



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED TUESDAY, 25 AUGUST 2020 IN THE  
ŌPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, ŌPŌTIKI AT 9.00AM**

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PRESENT:

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

IN ATTENDANCE:

Aileen Lawrie (Chief Executive Officer)  
Bevan Gray (Finance and Corporate Services Group Manager)  
Gerard McCormack (Planning and Regulatory Group Manager)  
Katherine Hall (Policy Planner)  
Anna-Marei Kurei (Community Engagement and Facilitation Officer)  
Garry Page (Reserves Manager)  
Gae Finlay (Executive Assistant and Governance Support Officer)

PUBLIC:

Sue Somerville

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Her Worship the Mayor opened the meeting with an inspirational blessing.

Referring to last week's Local Government New Zealand (LGNZ) Annual General Meeting held via Zoom, Her Worship the Mayor advised that voting for President and Vice-President was done via phone and computer. The new President of LGNZ is Stuart Crosby and the Vice-President Hamish McDouall.

**APOLOGIES**

Nil.

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

Nil.

## **PUBLIC FORUM**

### *Sue Somerville – Ōpōtiki Community Garden*

Sue Somerville introduced the concept of the community garden which she and a group of like-minded people are wanting to establish on Council owned land at 54 Bridge Street. The initiative is based on the Healthy Families New Zealand approach.

The group want to help grow a movement to locally grown food, with whānau assisting in the growing process, and a funding application has been made to the Ministry of Social Development to assist with the establishment of the garden.

Sue Somerville handed around a copy of a layout plan for the proposed garden, which includes garden beds and an orchard area.

Her Worship the Mayor thanked Sue Somerville for her attendance.

*Sue Somerville and the Reserves Manager left the meeting at 9.08am.*

### **1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 2 JUNE 2020** p4

#### **RESOLVED**

- (1) That the minutes of the Ordinary Council meeting held on 2 June 2020 be confirmed as a true and correct record.**

Rāpihana/Moore

**Carried**

### **2. CONFIRMATION OF MINUTES – EXTRA ORDINARY COUNCIL MEETING 30 JUNE 2020** p11

#### **RESOLVED**

- (1) That the minutes of the Extra Ordinary Council meeting held on 30 June 2020 be received.**

HWTM/Browne

**Carried**

### **3. MINUTES – COAST COMMUNITY BOARD MEETING 5 MAY 2020** p21

#### **RESOLVED**

- (1) That the minutes of the Coast Community Board meeting held on 5 May 2020 and any recommendations therein be received.**

Rāpihana/Browne

**Carried**

**4. MINUTES – CIVIL DEFENCE EMERGENCY MANAGEMENT JOINT COMMITTEE MEETING 3 JUNE 2020 p27**

**RESOLVED**

- (1) That the minutes of the Civil Defence Emergency Management Joint Committee meeting held on 3 June 2020 be received.**

HWTM/Browne

**Carried**

**5. MINUTES – BAY OF PLENTY MAYORAL FORUM 12 JUNE 2020 p30**

**RESOLVED**

- (1) That the minutes of the Bay of Plenty Mayoral Forum meeting held on 12 June 2020 be received.**

HWTM/Nelson

**Carried**

**6. MINUTES – ŌHIWA HARBOUR IMPLEMENTATION FORUM 22 JUNE 2020 p38**

**RESOLVED**

- (1) That the minutes of the Ōhiwa Harbour Implementation Forum meeting held on 22 June 2020 be received.**

HWTM/Browne

**Carried**

**7. MAYORAL REPORT 29 MAY 2020 – 7 AUGUST 2020 p46**

**RESOLVED**

- (1) That the report titled “Mayoral Report 29 May 2020 – 7 August” be received.**

HWTM/Browne

**Carried**

**8. ŌPŌTIKI MARINE ADVISORY GROUP (OMAG) UPDATE p55**

The Chief Executive Officer agreed with a suggestion from Councillor Rāpihana that there be a representative from Te Whanau a Apanui attend OMAG meetings.

The Chief Executive Officer advised that, in future, the Workforce Development report will come as a separate report to Council on each agenda.

**RESOLVED**

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

Howe/Hocart

**Carried**

*The Planning and Regulatory Group Manager entered the meeting at 9.26am.*

**9. WATER REFORMS TRANCHE 1 FUNDING**

**p60**

The Chief Executive Officer noted that there is a risk in resourcing and that needs to be flagged with DIA.

Councillor Howe stated that the first round is a carrot, then Councils will be forced to take the next rounds of funding, adding that this is a track towards amalgamation.

Her Worship the Mayor said it looks like the Government is trying to take over our infrastructure. The ratepayers own our infrastructure and although the dollars are good, the Government will have to be accountable at the next two rounds. There is no financial models to say that this will be successful and no examples or reports to say the health of the water in New Zealand is so bad that this needs to be done.

Councillor Howe was not in favour of the recommendations, suggesting that there will be a lot of fish hooks which could be locking Council in. He also noted that the proposal is a bit cloudy around stormwater and that a company would be formed for freshwater.

The Chief Executive Officer advised that Council had applied to Crown Infrastructure Partners for Three Waters funding. This funding appears to have replaced the CIP opportunity.

Her Worship the Mayor stated that, from talking to other Mayors, their Councils will be saying yes to the money and will have a long period of engagement and consultation with their communities before moving into the next steps. Accepting the first round of funding is not binding and that is when Council could opt out.

Councillor Rāpihana said it will be hard to explain to the community if Council does not take the first step. While he accepts the recommendations, Councillor Rāpihana would like Council to continue discussions with iwi.

A letter will be sent to DIA from the Mayor expressing Council's views.

Councillor Rāpihana moved an additional recommendation as follows. The mover and seconder of the original recommendations were in agreement with the addition.

MOTION

Moved: Rāpihana

Seconded: Hocart

**That Council continue the conversation with iwi around Three Waters to achieve a localised bespoke solution.**

The motion was PUT and CARRIED

The substantive motion was PUT and CARRIED.

**RESOLVED**

**(1) That the report titled “Water Reforms Tranche 1 Funding” be received.**

• **Note** that:

- In July 2020, the Government announced an initial funding package of \$761 million to provide a post COVID-19 stimulus to maintain and improve water networks infrastructure, and to support a three-year programme of reform of local government water services delivery arrangements; and
- initial funding will be made available to those Councils that agree to participate in the initial stage of the reform programme, through a Memorandum of Understanding (MoU), Funding Agreement, and approved Delivery Plan.
- this initial funding will be provided in two parts: a direct allocation to individual territorial authorities, and a regional allocation. The participating individual authorities in each region will need to agree an approach to distributing the regional allocation
- the Steering Committee has recommended a preferred approach to the allocation of regional funding, being the same formula as was used to determine the direct allocations to territorial authorities.

**2. That Council agrees to sign the MoU at Appendix A and Funding Agreement at Appendix B.**

**3. That Council agrees to nominate the Chief Executive of the Council as the primary point of communication for the purposes of the MoU and reform programme – as referred to on page 6 of the MoU.**

- 4. That Council agrees to delegate decisions about the allocation of regional funding to the Chief Executive of the Council, with the understanding that the minimum level of funding to the Council be based upon the formula used to calculate the direct Council allocations, and noting that participation by two-thirds of territorial authorities within the Bay of Plenty region is required to access the regional allocation.**
- **Note** that the MoU and Funding Agreement cannot be amended or modified by either party, and doing so would void these documents.
  - **Note** that participation in this initial stage is to be undertaken in good faith, but this is a nonbinding approach, and the Council can opt out of the reform process at the end of the term of the agreement (as provided for on page 5 of the MoU).
  - **Note** that the Council has been allocated \$1.6M of funding, which will be received as a grant as soon as practicable once the signed MoU and Funding Agreement are returned to the Department of Internal Affairs, and a Delivery Plan has been supplied and approved (as described on page 5 of the MoU).
  - **Note** that the Delivery Plan must show that the funding is to be applied to operating and/or capital expenditure relating to three waters infrastructure and service delivery, and which:
    - supports economic recovery through job creation; and
    - maintains, increases, and/or accelerates investment in core water infrastructure renewal and maintenance.
- 5. That Council authorises the Chief Executive to finalise the Delivery Plan to address feedback from Government and obtain the approval needed to release funding.**
- 6. That Council continue a conversation with iwi around Three Waters to achieve a localised bespoke solution.**

Hocart/Browne

**Carried**

Councillor Howe abstained from voting.

## **10. ELECTORAL DECISIONS, REPRESENTATION REVIEW**

**p110**

The Finance and Corporate Services Group Manager spoke to the report. He noted that it is proposed to bring in Dale Ofsoske from Election Services to workshop Maori wards and the Representation Arrangements Review with Council after the 6 October Council meeting.

Following a discussion, it was agreed that the First Past the Post electoral system be retained.

### **RESOLVED**

- (1) That the report titled "Electoral Decisions, Representation Review" be received.**

- (2) That the Council resolves to retain the First Past the Post electoral system.**
- (3) That Council consider the implementation of Maori wards before 23 November 2020, and the rest of the representation arrangements review over the course of the next 12 months.**

Moore/Nelson

**Carried**

*Councillor Howe left the meeting at 10.17am and returned at 10.20am.*

*The meeting adjourned for morning tea at 10.23am and reconvened at 10.36am.*

**11. 2021-2031 LTP – ENVIRONMENTAL SCAN** **p125**

**RESOLVED**

- (1) That the report titled “2021-2031 LTP – Environmental Scan” be received.**
- (2) That the items identified in the report form part of the key assumptions to the LTP.**

Rāpihana/Hocart

**Carried**

**12. STAFF REPORT ON SUBMISSIONS TO THE DRAFT CONSOLIDATED BYLAWS AND DOG CONTROL POLICY** **p132**

Councillor Hocart extended thanks to the Planning and Regulatory Group Manager and his team for the work put into the Draft Consolidated Bylaws and Dog Control Policy.

Comment was made that the name of Snells Beach was showing on the map, although the name had been changed to Te Ngaio Beach some time ago. The Planning and Regulatory Group Manager will check the name of the beach and undertake the process to rectify the name on the map.

**RESOLVED**

- (1) That the report titled “Staff Report on Submissions to the Draft Consolidated Bylaws and Dog Control Policy” be received.**
- (2) That Council accept the Staff Report on Submissions to the Draft Consolidated Bylaws and Dog Control Policy (Appendix 1).**
- (3) That all people who provided feedback during consultation be thanked for their participation in the process.**
- (4) That the advice from staff be received and used (as amended) for the basis of responses to submitters.**
- (5) That in accordance with sections 145 and 146 of the Local Government Act 2002, the Council adopt the Consolidated Bylaws (Appendix 2).**

- (6) That in accordance with sections 145 and 146 of the Local Government Act, and section 10 of the Dog Control Act 1996, the Council adopt the Dog Control Policy (Appendix 3).
- (7) That the Council resolve to review the Consolidated Bylaws and Dog Control Policy in no more than five years' time (August 2025).

Rāpihana/Hocart

Carried

*The Community Engagement and Facilitation Officer entered the meeting at 10.43am.*

*The Policy Planner entered the meeting at 10.45am.*

**13. PLANNING, REGULATORY, PARKS AND RESERVES ANNUAL REVIEW** **p139**

**RESOLVED**

- (1) That the report titled "Planning, Regulatory, Parks and Reserves Annual Review" be received.

HWTM/Browne

Carried

**14. COUNCIL DOG CONTROL POLICIES AND PRACTICE REPORT 2019-20** **p153**

**RESOLVED**

- (1) That the report titled "Council Dog Control Policies and Practice Report 2019-20" be received.
- (2) That the Dog Control Policies and Practices Report 2019-20 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 2019-20 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.

Browne/Nelson

Carried

**15. ROAD REALIGNMENT** **p162**

**RESOLVED**

- (1) That the report titled "Road Realignment" be received.
- (2) That Council approves the realignment of Te Wakanui Rd.



- (3) That Council delegates authority to the Engineering and Services Group Manager to approve a letter of support in accordance with the Public Works Act.**

Howe/HWTM

**Carried**

**16. APPLICATION FOR ROAD TO BE NAMED**

**p162**

From a discussion, Oruamanganui Drive was the preferred option.

Councillor Rāpihana moved that clause 2 of the recommendations be amended to provide for Council agreeing to name the proposed public road Oruamanganui Drive.

**MOTION**

Moved: Rāpihana

Seconded: Her Worship the Mayor

That Council agrees to name the proposed public road Oruamanganui Drive.

The motion was PUT and CARRIED.

The substantive motion was PUT and CARRIED.

**RESOLVED**

- (1) That the report titled "Application For Road to be Named" be received.**  
**(2) That Council agrees to name the proposed public road Oruamanganui Drive.**

Rāpihana/HWTM

**Carried**

**17. PROPOSAL FOR NEW ROAD NAME: ATAAHUA RISE**

**p174**

**RESOLVED**

- (1) That the report titled "Proposal For New Road Name: Ataahua Rise" be received.**  
**(2) That Council approves the naming of the private road Ataahua Rise and agrees to the road becoming an official named road.**

Howe/Nelson

**Carried**

**18. PROPOSAL FOR NEW ROAD NAME: RON SMITH DRIVE** **p181**

**RESOLVED**

- (1) That the report titled "Proposal For New Road Name: Ron Smith Drive" be received.**
- (2) That Council approves the naming of the private road Ron Smith Drive and agrees to it being recognised as an official named road.**

Browne/Nelson

**Carried**

Against: Councillor Rāpihana

Her Worship the Mayor abstained from voting.

*The Planning and Regulatory Group Manager, the Community Engagement and Facilitation Officer and the Policy Planner left the meeting at 11.24am.*

**19. SNELL RD UPGRADE FUNDING** **p188**

Councillor Rāpihana thanked staff and contractors for doing the right thing in this process.

Councillor Moore acknowledged that while he understood the timeframe and the cost, anyone with local knowledge would have known koiwi would be there and should have been built into the costings.

The Chief Executive Officer noted that the Heritage New Zealand process was not foreseen and has put time pressure on the project.

**RESOLVED**

- (1) That the report titled "Snell Rd Upgrade Funding" be received.**
- (2) That Council approves the additional \$50,000 contribution.**
- (3) That council approves the additional \$350,000 bridge financing.**

Rāpihana/Howe

**Carried**

Councillor Moore abstained from voting

**20. RRC EFTPOS 2020** **p188**

Councillor Howe expressed concern as to what happens when people turn up to the RRC without an eftpos card.

Councillor Rāpihana noted that the coast people prefer to use cash and suggested that another type of card is implemented which people can put credit on.

Her Worship the Mayor stated that there was a health and safety aspect as there has been more damaging types of burglaries and looking after the RRC workers is a priority. She also expressed concern at the cost of transporting cash from the coast for banking.

Her Worship the Mayor moved an addition to the recommendations by adding a third clause directing staff to investigate the use of an RRC card or token.

**MOTION**

Moved: Her Worship the Mayor

Seconded: Hocart

That Council directs staff to investigate the use of an RRC card or token.

The motion was PUT and CARRIED.

The substantive motion was PUT and CARRIED.

**RESOLVED**

- (1) That the report titled "RRC Eftpos 2020" be received.**
- (2) That Council note that staff are implementing eftpos only service permanently.**
- (3) That Council directs staff to investigate the use of an RRC card or token.**

HWTM/Hocart

**Carried**

Against: Councillor Howe

**21. STORMWATER PROJECTS POSTPONEMENT**

**p197**

**RESOLVED**

- (1) That the report titled "Stormwater Projects Postponement" be received.**
- (2) That the Council approve the postponement of the Tarawa Creek Flood Water Storage Area Project and the Richard Street Gravity Main Project to the 2021 LTP period.**

HWTM/Browne

**Carried**

**22. CONTEXT FOR THE EASTERN BAY ROAD SAFETY COMMITTEE REVIEW** **p199**

**RESOLVED**

- (1) That the report titled “Context for the Eastern Bay Road Safety Committee Review” be received.**
- (2) That the Ōpōtiki District Council approve an Operational Road Safety Group be established subject to:
  - i) Development of a ‘Terms of Reference’ to be agreed by the member Councils; and**
  - ii) Terms of Reference to include the appointment of an Elected Member from each partner Council; and****
- (3) That subject to the agreed terms of reference for the Operational Road Safety Group, that the Eastern Bay Road Safety Committee be disestablished.**

Moore/Nelson

**Carried**

*The Planning and Regulatory Group Manager entered the meeting at 11.54am.*

**23. CHIEF EXECUTIVE OFFICER’S UPDATE** **p221**

**RESOLVED**

- (1) That the report titled “Chief Executive Officer’s Update” be received.**
- (2) That Council approves the underspend of operational budget and additional revenue to help offset the shortfall in the capex budget for the new pound build.**
- (3) That Council approves loan funding of up to \$165,000 to complete the new pound building project.**

Rāpihana/Moore

**Carried**

*Charlotte Jones left the meeting at 12.06pm*

**24. RESOLUTION TO EXCLUDE THE PUBLIC** **p233**

**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:**

- 25. Confirmation of In-Committee Minutes – Ordinary Council Meeting 2 June 2020.**
- 26. Minutes – Toi-EDA meeting 10 August 2020.**
- 27. Property Matter.**

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

<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>
25.	<b>Confirmation of In-Committee Minutes – Ordinary Council Meeting 2 June 2020</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)
26.	<b>Minutes – Toi-EDA meeting 10 August 2020</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)
27.	<b>Property Matter – Verbal Item</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:**

25.	Protect the privacy of natural persons Protect information  Protection from improper pressure or harassment Prevent disclosure or use of official information Carry out negotiations Maintain legal professional privilege Carry out commercial activities	Section 7(2)(a) Section 7(2)(b)(i) & (ii); (d) & (e) and Section 7(2)(c)(i) & (ii)  Section 7(2)(f)(ii) Section 7(2)(j) Section 7(2)(i) Section 7(2)(g) Section 7(2)(h)
26.	Protect the privacy of natural persons Protect information	Section 7(2)(a) Section 7(2)(b)(i) & (ii)
27.	Protect the privacy of natural persons Protect information Carry out negotiations	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(i)

**RESOLVED**

- (1) That the resolutions made while the public was excluded, except for clauses 2 and 3 of Item 27 (Property Matter), be confirmed in open meeting.**
- (2) That the public be readmitted to the meeting.**

Browne/HWTM

**Carried**

**RESOLVED**

- (1) That the in-committee minutes of the Ordinary Council meeting held on 2 June 2020 be confirmed as a true and correct record.**

Rāpihana/Browne

**Carried**

**RESOLVED**

- (1) That the minutes of the Toi-EDA meeting held on 10 August 2020 be received.**

HWTM/Rāpihana

**Carried**

**RESOLVED**

- (1) That the report titled "Property Transaction" be received.**

Browne/Rāpihana

**Carried**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 12.35PM.**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A  
TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE COUNCIL HELD ON 6 OCTOBER 2020**

**L J RIESTERER**

**HER WORSHIP THE MAYOR**