resolution to allow the remuneration Authority to make a final determination.**

### **PURPOSE**

This report advises elected members of the changes to remuneration effective from the commencement of the 2019-2022 triennium.

### **BACKGROUND**

Since the last Local Government election the Remuneration Authority has undertaken a major review of the method for setting remuneration for Elected Members. The salary of the Mayor is set separately by the Authority and Council are unable to make changes to that salary. In April 2019 the Remuneration Authority also completed a review of Community Boards' remuneration and these are only able to be amended if Council can show significant changes in duties.

For the remainder of the elected members (6), the Remuneration Authority have implemented a “governance pool” system which is allocated to each Council aligned with the ranking of that Council based on a size index and within a framework of the new Local Government pay scale.

The governance pool provides the total amount that must be paid in remuneration to Councillors at each individual Council (aside from the Mayor).

The governance pool allocated does not have any relationship to the number of Councillors. If a Council wishes to change the number of Councillors and the Local Government Commission agrees, the governance pool does not change. It will be shared amongst fewer or more Councillors.

Each Council can decide how it wishes to allocate its pool according to its own priorities and circumstances.

There are however four requirements for each Council:

- The whole pool must be utilised.
- The Council is required to decide a “base remuneration” for councillors who have no additional responsibilities. This cannot be below the base amount set by the Authority.
- For roles that have additional responsibility above the base rate, the Council must make a resolution to that effect and include a title, a short job description of the role and the proposed dollar value of remuneration attached to each role.
- Following the formal resolution the Council is required to forward the resolution to the authority for consideration by 20 November for inclusion in a final determination.

The Remuneration Authority intends to review the ranking of each Council on its size every three years and will provide a new governance pool at the start of each election year.

## **DISCUSSION AND OPTIONS SECTIONS**

The following sets out the remuneration that took effect at time of the release of the final election results.

<b>Proposed Elected Member Remuneration Post 2019 Election.</b>	
<b>Mayor</b>	\$98,000 (Includes vehicle allowance of \$3,382.38)
<b>Deputy Mayor</b>	\$50,084
<b>Chair – Audit and Risk</b>	\$47,514
<b>Councillor</b>	\$26,098
<b>Chair – Coast Community Board</b>	\$9,978
<b>Coast Community Board Member x 4</b>	\$4,989
<b><i>(Proposed pool for Deputy Mayor and Councillors - \$211,968)</i></b>	

This remuneration was set by the completion of job descriptions and by discussion with the previous council.

Now that Council have agreed to the new structure the main roles that require consideration are:

1. Deputy Mayor
2. Chair Audit and Risk – As this is an independent, the remuneration for the role is not deducted from the governance pool.
3. Council Cultural Ambassador/Chair CCB

<b>Proposed Elected Member Remuneration Post 2019 Election.</b>			
<b>Mayor</b>	\$98,000 (Includes vehicle allowance of \$3,382.38)	No Change. Set by Rem Authority	\$98,000 (Includes vehicle allowance of \$3,382.38)
<b>Deputy Mayor</b>	\$50,084	Minor change as a result of reallocation	\$52,218
<b>Chair – Audit and Risk</b>	\$47,514	\$21k of cost re-allocated into Rem pool	0
<b>Cultural Ambassador/Chair CCB</b>	-	Councillor role plus \$16k	\$44,750
<b>Councillor</b>	\$26,098	Number derived from set minimum salary plus unallocated pool	\$28,750



<b>(Proposed pool for Councillor roles excluding the mayor - \$211,968)</b>			
<b>Chair – Coast Community Board</b>	\$9,978	No change. Set by rem authority in April 19 determination	0 as members can't be paid for both Council and community board
<b>Coast Community Board Member x 4</b>	\$4,989	No change. Set by rem authority in April 19 determination	\$4,989

**TIMELINE**

Once Council has resolved the proposed allocation, staff will advise the Remuneration Authority by 20 November. They would then consider the proposal and make a determination in late December. Once the determination is made Councillors will receive back pay to the new salaries. If the 20 November deadline is missed, there is another opportunity for a determination that would take effect in late February/early march.

**SIGNIFICANCE ASSESSMENT**

**Assessment of significance**

Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of Significance is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

**Assessment of engagement requirements**

As the level of significance is considered to be low the level of engagement required is determined to be at the level of Inform according to Schedule 2 of the Significance and Engagement Policy.



## **CONSIDERATIONS**

### **Financial/budget considerations**

Any changes to the remuneration will be paid from existing Council operational budget within the representation activity. This was budgeted appropriately in the last annual plan as the Remuneration Authority gave good direction through their determination.

### **Authority**

The Remuneration Authority is the responsible authority for setting the remuneration of elected members. Council can recommend a different apportionment across the Deputy Mayor, Cultural Ambassador and Councillors, within the requirements set by the Remuneration Authority. Its recommendations must be accompanied by reasoning. Draft job descriptions for the key roles have been prepared by staff for this purpose.

## **RECOMMENDATIONS:**

- 1. That the report titled "Proposed Changes to Elected Member Remuneration" be received.**
- 2. That Council endorse the proposed apportionment within the pool and direct staff to forward the resolution to the Remuneration Authority.**

Aileen Lawrie

**CHIEF EXECUTIVE**

## REPORT

Date : 25 October 2019

To : Ordinary Council meeting, 12 November 2019

From : Policy Planner, Sue Robb

Subject : **OPOTIKI DISTRICT COUNCIL DANGEROUS, AFFECTED AND INSANITARY BUILDINGS POLICY 2019**

File ID : A181681

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### EXECUTIVE SUMMARY

**A review of Opotiki District Council Dangerous and Insanitary Building Policy was presented to Council on the 5 September 2019. At this meeting it was agreed that the Statement of Proposal relating to the policy be adopted for public consultation using the special consultative procedure in accordance with section 83 of the Local Government Act 2002. Community consultation on the reviewed policy was carried out between 9 September and 18 October 2019, with no submissions being received.**

**It is recommended that Council adopts the Opotiki District Council Dangerous, Affected and Insanitary Buildings Policy 2019 with a minor amendment to include reference to affected buildings as required by Section 132A of the Building Act.**

### PURPOSE

The purpose of this report is to advise Council that following community consultation on the 2019 review of the Opotiki District Council Dangerous, Affected and Insanitary Buildings Policy that no submissions have been received.

### BACKGROUND

As part of managing the earthquake-prone building process, the Opotiki District Council Dangerous and Insanitary Buildings Policy was reviewed. The policy sets out the Council's approach performing its functions to ensure buildings are safe for the purpose for which they are being used. It describes the approach Council will take to managing Dangerous, Affected and Insanitary Buildings.

The reviewed and updated policy was considered at the meeting of Council on 5 September 2019.

The Building Act 2004 requires that the special consultative procedure under section 83 of the Local Government Act 2002 is used to consult on the reviewed policy. This consultation was undertaken between 9 September and 18 October 2019.

## **DISCUSSION**

Since the Council meeting in September the policy has been amended slightly to include reference to 'affected' buildings as required by section 132A of the *Building Act*. A copy of the policy showing the track changes, made by officers, as allowed for in Section 83 (3) of the Local Government Act is attached in Appendix 1 of this report.

An affected building is defined under section 121A of the Building Act 2004 as a building that is adjacent to, adjoining, or nearby –

- A) a dangerous building as defined in section 121 or
- B) a dangerous dam within the meaning of section 153

It is not felt that the inclusion of 'affected' as required by the Building Act causes any disadvantage to building owners whose building maybe identified as affected due to their proximity to a dangerous building or dam. Therefore further consultation is not considered to be necessary.

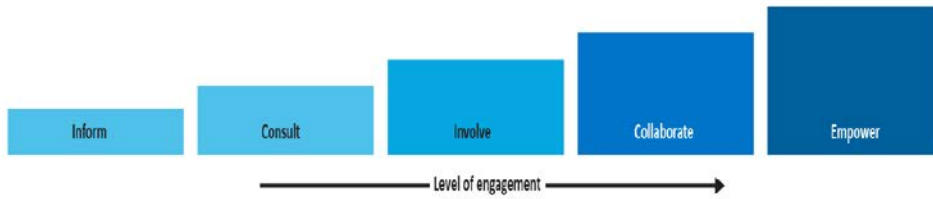
## **SIGNIFICANCE ASSESSMENT**

### **Assessment of significance**

The report to the meeting of Council on 5 September 2019 stated that the review of the policy was considered to be of low significance. The minor amendments made to the policy since then to refer to affected buildings as required by section 132A of the Building Act does not alter this.

### **Assessment of engagement requirements**

The report to the meeting of Council on 5 September 2019 stated that the engagement required on the policy was at the level of consult. The minor amendment to the policy do not alter this.



## **COMMUNITY INPUT AND PUBLICITY**

The reviewed policy and Statement of Proposal were made available on the Council website for the community to review and comment on between 9 September and 18 October 2019. An advertisement was placed in the Ōpōtiki News on 10 September and there was an article about the consultation in the same paper on 12 September. The consultation has also been publicised on the Council Facebook page and Antenno application.

No responses were received following the consultation.

## **CONSIDERATIONS**

### **Financial/budget considerations**

The costs associated with the review of the Dangerous, Affected and Insanitary Building Policy have been met through existing budgets.

### **Policy and planning implications**

The review of the Dangerous and Insanitary Building Policy is consistent with the Ōpōtiki District 2018-2028 Long Term Plan (LTP), which notes that the regulation and safety activity includes ensuring "...that public health and safety is protected and enhanced through the effective and efficient implementation of legislation." The review of this policy is not specifically mentioned in the LTP however, it is part of Council's role in achieving the community outcomes listed on page 51 and 52 of the LTP.

### **Risks**

There are no major risks associated with the decision to adopt the Ōpōtiki District Council Dangerous, Affected and Insanitary Buildings Policy 2019.

### **Authority**

The Building Act directs Council to review the policy.

**RECOMMENDATIONS:**

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

Gerard McCormack

**PLANNING AND REGULATORY GROUP MANAGER**

## Appendix 1

POLICY	STATUS	AT	DATE	DOC ID
Dangerous and Insanitary Buildings Policy	Under review	September 2019 Council meeting	August 2019	A41959
		<u>November 2019 Council meeting</u>	<u>October 2019</u>	<u>A181519</u>



## OPOTIKI DISTRICT COUNCIL

### Dangerous, Affected and Insanitary Buildings Policy

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## 1 BACKGROUND

Section 131(1) of the *Building Act* requires a territorial authority to adopt a policy on dangerous and insanitary buildings within its district. The policy is required to state (section 131(2):

- (a) the approach that ~~Ōpōtiki~~ ~~Ōpetiki~~ District Council will take in performing its functions under this Part; and
- (b) its priorities in performing those functions; and
- (c) how the policy will apply to heritage buildings.

The Ōpōtiki District Council Dangerous and Insanitary Buildings Policy was first adopted in 2006 and then reviewed in 2011.

## 2 PURPOSE

1. To ensure that buildings are safe for the purpose for which they are being used
2. To state Ōpōtiki District Council's approach to managing Dangerous, ~~Affected~~ ~~And~~ ~~and~~ Insanitary Buildings

## 3 DEFINITIONS

The following definitions are used in this Policy:

**Dangerous Building** has the same meaning as in the Building Act 2004

### *Explanatory note*

- According to section 121 of the Building Act 2004, a dangerous building means

(1) A building is dangerous for the purposes of this Act if,-

(a) *in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—*

(i) *injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or*

(ii) *damage to other property; or*

(b) *in the event of fire, injury or death to any persons in the building or to persons on other property is likely.*

(2) *For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority—*

(a) *may seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and*

(b) *if the advice is sought, must have due regard to the advice.*



**Insanitary building** has the same meaning as in the Building Act 2004

*Explanatory note*

- According to section 123 of the Building Act 2004 A building is insanitary for the purposes of this Act if the building—
  - (a) is offensive or likely to be injurious to health because—
    - (i) of how it is situated or constructed; or
    - (ii) it is in a state of disrepair; or
  - (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building or
  - (c) does not have a supply of potable water that is adequate for its intended use; or
  - (d) does not have sanitary facilities that are adequate for its intended use.

**Affected building** has the same meaning as in the Building Act 2004

*Explanatory note*

- According to section 121A of the Building Act 2004, a building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby—
  - (a) a dangerous building as defined in [section 121](#); or
  - (b) a dangerous dam within the meaning of [section 153](#).

**Heritage building** for this policy means:

- a building listed in the Ōpōtiki District Plan schedule
- a building constructed prior to 1900
- a building on the New Zealand Heritage List/Rārangi Kōrero maintained under [section 65](#) of the Heritage New Zealand Pouhere Taonga Act 2014

## 4 POLICY

### 4.1 Identification of dangerous, affected and insanitary buildings

Ōpōtiki District Council will:

- Investigate buildings that Council staff have become aware of in undertaking Council functions
- Investigate all complaints from the community and referrals from organisations (for example from the Police, Toi Te Ora-Public Health Unit or Fire and Emergency New Zealand (FENZ))
- Council will seek an immediate or early resolution to the issue so that any potential risk to public health or safety is minimised

### 4.2 Assessment of dangerous, affected and insanitary buildings

- The assessment of dangerous buildings will be in accordance with Section 121 of the *Building Act*
- The assessment of insanitary buildings will be in accordance with Section 123 of the *Building Act*

### 4.3 Taking action on ~~dangerous and~~ dangerous, affected and insanitary buildings

- On being advised of conditions that are alleged to be insanitary within the provisions of Section 123 of the *Building Act*, the buildings will be inspected and a determination made whether action in terms of Sections 124 or 129 of the Act will be taken
- In deciding upon what action should be taken Council may take advice from other agencies such as FENZ, Toi Te Ora-Public Health Unit or other specialist authority deemed appropriate.
- Council may use the powers given in Section 124 of the *Building Act* to take action regarding dangerous, affected or insanitary buildings to take action

#### **4.4 Working with building owners of dangerous, affected and insanitary buildings**

- Whilst Council will work with building owners until the building is no longer considered dangerous or insanitary, a notice under section 124 under the *Building Act* will be issued so that the work to remedy the problem and timeframes for completion are recorded
- If the notice requirements are not met within a reasonable period of time as well as any other non-compliance matters, Council will pursue enforcement action under the *Building Act* taking into account the *Ōpōtiki District Council Enforcement Policy*

#### **4.5 Requirement for immediate action dangerous and insanitary buildings**

If it is considered that immediate action is required (section 129, *Building Act*), the Council will:

- Take any action necessary to remove the danger. This may include prohibiting persons using the building, boarding the building to prevent entry and demolition of all or part of the building
- Take action to recover costs from the owner(s) if the Council must undertake works to remove the danger
- In urgent cases the Council may at the outset serve formal notice under the *Building Act*

#### **4.6 Recording a building's dangerous, affected or insanitary status**

- In granting access to information concerning dangerous buildings, Ōpōtiki District Council will adhere to the requirements of the *Local Government Official Information and Meeting Act 1987* and the *Local Government Act 2002*
- All dangerous, affected and insanitary buildings shall be recorded on the property file and a Council maintained dangerous, affected and insanitary buildings internal register
- The following information will be placed on the Land Information Memorandum:
  - the notice issued informing the owner that the building is dangerous, affected or insanitary and if applicable the notice of the requirement to evacuate
  - a copy of the notice given under section 124 of the *Building Act* that identifies the work to be carried out on the building and the timeframe give to reduce or remove the danger

#### **4.7 Heritage buildings**

- Heritage buildings will be assessed and managed in the same manner as other dangerous, affected or insanitary buildings
- In determining the management of a building in regard to it being dangerous or insanitary, Council will recognise the heritage status of the building and will work with owner(s) of the building and agencies such as Heritage New Zealand Pouhere Taonga or the Department of

Conservation to develop a management plan in association with any requirements under section 124 of the *Building Act*

## **5 RELEVANT LEGISLATION**

Building Act 2004

## **6 REVIEW**

Section 132 of the *Building Act* requires that the Policy is reviewed every five years. If an issue arises consideration will be given to the review of the Policy. The next review of the Policy will be due in 2024.

The Planning and Regulatory Group Manager is responsible for the review of the Policy.

**REPORT**

Date : 25 October 2019

To : Ordinary Council meeting, 12 November 2019

From : Policy Planner, Sue Robb

Subject : **THE IDENTIFICATION OF 'PRIORITY' EARTHQUAKE-PRONE BUILDINGS AND CONSULTATION ON THOROUGHFARES**

File ID : A181430

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**EXECUTIVE SUMMARY**

It is a requirement under the *Building Act 2004* that Council identifies 'priority' potentially earthquake-prone buildings. As part of this process, Council is required to consult on thoroughfares with sufficient vehicular or pedestrian traffic where there are unreinforced masonry buildings (or parts of) that could fall in an earthquake. Consultation was undertaken between 9 September and 18 October 2019 on identified thoroughfares.

It is recommended that Council proceed with the inclusion of the identified thoroughfares as part of the process of determining earthquake-prone buildings.

It is recommended that:

- 1 The report titled "The identification of 'priority' earthquake-prone buildings and consultation on thoroughfares" be received.
2. The following thoroughfares (including the footpath on both sides) are identified as having sufficient vehicle or pedestrian traffic and unreinforced masonry buildings (or parts) that could fall onto them in an earthquake:
  - A Church Street from Richard Street to Kelly Street
  - B King Street from Potts Avenue to St John Street
  - C Elliott Street from Potts Avenue to St John Street ending at the roundabout
  - D Kelly Street from Potts Avenue to the Kelly Street cemeteryand are adopted for inclusion in determining 'priority' buildings.

## **PURPOSE**

The report outlines the consultation undertaken and the results in relation to thoroughfares with sufficient vehicular or pedestrian traffic where there are unreinforced masonry buildings (or parts of) that could fall in an earthquake following a report to the meeting of Council on 5 September 2019 and subsequent resolution. It is recommended that Council proceed with the inclusion of the thoroughfares identified in the Statement of Proposal as part of the process of determining earthquake-prone buildings and that a public hearing be held.

## **BACKGROUND**

As outlined in a report to the meeting of Council on 23 July 2019 (item no. 15), it is a requirement under the *Building Act 2004* that Council manages the process relating to potentially earthquake prone buildings within the district. It is suggested that this report is read for background information.

The *Building Act 2004* requires that 'priority buildings' (defined in section 133AE) are identified in high seismic areas by 1 January 2020 (section 133AG). There are two broad categories of 'priority' buildings:

- hospital, emergency and education buildings (section 133AE(1)(a) to (d).
- buildings (generally unreinforced masonry (URM) that are considered a higher risk to life that could fall in an earthquake onto certain thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation and buildings that could collapse and impede transport routes of strategic importance (section 133AE(1)(e) and (f).

It is a legislative requirement (section 133AF) that Territorial Authorities undertake public consultation using the Special Consultative Procedure under section 83 of the *Local Government Act 2002* to identify the thoroughfares with sufficient vehicular and pedestrian traffic where there are parts of URM buildings that could fall in an earthquake. The report to Council on 5 September 2019 (item 11) details this and following this it was resolved to consult on the thoroughfares identified in the report. It is suggested that this is read in conjunction with this report.

The thoroughfares consulted on are:

- A. Church Street from Richard Street to Kelly Street
- B. King Street from Potts Avenue to St John Street
- C. Elliot Street from Potts Avenue to St John Street ending at the roundabout
- D. Kelly Street from Potts Avenue to the Kelly Street cemetery

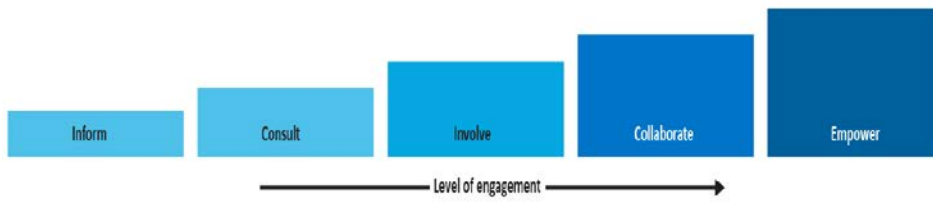


Map 1 Proposed thoroughfares

## SIGNIFICANCE ASSESSMENT

### Assessment of significance

The report to the meeting of Council on 5 September 2019 stated that the level of significance for thoroughfares with high vehicle and pedestrian traffic within the Ōpōtiki District in relation to potentially earthquake prone buildings was considered to be high. The engagement required was determined to be at the level of consult according to schedule 2 of the Significance and Engagement Policy.



## **COMMUNITY INPUT AND PUBLICITY**

The Statement of Proposal, the primary consultation document was made available on the Council website for community to review and comment on between 9 September and 18 October 2019. An advertisement was placed in the Ōpōtiki News on 10 September and there was an article about the consultation in the same paper on 12 September. The consultation has also been publicised on the Council Facebook page and Antenno application.

No responses were received following the consultation.

## **CONSIDERATIONS**

### **Financial/budget considerations**

The costs associated with the identification of 'priority' earthquake-prone buildings and consultation on thoroughfares will be met through existing budgets.

### **Policy and planning implications**

The consultation on the thoroughfares is not included in Council's *Earthquake-prone building* policy however, the *Building Act* is legislatively superior to the policy so in this circumstance the policy is not applicable.

### **Authority**

The *Building Act* directs Territorial Authorities to undertake the requirements of the Act.

## **CONCLUSION**

Council is required to manage the assessment of potentially earthquake-prone buildings under the *Building Act*. The Act requires that Territorial Authorities in a high seismic area must identify 'priority' buildings by 1 January 2020. There have been no submissions provided to Council on the identified thoroughfares which will be used to assist in the determination of 'priority' buildings.

If the thoroughfares are agreed letters will be sent to properties owners with 'priority' buildings requesting that they obtain a structural engineering assessment for the 'priority' building or if an assessment has been undertaken provide Council with a copy of it.

**RECOMMENDATIONS:**

- 1. That the report titled "The Identification of 'Priority' Earthquake-Prone Buildings And Consultation on Thoroughfares" be received.**
- 2. That the following thoroughfares (including the footpath on both sides) are identified as having sufficient vehicle or pedestrian traffic and unreinforced masonry buildings (or parts) that could fall onto them in an earthquake:**
  - A Church Street from Richard Street to Kelly Street**
  - B King Street from Potts Avenue to St John Street**
  - C Elliott Street from Potts Avenue to St John Street ending at the roundabout**
  - D Kelly Street from Potts Avenue to the Kelly Street cemetery****and are adopted for inclusion in determining 'priority' buildings.**

Sue Robb

**POLICY PLANNER**





## **REPORT**

Date : 7 November 2019  
To : Ordinary Council Meeting, 12 November 2019  
From : Chief Executive Officer, Aileen Lawrie  
Subject : **CHIEF EXECUTIVE OFFICER'S UPDATE**  
File ID : A182206

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### **2018/19 COMPLIANCE REPORT – DRINKING WATER STANDARDS FOR NEW ZEALAND**

Council recently received its 2018/19 Compliance Report with the Drinking Water Standards for New Zealand from the area Drinking Water Assessor under Toi Te Ora.

The report outlines Council's full compliance with the standards for all three schemes and the covering e-mail congratulates Council on its "continuing improvements to manage water supply and proactive approach to working with the Central North Island Drinking Water Assessment Unit". This year Ōpōtiki did run into issues with the town water supply after a critical computer failure at the water treatment plant. The DWA report supports the messaging during that time that public health was not at risk and that redundancies enacted functioned as intended, ensuring supply continued although unfortunately and unavoidably with discolouration issues. Moving forward Council officers are continuing with planned improvements from the 2018 Long Term Plan and further developing options for future plans to ensure compliance continues in line with legislative change coming from central Government post Havelock North.

### **SUBMISSION ON THE PRODUCTIVITY COMMISSION'S DRAFT REPORT ON THE INQUIRY ON LOCAL GOVERNMENT FUNDING AND FINANCING**

Attached for Councillors' information is a submission made to the Productivity Commission in relation to their report on funding and financing of Local Government.

### **SUBMISSION – ACTION FOR HEALTHY WATERWAYS**

In late September the Government sought feedback on an extensive package of freshwater reforms. The timing was very tight for all Councils and unfortunately did not provide time for governance engagement. We asked for an extension to allow a submission and we were given a small extension that still did not provide time to bring it to Council. Staff therefore worked on a comprehensive joint BOP submission with the other Councils of the region (that has been submitted) and prepared a more specific submission addressing more local matters. The implications of the reforms are significant and far reaching and the impacts are relatively poorly understood. That submission is attached for your information.

### **MOTU TRAILS – PAKIHI TRAIL**

The Pakihi Trail was closed by slips in May of this year. The expected re-opening date has been moving and the latest information is that the Department of Conservation (DoC) hope to have it open before Christmas. Former Mayor John Forbes raised the matter with the Minister of Conservation in September. The further delays created significant impacts on the businesses that service the trails. A letter to the Minister is being drafted.

### **WAIOTAHE CATCHMENT WATER QUALITY RESEARCH, MONITORING AND MITIGATION**

An update on the Waiotaha catchment water quality research, monitoring and mitigation, July 2019 is attached for Councillors' information.

### **OHIWA HARBOUR STRATEGY PARTNERSHIP**

An update on the Ōhiwa Harbour Strategy Partnership is attached for Councillors' information.

**LGOIMA REQUESTS****LGOIMA Report (15/09/2019-05/11/2019)**

Month	Submitter	Subject	Due
September 2019	C Davis - Projectile Marketing	Managerial chart / contact info / H&S, Enviro, Procurement Strategy policy/plans & more	Completed
	C Robinson - Bizmath	Rating breakdown	Completed
	New Zealand Green Building Council	Building Energy Performance	Completed
October 2019	Candy Nalder	Council spend on roadside spraying per annum	Completed
	Zizi Sparks	Money spent marketing local election campaign	Completed
	Stephen Goodman	Approaches to Police by Council due to safety issues with shooting ranges	Completed
	NZ Taxpayers Union	Staff Remuneration	Completed
	Kyle Whitfield - Otago University	Elected Member Information	14/11/2019
	Stuff News	Stuff - Catering expenses	21/11/2019
	BCI New Zealand	research on construction projects	26/11/2019

**MEETINGS / EVENTS ATTENDED BY CEO – 31 AUGUST 2019 – 7 NOVEMBER 2019****3 SEPTEMBER 2019**

ODC Tenders Sub-Committee meeting  
 Eastern Bay of Plenty Joint Committee meeting, Whakatāne

**9 SEPTEMBER 2019**

ODC Audit and Risk Committee meeting

**11 SEPTEMBER 2019**

Ōpōtiki Harbour Steering Group meeting

**17 SEPTEMBER 2019**

Ōpōtiki Business Breakfast

**18 SEPTEMBER 2019**

Te Whānau a Apanui - Te Ao Tūroa workshop

**19 SEPTEMBER 2019**

Met with Office for Maori Crown Relations Representatives  
Zone 2 dinner, Ōhope

**20 SEPTEMBER 201**

Ōpōtiki Harbour Steering Group meeting

**27 SEPTEMBER 2019**

Te Ara Mahi Iwi/Council led proposal discussion

**2 OCTOBER 2019**

Ōpōtiki Marine Advisory Group (OMAG) meeting  
Function for John Cronin (ex BOPRC Councillor and Chair), Tauranga

**4 OCTOBER 2019**

Extra Ordinary Council Meeting and farewell function for Mayor John Forbes

**9 OCTOBER 2019**

Te Whanau a Apanui Workshop with Te Arawhiti

**11 OCTOBER 2019**

Meeting with Whakatāne District Council CEO, Whakatāne

**16 OCTOBER 2019**

Eastern Bay of Plenty CEs meeting, Whakatāne

**17 OCTOBER 2019**

Met with Defence Force re Eastern Bay of Plenty Exercise

**18 OCTOBER 2019**

ODC Tenders Sub-Committee meeting

**25 OCTOBER 2019**

Met with Kiri Allan MP, Whakatāne

**29 OCTOBER 2019**

BOPRC Workshop – Review of BOPRC's Floodway and Drainage Bylaw 2008

**31 OCTOBER 2019**

Pohiri and Inaugural Council and Coast Community Board meeting

Extra Ordinary Council meeting

**5 NOVEMBER 2019**

Met with Sir Michael Cullen, Whakatāne

**6 NOVEMBER 2019**

Meeting with MBIE Senior Leadership Team and BOP Mayors/CEs

**7 NOVEMBER 2019**

Te Ara Mahi Iwi/Council led proposal discussion

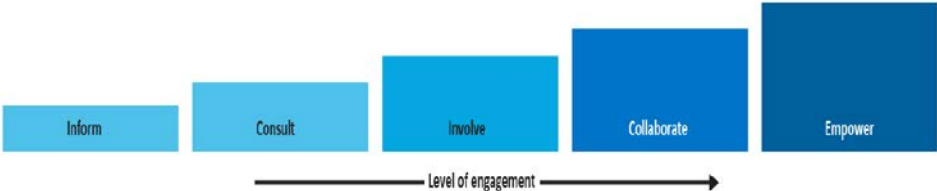
**SIGNIFICANCE ASSESSMENT**

**Assessment of significance**

Under Council’s Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. The level of Significance for the Chief Executive Officer’s Update is considered to be low as determined by the criteria set out in section 12 of the Significance and Engagement Policy.

**Assessment of engagement requirements**

As the level of significance for the Chief Executive Officer’s Update is considered to be of low the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



**RECOMMENDATION:**

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

Aileen Lawrie

**CHIEF EXECUTIVE OFFICER**



**Our Ref: A177646**

28 August 2019

New Zealand Productivity Commission  
PO Box 8036  
The Terrace  
Wellington 6143

By e-mail: [Steven.Bailey@productivity.govt.nz](mailto:Steven.Bailey@productivity.govt.nz)

To Whom it May Concern

**SUBMISSION ON THE DRAFT REPORT INTO THE INQUIRY ON LOCAL GOVERNMENT  
FUNDING AND FINANCING**

Opotiki District Council welcome the Productivity Commission's draft report and are pleased that it traverses the issues we are facing in a comprehensive way. We are pleased to see that our initial submission has informed the report and are grateful for this opportunity to provide further input into the process. Having reviewed the Commission's draft report, we provide some commentary below in respect of a few issues which we believe warrant further consideration.

We note the Commission's finding that there is no evidence to show that rates are unaffordable at an aggregate level (F3.1). With respect, this is not what we are hearing from our community. It is noted that the Commission relies on the result of a report prepared by the Ministry of Social Development which examines the results of the 2015-16 Household Economic Survey. The raw data upon which the report is based is not broken down geographically beyond five large geographical areas (Auckland, Wellington, Canterbury, rest of the north Island and rest of the South Island). For us, that means our household income information is combined and aggregated with the household income data for the likes of larger and more populated centres, including Tauranga. We question whether it is appropriate to aggregate findings when affordability is often exaggerated at its extremes. We are concerned that aggregating this information may disguise or obscure real affordability issues in the most deprived parts of our country. In our district, we know that household income is significantly below the national average. We also know that job opportunities have decreased over time with the departure of major sectors (including dairy). As was explained in our submission, we are required to deliver a certain level of service to our ratepayers, and that level of service is increasing (as has been appropriately recognised in the findings in Section 4 of the Commission's draft report). Whilst we have endeavoured to keep our rates as low as possible, we remain unconvinced that rates increases have matched household income in our district.

As far as we can tell, the most recent publically available information that exists at the geographical scale required in order to examine this issue (average income) in any appropriate level of detail is the 2013 census. It is noted that the results of the more 2018 census will be available shortly which will provide a more recent picture on levels of income across the country. However, it is important to note here that over reliance on census data could potentially hide the real truth of the matter. We know that in our district, responses to census are traditionally low. At the 2013 census, 54% of the resident

population of Ōpōtiki identified as Māori. However, the 2013 census, also recorded the Māori net undercount at 6.1% compared with just 1.9% for Europeans<sup>1</sup>, and the 2013 Post Enumeration Survey report suggests that the Māori net undercount was probably underestimated. In the 2013 Census, Māori internet access at home was 67%, compared with 85% for 'European/Others'<sup>2</sup>. The recently released independent review of the 2018 Census has been critical of the response rate, particularly in relation to Māori. From this, it can be reasonably deduced that the Māori census response rate will be well below 90%<sup>3</sup>. This will have a pronounced impact on the robustness of information available on incomes within our district.

For the reasons set out above, we request that the Commission provide a more thorough analysis of this issue before publishing this finding, or amend the finding to recognise that the data is not conclusive in this regard.

In addition, given our ratepayers are subject to both our rates and the rates of the regional council (Bay of Plenty Regional Council), it would be useful to have rates regional council rate increases documented in Figure 3.2. It is unclear how this combination of rates payments is taken into account by the Commission.

In the Commission's view, the benefit principle should play the primary role in determining who should pay for most council-supplied goods and services. This follows from the assumption that redistribution is the primary responsibility of central government. In our view, the Commission's position works in theory, but not in practice. At present, redistribution of wealth by central government is not effective. Despite years of investment by many services and agencies and significant effort by the local community, Ōpōtiki continues to feature at the wrong end of all social statistics. We do not feel that the level of deprivation in our district is truly understood or acknowledged by central government. We feel there is a failure to fully understand the extent of the issues (not helped by the 2018 Census), combined with a lack of commitment at a national level to truly addressing these issues (our initial submission provides example of this in respect of the redistribution of profit from gambling). Given the continued inequities and affordability issues in our district are not being sufficiently addressed at a central government level, we are forced to take ability to pay into account in determining our rates. The Commission's reliance on a system that is clearly not functioning is not supported.

In addition to the issues at a central government level, we are also being increasingly forced to take into account our communities ability to pay regional council rates when making decisions about our own rate setting, given the regional council's strict application of the "benefit principle" (also known as "user pays"). For example, we know that ratepayers within the Ōpōtiki Township pay disproportionately high targeted rates to the regional council, and that the regional council give little consideration to ability to pay. These targeted rates (associated with the delivery of a 'river scheme') represent a significant component of the overall rates bill of affected properties. Within the scheme area, 20-40% of the total rates are Regional Council rates, compared with around 4-7 % over the rest of the district.

The benefit principle also fails to operate effectively when the "service" being supplied by the council is not a choice, and residents have no options around levels of service. It should not be assumed that all communities benefit from the same level of options. The aforementioned targeted rate imposed by the Regional Council provides a good example of this, and further detail is provided in our most recent submission to the Regional Council in respect of their Annual Plan (attached). It is also worthy

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<sup>1</sup> Statistics New Zealand, 2014. Coverage in the 2013 Census based on the New Zealand 2013 Post enumeration

<sup>2</sup> <http://socialreport.msd.govt.nz/documents/2016/msd-the-social-report-2016.pdf>

<sup>3</sup> [https://population.org.nz/app/uploads/2019/02/NZPR-Vol-44\\_Kukutai-and-Cormack.pdf](https://population.org.nz/app/uploads/2019/02/NZPR-Vol-44_Kukutai-and-Cormack.pdf)



of note that our districts ability to affect decisions made in respect of this issue is limited when there are only approx. 4,000 ratepayers affected, within an overall regional council population of 267,741.

For that reason, we fully support recommendation R7.2 to amend legislation to require local authorities to set out the reasons for their rating decisions (in particular consideration of the 'ability to pay step') in a clear and transparent manner.

We hope that these comments are considered as the Productivity Commissions Draft report is finalised.

Yours sincerely



John Forbes  
**MAYOR**

c.c.

Kiri Allan MP – [kiritapu.allan@parliament.govt.nz](mailto:kiritapu.allan@parliament.govt.nz)

Tamati Coffey MP – [Tamati.Coffey@parliament.govt.nz](mailto:Tamati.Coffey@parliament.govt.nz)

Anne Tolley MP – [Anne.Tolley@parliament.govt.nz](mailto:Anne.Tolley@parliament.govt.nz)

Hon Nanaia Mahuta – [Nanaia.Mahuta@parliament.govt.nz](mailto:Nanaia.Mahuta@parliament.govt.nz)

Doug Leeder, Chair, Bay of Plenty Regional Council – [Douglas.Leeder@boprc.govt.nz](mailto:Douglas.Leeder@boprc.govt.nz)

Stuart Crosby, Councillor, Bay of Plenty Regional Council and Deputy Chair LGNZ – [stuart.crosby@boprc.govt.nz](mailto:stuart.crosby@boprc.govt.nz)



**Our Ref:** A182490

6 November 2019

Ministry for the Environment  
Electronic letter: [consultation.freshwater@mfe.govt.nz](mailto:consultation.freshwater@mfe.govt.nz)

To Whom it May Concern

**ŌPŌTIKI DISTRICT COUNCIL, ACTION FOR HEALTHY WATERWAYS SUBMISSION**

Thank you for the opportunity to provide comment on the documents associated with the Essential Freshwater consultation. We appreciate your agreement to extend the deadline to allow our submission to be considered.

Council broadly supports the Bay of Plenty Region Joint Submission, however, Ōpōtiki District Council also wishes to provide a separate submission on points of interest to this district. In preparing this submission, Council has liaised with Lyn Riesterer, Ōpōtiki District Council Mayor but has not had time to work with the other newly-elected councillors.

We provide some background information relating to the Ōpōtiki district before providing some comments on the Essential Freshwater Package.

Background

The district of Ōpōtiki is located in the Bay of Plenty region on the north-east end of the North Island of New Zealand. It is made up of an area of 3,105 square kilometres, accounting for around 25% of the total land mass of the Bay of Plenty region. It is the second biggest district in the region, second only to Whakatane (4,442 square kilometres).

According to 2018 Census data, the population of Ōpōtiki stands at 9,276 people. The Ōpōtiki district accounts for just 3% of the total population of the Bay of Plenty region.

The population of the Ōpōtiki district is mostly rural, with just 46% of the population living in urban areas, the lowest of any district in the region and compares against a regional wide average of 84% of the population living in urban areas.

Geographically, much of the region, with the exception of urban coastal areas and farmland, is covered by native and exotic forest. The nearest major town to Ōpōtiki is Whakatane, around half an hour's drive west.

The Ōpōtiki district has among the highest levels of deprivation in New Zealand, it features at the wrong end of many statistics – unemployment, median household income, benefit numbers, rate of home ownership, health etc. Of all ratepayers in New Zealand, the Ōpōtiki District has the lowest ability to pay.

### Comments on Essential Freshwater Package

Whilst there are a number of elements of the package that are supported (as set out in the Bay of Plenty Region Joint Submission), our Council would like to raise specific concerns about the lack of details around changes proposed in respect of three waters. Additionally, we are concerned about the costs of implementing the proposals, and question whether these have been properly understood and documented. We also wish to raise issues of conflicting national policy agendas.

### Three waters - Absence of details

In respect of the proposals in relation to three waters, there is very little to comment on. Whilst we support good practice and are working toward achieving improvements across the board, until we know the timing and detail of what is being asked to be achieved, we cannot tell if the proposals are achievable or affordable.

That said, the intention of some of the provisions relating to stormwater in particular, cause us significant concern. Whilst we regularly apply regulation and mitigation to avoid stormwater flooding of buildings, avoiding flooding of property is much more difficult. In the Ōpōtiki township, the ground water levels, soil type and altitude mean that avoiding stormwater flooding of property, is much more difficult here than elsewhere. Requirements around the monitoring of stormwater discharges is also concerning, as in some places, it is impossible to measure due to the volume of water involved, nor is it possible to pinpoint one particular activity as being solely responsible for any change in water quality due to levels of dilution. In our experience, a case by case assessment is necessary in order to determine the practicalities of monitoring requirements. A one size fits all national standard is unlikely to provide for the nuances that exist in each and every situation.

### Cost of implementing the proposals

In order to implement the proposals, there will be increased costs to our council, increased costs to the regional council and increased costs to water users. All of these costs are passed on to ratepayers and we are concerned about the effect of these costs on the economy of our district and our district's ability to do business in future. The cumulative impact of the proposals on small rural districts requires analysis in relation to compliance, opportunity and direct costs.

Whilst much of the responsibility for implementing the proposals will fall to the Regional Council, we know that ratepayers in our district struggle to manage the costs of doing business, including the costs associated with complying with regional council requirements. The Bay of Plenty Regional Council applies a strict user pays policy when determining rates and fees and charges, which gives little consideration to ability to pay. We also know that the cost of doing business in our district is relatively higher than the cost of doing business elsewhere. Much of our district, particularly areas up the East Coast, are small, relatively isolated populations with higher transportation costs, and less people available to undertake work. This results in less competition and higher costs, increasing the overall cost of doing business.

By way of example, it is expected that proposed additional monitoring of stormwater discharge overflows is likely to generate a workload equivalent to one additional full time staff member. One additional staff member in this district represents a 1-1.5% rate rise (approximately). Furthermore, it is estimated that the cost of amending our district plan in response to the proposals would cost approximately \$500k - 7% of our annual rate take.

We are concerned that the cost implications of the proposals have not been comprehensively considered, nor have the effects on different locations and communities been properly measured. The regulatory impact statement provided with the package is not comprehensive and does not take account of cumulative impacts of the proposals. We are also concerned that assumptions are made

around cost that do not take into account the unique characteristics of our small rural districts such as ours. Like costs, benefits also need to be assessed at the local level. Much of our district is undeveloped due to it being within the conservation estate or within Māori ownership. The costs and benefits associated with the proposals in these areas, will be different to the costs and benefits in other parts of New Zealand, especially developed areas. Until the full implications of the proposals are understood, it is impossible to conclude that the environmental benefits would justify those costs.

We have also seen many examples in the past of Government imposing new levels of regulation without fully considering the implications for delivery or providing sufficient levels of funding to support the regulation. This was highlighted recently in the Productivity Commission's Draft Report on Local Government Funding and Financing (see Section 4.3). The speed at which this package has moved thorough the public consultation phase, and lack of involvement of local government in its drafting (particularly at the district council level), once again demonstrates a lack of understanding by central government about the effects of national regulation.

#### Conflicting national direction

The Government has established a Provincial Growth Fund to accelerate the development of New Zealand's regions, with emphasis on areas of historical challenge. The Government has indicated that the Eastern Bay of Plenty is among its highest priorities and one of the identified areas for investment in economic growth is 'high value horticulture, focused around deprived communities from Waihou Bay to Te Kaha'<sup>1</sup>. Horticulture development and associated projects are reliant on irrigation. The opportunity to realise the productive capacity of this highly productive land has not been realised in the past due to constraints on the use of Maori land.

The Government needs to be mindful that introducing additional restrictions on irrigation will have an impact on the ability of iwi to develop horticulture along the East Coast. This in turn will have a negative impact on the economic and social prospects for the Ōpōtiki District. The water quality effects of converting land from one very low intensity land use to another low intensity land use will be negligible at a broader scale. As such, the draft provisions, create unnecessary barriers to development that could be seen as contrary to the Government's economic development objectives for regional New Zealand.

#### Conclusions

Given the significant repercussions of this package, we would request that any decisions be delayed to allow full and proper consultation to be carried out with local government (particular district councils) and more detailed consideration to be given to the economic impacts of the proposals in all areas.

Yours faithfully



Aileen Lawrie  
**CHIEF EXECUTIVE OFFICER**

c.c. [Lucy.Bolton@mfe.govt.nz](mailto:Lucy.Bolton@mfe.govt.nz) [Simon.King@mfe.govt.nz](mailto:Simon.King@mfe.govt.nz)

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<sup>1</sup> Stakeholder Strategies, 2018 'Eastern Bay of Plenty: Regional Development Project', available online: <https://www.odc.govt.nz/SiteCollectionDocuments/OUR%20COUNCIL/Council%20Publications/Eastern%20Bay%20of%20Plenty%20Regional%20Development%20Report%20-%20October%202018.pdf>

## **Brief Update on Waiōtahe catchment water quality research, monitoring and mitigation, July 2019**

- BOPRC have engaged a consultancy (Streamlined Environmental Ltd) to do some analysis of all the data we have collected over the last 2 years to help make some sense of it all and inform future work.
- The Massy PhD investigation is partially complete and that tells us, amongst other things, that the sediments have extremely high E.coli populations. This will be included in the above study. Some of it (the genomic study) is still in [progress – it's very complex and is carried out by a facility in Hong Kong.
- More fencing and riparian planting has been completed on several farms. We don't have figures for all the fencing yet but several thousand plants have been planted. Of note is the planting of the Wilson's farm drain at the Ōhiwa Harbour Road turn off.
- Fonterra staff are in the process of re-visiting the 14 dairy farmers to check progress against farm plans.
- Some large priority 2 forest remnants are about to be fenced (with weeds controlled and possibly predator control) under BOPRC's biodiversity programme. The cost of the fencing alone will be about \$20K.
- Fonterra will be contributing some funding to the catchment work as part of their 50 catchments initiative.
- The water care group (the farmers) are in the process of engaging a facilitator, partly to help with the workload of the BOPRC staff but also to help keep the momentum going.
- The group are investigating the installation of weather/soil moisture stations to help with effluent irrigation decision making. They have decided that effluent management will be a focus for this year.
- BOPRC staff are reporting progress regularly to Upokorehe.
- ODC have completed the upgrade of the public toilet effluent system at Te Ahiaua pipi bed reserve.
- 50+ people (dairy farmers, BOPRC, Fonterra and Dairy NZ staff, Upokorehe and locals) recently planted 3000 plants at the top end of the catchment in riparian areas fenced last year. This was reported in local media and the Herald.







## Ōhiwa Harbour Strategy Partnership update

### Mussel restoration trials

The once extensive beds of mussels in the harbour have declined over recent decades, possibly as a result of poorer water quality. But in recent years they have almost completely disappeared as a result of predation by seastars. The partners are working with NIWA to research the causes and to investigate ways of re-establishing the beds.

As a result, mussel spat is being successfully collected and grown on spat lines in the harbour. Protective cages of different designs have been placed on the bed of the harbour in places where mussels were found in the recent past. Mussels are being introduced into these. While the mussels are able to re-attach themselves to the bed of the harbour, large seastars are able to squeeze into the cages through 17mm mesh and continue to predate the mussels. Cameras will be used to find out how they do this. At the same time, NIWA are trialling a seastar management tool at their lab in Whangarei. A Waikato University masters student is also developing a Habitat Suitability Index for the harbour.

Further funding is being sought for more investigations into mussels and their habitat and into shellfish in the harbour generally.

Eventually we hope to develop options for assisting mussel restoration and replication on a large scale.



### Mangrove management

Mangrove control work has been underway since 2011 with the aim of slowing the spread of mangroves throughout the harbour. About 16ha of mangroves, mostly seedlings and outlying plants, have been removed to date. A resource consent is in place to allow this work to take place but this expires next year. The new Regional Coastal Environment Plan allows some mangrove removal to continue as a permitted activity so a consent will not be required to allow future management. The challenge next year will be removing mangroves from around some of the islands.

## Research for Ōhiwa Harbour Heritage Trail Stage Two underway

The first stage of Ngā Tapuwae o Tairongo, Ōhiwa Harbour Heritage Trail, is now complete with the installation of 12 interpretation panels at 11 sites around the harbour which describe the harbour's natural environment. Research for the second stage is underway. The next set of panels will focus on the people and history of the harbor and should be completed in 2021. A pamphlet describing the trail has been produced and distributed to i-sites and other outlets.



## Port Ohope Wharf Reserve Upgrade

A \$2.3M upgrade of the Port Ōhōpe Wharf Reserve has been completed by Whakatāne District Council. Given the ever increasing numbers of visiting and local users of the wharf area, the aim of the upgrade was to enhance the recreational access and add amenities, while maintaining local character. Road access from Charles Street was realigned to improve safety. Services such as sewer, water, electricity supply and street lighting were upgraded and onsite bio-pit stormwater treatment constructed.

Key elements of the design included a reconfigured pedestrian plaza with new street furniture - picnic tables, seats, wheel stops, bollards and electric barbeques; a central timber boardwalk and two cantilevered shade sails. The old toilet block has been replaced with a free-standing permaloo facility with four toilets and two changing rooms - all wrapped in Godwit artwork. Gardens have been extensively replanted using native species featuring nikau, pōhutukawa and karaka.

Further improvements are planned with some already underway. Feedback from users has been very positive.





### Supporting responsible fishing and kaimoana gathering

In the year to February 2019, Ministry for Primary Industries (MPI) officers inspected the catch/take of 313 people in the Ohiwa Harbour. Most of these people were gathering pipi. 3 people were prosecuted for taking more than 3 times the daily limit (one had taken over 2000 pipi), 3 were given \$500 infringement notices for taking over twice the limit and one was given a warning for taking up to double the limit. 3 others were dealt with for other fishery offences.

While there is the occasional person who drives onto the mudflats to access the pipi beds from Reeves Rd, the vast majority obey the bylaw and leave their cars on the road. Reports of bylaw infringement seem to be declining probably thanks to a combination of efforts by Opotiki District Council compliance staff and pressure from local residents and other fishers.



### Kutarere flood mitigation

As a result of quite serious flooding events in Kutarere over the last year, work has been undertaken by BOPRC to mitigate the risk. Numerous blockages in the Kakaho Stream (mostly fallen trees) have been removed to reduce flow restrictions and the stream banks battered back to increase stream capacity.

Also harbor water has been infiltrating a breach in a very old stopbank (the ownership of which is unknown) causing flooding of several properties along Kutarere Wharf Road. This breach has been closed and armoured with rotten rock. This is unlikely to be a permanent solution, given the likely sea level rise in coming years.



**REPORT**

Date : 5 November 2019

To : Ordinary Council Meeting, 12 November 2019

From : Chief Executive Officer, Aileen Lawrie

Subject : **RESOLUTION TO EXCLUDE THE PUBLIC**

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

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

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

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

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

18.	<b>In-Committee Minutes – Audit and Risk Committee Meeting 9 September 2019</b>	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
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**This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:**

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