



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED TUESDAY, 23 JULY 2019 IN THE
OPOTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPOTIKI AT 9.02AM**

PRESENT:

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

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)
Gae Newell (Executive Assistant and Governance Support Officer)
Sarah Jones (Corporate Planner and Executive Officer)
Garry Page (Reserves Manager)
Astrid Hutchinson (Harbour Project Programme Planner)
Sue Robb (Policy Planner)
Ken Buckley (Project Manager and Building Control Officer)

MEDIA:

James Sandbrook (Opotiki News)

PUBLIC:

Helen Laurence and several members of Extinction Rebellion
Mark Stringfellow
Janet Thompson
Xiao Yu Chen

In the absence of Councillor McRoberts, Councillor Young opened the meeting with some short quotes.

APOLOGY

Councillor McRoberts.

RESOLVED

(1) That the apology be sustained.

Riesterer/Tuoro

Carried

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

His Worship the Mayor welcomed the Extinction Rebellion representatives to the meeting. He noted that there is a report on today's agenda around climate change and hoped that the group's presence can lift engagement with Council. Council does acknowledge that climate change is happening.

PUBLIC FORUM

Helen Laurence – Climate Change

Helen Laurence acknowledged and appreciated that Council accepts the reality of the climate crisis. She stated that Extinction Rebellion was asking that Council pass a declaration that we are in a climate emergency.

With the aid of a powerpoint presentation, Helen Laurence drew Council's attention to the effects of climate change and the roles which Council can take in relation to advocacy and planning for the future. She asked Council to consider the cost to Ōpōtiki if nothing is done to address the climate crisis, to rise to the challenge and for citizens to unite and take control and become more action orientated.

His Worship the Mayor thanked Helen Laurence, adding that the conversation going forward would be around what more we should be doing as a Council and as a community.

Meg Collins, also a representative of Extinction Rebellion, stated that New Zealanders have been great protesters for a very long time. Nuclear free got all Councils on board then it tipped the Government, then there was the MMP campaign. All we are asking is that you declare a climate emergency as part of this campaign. 66 Councils have declared a climate emergency to date.

In response to queries, Councillors each gave their view.

His Worship the Mayor advised that Council works under legislation which governs what can be done at a Council meeting. There is a process of public notification of agenda items etc., therefore a report will come back to Council regarding the implications of declaring a climate emergency.

His Worship the Mayor thanked the Extinction Rebellion representatives for attending, adding that their care and concern was appreciated.

The Extinction Rebellion representatives, except for two, left the meeting at 9.39am.

Mark Stringfellow – Civil Defence Warnings on the Coast

Mark Stringfellow referred to the computer generated systems in place to warn farmers to move stock to higher ground. When it comes to tsunamis, this does not extend to people. There are a lot of people on the Coast who do not have cell phone coverage and all Civil Defence warning mechanisms are internet based, e.g. Facebook, Twitter, Civil Defence website etc. During the holiday periods, motor camps on the Coast have many people staying who are not from the area and will also not have signal coverage.

Mark Stringfellow stated that the Regional Council has the systems for calling people and Wellington Civil Defence has a tracking system for tsunamis and he knows it is possible to put these two together. He suggested that Council makes enquiries of the Regional Civil Defence organisation to establish the feasibility of developing tsunami warnings to vulnerable coastal communities along our coastline.

The Chief Executive Officer stated that there are complexities around sirens. A phone system is simple, and it is run out of the Bay of Plenty Regional Council. Council can pass your suggestion on to the Regional Council. Through Evolution Networks Council is also actively engaging to extend coverage.

His Worship the Mayor thanked Mark Stringfellow for attending the meeting.

Mark Stringfellow and the Planning and Regulatory Group Manager left the meeting at 9.49am.

Mark Stringfellow and Gerard McCormack left the meeting at 9.49am.

His Worship the Mayor took a moment to acknowledge ex-Councillor Murray Thompson who passed away over the weekend and who gave 15 years of service to the community as a Councillor.

1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 4 JUNE 2019 **p4**

Councillor Young requested that his name be removed from the Declaration of Interest at the bottom on page 4 as he was not present at the meeting.

RESOLVED

- (1) That the minutes of the Ordinary Council meeting held on 4 June 2019 be confirmed as a true and correct record.**

Riesterer/HWTM

Carried

2. MINUTES – EXTRA ORDINARY COUNCIL MEETING 28 JUNE 2019

p11

RESOLVED

- (1) That the minutes of the Extra Ordinary Council meeting held on 28 June 2019 be confirmed as a true and correct record.**

Young/Browne

Carried

3. MINUTES – COAST COMMUNITY BOARD MEETING 7 MAY 2019

p20

RESOLVED

- (1) That the minutes of the Coast Community Board meeting held on 7 May 2019 be received.**

Riesterer/HWTM

Carried

4. MINUTES – REGIONAL TRANSPORT COMMITTEE MEETING 4 MAY 2019

p25

RESOLVED

- (1) That the minutes of the Regional Transport Committee meeting held on 4 May 2019 be received.**

HWTM/Tuoro

Carried

5. MINUTES – EASTERN BAY OF PLENTY JOINT COMMITTEE MEETING 4 JUNE 2019

p37

RESOLVED

- (1) That the minutes of the Eastern Bay of Plenty Joint Committee meeting held on 4 June 2019 be received.**

HWTM/Riesterer

Carried

The Planning and Regulatory Group Manager rejoined the meeting at 9.49am.

6. MAYORAL REPORT 24 MAY 2019 – 18 JULY 2019 **p42**

RESOLVED

- (1) That the report titled "Mayoral Report 24 May 2019 – 18 July 2019" be received.**

HWTM/Browne

Carried

7. OPOTIKI MARINE ADVISORY GROUP (OMAG) UPDATE **p47**

RESOLVED

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

Tuoro/Browne

Carried

8. OPOTIKI COMMUNITY DRIVER MENTOR PROGRAMME – UPDATE AND PLANS FOR 2019-2020 **p50**

RESOLVED

- (1) That the report titled "Ōpōtiki Community Driver Mentor Programme – Update and Plans For 2018-2019" be received.**

- (2) That the support and involvement of the Eastern Bay of Plenty Road Safety Committee, Toi-EDA, and Bay of Plenty Regional Council in enabling the Ōpōtiki Community Driver Mentor Programme to continue their support be acknowledged.**

Young/Browne

Carried

9. 2019 PRE-ELECTION REPORT **p53**
and separate document

RESOLVED

- (1) That the report titled "2019 Pre-Election Report be received.**

Tuoro/Browne

Carried

The meeting adjourned at 10.00am for a Citizenship Ceremony and reconvened at 10.40am. Helen Laurence rejoined the meeting at this time.

10. CLIMATE CHANGE UPDATE AND STOCKTAKE

p57

The Corporate Planner and Executive Officer spoke to the report with the aid of a powerpoint presentation which covered the following points:

- Impacts of climate change – what we know
- Impacts of climate change – research underway
- Responses to climate change – who is doing what and why
- Our response to climate change to date
- Future commitments – things to consider

In response to a query from His Worship the Mayor the Corporate Planner and Executive Officer stated that she has talked to other Councils to see what they have done, e.g. moving to an electric vehicle fleet, internal (energy saving) building improvements and changing procurement requirements. There are a lot of things which could be introduced but that comes at a cost.

The Chief Executive Officer acknowledged that Council is aware ratepayer funding is limited; it may be that Council can aim at solid waste rather than the little things and achieve a better outcome. She further noted that within the RMA framework Council is precluded from considering omissions – it is not a relevant consideration for Councils under the RMA. Council also struggles with existing use rights. Within the District Plan, the stop banks are fundamentally important.

His Worship the Mayor said the big challenges for Council are leading a community change in mind set and making changes that are going to contribute to making a difference.

After acknowledging the presence of Extinction Rebellion representatives at today's meeting, His Worship the Mayor moved a motion that two further clauses be added to the recommendation as follows:

That Council acknowledge that the plant is facing a climate change; and

That the Chief Executive Officer provides a report on the implications of making a declaration around climate change.

The motion was seconded by Councillor Browne.

Councillor Young said while it was good to be seen to be doing something, he queried what the possible implications of a judicial review would be.

The Chief Executive Officer stated that the proposed recommendations were only making a statement and that should be safe in process terms.

The motion moved by His Worship the Mayor was PUT and CARRIED.

RESOLVED

- (1) That the report titled "Climate Change Update and Stocktake" be received.**
- (2) That Council acknowledges the planet is facing a climate change crisis.**
- (3) That the Chief Executive Officer provides a report on the implications of making a declaration around climate change.**

Tuoro/Browne

Carried

The Finance, Systems and Property Group Manager entered the meeting at 10.56am.

The Reserves Manager entered the meeting at 11.03am.

Helen Laurence and two Climate Change Extinction Rebellion representatives left the meeting at 11.25am.

11. ROSE GARDENS RESERVE DEVELOPMENT

p71

The Reserves Manager spoke to the report, with illustrations of the previous design and a new, staged design on the screens.

A discussion ensued regarding toilets at the Rose Gardens Reserve. Councillor Young was of the opinion that toilets should be built from the outset, and the funds for that be borrowed if necessary.

The Chief Executive Officer suggested that the proposals outlined in the report be progressed and staff come back to the next meeting with a report around including toilets in the redevelopment, and the opex costs etc., of doing that. Council agreed with this course of action. The mover and seconder also agreed to a fourth clause being added to the recommendations to provide for a report to come back to the next meeting.

RESOLVED

- (1) That the report titled "Rose Gardens Reserve Development" be received.**

- (2) That Council approve the changes to the work programme that was presented on 18 December 2018 to a staged approach that reflects the 2019/2020 Annual Plan and funding that is available.
- (3) That the long term development of the Rose Gardens will now form part of the Reserve Management Plan process currently underway.
- (4) That a report be brought to the next Council meeting around the costs of including toilets in the redevelopment of the Rose Gardens Reserve.

Browne/Howe

Carried

The Engineering and Services Group Manager left the meeting at 11.29am and returned at 11.31am.

12. TE KAHA WATER SUPPLY SOUTHERN EXTENSION 2A FUNDING 2019-20 p78

RESOLVED

- (1) That the report titled "Te Kaha Water Supply Southern Extension 2A Funding 2019-20" be received.
- (2) That Council approves the loan fund of \$23,100 to complete the project.

HWTM/Tuoro

Carried

13. ŌPŌTIKI WASTEWATER NO. 1 PUMP-STATION RENEWAL BYPASS p81

RESOLVED

- (1) That the report titled "Ōpōtiki Wastewater No. 1 Pump-Station Renewal Bypass be received.
- (2) That Council approves bringing forward \$60,000 of the \$420,000 total budget planned for the No. 1 Pump-Station Renewal Project from 2024.

Tuoro/Browne

Carried

14. WAIŌTAHE PUBLIC TOILETS WATER SUPPLY EXTENSION p84

RESOLVED

- (1) That the report titled "Waiōtahe Public Toilets Water Supply Extension" be received.
- (2) That Council approves the loan fund of \$20,000 to complete the project.

Tuoro/Young

Carried

The Harbour Project Programme Planner, the Policy Planner and the Project Manager & Building Control Officer entered the meeting at 11.46am.

15. THE ASSESSMENT OF POTENTIALLY EARTHQUAKE-PRONE BUILDINGS **p87**

RESOLVED

- (1) That the report titled “The Assessment of Potentially Earthquake-Prone Buildings” be received.**
- (2) That in accordance with the legislative requirements community consultation on the pedestrian and vehicle thoroughfares and strategically important routes is carried out.**
- (3) That in accordance with legislative requirements, staff continue the assessment of potentially earthquake-prone buildings within the District and as part of this that letters outlining the legislative process are sent to the owners of potentially earthquake-prone buildings.**

Riesterer/Young

Carried

Janet Thompson left the meeting at 11.56am.

16. REVITALISATION OF THE ŌPŌTIKI TOWN CENTRE PROJECT **p96**

RESOLVED

- (1) That the report titled “Revitalisation of the Ōpōtiki Town Centre Project” be received.**
- (2) That a structure plan and design guidelines for the Ōpōtiki town centre be developed and adopted by July 2020.**

Tuoro/Riesterer

Carried

17. PLANNING AND REGULATORY ANNUAL REVIEW **p102**

RESOLVED

- (1) That the report titled “Planning and Regulatory Annual Review” be received.**

HWTM/Young

Carried

18. ŌPŌTIKI DISTRICT COUNCIL BYLAW AND DOG CONTROL POLICY REVIEW **p112**
and separate document

RESOLVED

- (1) That the report titled "Ōpōtiki District Council Bylaw and Dog Control Policy Review" be received.
- (2) That the Statement of Proposal for the Ōpōtiki District Council Consolidated Bylaw and Dog Control Policy 2019 be adopted for public consultation using the special consultative procedure in accordance with sections 83 and 86 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 Consolidated Bylaw and Dog Control Policy 2019 will be aligned with the submission period for feedback on Ōpōtiki District Council's reserve management plans.
- (4) That the ability to make minor amendments to the Statement of Proposal for the Ōpōtiki District Council Consolidated Bylaw and Dog Control Policy 2019 before its release for public consultation be delegated to the Chief Executive Officer.

Tuoro/HWTM

Carried

19. DOG CONTROL POLICIES AND PRACTICES REPORT 2018-2019

p116

RESOLVED

- (1) That the report titled "Dog Control Policies and Practices Report 2018-19" be received.
- (2) That the Dog Control Policies and Practices Report 2018-19 attached in Appendix 01 be adopted by Council and its availability publicly notified in the Ōpōtiki News in accordance with Section 10A(3) of the Dog Control Act.
- (3) That the Dog Control Policies and Practices Report 2018-19 attached in Appendix 01 be filed with the Secretary for Local Government (Department of Internal Affairs) in accordance with section 10A(4) of the Dog Control Act.

HWTM/Browne

Carried

20. PROPOSAL FOR NEW ROAD NAME: WHAROTAI ROAD

p125

His Worship the Mayor advised that Item 20 (Proposal For New Road Name: Wharotai Road, is being deferred to a later meeting as there is some consultation still to be undertaken.

The Engineering and Services Group Manager, the Harbour Project Programme Planner, the Policy Planner and the Project Manager & Building Control Officer left the meeting at 12.12pm.

21. JIANGXI VISIT UPDATE

p135

The Chief Executive Officer noted that an added benefit of the trip to China was the team building for the Eastern Bay – three Mayors, three CEs and educators.

RESOLVED

- (1) That the report titled “Jiangxi Visit Update” be received.**

HWTM/Riesterer

Carried

The Planning and Regulatory Group Manager left the meeting at 12.15pm.

22. CHIEF EXECUTIVE OFFICER’S UPDATE

p141

Safer Roads Programme

From a discussion around road safety improvements, it was agreed that a letter be sent under the Mayor’s signature to the Associate Minister of Transport and other appropriate Ministers and stakeholders around road safety issues affecting the Ōpōtiki district. It was further agreed that a clause be added to the recommendations to reflect this.

RESOLVED

- (1) That the report titled “Chief Executive Officer’s Update” be received.**
- (2) That a letter be sent under the Mayor’s signature to the Associate Minister of Transport, and other appropriate Ministers and stakeholders around road safety issues affecting the Ōpōtiki district.**

HWTM/Tuoro

Carried

The meeting adjourned for lunch at 12.35pm and reconvened at 1.13pm. James Sandbrook did not rejoin the meeting at this time.

During the lunch break a presentation was made to Councillor Ken Young and his wife, Carole. This is Councillor Young’s last Council meeting.

23. RESOLUTION TO EXCLUDE THE PUBLIC

p148

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:

24. Confirmation of In-Committee Minutes – Ordinary Council Meeting 4 June 2019.

25. Confirmation of In-Committee Minutes – Extra Ordinary Council Meeting 28 June 2019.

26. Property Transaction 1.

27. Property Transaction 2.

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
24.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 4 June 2019	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
25.	Confirmation of In-Committee Minutes – Extra Ordinary Council Meeting 28 June 2019	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
26.	Property Transaction 1	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.	Section 48(1)(a)
27.	Property Transaction 2	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:

24.	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)
25.	Protect the privacy of natural persons Protect information	Section 7(2)(a) Section 7(2)(b)(i) & (ii)
26.	Protect the privacy of natural persons Commercial sensitivity Carry out negotiations	Section 7(2)(a) Section 7(2)(b) Section 7(2)(i)
27.	Protect the privacy of natural persons Commercial sensitivity Carry out negotiations	Section 7(2)(a) Section 7(2)(b) Section 7(2)(b)

Tuoro/Browne

Carried

RESOLVED

- (1) **That the resolutions made while the public was excluded, except for the resolutions for Item 26 (Property Transaction 1) and Item 27 (Property Transaction 2), be confirmed in open meeting.**
- (2) **That the public be readmitted to the meeting.**

Browne/Riesterer

Carried

RESOLVED

- (1) **That the in-committee minutes of the Ordinary Council meeting held on 4 June 2019 be confirmed as a true and correct record.**

Tuoro/HWTM

Carried

RESOLVED

- (1) **That the in-committee minutes of the Extra Ordinary Council meeting held on 28 June 2019 be confirmed as a true and correct record.**

Riesterer/Young

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 1.45PM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COUNCIL HELD ON 5 SEPTEMBER
2019**

J H FORBES

HIS WORSHIP THE MAYOR