



# NOTICE OF AN ORDINARY COUNCIL MEETING

**Ōpōtiki District Council Chambers, 108 St John Street, Ōpōtiki  
Tuesday, 1 June 2021  
Commencing at 9.00am**

## ORDER PAPER

**OPENING KARAKIA / PRAYER / INSPIRATIONAL READING – HER WORSHIP THE MAYOR,  
LYN RIESTERER**

**APOLOGIES**

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

**PUBLIC FORUM**

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**PUBLIC EXCLUDED BUSINESS**

<b>ITEM 16</b>	<b>CONFIRMATION OF IN-COMMITTEE MINUTES – ORDINARY COUNCIL MEETING 20 APRIL 2021</b>	
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<b>ITEM 21</b>	<b>SCOUT HALL TENANCY AND USE, 106 ST JOHN STREET, ŌPŌTIKI</b>	
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<b>ITEM 23</b>	<b>RESOLUTION TO RESTATE RESOLUTIONS AND READMIT THE PUBLIC</b>	

**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 Newell

**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 TUESDAY, TUESDAY, 9 MARCH 2021 IN  
THE OPŌTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPŌTIKI AT 9.01AM**

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PRESENT:

Mayor Lyn Riesterer (Chairperson)  
Deputy Mayor Shona Browne (Deputy Chairperson)  
Councillors:  
Debi Hocart  
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)  
Greg Robertson (Chief Financial Officer)  
Lisa Taiapa (HR and Health & Safety Manager)  
Sarah Jones (Strategic Development Manager)  
Tina Gedson (Harbour Project Programme Planner)  
Barbara MacLennan (Workforce Development Co-Ordinator)  
Gae Finlay (Executive Assistant and Governance Support Officer)

MEDIA:

Charlotte Jones (The Beacon)  
Mike Fletcher (Correspondent)

GUESTS:

Ian Morton and Karl Gradon (Toi-EDA)

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Councillor Nelson opened the meeting with an inspirational verse.

**APOLOGY**

Councillor Howe.

**RESOLVED**

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

Browne/HWTM

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

Deputy Mayor Browne noted an interest in Item 9 (Earthquake Prone Buildings) as she is a member of the Ōpōtiki Lions Club.

## **PUBLIC FORUM**

*Ōpōtiki College – Gift of Artwork*

Alison Waller from Ōpōtiki College was unable to attend.

The Finance and Corporate Services Group Manager had been given the artwork for presentation to Council prior to the meeting. He advised that the Ōpōtiki College received funding from Creative New Zealand to undertake a piece of work for art to go into the new Library. While work is continuing on the art project, the College wanted to present one artwork to Council for keeping in the Chambers until the Library is opened.

*Charlotte Jones entered the meeting at 9.04am.*

*The Finance and Corporate Services Group Manager introduced Lisa Taiapa, Council's new HR and Health & Safety Manager to Council.*

### **1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 26 JANUARY 2021 p4**

#### **RESOLVED**

- (1) That the minutes of the Ordinary Council meeting held on 26 January 2021 be confirmed as a true and correct record.**

Rāpihana/Nelson

**Carried**

### **2. MINUTES –RISK AND ASSURANCE COMMITTEE MEETING 7 DECEMBER 2020 p11**

#### **RESOLVED**

- (1) That the minutes of the Risk and Assurance Committee meeting held on 7 December 2020, and any recommendations contained therein, be received.**

HWTM/Hocart

**Carried**

*The Planning and Regulatory Group Manager entered the meeting at 9.08am.*

**3. PRESENTATION – TOI-EDA (Ian Morton and Karl Gradon)**

**Verbal Item**

Ian Morton, Karl Gradon and Barbara MacLennan presented to Council.

Ian Morton and Karl Gradon updated Council on Toi-EDA's activities, with the aid of a powerpoint presentation which covered the following items:

- Winning Brand
- Sustainable Economic Development:
  - What we are seeing
  - What we are hearing
- Thriving Communities:
  - Workforce
  - Housing in the Eastern Bay of Plenty
- Digital Connectivity
- Building of Relationships

Barbara MacLennan gave an update on Workforce, acknowledging the Todd Foundation's funding for Toi-EDA's Workforce mahi.

There are four focus areas:

1. Supporting collective action and providing good quality information on which communities can make decisions.
2. Connecting rangatahi with the world of work to make it more visible to them.  
*Small amounts of money are being made available to schools to put more work into Year 9 and 10 students.*
3. Driver Licensing – the Community Mentor Programme.  
*Support is being given to Kawerau to start a programme in the same way, but allowing them to design it themselves.*
4. Eastern Bay Driver and Operator Centre.

Barbara showed a video from the Toi-EDA website Workforce Development pages. She noted that there is a lot of information available for viewing, e.g. research, statistics and reports.

*The Chief Financial Officer left the meeting at 9.38am and returned at 9.42am.*

*The meeting adjourned for morning tea at 10.10am and reconvened at 10.26am. The Workforce Development Co-ordinator, the HR and H&S Manager, Ian Morton and Karl Gradon did not rejoin the meeting at this time.*

**4. MAYORAL REPORT 16 JANUARY 2021 – 19 FEBRUARY 2021** **p16**

**RESOLVED**

**(1) That the report titled "Mayoral Report 16 January 2021 – 19 February 2021" be received.**

HWTM/Rāpihana **Carried**

**5. ŌPŌTIKI MARINE ADVISORY GROUP (OMAG) UPDATE** **p19**

**RESOLVED**

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

Browne/HWTM **Carried**

**6. QUARTERLY REPORT TO 31 DECEMBER 2020** **p22**

**RESOLVED**

**(1) That the report titled "Quarterly Report to 31 December 2020" be received.**

Rāpihana/Moore **Carried**

**7. LTP CAPITAL PROJECTS** **p30**

**RESOLVED**

**(1) That the report titled "LTP Capital Projects" be received.**

**(2) That the Council adopt the schedule of capital projects as supporting information to help inform the consultation process.**

Hocart/Browne **Carried**

*The Strategic Development Manager entered the meeting at 11.01am.*

*The Harbour Project Programme Planner entered the meeting at 11.03am.*

*The Planning and Regulatory Group Manager left the meeting at 11.03am and returned at 11.05am.*

**8. LTP SUPPORTING INFORMATION AND POLICIES**

**p41**

**RESOLVED**

**(1) That the report titled "LTP Supporting Information and Policies" be received.**

**(2) That the Council adopts the supporting information to the LTP.**

Rāpihana/Nelson

**Carried**

*The Chief Financial Officer left the meeting at 11.15am.*

**9. EARTHQUAKE-PRONE-BUILDINGS – OPTIONS**

**p93**

Deputy Mayor Browne declared her interest in this item at the beginning of the meeting. Her Worship the Mayor advised that Deputy Mayor Browne could participate in the discussion.

Her Worship the Mayor queried if Council's buildings are checked, following the big earthquake last week.

The Chief Executive Officer responded that the earthquake was not significant enough to trigger a review of the buildings.

The Planning and Regulatory Group Manager stated that if there is damage to Council's buildings then the process to review is started.

The Chief Executive Officer advised that Whakatōhea support the plan for the future in relation to 10 Potts Avenue and that discussions with Chorus are ongoing.

Deputy Mayor Browne stated that, as a member of Lions, she acknowledged Council for giving Lions the use of the building. \$60,000 has gone into the community since Lions have been operating out of the Potts Avenue building; if the building was not available for the Lions, all of that would come to an end.

As a Councillor, Deputy Mayor Browne said this was about supporting the Library and CBD developments. She further said that she still has a community responsibility and, although Lions have nowhere to go, she can see the logic regarding the building, and also the logic of what the Lions, as a service club, is doing for Ōpōtiki.



Councillor Rāpihana acknowledged the work the Lions do in the community. He stated that he supported Option C in the report [end the Lions Club tenancy and demolish the building], adding that Whakatōhea have aspirations for that entire area when it is returned after settlement. He envisaged a 50/50 greenspace with the service lane and pod-like buildings.

Councillor Hocart was also in favour of Option C.

Councillor Moore expressed disappointment that other have been told of the aspirations of Whakatōhea and Councillors find out at this meeting, adding that he would like to see the matter left for now and there be further discussion. He felt it was not fair that there have been discussions which Councillors have not been party to and therefore Council only has half of the information. Councillor Moore also added that Council has to provide value for money to the community.

Councillor Rāpihana noted that he was being proactive by approaching Whakatōhea regarding their aspirations.

Councillor Nelson stated that he would like to see the bigger picture before making a decision.

A suggestion by Her Worship the Mayor that recommendations 1 and 2 be put and that recommendation 3 be dealt with separately was agreed to.

In relation to the Princess Reserve grandstand, it was agreed that Option A [commission a report then re-evaluate the cost to upgrade] was the best option.

#### **RESOLVED**

- (1) That the report titled "Earthquake-Prone Buildings – Options" be received.**
- (2) That in respect of the Grandstand on Princess Reserve, Council agree to commission a report, allowing detailed costings for seismic strengthening of the building to be returned to Council at a later date for decision.**

Rāpihana/Nelson

**Carried**

Councillor Rāpihana moved an amendment to recommendation 3 that the demolishing of the Potts Avenue building be in conjunction with the timing of the demolition of Lots 9 and 10 and that there be a discussion with Lions and help given for them to relocate, if possible.

Moved: Rāpihana

Seconded: Hocart

**That in respect of 10 Potts Avenue, Council agree to end the current tenancy of the site and demolish the building, to be in conjunction with the timing of the demolition of Lots 9 and 10, and that there be a discussion with Lions and help given to them to relocate, if possible.**

The motion was PUT and CARRIED

#### **RESOLVED**

**(3) That in respect of 10 Potts Avenue, Council agree to end the current tenancy of the site and demolish the building, to be in conjunction with the timing of the demolition of Lots 9 and 10, and that there be a discussion with Lions and help given to them to relocate, if possible.**

Rāpihana/Hocart

**Carried**

Against: Councillor Nelson and Councillor Moore

Deputy Mayor Browne abstained

*The Planning and Regulatory Group Manager left the meeting at 11.19am and returned at 11.22am.*

*The Planning and Regulatory Group Manager left the meeting at 11.24am and returned at 11.36am.*

*The Finance and Corporate Services Group Manager left the meeting at 11.33am.*

*Charlotte Jones left the meeting at 12.09pm.*

*The Strategic Development Manager left the meeting at 12.11pm.*

#### **10. SIGNIFICANCE AND ENGAGEMENT POLICY – ADOPTION AND CONSULTATION p98**

#### **RESOLVED**

**(1) That the report titled “Significance and Engagement Policy – Adoption and Consultation” be received.**

**(2) That the Council adopt the revised Significance and Engagement Policy and Statement of Proposal for consultation with the community.**

Nelson/Hocart

**Carried**

*Councillor Nelson left the meeting at 12.12pm and returned at 12.14pm*

*Barbara MacLennan entered the meeting at 12.13pm.*

#### **11. ŌPŌTIKI WORKFORCE DEVELOPMENT CO-ORDINATION – UPDATE p111**

Barbara MacLennan spoke to the report.

Councillor Rāpihana acknowledged the vital work being done by the Workforce Development Co-ordinator.

**RESOLVED**

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

Nelson/Browne

**Carried**

*Barbara MacLennan left the meeting at 12.24pm.*

**12. CHIEF EXECUTIVE OFFICER’S UPDATE**

**p116**

**RESOLVED**

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

HWTM/Hocart

**Carried**

*Deputy Mayor Browne left the meeting at 12.27pm and returned at 12.29pm*

*The meeting adjourned for lunch at 12.30pm and reconvened at 1.00pm.*

**13. RESOLUTION TO EXCLUDE THE PUBLIC**

**p122**

**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:**

**14. Confirmation of In-Committee Minutes – Ordinary Council Meeting 26 January 2021.**

**15. In-Committee Minutes – Risk and Assurance Committee Meeting 7 December 2020**

**16. Investment**

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>
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14.	<b>Confirmation of In-Committee Minutes – Ordinary Council Meeting 26 January 2021</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)
15.	<b>In-Committee Minutes – Risk and Assurance Committee Meeting 7 December 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)
16.	<b>Investment</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:**

14.	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)
15.	Protect the privacy of natural persons Commercial sensitivity Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(f)(ii)
16.	Protect the privacy of natural persons Commercial sensitivity	Section 7(2)(a) Section 7(2)(b)(ii)

HWTM/Rāpihana

**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.**

Rāpihana/Hocart

**Carried**

**RESOLVED**

- (1) That the in-committee minutes of the Ordinary Council meeting held on 26 January 2021 be confirmed as a true and correct record.

HWTM/Browne

**Carried**

**RESOLVED**

- (1) That the In-Committee minutes of the Risk and Assurance Committee meeting held on 7 December 2020, and any recommendations contained therein, be received.

Hocart/Nelson

**Carried**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 1.12PM.**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A  
TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE COUNCIL HELD ON 1 JUNE 2021**

**L J RIESTERER**

**HER WORSHIP THE MAYOR**



**MINUTES OF AN ORDINARY COUNCIL MEETING DATED TUESDAY, TUESDAY, 20 APRIL 2021 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

IN ATTENDANCE:

Aileen Lawrie (Chief Executive Officer)  
Gerard McCormack (Planning and Regulatory Group Manager)  
Peter Bridgwater (Chief Financial Officer)  
Joseph Hayes (*i*-SITE and Events Manager)  
Barbara MacLennan (Workforce Development Co-Ordinator)  
Julian Sewell (Community Services and Development Group Manager  
(Acting))  
Sarah Jones (Strategic Development Manager)  
Barbara MacLennan (Workforce Development Co-ordinator)  
Madeline Dew (Workforce Administrator)  
Lori Dale (Property Officer)  
Teri Curtis (Executive Support Officer)  
Gae Finlay (Executive Assistant and Governance Support Officer)

GUEST:

Megan Edhouse (Advisor Community Resilience (East) Emergency  
Management Bay of Plenty)

MEDIA:

Charlotte Jones (The Beacon)  
Mike Fletcher (Correspondent)

PUBLIC:

Shona Hammond Boys  
Bruce Underwood

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Deputy Mayor Browne opened the meeting with a prayer.

## **APOLOGIES**

Councillor Rāpihana.

## **RESOLVED**

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

Browne/Hocart

**Carried**

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

Nil.

## **PUBLIC FORUM**

*Shona Hammond Boys – Youth Art Development*

Shona Hammond Boys stated that in the last three years no Councillors have visited the Art House.

Shona Hammond Boys showed a short video to give Council on what is happening at the Art House which is now in premises at Wellington Street. She noted that the youth are unsettled and recommended that Council revisit and activate two Policies. Shona Hammond Boys believes that Council has the first policy – a Children’s Policy. She asked:

- Where is that visionary policy now?
- Has the policy been updated and is it functioning?

The second policy which Shona Hammond Boys would like Council to revisit is the Art Policy.

Shona Hammond Boys stated that in view of Council’s current policy to demolish buildings, she could see that there will be many buildings demolished.

Deputy Mayor Browne congratulated Shona Hammond Boys on her presentation and acknowledged that Councillors are due for a visit to the Art House.

*The Planning and Regulatory Group Manager entered the meeting at 9.05am.*

*Bruce Underwood – Building, 10 Potts Avenue*

Bruce Underwood stated that the old Low Bucks building is going to be destroyed for no good reason. He further stated that he has looked at Council’s Long Term Plan and noted that there are plans for

buildings along Potts Avenue, with no timeframe. Mr Underwood questioned the point of pulling the building down and leaving an open space.

Referring to the Chief Executive's response to his second Letter to the Editor [Ōpōtiki News], Mr Underwood stated that the Chief Executive Officer advised that there was no one in the Council qualified to assess earthquake-prone buildings. Why, therefore, is Council sending letters to people regarding upgrading their buildings? He gave an example of a building owner who has not received a response from Council around what needs to be done to bring his building up to the required standard. Referring to the asbestos in the 10 Potts Avenue building, Mr Underwood stated that asbestos is no threat and he was of the opinion that the building is worth spending \$100,000 on to bring it up to the required standard.

Mr Underwood said that if Council wishes to attract business and industry to town, knocking down buildings is not the way to go – people do not shop in an empty town. He noted that the Lions Market has become a community hub which has brought the town together. Ōpōtiki does not have a War Memorial Hall so is lacking that.

Mr Underwood stated that after the second Letter to the Editor he started a petition. On the first day the petition had 140 signatures, with a further 190 signatures obtained on the day of the Lions Garage Sale. After redacting invalid signatures, there were 319 valid signatures on the petition which were obtained in 10 hours without any previous fanfare. That will give the Council some idea what the town is thinking. He reiterated that there is no reason to knock the building down and leave an open space.

Her Worship the Mayor stated that she was disappointed with Mr Underwood's second Letter to the Editor which was targeting a staff member who was just doing her job, adding that she was also disappointed that the Beacon published the entire letter. She thanked Mr Underwood for his attendance and confirmed that the petition has been received.

Mr Underwood advised that he has apologised to the staff member concerned and he extended an apology to Council for not asking the Ōpōtiki News to retract the letter.

Councillor Howe stated that he did not agree with the comments made to Mr Underwood by Her Worship the Mayor and congratulated Mr Underwood on the petition.

*Megan Edhouse entered the meeting at 9.19am.*



*The Chief Executive Officer introduced new staff members to Council:*

*Teri Curtis (Executive Support Officer), Julian Sewell (acting in half of Bevan's Group Manager role until the end of June) and Lori Dale (Property Officer) who has previously worked for Council. Peter Bridgwater is now Council's Chief Financial Officer and acting in the other half of Bevan's Group Manager role).*

*The Strategic Development Manager, the Property Officer, Shona Hammond Boys and Bruce Underwood left the meeting at 9.21am.*

**1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING: 9 MARCH 2021 p4**

Councillor Moore raised some queries around the moving and seconding of recommendation 3 (Earthquake Prone Buildings – Options).

Following a brief discussion, it was agreed to leave the minutes on the table until the next meeting.

**2. MINUTES –EXTRA ORDINARY COUNCIL MEETING 1 APRIL 2021 p14**

It was noted that Councillor Howe attended the Extra Ordinary Council meeting on 1 April 2021.

Councillor Nelson asked that his comment (bottom of page 17 of the agenda) be amended so it was clear that he stated the Hukutaia and Coast Mobile Services items did not provide an option to say 'no', whereas with the Bins at Public Toilets item there is the option to say 'no'.

**RESOLVED**

- (1) That the minutes of the Extra Ordinary Council meeting held on 1 April 2021 be confirmed as a true and correct record.**

Browne/HWTM

**Carried**

**3. MINUTES – COAST COMMUNITY BOARD MEETING 1 DECEMBER 2020 p22**

**RESOLVED**

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

HWTM/Browne

**Carried**

**4. MINUTES – RISK AND ASSURANCE COMMITTEE MEETING 10 FEBRUARY 2021 p28**

**RESOLVED**

- (1) That the minutes of the Risk and Assurance Committee meeting held on 10 February 2021, and any recommendations therein, be received.**

Hocart/Nelson

**Carried**

**5. MINUTES – REGIONAL TRANSPORT COMMITTEE MEETING 19 FEBRUARY 2021 p33**

**RESOLVED**

- (1) That the minutes of the Regional Transport Committee meeting held on 19 February 2021 be received.**

Moore/HWTM

**Carried**

**6. MINUTES – ŌHIWA HARBOUR IMPLEMENTATION FORUM 11 MARCH 2021 p40**

**RESOLVED**

- (1) That the minutes of the Ōhiwa Harbour Implementation Forum held on 11 March 2021 be received.**

Hocart/HWTM

**Carried**

**7. MINUTES – BAY OF PLENTY MAYORAL FORUM 12 MARCH 2021 p50**

**RESOLVED**

- (1) That the minutes of the Bay of Plenty Mayoral Forum held on 12 March 2021 be received.**

HWTM/Hocart

**Carried**

**8. BAY OF PLENTY CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE MEETING 19 MARCH 2021 p60**

**RESOLVED**

- (1) That the minutes of the Bay of Plenty Civil Defence Emergency Management Group Joint Committee meeting held on 19 March 2021 be received.**

HWTM/Browne

**Carried**

**9. MAYORAL REPORT – 20 FEBRUARY 2021 – 2 APRIL 2021**

**p70**

Deputy Mayor Browne advised that she and Councillor Rapihana also attended the drop-in session/consultation at Whanarua Bay on 13 March 2021.

**RESOLVED**

**(1) That the report titled “Mayoral Report 20 February 2021 – 2 April 2021” be received.**

HWTM/Browne

**Carried**

**10. RECOMMENDATIONS FROM RISK AND ASSURANCE COMMITTEE**

**p75**

**RESOLVED**

**(1) That the report titled “Recommendations From Risk and Assurance Committee” be received.**

**(2) That Council accept the recommendations from the Risk and Assurance Committee and implement the actions outlined in those recommendations:**

- **Establish an oversight committee for the proposed Hukutaia Growth Project.**
- **That the identified mitigation measures in relation to the proposed Hukutaia Growth Project be formalised into an action plan, and responsibility for implementation assigned.**

Nelson/Hocart

**Carried**

**11. TSUNAMI PREPAREDNESS IN THE ŌPŌTIKI DISTRICT**

**p77**

The Planning and Regulatory Group Manager and Megan Edhouse from Emergency Management Bay of Plenty spoke to the report.

**RESOLVED**

**(1) That the report titled “Tsunami Preparedness in the Opotiki District” be received.**

Hocart/Howe

**Carried**

*The Planning and Regulatory Group Manager and Megan Edhouse left the meeting at 9.56am.*

**12. NON-FINANCIAL KEY PERFORMANCE INDICATORS REPORT TO 31 DECEMBER 2020** p85

**RESOLVED**

- (1) That the report titled “Non-Financial Key Performance Indicators Report to 31 December 2020” be received.**

Hocart/Moore

**Carried**

**13. ANNUAL COMMUNITY SURVEY RESULTS** p98

**RESOLVED**

- (1) That the report titled “Annual Community Survey” be received.**

Browne/Nelson

**Carried**

*The meeting adjourned for morning tea at 10.09am and reconvened at 10.26am. The Community Services and Development Group Manager (Acting) did not rejoin the meeting at this time.*

**14. BOPLASS LTD STATEMENT OF INTENT FOR 2021 – 2024 AND HALF YEARLY REPORT** p105

Councillors expressed a desire to see some local procurement, noting that there has been a big push for buying local since Covid.

Councillors also expressed concern about the impact of the ANZ Bank closure in Ōpōtiki, but did acknowledge that Council is part of a wider procurement process that benefits all of the BOPLASS Councils.

Council agreed with the Chief Executive Officer’s suggested response to BOPLASS that in the coming period BOPLASS should be looking at how they can incorporate local benefit for purchasing and continue to advocate for local banking services.

Council also asked that thanks be passed on to BOPLASS for its ongoing efforts in obtaining savings and benefits for its member Councils.

**RESOLVED**

- (1) That the report titled “BOPLASS Ltd Statement of Intent for 2021 – 2024 and Half Yearly Report” be received.**

**(2) That Council comment on the Statement of Intent as follows:**

**That BOPLASS consider local social procurement and continues to advocate for local banking services.**

Browne/Nelson

**Carried**

*The Workforce Development Co-ordinator and the Workforce Administration Officer entered the meeting at 10.29am.*

**15. ŌPŌTIKI WORKFORCE DEVELOPMENT CO-ORDINATION – UPDATE**

**p135**

**RESOLVED**

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

Hocart/HWTM

**Carried**

*The i-SITE & Events Manager entered the meeting at 10.47am.*

*The Workforce Development Co-ordinator and the Workforce Administration Officer left the meeting at 10.55am.*

*Item 17 (Matariki Festival Funding Applications) was considered next.*

**16. LOCAL GOVERNMENT NEW ZEALAND CONFERENCE 2021**

**p140**

Her Worship the Mayor advised that Councillors have discussion options around who will attend the LGNZ Conference 2021. She added that there are Te Maruata and YEM Committee meetings either side of the LGNZ Conference which involves herself and One Councillor for Te Maruata and two Councillors for the YEM meeting.

Her Worship the Mayor said she would like to change the current policy from alphabetical order and asked Councillors for suggestions on how they wished to do this.

Her Worship the Mayor stated that she saw attendance at the LGNZ Conference as professional development for Councillors and would like to push the envelope around numbers.

It was agreed to leave the item on the table for consideration prior to the conclusion of the meeting.

After consideration of Item 18 (Chief Executive Officer’s Update), the discussion was resumed around attendance at this year’s LGNZ Conference.

From a discussion, it was agreed to keep the alphabetical rotation and those who need to attend meetings either side of the conference will attend those meetings.

**RESOLVED**

- (1) That the report titled "Local Government New Zealand Conference 2021" be received.**
- (2) That Her Worship the Mayor together with Deputy Mayor Browne and Councillor Hocart are authorised to attend the Local Government New Zealand Conference 2021 in Blenheim.**

Moore/Nelson

**Carried**

**17. MATARIKI FESTIVAL FUNDING APPLICATIONS**

**p142**

**RESOLVED**

- (1) That the report titled "Matariki Festival Funding Applications" be received.**
- (2) That Council approves a funding application to be lodged with the Southern Trust to support the 2021 Matariki Festival subject to quotes.**
- (3) That Council approves a funding application to be lodged with The Lion Foundation to support the 2021 Matariki Festival subject to quotes.**
- (4) That the Council approves a funding application to Manatu Taonga Ministry for Culture & Heritage to support the 2021 Matariki Festival subject to quotes.**
- (5) That Council approve Person 1, (Joseph Hayes – i-SITE & Events Manager) and Person 2 (Rita Maxwell – Senior i-SITE & Events Officer) to apply on behalf of the Ōpōtiki District Council to the Southern Trust, Lion Foundation and Manatu Taonga Ministry for Culture & Heritage.**

Browne/Moore

**Carried**

*The Planning and Regulatory Group Manager entered the meeting at 11.00am.*

*The i-SITE and Events Manager left the meeting at 11.02am.*

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

**p145**

**RESOLVED**

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

Hocart/Moore

**Carried**

*Mike Fletcher left the meeting at 11.08am.*

Charlotte Jones left the meeting at 11.12am.

**19. RESOLUTION TO EXCLUDE THE PUBLIC**

p164

**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:**

**20. Confirmation of In-Committee Minutes – Ordinary Council Meeting 9 March 2021.**

**21. In-Committee Minutes – Risk and Assurance Committee Meeting 10 February 2021.**

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>20.</b>	<b>Confirmation of In-Committee Minutes – Ordinary Council Meeting 9 March 2021</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>21.</b>	<b>In-Committee Minutes – Risk and Assurance Committee Meeting 10 February 2021</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:**

20.	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)
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21.	Protect the privacy of natural persons Protect information (commercial sensitivity) Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(f)(ii)
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HWTM/Browne

**Carried**

**RESOLVED**

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

HWTM/Howe

**Carried**

**RESOLVED**

- (1) That the in-committee minutes of the Ordinary Council meeting held on 9 March 2021 be confirmed as a true and correct record.**

Hocart/Browne

**Carried**

**RESOLVED**

- (1) That the In-Committee minutes of the Risk and Assurance Committee meeting held on 10 February 2021, and any recommendations contained therein, be received.**

Browne/Hocart

**Carried**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.14AM.**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A  
TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE COUNCIL HELD ON 1 JUNE 2021**

**L J RIESTERER**

**HER WORSHIP THE MAYOR**





**MINUTES OF A MEETING OF THE COAST COMMUNITY BOARD HELD AT TE RUNANGA O TE WHANAU OFFICES, STATE HIGHWAY 35, TE KAHA ON TUESDAY, 23 MARCH 2021 AT 10.05AM**

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PRESENT:

Louis Rāpihana (Chairperson)  
Mike Collier  
Jack Parata  
Allen Waenga

IN ATTENDANCE:

Bevan Gray (Finance and Corporate Services Group Manager)  
Greg Robertson (Chief Financial Officer)  
Gavin Hustler (Rates Recovery Officer)  
Joseph Hayes (*i*-SITE & Events Manager)  
Rita Maxwell (Senior *i*-SITE Officer)  
Tanya Moore (Licensing Inspector/Regulatory Support Officer)

GUEST:

Megan Edhouse (Emergency Management Bay of Plenty)

PUBLIC:

Aroha Grant  
Ora Barlow

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

**APOLOGY**

Gail Keepa

**RESOLVED**

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

Waenga/Collier

**Carried**

## **PUBLIC FORUM**

### *Coast Initiatives Funding Applications – East Coast Horse Treks Ltd - Assisted Training Workshop and Equine Assisted Clinic for Children*

Aroha Grant advised that she is wanting to establish an Assisted Training Workshop and Equine Clinic for children. There is a rise in the number of children with special needs. No support systems are available on the Coast for these children, and they have to travel to Tauranga and Whakatāne which places a burden on the families.

Aroha Grant further advised that she wants to be able to provide something sustainable for mildly autistic children on the programme. The programme would be under East Coast Horse Treks Ltd and would be a community programme.

### *Toitōi Manawa Trust (Ora Barlow)*

Ora Barlow was looking for support to provide gear to outfit the children on the Apanui Rangers programme.

Board members queried if any funding has been accessed from the Ministry of Education for the gear.

Ora Barlow advised that the Ministry of Education has targeted items within the curriculum but has not targeted uniforms.

## **1. MINUTES – COAST COMMUNITY BOARD MEETING 1 DECEMBER 2020**

**p4**

### **RESOLVED**

- (1) That the minutes of the Coast Community Board meeting held on 1 December 2020 were received. There were no matters arising or any changes to the last minutes.**

Waenga/Parata

**Carried**

## **2. MATARIKI EVENTS (Joseph Hayes, i-SITE Manager)**

**Verbal Item**

The i-SITE & Events Manager stated he would like suggestions from the Board as to who to interact with in the Coast community in relation to the Matariki events. He added that he has spent nine years growing the Summer Festival and was now looking to include local people in the Matariki events.

Aside from the Matariki events, the *i*-SITE & Events Manager advised that having other events on the Coast was being looked at, but did not want to go ahead before talking to the Board first.

The Senior *i*-SITE Officer said that one of the things the events team would like to introduce on a regular basis is outdoor movies.

The Board members noted that schools and hapū are good to connect with and Ora Barlow was a contact as the organiser of Christmas in the Pa. Further, the Board members expressed their willingness to support regular events.

### **3. TSUNAMI AWARENESS (Megan Edhouse, Emergency Management BOP) Verbal Item**

Megan Edhouse stated that she is wanting to promote tsunami awareness with the Coast community, especially since the 5 March tsunami warning event. She further stated that she has done a lot of planning around tsunamis and the 'where to next' is to give the Coast the same education.

There is a Hikoi on 7 April 2021 in Ōpōtiki and the same event will be offered on the Coast.

Megan Edhouse said she would like to base herself on the Coast for one day per week and any ideas from the Coast community would be welcome.

Board members advised Megan Edhouse that the best Hapū to speak to are Eastern, Central and Western Hapū, along with the schools.

A discussion ensued regarding the evacuation on 5 March 2021. The main downfall identified was notification due to lack of cellular service. People found out more about the evacuation on Facebook and they did not have time to get to higher ground. A learning was that Coast communities are not prepared for evacuation. There were no supplies of water or cooling devices, noting that there were elderly people to consider.

In response to a query as to whether sirens are used, Megan Edhouse said the horn which was used down the Coast is the best as it has a different noise. Land speakers are also used.

It was concluded that there needs to be education around getting alerts and warnings out and what people are to do. Megan Edhouse will look at the issues and try to find resolutions in the next quarter.

The Board is to touch base with the Hapū about Megan basing herself on the Coast.

#### **4. ACTION SHEET**

**p10**

##### *Public Toilets – Cape Runaway*

The Finance and Corporate Services Group Manager stated that most toilets are on Council reserve. If Council could negotiate an access agreement with the landowner then there is nothing stopping this initiative from going forward. The Finance and Corporate Services Group Manager added that he understood the Marae are comfortable with an access agreement.

##### *No Camping Signs – Maraetai Bay*

The Finance and Corporate Services Group Manager advised that the No Camping signs at Maraetai Bay will be in place before the next Coast Community Board meeting on 4 May 2021.

##### *Road Sealing*

The Works Manager has not had any communication regarding the sealing of Tawaroa Road and Parekura Hei Road. The Finance and Corporate Services Group Manager said he was unsure as to whether there was any commitment of private contribution. He advised that NZTA reduced the budget going into the Long Term Plan in response to Covid.

The Board members believed that there is an agreement that Parekura Hei Road be tarsealed, noting that there are private investors willing to seal roads.

From a discussion the Finance and Corporate Services Group Manager said that agreement and commitment are required in relation to road sealing. It is better to fund a Council road and have agreement with NZTA for ongoing maintenance.

##### *Te Whānau a Apanui St John Area Committee – Funding Pledge*

The Board agreed that it needs to grant an extension of time for using the funding approved by the Board in February 2019.

The Chief Financial Officer suggested that the Board could allocate the interest earned on the approved funding of \$40,000 (currently 4% per annum) to St John to assist with mitigating increases in costs.

Allen Waenga moved that two additional clauses be added to the recommendation:

That an extension be granted for the first pledge of \$20,000 made in February 2019 and that interest at the rate of 4% per annum be allocated on the total amount of \$40,000 committed to Te Whānau a Apanui St John Area Committee to assist with mitigating cost increases.

#### MOTION

Moved: Waenga

Seconded: Parata

The motion was PUT and CARRIED.

#### RESOLVED

- (1) That the Action Sheet be received.**
- (2) That the Board agrees to extend the availability of the funding approved on 12 February 2019 to Te Whānau a Apanui St John Area Committee in the amount of \$20,000. This extension recognises the delays experienced in the building/consent process.**
- (3) That the Board agrees that interest at the rate of 4% per annum be allocated on the total amount of \$40,000 committed to Te Whānau a Apanui St John Area Committee to assist with mitigating cost increases.**

Waenga/Parata

**Carried**

#### **5. GENERAL MANAGERS' UPDATE**

**p21**

##### *Projects Update*

The Chief Financial Officer advised that there are three major projects which are bringing a lot of work to the whole of the district, adding that Te Kaha is getting more footpaths.

##### *Harbour*

The Chairperson asked that a site visit to the Harbour be arranged for the Coast Community Board members.

##### *Long Term Plan Process Update*

The Finance and Corporate Services Group Manager advised that Council is very near to adopting the Consultation Document to go out to the public. The Auditors have been working on the Consultation Document for the last four weeks, prior to it going to the Office of the Auditor-General for sign off. Council will consider the Consultation for adoption on 1 April 2021 then it will go out to the community

for consultation. The consultation period will be from 6 April 2021 to 7 May 2021. Following on from consultation, and the receipt of submissions, there will be a hearing of submitters who wish to speak to their submission. The outcomes from this process will be put into the Long Term Plan which will be adopted at the end of June.

There is growth and infrastructure in Woodlands and Hukutaia for, hopefully, another 1,000 houses.

The Finance and Corporate Services Group Manager gave the Board an overview of the four key issues being consulted on:

- Hukutaia growth
- Bins at public toilets
- Mobile services on the Coast
- Social Development.

Council is also proposing a change to the way it charges for water. There is an increase in the demand for high volume water and Council wants to put in place a step charging regime to try and promote conservation and collect more revenue from high users.

#### **RESOLVED**

**(1) That the report titled "General Managers' Update" be received.**

Waenga/Parata

**Carried**

#### **6. COAST INITIATIVES FUND**

**p25**

#### **RESOLVED**

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

Rapihana/Waenga

**Carried**

#### **7. COAST INITIATIVES FUND FUNDING APPLICATION – EAST COAST HORSE TREKS LTD – AFTER SCHOOL PROGRAMME**

**p30**

This item was not considered by the Board.

*Post-meeting, Aroha Grant advised that she will be submitting a new/revised application to the Board.*

**8. COAST INITIATIVES FUND FUNDING APPLICATION – EAST COAST HORSE TREKS LTD – ASSISTED TRAINING WORKSHOP & EQUINE ASSISTED CLINIC FOR CHILDREN p34**

The Board agreed to receive the funding application from East Coast Horse Treks Ltd for an Assisted Training Workshop & Equine Assisted Clinic for Children.

During a discussion on the application, Board members questioned if this will be a private or community entity and acknowledged they need to be careful they are not stepping outside the boundaries around how the Board approves funding.

The Board noted that there is not much on the Coast for disabled children and schools are not geared for disabled children. Any initiative to support these children and their parents has a positive impact on the community.

The Board further discussed the issue of a private business providing a community service.

It was agreed that the Board approve the application in the amount requested as the service being provided fulfils a need on the Coast. The Board members were of the opinion that they have to make an assessment of what the need is on the Coast and what is being provided to address that need.

The Board requested that a six month report from Aroha Grant come back to the Board and that there be a conversation with Aroha Grant regarding the future of her organisation and how the Board can support her moving forward as a non-profit organisation.

**RESOLVED**

- (1) That the Board receives the application from East Coast Horse Treks Ltd for an Assisted Training Workshop & Equine Assisted Clinic for Children.**
- (2) That the Board agrees to provide funding in the amount requested of \$3,172.00.**
- (3) That the Board requires a six month report from Aroha Grant come back to the Board.**
- (4) That the Board has a conversation with Aroha Grant regarding the future of her organisation and how the Board can support her moving forward as a non-profit organisation.**

Waenga/Parata

**Carried**

**9. COAST INITIATIVES FUND FUNDING APPLICATION – EAST COAST HORSE TREKS LTD – COMMUNITY BASKETBALL COURT UPGRADE AT MARAETAI BAY p41**

The Board asked that the Executive Assistant & Governance Support Officer check on whether funding has been paid out to a previous applicant who wished to upgrade the basketball court.

**10. COAST INITIATIVES FUND FUNDING APPLICATION – TE KURA MANA MĀORI O WHANGAPARAOA – DELAMERE CUP COMPETITION p43**

The Board agreed to accept the funding application from Te Kura Mana Māori o Whangaparaoa.

The Board further agreed to provide funding to Te Kura Mana Māori o Whangaparaoa in the amount of \$7,000 to assist with the costs of hosting of the Delamere Cup Competition.

**RESOLVED**

- (1) That the Board receives the funding application from Te Kura Mana Māori o Whangaparaoa.**
- (2) That the Board agrees to provide funding to Te Kura Mana Māori o Whangaparaoa in the amount of \$7,000 to assist with the costs of hosting the Delamere Cup Competition.**

Collier/Waenga

**Carried**

**11. COAST INITIATIVES FUND FUNDING APPLICATION – TOITOI MANAWA TRUST - APANUI RANGERS p50**

The Board agreed to receive the application from Toitoi Manawa Trust.

Funding was approved in the amount requested of \$5,000.

**RESOLVED**

- (1) That the Board receives the funding application from Toitoi Manawa Trust.**
- (2) That the Board agrees to provide funding to Toitoi Manawa Trust in the amount of \$5,000 to assist with the costs of the Apanui Rangers programme.**

Waenga/Parata

**Carried**

**12. RESOLUTION TO EXCLUDE THE PUBLIC p66**

**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:**



**13. Rates Arrears on Maori Land.**

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>13.</b>	<b>Rates Arrears on Māori 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 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:**

13.	Protect the privacy of natural persons Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(f)(ii)
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Rāpihana/Waenga

**Carried**

**RESOLVED**

**(1) That the report titled "Rates Arrears on Maori Land" be received.**

Rāpihana/Waenga

**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.**

Rāpihana/Waenga

**Carried**

**THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 12.05PM.**

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING  
A TRUE AND CORRECT RECORD AT A SUBSEQUENT  
MEETING OF THE COAST COMMUNITY BOARD HELD  
ON TUESDAY, 4 MAY 2021.**

**LOUIS RĀPIHANA  
CHAIRPERSON  
COAST COMMUNITY BOARD**

## REPORT

Date : 2 April 2021  
To : Ordinary Council Meeting, 20 April 2021  
From : Her Worship the Mayor, L J Riesterer  
Subject : **MAYORAL REPORT 3 APRIL 2021–14 MAY 2021**  
File ID : A243147

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Since 3 April 2021, I have attended or met with the following:

### **6 APRIL 2021**

Powhiri for Bevan Gray and other new managers at Whakatāne District Council

*While this occurred before Bevan had finished up at ODC it was important to “escort” him into his next job. Councillor Louis Rāpihana was our Council’s speaker for Bevan.*

Eastern Bay of Plenty Mayors and Deputy Mayors catch up

*A social occasion that Mayor Malcolm wanted to start up again on a six-monthly basis. Ōpōtiki Mayor and Deputy Mayor will host in October. Some work chat but mostly relationship building and getting to know each other conversations.*

### **8 APRIL 2021**

Met with Gisborne Mayor, Rehette Stoltz

*Whakatāne District Mayor, Judy Turner, accompanied me to Gisborne. We had been promising ourselves this for some time back after our election to office. Actually very interesting to see how things are over in Gisborne and to spend time talking about our roles as Mayors half way through our triennial term.*

### **13 APRIL 2021**

Healthy Families East Cape meeting, via Zoom

*I attended the Zoom with Linda Steele, CEO of Te Ao Hou Trust. The Deputy Mayor of Gisborne is also on this committee.*

**14 APRIL 2021**

Councillor/CEO catch up meeting

Spoke to Council's submission to the Bay of Plenty Regional Council's Long Term Plan, Whakatāne  
*This was with Sarah Jones giving a presentation on behalf of ODC especially around promises from BOPRC not upheld and affordability issues/differences plus differences in use of statistics which have not helped.*

**15 APRIL 2021**

1XX interview re loss of banking services and cheques

*Telephone interview.*

Sister Cities Conference, Wellington

*The first time Ōpōtiki District has joined the Sister Cities organisation which is a voluntary organisation surrounding Council's interaction with their sister cities/countries. Excellent information gained around how other Councils interact with their business communities in developing their relationships with sister cities.*

**16 APRIL 2021**

Sister Cities Conference, Wellington

**19 APRIL 2021**

Catch up meeting with Councillors

Met with David Speirs, Director Regional Relationships – Waikato/Bay of Plenty, and Erin Wilson, Pou Arahi for the region (Waka Kotahi)

*A "meet and greet" the new people responsible for our region.*

Ōpōtiki District Council Long Term Plan consultation drop-in session

**20 APRIL 2021**

Ordinary Council meeting

**21 APRIL 2021**

Ōpōtiki District Council Long Term Plan consultation drop-in session

**22 APRIL 2021**

Meeting re Ōpōtiki Breast Screening Mobile Service

*The mobile service is returning to Ōpōtiki town this July for the first time in 10 years. All involved organisations came for a briefing from the Midlands Health group responsible for bringing this service to us.*

**27 APRIL 2021**

Ōpōtiki District Council Long Term Plan consultation drop-in session

**29 APRIL 2021**

Mayors Taskforce For Jobs Subsidies visits

*With visits to Bridge St Café and Delta Contracting this was my opportunity to touch base with both the employers and the employees involved with help and subsidies or training opportunities from the MTFJ Economic Recovery Programme. Neat to see that our businesses are expanding and more U30's are getting jobs, training and licences through this scheme.*

Ōpōtiki District Council Long Term Plan consultation drop-in session

**30 APRIL 2021**

Prime Minister and Minister Nash – PGF projects visit to Opotiki

*Outstanding day of recognition for the numerous PGF and CIP funded projects within our District. Having the PM and Minister Nash (plus Tāmami Coffey MP) with us reinforces the importance of Government's decisions to invest in rural areas and to help the "surge areas" throughout NZ. Seeing and hearing about the projects was listed as a very important element by the visitors from Wellington.*

**3 MAY 2021**

Council workshop

**4 MAY 2021**

Coast Community Board meeting, Te Kaha

*Always a good experience sharing in the CCB's meetings and seeing what their focus is on for their communities.*

Ōpōtiki District Council Long Term Plan consultation drop-in session, Te Kaha

**5 MAY 2021**

Ōpōtiki District Council Long Term Plan consultation drop-in session

**6 MAY 2021**

Ōpōtiki District Council Long Term Plan consultation drop-in session

**11 MAY 2021**

Ōpōtiki Grey Power meeting

*I was invited to talk after the Grey Power AGM. I covered rates rebates, projects and parts of the LTP. Well received and some good questions from the audience.*

**12 MAY 2021**

Councillor/CEO catch up meeting

Council workshop

**13 MAY 2021**

Provincial Development Unit – interview re Ōpōtiki projects

*A filmed interview.*

Ōpōtiki Marine Advisory Group (OMAG) meeting

LGNZ Three Waters Sector Update, via Zoom

*This was the first of ongoing Zoom meetings for updating information on the work with DIA around this topic.*

**14 MAY 2021**

Future Leaders Youth Event

*Run on Friday afternoon for youth by our Future Leaders team in an attempt to let our younger generation know what is available for them within Ōpōtiki around education, training, and help finding jobs. Well organised but sad there weren't more youth there to share in the learning.*

The following was attended on my behalf by Councillor Louis Rāpihana:

**8 APRIL 2021**

Tunapahore B2A Incorporation Ahu Whenua Trophy Field Day

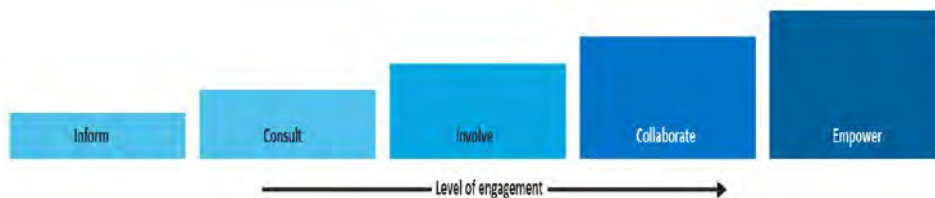
## **SIGNIFICANCE ASSESSMENT**

### **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 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 receiving the Mayoral 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 "Mayoral Report 3 April 2021 – 14 May 2021" be received.**

Lyn Riesterer

**HER WORSHIP THE MAYOR**

## REPORT

Date : 13 May 2021

To : Ordinary Council Meeting, 1 June 2021

From : Gerard McCormack, Planning and Regulatory Group Manager

Subject : **PROPOSAL TO ACCEPT JOINT REQUEST FROM TE ARAWHITI: OFFICE FOR MAORI-CROWN RELATIONS AND TE WHĀNAU-A-APANUI**

File ID : A238433

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## EXECUTIVE SUMMARY

The Crown, through Te Arawhiti: The Office for Māori Crown Relations have sought to involve the Council in Te Whānau-ā-Apanui Treaty settlement discussions. This report describes the joint request Council has received from Te Arawhiti and Te Whānau-ā-Apanui with regard to reserve land at six locations in the district; the special consultative procedure that Council ran with regard to the Joint Request; and makes recommendations to Council in response to the Joint Request and in light of the feedback received from the special consultative procedure.

This report makes the following recommendations:

- That Council receives the report titled 'Proposal to Accept Joint Request from Te Arawhiti and Te Whānau-ā Apanui
- That the proposal to accept the Joint Request be approved by Council so that the reserves described in Table 1 be made available to the Crown for Treaty Settlement redress to enable them to be transferred to Te Whānau-ā-Apanui subject to the following conditions:
  - All reserves described in Table 1 are transferred to Te Whānau-ā-Apanui (via the Crown) and, with the exception of Whanarua Bay Recreation Reserve, Te Whānau-ā-Apanui will become the sole administering body of those reserves;
  - Whanarua Bay Recreation Reserve is to be transferred to Te Whānau-ā-Apanui (via the Crown) and a joint administering body is to be formed between Te Whanau-ā-Apanui and Council to administer and manage that reserve;



- **All other processes necessary to legalise and give effect to the transfer of ownership and reserve administration being carried out.**

## **PURPOSE**

The purpose of this report is to describe the Joint Request that Council has received from Te Arawhiti and Te Whānau-ā-Apanui in relation to the transfer of reserve land owned by Council in various locations in the District; and to explain the special consultative procedure Council ran in relation to the Proposal to accept the Joint Request and the recommendations Council officers have made for Council to consider.

## **BACKGROUND**

On 28 June 2019 the Crown entered into an Agreement in Principle for the settlement of historical Treaty of Waitangi claims with Te Whānau-ā-Apanui.

At the 23 April 2019 Ordinary Council Meeting, Council agreed in principle to investigate the vesting of four Council properties in Te Whānau-ā-Apanui pursuant to a request that Council assist in providing cultural redress by the Crown as part of the Crown's Treaty Settlement obligations, subject to final Council agreement following a special consultative procedure under the Local Government Act 2002. Those four reserves are Maraetai Bay Recreation Reserve; the Hoani Waititi Memorial Reserve (Ōmaio Bay Recreation Reserve); Waihau Bay Recreation Reserve; and Whanarua Bay Recreation Reserve. Through Council officer discussion with Te Arawhiti and Te Whānau-ā-Apanui, a further two Council properties were identified for potentially including as cultural redress to Te Whānau-ā-Apanui, those being the Waihau Bay boat ramp site and the Local Purpose Esplanade Reserve in front of Tunapahore Marae, Hawai.

At the 17 December 2020 Ordinary Council Meeting, Council resolved to develop a Statement of Proposal, so that Council staff (acting under delegated authority) may commence a Special Consultative Procedure (under the Local Government Act 2002) in relation to the Joint Request. The purpose of choosing to undertake a Special Consultative Procedure was to allow the Council to gather and consider the views of those persons interested in the matter, and for Council to fully understand the advantages and disadvantages of accepting the Joint Request relative to other options. At the 26 January 2021 Ordinary Council Meeting, Council resolved to commence a Special Consultative Procedure pursuant to s87(1)(b) and s83 of the Local Government Act 2002. Council officers (appointed staff) were provided with the appropriate delegations to carry out the statutory requirements of the Special Consultative Procedure.

The Special Consultative Procedure was carried out from 4 February to 21 March 2021. Anyone who wanted to provide written feedback on the Statement of Proposal was able to do by making an online submission; sending an email to Council's 'Info' inbox; posting a hard copy submission to the Council offices or attending either of the 'drop-in' consultation sessions. There were two 'drop-in' sessions held. One was at Council offices on 11 March 2021. Council officers Katherine Hall, Anna-Marei Kurei and Gerard McCormack attended this meeting to listen to and record feedback received on the Statement of Proposal. Mayor Riesterer also attended part of the session. The second drop-in session was held at Pacific Coast Macadamias in Whanarua Bay on 13 March 2021. Council officers Katherine Hall and Gerard McCormack attended along with Mayor Riesterer and Councillors Browne and Rāpihana. In total, Council received 114 submissions (written feedback) on the Joint Request in addition to feedback provided at the drop-in sessions. The Council staff analysis of submissions is located in Appendix 2 of this report.

The Statement of Proposal included several management options for feedback through the Special Consultative Procedure. They were:

1. Te Whānau-ā-Apanui owns the reserves but Council retains sole management of the reserves;
2. Te Whānau-ā-Apanui owns the reserves and a joint reserve management board of the Council and Te Whānau-ā-Apanui is created to manage reserves individually or collectively;
3. Te Whānau-ā-Apanui owns the reserves and is the sole management body of the reserves.

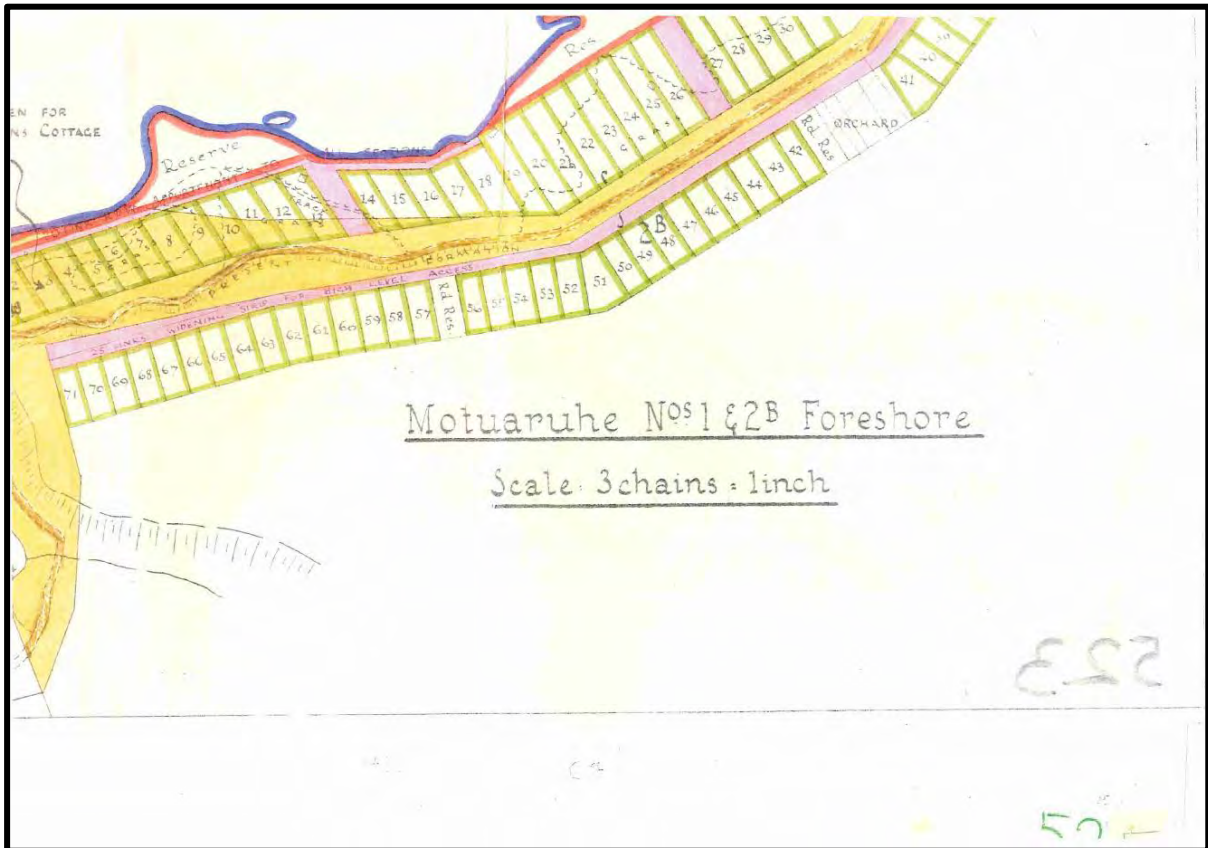
### **Whanarua Bay subdivision**

Of the submissions received, approximately half of them were about Whanarua Bay Recreation Reserve. Several of these submissions (in relation to Whanarua Bay) described support for the transfer of lands to Te Whānau-ā-Apanui

A history of the Whanarua Bay subdivision is provided.

1956: Mr Romio Wirepa seeks subdivision for about 25 acres of land within part of the Motuaruhe No. 2B Block. The Māori Land Court approved Mr Wirepa's subdivision application that the land vest in the Māori Trustee to enable the survey and subdivision of the land into residential sections. Figure 1 shows the first plan created for the subdivision of the land. The subdivision had to comply with the Land Subdivision in Counties Act 1946. Between 1956-1958, a formal and detailed survey plan was completed, and a scheme plan was prepared (Figure 2).

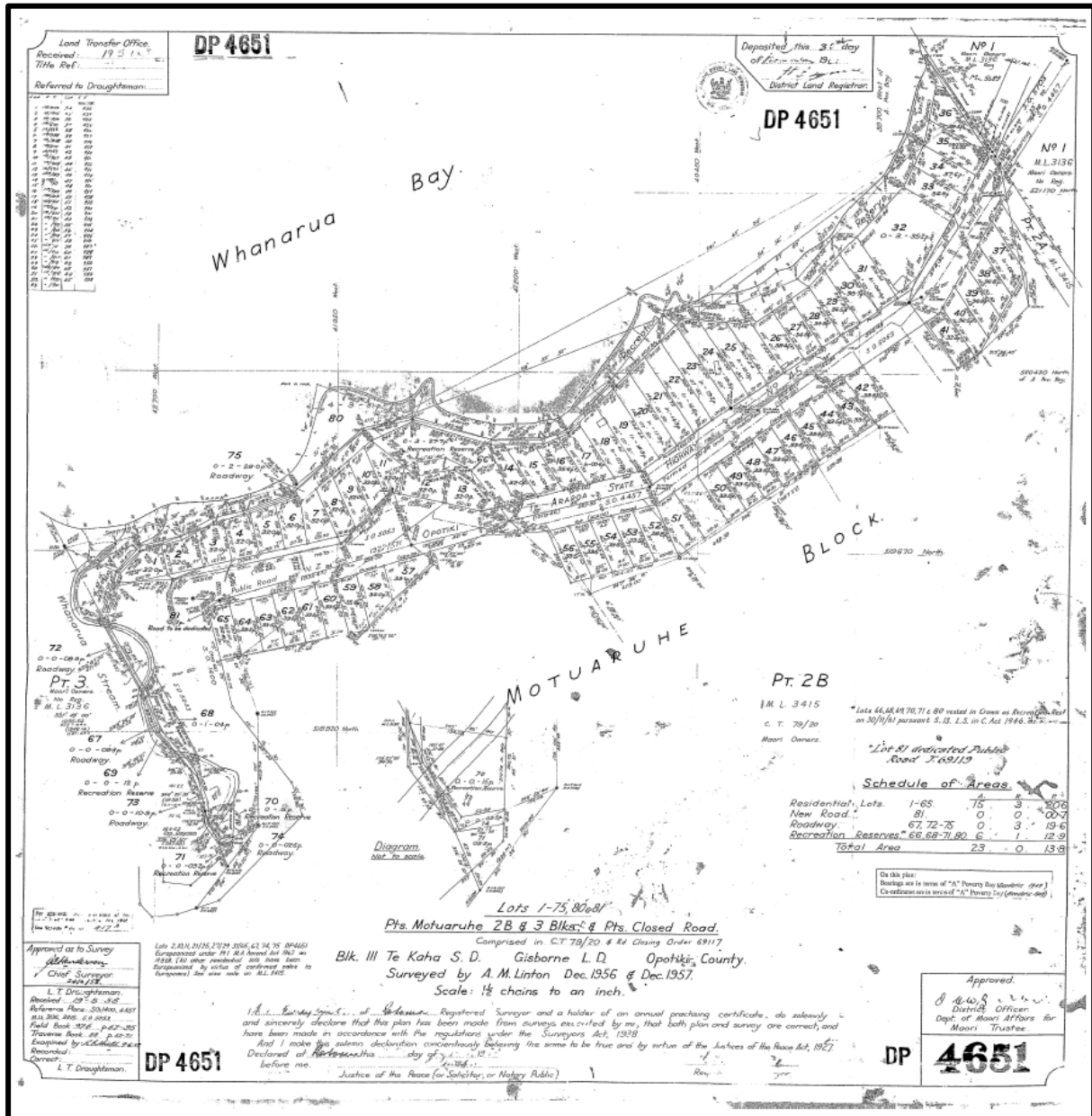
Figure 1: subdivision plan of Motuaruhe No. 2B Block 1956



The scheme plan sets out which sections are residential sections, which sections are reserves, and which sections are roadways.

When two of the Roadway lots, lots 72 and 73, were approved by the Maori Land Court on the scheme plan by the Chief Surveyor, the Maori Land Court failed to fully investigate the actual ownership of these lots. These two roadway lots (72 and 73) were owned by the descendants of Mrs Ewa Park (referred to in this report as the Park whanau).

Figure 2: subdivision scheme plan approved by Chief Surveyor



1961: The Minister of Māori Affairs approved the scheme plan for the Whanarua Bay subdivision and again failed to recognise that lot 72 add 73 were owned by the Park whanau.

1962: The sale of beachfront residential lots begins.

1965: An application is made to the Maori Land Court to have the unsold beachfront residential lots on Mr Romeo Wirepa's land vested in Romeo Wirepa. Rather than vesting only the unsold beachfront residential lots in Mr Wirepa, the Māori Land Court vested the recreational reserve lots and the roadway

lots as well as the residential lots. Lot 72 and lot 73 remained with the Park Whanau and have never been sold or partitioned from the original land block being Motuaruhe No 3.

1966: The Ōpōtiki County Council directed an investigation to be carried out in relation to the roadway lots which had been vested in Romio Wirepa. The County Clerk's report records that the County Council was not prepared to accept responsibility for the roadway lot because of its dimensions.

1970: The recreation reserve lots were collected into a separate title in the name of the Ōpōtiki County Council. The roadway lots remained vested with Romio Wirepa and the ownership of lots 72 and 73 remained with the Park whanau. Unauthorised vehicle access to the beach via the track over private land continued for some time.

1970 – 1980: At some point between the 1970s and 1980s, the landowners of Motuaruhe No 3 Block halted unauthorised vehicle access through their property. It has been reported that an individual without interest in Motuaruhe No 3 Block sought payment from the owners of the residential sections to access the beach via the Motuaruhe No 3 Block. However, the landowners of Motuaruhe No 3 (the Park whanau) did not agree to this action, nor did they receive any monies from that individual. Those beachfront lot owners then illegally built a road through Lot 66 (recreation reserve). The illegally built road was constructed without the knowledge or required permissions of Council. The local hapū were also not consulted.

It is noted that the Reserves Act became legislation in 1977. If the illegal road was built after this time, several offences would have been committed by those that constructed it. These include:

Section 94(1) Every person commits an offence against this Act who, without being authorised (the proof of which shall be on the person charged) by the Minister of the Commissioner or the administering body, as the case may require –

(f) removes or wilfully damages any, or any part of, any wood, tree, shrub, fern, plant, stone, mineral, gravel, kauri gum, furniture, utensil, tool, protected New Zealand object, relic, or thing of any kind, on any reserve; or

(g) wilfully digs, cuts, or excavates the sod on any reserve; or

Section 94(2) Every person commits an offence against this Act who –

(c) without a concession, lease, licence, permit, or other right or authority, does or causes to be done any act, matter, or thing for which a lease, licence, permit, or other right or authority is required by this Act or by any regulations under this Act.

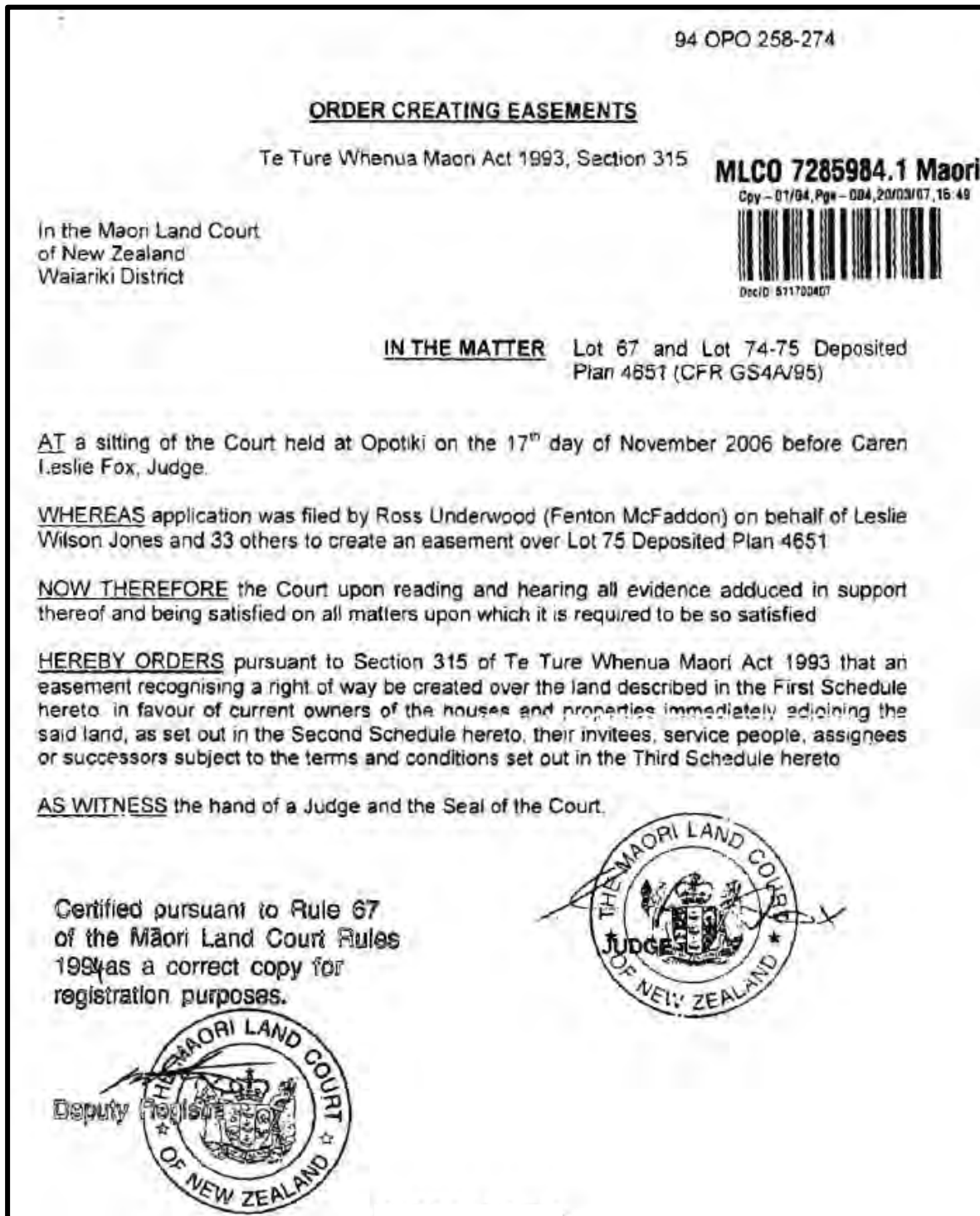
If the road was built before the Reserves Act 1977, it is probable that offences under the Reserves and Domains Act 1953 would also have occurred. That road was tar-sealed and remains in use. It is noted that the road continues to be maintained and as such those undertaking these works continue to commit offences under the Reserves Act 1977.

2001/02 (summer): members of the Wirepa whanau and hapū members, with the support of other community members, erected a fence between the seaward side of lot 75 (private land) and lot 80 (recreation reserve). The hapū engaged with Mayor John Forbes, Council and Police to seek a resolution to the issue. No resolution was found.

2002: The Maori Land Court noted that the beachfront lot owners now accessed their properties via lots 66 and 75. The Court found that the beachfront lot owners had legal rights of way over lot 75, as per the original subdivision. The Court noted that beachfront property owners access their lots over lot 66 (Council's recreation reserve). The Maori Land Court has no jurisdiction to order an easement over lot 66 and would not have considered the cultural values associated with that portion of land in the same manner as an administering body under the Reserves Act would be required to do.

2007: The Maori Land Court memorialised the appropriate rights of way against beachfront titles by means of an easement in favour of beachfront lot owners over the privately owned lot 75 (Figure 3).

Figure 3: order creating easements in favour of beachfront lot owners over Lot 75 DP 4651



2012: Ōpōtiki District Council's 2012 Coastal Reserves Plan says, in relation to Whanarua Bay,

*"Options to formalise access rights over lot 66 for 'lower' Whanarua Bay house owners will be explored by Council and; implemented where practicable."*

Local hapū have communicated to Council they consider they were not appropriately or adequately consulted during the development of this plan.

2018: Te Arawhiti are progressing the Treaty settlement with Te Whānau-ā-Apanui. Whanarua Bay Recreation Reserve is identified as a key aspiration for the Whānau a Apanui Treaty settlement because the site is of high cultural significance to the hapū of Te Whānau a Rangi-i-Runga and Te Whānau a Kahurautao. The reserve site is the subject of two Wai claims (claims filed with the Waitangi Tribunal against the Crown), Wai 1121 and Wai 1553, that will be settled by the Te Whānau-ā-Apanui Treaty settlement. Te Arawhiti engages with the Council over this site.

2019 (April): Ōpōtiki District Council receives a Joint Request from Te Arawhiti and Te-Whanau-a-Apanui with regard to parcels of land in six locations in the Ōpōtiki district, of which Whanarua Bay Recreation Reserve is included. The current ownership arrangements of the Whanarua Bay Recreation Reserve and surrounding lots are shown in Figure 4. Lot 66 and Lot 80 are council-owned reserves. Lot 75, which runs between 66 and 80 is Māori Freehold land (privately owned by the Wirepa whānau). As described earlier, beachfront residential lot owners have private easements in their favour for access over Lot 75 (see Figure 3).

2019 (May): Beachfront lot owners met with Crown officials and engaged in matters surrounding the Treaty settlement.

2019 (June): The Crown reaches an Agreement in Principle (AIP) with Te Whānau-a-Apanui. The AIP notes that the Ōpōtiki District Council has agreed in principle to Whanarua Bay Recreation Reserve being explored as cultural redress properties, and the Crown will explore with the Council and Te Whānau-ā-Apanui ownership and management arrangements in relation to the reserve.

2019 (August): Ōpōtiki District Council advise the owners of the beachfront residential lots that the easement discussions in relation to Lot 66 (Recreation Reserve) would not progress while Treaty settlement negotiations between the Crown and Te Whānau-a-Apanui continue.

2019 (December): Te Whānau a Rang-i-Runga and Te Whānau a Kahurautao invited bach owners, Te Arawhiti and Council officers to Pāhāōa marae to discuss the potential transfer of the reserve, the hapū aspirations for the site, and the bach owners' aspirations for the reserve site (particularly regarding access).



2020 (January): Te Whānau a Rangi-i-Runga and Te Whānau a Kahurautao, Te Arawhiti and Council officers meet again at Te Kaha Beach Resort to continue discussions.

2020 (August): Ōpōtiki District Council updates its Reserve Management Plan. Representatives of the hapū and adjoining Maori landowners express concerns about their wahi tapu and urupā situated on lot 66 and lot 80. They also submit that the Whanarua Bay recreational reserve should be excluded from the Reserve Management plan until such a time as the Treaty settlement redress process takes place.

Section 9.1.3 of the Reserve Management plan determines that:

The Council will work in partnership with tangata whenua, iwi and treaty partners when:

- preparing and reviewing the RMP (includes any major development)
- establishing and changing the classification of a reserve
- undertaking any management activity that is nearby or involves or may affect a wahi tapu area or urupā
- proposing to alter or revoke a reserve status and dispose of the land
- regularly update tāngata whenua on both ongoing operational, environmental and development matters.

The Council will take into account concerns, issues and matters of wāhi tapu raised by Māori as they affect each reserves management plan.

The management plan also outlines its policy on occupation agreements – easements and encroachments (9.1.10):

- prior to giving its permission as an affected party, be satisfied that any adverse effects on:
  - amenity values
  - recreation values
  - landscape values
  - ecological values
  - heritage values
  - any other appropriate considerations (cultural, social, natural, economic) can be avoided, remedied or mitigated.

**Figure 4:** current ownership arrangement of Lot 66, Lot 75 and Lot 80 at Whanarua Bay



Recommendations that relate to Whanarua Bay Recreation Reserve are explained in further detail in the Discussion and Options sections.

### **Hoani Waititi Memorial Reserve**

Hoani Waititi Memorial Reserve, also known as Ōmaio Bay Recreation Reserve, was originally purchased from Pohatu Kerei in 1966. The sale and purchase agreement of the land included conditions:

- the land must remain a reserve with a camping area for all to enjoy
- Council consult with the heirs and successors with regard to the management of the reserve.

Because the Joint Request proposes to change the ownership and management of the reserve, Council was obliged to consult with the heirs and successors with regard to this. On Wednesday 12 May, Council officers held a meeting with the heirs and successors of Pohatu Kerei to discuss the proposed transfer of reserves proposed through the Joint Request, and the proposed management solution for the reserve. The whanau explained that the current name of the reserve was provided to the Council from Pohatu Kerei

when the reserve was sold in 1966. They advised they would continue discussions with the mandated negotiators for Te Whānau-a-Apanui about the proposed management solution for the reserve.

## **DISCUSSION AND OPTIONS SECTIONS**

This report is submitted to Council to seek a decision on the Joint Request Council received from Te Arawhiti and Te Whānau-ā-Apanui, which formed the basis of the Statement of Proposal that Council has consulted on through the special consultative procedure.

In relation to the addressing of breaches of the Treaty of Waitangi by the Crown, the sites which have formed the Joint Request are very important to Te Whānau-ā-Apanui based on their traditional associations with the sites. Although Council is not directly a Treaty partner (that relationship sits with the Crown), as stated in previous reports to Council, the Crown is working with Te Whānau-ā-Apanui to address a matter that is highly significant for the iwi. The Joint Request presents an opportunity for the Council to work in partnership with the iwi and enhance the long-term relationship between Council and the iwi.

Three management options have been considered as part of the Statement of Proposal to give effect to the Joint Request:

1. Te Whānau-ā-Apanui owns the reserves but Council retains sole management of the reserves
2. Te Whānau-ā-Apanui owns the reserves and a joint reserve management board of the Council and Te Whānau-ā-Apanui is created to manage reserves individually or collectively
3. Te Whānau-ā-Apanui owns the reserves and is the sole management body of the reserves.

The sites, the proposal and the recommendations for each site are set out in Table 1. The specific sites which have formed the Statement of Proposal/Joint Request are in Appendix 1. In brief, the proposal is

- all reserves identified by the Joint Request, with the exception of Whanarua Bay Recreation Reserve, are transferred to Te Whānau-ā-Apanui and Te Whānau-ā-Apanui are sole administering body of the reserves
- in the case of Whanarua Bay Recreation Reserve, the reserves are transferred to Te Whānau-ā-Apanui and a joint administering body is formed between iwi and Council to administer and manage the reserve.

The reserves would be initially transferred from Council to the Crown, on the condition they would be transferred from the Crown to Te Whānau-ā-Apanui subject to the conditions imposed by Council as part of its approval of the Joint Request.

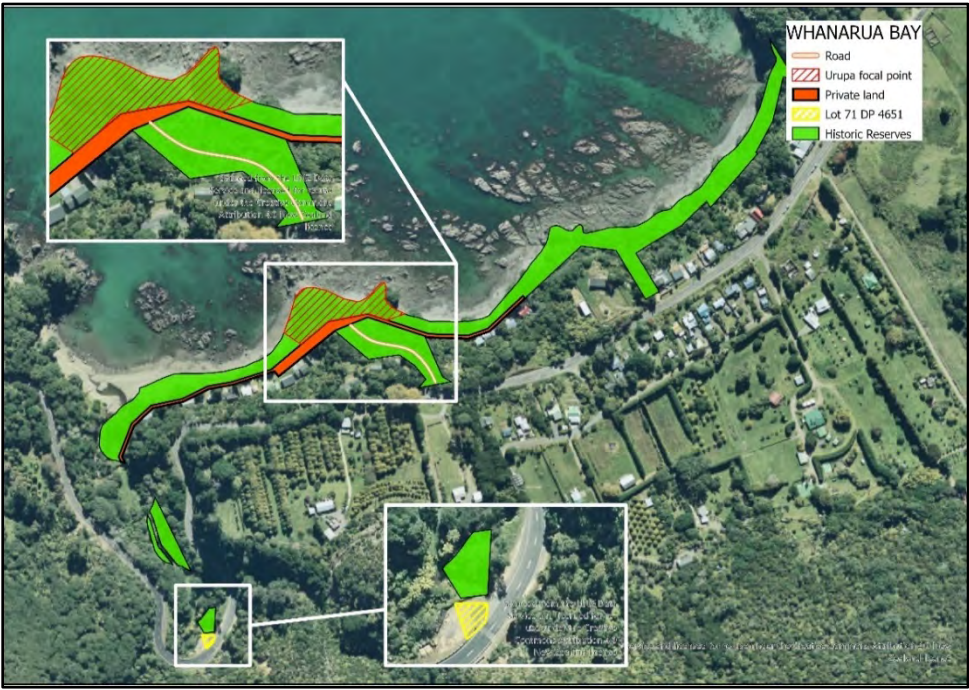
Council received 114 written submissions during the Special Consultative Procedure. Council officer assessment and recommendations in relation to the submissions are in Appendix 2.

**Table 1** – Staff recommendations on Statement of Proposal to accept Joint Request from Te Arawhiti and Te Whānau-ā-Apanui to transfer reserves, including recommended management options

SITE	PROPOSAL AND RECOMMENDATION
<p>Esplanade Reserve in front of Tunapahore Marae. State Highway 35, Hawaii</p>	<p>It is proposed that the Local Purpose Reserve (esplanade) be transferred to the Crown, so it can be used as settlement redress for Te Whānau-ā-Apanui .</p> <p>The Local Purpose status under the Reserves Act 1977 would remain. The public rights of access would remain as per the Reserves Act as is currently the case.</p> <p><b>Te Whānau-ā-Apanui would be the sole administering body for the reserve.</b></p>
<p>Hoani Waititi Memorial Reserve. Ōmaio Pa Road, Ōmaio</p>	<p>It is proposed that the reserve be transferred from the Ōpōtiki District Council to the Crown, so it can be used as settlement redress for Te Whānau-ā-Apanui.</p> <p>It is proposed that the recreation reserve status would remain the same, and subject to the Reserves Act 1977. The public rights of access would be as per the Act as it currently the case.</p> <p><b>Te Whānau-ā-Apanui would be the sole administering body for the reserve.</b></p>
<p>Maraetai Bay Recreation Reserve. State Highway 35, Te Kaha</p>	<p>It is proposed that the two parcels comprising this reserve, and two near-by local purpose (esplanade) reserves be transferred from the Ōpōtiki District Council to the Crown, so it can be used as settlement redress for Te Whānau-ā-Apanui.</p> <p>It is proposed all four parcels will be classified as recreation reserve, and subject to the Reserves Act 1977. The public rights of access would be as per the Reserves Act 1977 as is currently the case.</p> <p><b>Te Whānau-ā-Apanui would be the sole administering body for the reserve.</b></p> <p><b>It is proposed that ŌDC would retain ownership of the improvements (i.e., the public conveniences and children’s playground). ŌDC would also retain liability for the maintenance of the improvements on the reserve.</b></p>

<p>Whanarua Bay Recreation Reserve. State Highway 35, Whanarua Bay</p>	<p><b>It is proposed that the seven land parcels comprising this reserve be transferred from Ōpōtiki District Council to the Crown, so it can be used as settlement redress for Te Whānau-ā-Apanui.</b></p> <p>The parcels that comprise Whanarua Bay recreation reserve are wahi tapu. In particular, the Bay is an urupā. It is proposed that the focal point of the urupā (rocky headland of the bay) will be surveyed, a freehold lot created, and this lot transferred to Te Whānau-ā-Apanui unencumbered.</p> <p>Lot 71 is a gravel area with no conservation values and is proposed to transfer to Te Whānau-ā-Apanui unencumbered.</p> <p>It is proposed that the remainder of the land will be classified as a Historic Reserve. Reserves classified as Historic Reserves are done so under section 18 of the Reserves Act 1977. The purpose of this classification is the protection of places, objects and natural features that are of special interest historically, archaeologically, culturally or educationally. To be classified as a historic reserve, the reserve must:</p> <ul style="list-style-type: none"> <li>• have structures, objects or sites that illustrate the history of New Zealand</li> <li>• have significant or notable features which shall be managed and protected to the extent compatible with the primary purpose of the reserve</li> <li>• provide freedom of entry and access to the reserve, subject to the conditions and bylaws set by the district council.</li> </ul> <p>The Minister of Conservation makes decisions about what reserve classifications (if any) are required following transfer. The Department of Conservation advise that it is appropriate for two parcels (part of Lot 80 and Lot 71) to transfer without reserve classification. The Department of Conservation and Te Arawhiti will report to Ministers seeking their final decision (noting they have agreed in principle) in June.</p> <p><b>Te Whānau-ā-Apanui and Ōpōtiki District Council will be the joint administering/management board for the reserve.</b></p> <p><b>Within five (5) years after the Treaty settlement, the joint administering body will commence the preparation of a Reserve Management Plan for the reserve under Section 41 of the Reserves Act 1977. The Reserve Management Plan will specifically address:</b></p> <ul style="list-style-type: none"> <li>• <b>Is it appropriate for the road on Lot 66 to continue?</b></li> </ul>
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SITE	PROPOSAL AND RECOMMENDATION
	<ul style="list-style-type: none"> <li>• If so, what are the maintenance requirements and the financial contributions required to support that from those who use the road and administration of the reserve?</li> </ul> <p> <b>ŌDC will continue to cover the costs and liability for the reserve for as long as Council is a part of the joint administering/management board. Following the completion of the Reserve Management Plan, Te Whānau-ā-Apanui may decide to transition to being the sole administering/management body of the reserve.</b> </p> <p>           The settlement legislation will address these details including the composition of and procedures for the joint administering body.         </p> <p> <b>Figure 5: proposed ownership and management arrangement of Whanarua Bay reserves</b> </p> 

SITE	PROPOSAL AND RECOMMENDATION
<p>Waihou Bay Recreation Reserve.</p> <p>Orete Point Road and State Highway 35, Waihou Bay</p>	<p>It is proposed that the six land parcels comprising this reserve be transferred from the Ōpōtiki District Council to the Crown, so it can be used as settlement redress for Te Whānau-ā-Apanui.</p> <p>It is proposed that the status of the land would remain a recreation reserve subject to the Reserves Act 1977. The public rights of access would be as per that Act as is currently the case.</p> <p><b>Te Whānau-ā-Apanui would be the sole administering body for the recreation reserve.</b></p>
<p>Waihou Bay Boat Ramp.</p> <p>Orete Point Road, Waihou Bay</p>	<p><b>It is proposed that the land under and adjoining the boat ramp, which is currently road, would be surveyed and transferred to the Crown, so it can be used as settlement redress for Te Whānau-ā-Apanui.</b></p> <p>This means the road will be stopped. The Treaty settlement legislation will be used to give effect to all matters including stopping the road.</p> <p><b>It is proposed that public access to the boat ramp, which is not owned by Council, would remain through an appropriate mechanism such as an easement in favour of ŌDC for public access. The boat ramp would remain in private ownership.</b></p>

As described in Table 1, under all ownership and management arrangements, the reserves would continue to be managed in accordance with the Reserves Act 1977. The two exceptions to this are the unencumbered lots at Whanarua Bay (being the focal point of the urupā and Lot 71) and the Waihou Bay Boat Ramp site.

#### Whanarua Bay

As described in Table 1, the focal point of the urupā at Whanarua Bay (rocky headland of the bay) is proposed to be surveyed, a freehold lot created and this lot transferred to Te Whānau-ā-Apanui (via the Crown) unencumbered. The focal point of the urupā would not be subject to the Reserves Act. The remainder of Lot 80 would be classified as a Historic Reserve and will remain subject to the Reserves Act which requires freedom of entry and access to the reserve to remain. Lot 71 is a gravelled area near SH35 and has no conservation values. The Department of Conservation thinks it is appropriate the focal point of Lot 80 and Lot 71 vest in Whānau a Apanui unencumbered and will seek approval from the Minister of Conservation for this.



### Waihau Bay – boat ramp

As mentioned in Table 1, the boat ramp at Waihau Bay was not built, and is not owned, by Council. The land under and adjoining, the boat ramp is road. Currently, that road parcel provides access to the boat ramp. It is proposed that this parcel of land is surveyed and defined, the road is stopped, and a freehold lot is created. That freehold lot would be transferred to Te Whānau-ā-Apanui (via the Crown). An easement in favour of Ōpōtiki District Council over the lot would be on the title, and this easement would provide public access to the boat ramp and the sea.

### **Further options assessment**

In the 26 January 2021 Ordinary Council Meeting report, the ownership and management options for achieving Council's objective of facilitating the transfer of ownership sought by the Joint Request were assessed with regard to their advantages and disadvantages as part of the decision-making process to approve the Statement of Proposal for consultation. As part of the Special Consultative Procedure, the feedback identified some options that had not previously been assessed. To assist with the decision-making process, those further options have been identified and their advantages and disadvantages have been considered in this report. It does not reassess options that have been previously identified and assessed.

<b>Ownership arrangement</b>	<b>Management arrangement</b>	<b>Advantages</b>	<b>Disadvantages</b>
Council owns the reserves at Whanarua Bay.	Council remains the sole management body of reserves at Whanarua Bay.	Council retains reserves as a strategic asset.	The ongoing cost of managing and administration of the reserves continues to be met by Council.  Te Whānau-ā-Apanui do not have ownership of the reserve land which would not fulfil the Crown and Iwi Treaty redress aspirations.
Council owns the reserves at Whanarua Bay.	Te Whānau-ā-Apanui is the sole management body of the reserves at Whanarua Bay.	Council retains reserves as a strategic asset.  Gives partial effect to the Joint Request and therefore goes some way to fulfilling the Crown and Iwi Treaty settlement aspirations.	Administrative costs associated with the management body (if funded by Council).  Te Whānau-ā-Apanui do not have ownership of the reserve land which would not wholly fulfil the Crown and Iwi Treaty redress aspirations.
Individual hapū own the reserves, as they relate to their rohe	Individual hapū are the sole management body	Individual hapū have ownership and control of reserves	Council loses reserves as strategic assets.

	of the reserve, as they relate to their rohe		The ownership and management arrangement does not fulfil the Agreement in Principle between the Crown and Iwi giving rise to the Joint Request and therefore does not appear to meet the Crown and Iwi Treaty redress aspirations.
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## 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 decision on the proposal to accept the Joint Request from Te Arawhiti and Te Whānau-ā-Apanui is considered to be high as determined by the criteria set out in section 17 of the Significance and Engagement Policy because the proposal would involve the change in ownership and management of a number of publicly owned reserves which are classified as a strategic asset. Therefore, the matter meets at least one of the criteria for high significance set out in section 17 of the Significance and Engagement Policy.

As a matter with 'high' significance, the Council must apply greater diligence with regard to the decision-making requirements in section 76-81 and the principles of consultation in section 82 of the Local Government Act 2002 (LGA). This includes, but is not limited to, the degree to which different options are identified and assessed and the extent to which community views are considered, including whether consultation is required.

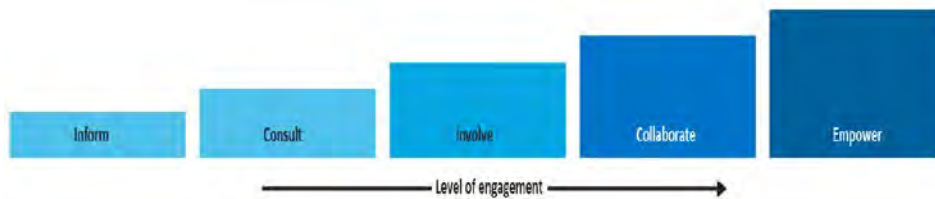
Section 81 of the LGA considers the contributions to decision making processes by Māori include the following obligations:

A local authority must—

- (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
- (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority.

### **Assessment of engagement requirements**

As the level of significance for the proposal to accept the Joint Request from Te Arawhiti and Te Whānau-ā-Apanui is considered to be 'high' the engagement required is determined to be at the level of consult according to schedule 2 of the Significance and Engagement Policy.



### **COMMUNITY INPUT AND CONSULTATION**

In previous reports to Council in relation to the Joint Request, the level of significance has been identified as 'high'. This is the reason Council resolved to run a Special Consultative Procedure from 4 February to 21 March 2021. It was done pursuant to s87(1)(b) and s83 of the Local Government Act 2002, and staff were provided with appropriate delegations to carry out the statutory requirements of the Special Consultative Procedure. This consultation period provided an opportunity for those who considered themselves affected by the proposal to accept the Joint Request to provide an opportunity to submit on the proposal. As described earlier, Council received 114 submissions on the proposal. The council-staff assessment of submissions is found in Appendix 2 of the report.

In addition to consultation with the public, Te Whānau-ā-Apanui and Crown officials, Council has consulted directly with the heirs and successors of Pohatu Kerei in relation to Hoani Waititi Memorial Reserve.

In summary, the views expressed through the special consultative procedure can be described as follows:

- the majority of the submissions supported the Statement of Proposal and the transfer of the identified reserves in the District to Te Whānau-ā-Apanui
- some submissions identified that reserves ought to be transferred to hapū rather than iwi as a more appropriate Treaty settlement redress arrangement. This option has been considered in the further options assessment
- in relation to Whanarua Bay Recreation Reserve, the submissions
  - generally supported the transfer of the urupā focal point to iwi;
  - raised concerns that an easement ought to be drafted to allow vehicular access over lot 66 before the transfer of any reserves; and
  - raised concern that 'Historic' was an inappropriate classification of the reserves.

A more detailed assessment of the written feedback can be found in Appendix 2 of this report.

## **CONSIDERATIONS**

### **Financial/budget considerations**

The work undertaken to date has been done so by Council officers.

### **Policy and planning implications**

The Reserve Management Plan 2020 notes that the Council will consult with the community on reviews of policy governing the management of reserves to be reflected in the Reserve Management Plan, as set out in s41 of the Reserves Act 1977. The proposal relates to the transfer of reserves which are strategic assets. Therefore, Council was obliged to consult with the public as described in its Significance and Engagement Policy. The level of engagement required was determined to be 'consult' and Council ran a Special Consultative Procedure to meet this requirement. As described earlier, the Reserve Management Plan states that

The Council will work in partnership with tangata whenua, iwi and treaty partners when:

- preparing and reviewing the RMP (includes any major development)
- establishing and changing the classification of a reserve
- undertaking any management activity that is nearby or involves or may affect a wahi tapu area or urupā
- proposing to alter or revoke a reserve status and dispose of the land
- regularly update tāngata Whenua on both ongoing operational, environmental and development matters.

The Council will take into account concerns, issues and matters of wāhi tapu raised by Māori as they affect each reserves management plan.

The management plan also outlines its policy on easements and encroachments (9.1.10) that:

- prior to giving its permission as an affected party, be satisfied that any adverse effects on:
  - amenity values
  - recreation values
  - landscape values
  - ecological values

- heritage values
- any other appropriate considerations (cultural, social, natural economic) can be avoided, remedied or mitigated.

It is noted that the heritage values and the cultural values would not be extinguished in lot 66 or lot 80 under the proposal.

### **Risks**

The following risks have been considered as part of this report:

- Political: as described earlier and in previous reports to Council, the Joint Request presents an opportunity for the Council to work in partnership with the iwi and enhance the long-term relationship between Council and the iwi.
- Publicity/public perception: this report is being considered in the open section of the meeting, to enable the public to be informed about the Joint Request and the recommendations being put to Council.

### **Authority**

This report seeks that Council resolve to adopt the statement of proposal consulted on, which is to accept the Joint Request that has been received from Te Arawhiti and Te Whānau-ā-Apanui, and agree to the transfer of reserves, subject to the recommendations relating to management and administration of the reserves described in Table 1. Before doing so Council should give due consideration to the views presented to it through the consultation process with an open mind. A summary of those views and staff's assessment of them is included in Appendix 2.

If the recommendations in the Report are accepted by Council, then Council staff will maintain dialogue with relevant officers at the Crown and the Iwi at an operational level to ensure that any decision by Council to transfer any or all of the reserves to the iwi via the Crown can be implemented.

### **RECOMMENDATIONS:**


- 1. That the report titled Proposal to Accept Joint Request from Te Arawhiti and Te Whānau-ā-Apanui be received.**
- 2. That the proposal to accept the Joint Request from Te Arawhiti and Te Whānau-ā-Apanui to transfer the reserves described in Table 1 to the Crown to enable them to be transferred to Te Whānau-ā-Apanui be approved, subject to the following conditions:**


- **All reserves identified by the Joint Request are transferred to Te Whānau-ā-Apanui (via the Crown) and, with the exception of Whanarua Bay Recreation Reserve, Te Whānau-ā-Apanui are sole administering body of the reserves**
- **In the case of Whanarua Bay Recreation Reserve, the reserves are transferred to Te Whānau-ā-Apanui (via the Crown) and a joint administering body is formed between iwi and Council to administer and manage the reserve.**
- **All other processes necessary to legalise and give effect to the transfer of ownership and reserve administration being carried out.**

Gerard McCormack


**PLANNING AND REGULATORY GROUP MANAGER**

**Appendix 1:** sites which have formed the Joint Request.

<b>Esplanade Reserve in front of Tunapahore Marae. State Highway 35, Hawai</b>	
Legal Description	Lot 10 DP 9088
Land Area	1.1220 hectares
How the property is held by Council	Local purpose (esplanade) reserve RT GS6B/535
Aerial Plan	

<b>Hoani Waititi Memorial Reserve. Ōmaio Pa Road, Ōmaio</b>	
Legal Description	Ōmaio 24 Block
Land Area	4.4136 hectares
How the property is held by Council	Owned by Ōpōtiki District Council as recreation reserve RT GSD1C/646
Aerial Plan	



Maraetai Bay Recreation Reserve. State Highway 35, Te Kaha	
Legal Description	1) Te Kaha 68 Block in RT GS5A/99 2) Part Section 3 Block V Te Kaha Survey District in RT GS3D/120 3) Part Section 3 Block V Te Kaha Survey District in RT GS3D/457 4) Lot 5 DP 312557 in RT 49362
Land Area	1) RT GS5A/99 – 0.2100 Ha 2) RT GS3D/120 – 0.3313 Ha 3) RT GS3D457 – 1.5251 Ha 4) RT 49362 – 0.0900 Ha
How the property is held by Council	1) RT GS5A/99 – owned in fee simple by Ōpōtiki District Council as local purpose (esplanade) reserve 2) RT GS3D/120 – owned by Her Majesty the Queen for recreation reserve 3) RT GS3D/457 – owned by Her Majesty the Queen for recreation reserve 4) RT 49362 – owned in fee simple by Ōpōtiki District Council as local purpose (esplanade) reserve
Aerial Plan	<p>Te Kaha 68 Block</p> 

RT GS3D/120



RT GS3D/457



Lot 5 DP 312557



<b>Whanarua Bay Recreation Reserve. State Highway 35, Whanarua Bay</b>	
Legal Description	Lot 66, 68-71 and 80 DP 4651 in RT GS3C/615 Lot 3 DP 6108
Land Area	1) Lot 66 – 0.3736 hectares 2) Lot 68 – 0.1113 hectares 3) Lot 69 – 0.0304 hectares 4) Lot 70 – 0.0379 hectares 5) Lot 71 – 0.0081hectares 6) Lot 80 – 2.0007 hectares 7) Lot 3 DP 6108 -0.0393 hectares
How the property is held by Council	Owned by Ōpōtiki District Council as recreation reserve in RT GS3C/615 and Lot 3 DP6108 is vested on Plan DP 6108



Lot 66



Lot 68



Lot 69



Aerial Plan

Lot 70



Lot 71




Lot 80





Lot 3 DP 6108



<b>Waihau Bay Recreation Reserve. Orete Point Road and State Highway 35, Waihau Bay</b>	
Legal Description	1) Section 4 Block V Whangaparaoa Survey District 2) Section 5 Block V Whangaparaoa Survey District 3) Section 7 Block V Whangaparaoa Survey District 4) Section 8 Block V Whangaparaoa Survey District 5) Section 9 Block V Whangaparaoa Survey District 6) Lot 1 DP 5346
Land Area	1) 0.1016 hectares 2) 0.4550 hectares 3) 0.1881 hectares 4) 0.0556 hectares 5) 0.0860 hectares 6) 0.2036 hectares
How the property is held by Council	Owned by Ōpōtiki District Council in trust as a recreation reserve in GN 148904.2
Aerial plan	Section 4 Block V Whangaparaoa SD 

Section 5 Block V Whangaparaoa SD



Section 7 Block V Whangaparaoa SD





Section 8 Block V Whangaparaoa SD




Section 9 Block V Whangaparaoa SD



Lot 1 DP 5346



Waihou Bay Boat Ramp. Orete Point Road, Waihou Bay	
Legal Description	Legal road
Land Area	Approximately 1750m <sup>2</sup>
How the property is held	Legal Road
Aerial plan – indicative boundaries only	

## APPENDIX 2: COUNCIL OFFICER ASSESSMENT OF SUBMISSIONS ON JOINT REQUEST

Topic Number	Topic	Question/Decision requested	Applies to submission/s:	Comments
1	Whanarua Bay - recreation reserve	Disagree with council transferring Lot 66 and Lot 80 to Te-Whanau-a-Apanui because there is not enough information on how they will be administered	1, 8, 109	The proposed administration arrangement is described in Table 1 of this report.
2	Whanarua Bay - access over Lot 66	Concerned that access over Lot 66 will not be guaranteed	1, 3, 76, 79, 80, 82, 88	The Joint Request describes the proposed arrangement for Lot 66 (Table 1 of the report).
3	Whanarua Bay - wahi tapu site	Support transferring the urupā focal point unencumbered	1, 4, 11, 14, 17, 18, 64, 65, 66, 71, 78, 81, 88, 91, 94, 98, 99, 102, 109, 112	Supports proposal
4	Whanarua Bay - access over Lot 80	Concerned that unduly restrictive conditions may be imposed over access to the sea over reserve Lot 80	1, 17, 94,	All reserves must be administered in accordance with the Reserves Act 1977, irrespective of which management board owns/operates the reserve. The Reserves Act requires public access to reserves.
5	Whanarua Bay - classification of Lot 80	Concerned that Historic Reserve is an inappropriate classification of Lot 80	1, 12, 16, 77, 78, 89, 94, 96, 98, 102, 114	Historic Reserve is an appropriate classification of Lot 80 because Whanarua Bay is a burial site and therefore a wahi tapu. Classification of Historic still requires public access under the provisions of the Reserves Act.
6	Whanarua Bay - administration process	Consider that a long transition period for transferring the responsibility is required	1	The Joint Request, in relation to Whanarua Bay, outlines that a Reserve Management Plan is created within five years of the settlement date.
7	Whanarua Bay - administration of reserves	Favour a joint reserve management board	1, 8, 11, 14, 15, 17, 88, 108, 110, 112, 113	The Joint Request proposes a joint administration board for Whanarua Bay for at least five years after the settlement date.

Topic Number	Topic	Question/Decision requested	Applies to submission/s:	Comments
8	Joint Request - general	Supports proposal of the transfer of the reserves to Te-Whanau-a-Apanui	2, 6, 84, 87, 111	Supports proposal
9	Hoani Waititi Memorial Recreation Reserve	Supports the proposal to transfer the reserve to Te-Whanau-a-Apanui	2	Supports proposal
10	Whanarua Bay - Lot 80 to retain Recreation classification	Lot 80 should remain a recreation reserve to ensure recreation activities remain	4, 11	The classification of a reserve as Historic does not remove the ability for the public to access the reserve. It does recognise the historical significance of a reserve - in this case, a wahi tapu.
11	Whanarua Bay - ownership and administration of Lot 66	Submits that Council should continue to be the owner and administrator of Lot 66 until such time access and parking is resolved	4	The Joint Request proposes that a reserve management plan be created by the administering body which specifically addresses the road on Lot 66. The reserve management plan will be publicly consulted on, so all parties' interests can be taken into account
12	Whanarua Bay - administration of Lot 80	Supports a joint administration board of Lot 80 with beachfront representation	4, 64, 98, 109	The Joint Request proposes a joint administration board for Whanarua Bay for at least five years after the settlement date. The joint board will include Council representatives, who will represent the views of their constituents.
13	Whanarua Bay - access over Lot 66	Submits that Lot 66 cannot be considered for transfer until such time as an appropriate easement has been put in place for the benefit of the beachfront property owners	5, 11, 12, 64, 72, 78, 80, 94, 95, 97, 98, 103, 104, 108, 110, 112, 113	The Joint Request proposes that a reserve management plan be created by the administering body which specifically addresses the road on Lot 66. The reserve management plan will be publicly consulted on, so all parties' interests can be taken into account

Topic Number	Topic	Question/Decision requested	Applies to submission/s:	Comments
14	Whanarua Bay - access to beach over Lot 80	Submits that [they] are very concerned that if Lot 80 is handed to iwi there may be restrictions placed on people crossing over Lot 80	5	All reserves must be administered in accordance with the Reserves Act 1977, irrespective of which management board owns/operates the reserve. The Reserves Act requires public access to reserves.
15	Maraetai Bay reserve - transfer of reserves	Submits that these reserves should transfer to [Te-Whanau-a-Kaiaio] hapū	7	The Joint Request proposes that reserves be transferred to the Crown for use in a Treaty settlement, which the Crown is negotiating with Te Whānau-ā-Apanui.
16	Maraetai Bay reserve - financial accountability	Submits that Council should remain financially accountable for the maintenance of the reserves as the hapū contribute through rates payments	7	The Joint Request proposes that would Council retains ownership of the improvements on the Maraetai Bay reserve and liability for the maintenance of the improvements on the reserve.
17	Hoani Waititi Memorial Reserve - ongoing maintenance	Submits that the increase of summer patrons of the reserve has led to an increased rubbish dumping and dust from the road	9	Supports proposal
18	Hoani Waititi Memorial Reserve - monitoring by Council	Submits that there is a lack of monitoring of the reserve by Council	9	This is outside the scope of the Joint Request.
19	Hoani Waititi Memorial Reserve - transfer of reserve	Submits that the reserve should transfer to [Te Whanau-a-Nuku] hapū	10, 22	The Joint Request proposes that reserves be transferred to Te-Whanau-a-Apanui, in accordance with the Agreement in Principle
20	Hoani Waititi Memorial Reserve – urupā	Submits that the urupā be extended to accommodate more people	10	This is outside the scope of the Joint Request, but may be an operational matter for Te Whānau-ā-Apanui to consider as management board
21	Whanarua Bay - wahi tapu site, boundary	Submits that [they] do not support the unencumbered vesting of the urupā focal point without seeing a surveyed plan of the proposed lot	12, 13, 15, 80, 92, 96, 97, 100, 103, 105, 106, 110, 112, 113	The report details the proposed urupā focal point lot, which is mainly around the rocky headland of the bay. This lot is proposed to be surveyed and transferred unencumbered.

Topic Number	Topic	Question/Decision requested	Applies to submission/s:	Comments
22	Whanarua Bay - administration of reserves	Submits that ODC should retain ownership and management of Lot 66 and Lot 80	12, 13, 106	The Joint Request has been amended following the Special Consultative Procedure. The proposed administration arrangement is described in Table 1 of this report.
23	Whanarua Bay - transfer of Lot 71	Submits that it would make more sense if this lot was owned by [NZTA]	13	Whanarua Bay, including Lot 71, is a site of significance for Te Whānau-ā-Apanui.
24	Whanarua Bay - Lot 3 DP 6108	Submits that this lot should be amalgamated with Lot 80 for practical purposes	13	The Joint Request has been amended following the Special Consultative Procedure. The proposed administration arrangement is described in Table 1 of this report.
25	Whanarua Bay - status of Lot 71 and Lot 80	Submits that [they] do not support the transfer of these reserves to Te Whānau-ā-Apanui unencumbered without any public access requirements.	14	Only the urupā at Lot 80 and Lot 71 are proposed to transfer unencumbered. The rest of the site will remain a reserve with public access requirements under the Reserves Act.
26	Whanarua Bay - classification of reserves	Submits that [they] object to Lots 66, 68, 69, 70 and the balance of Lot 8 and Lot 3 DP 6108 being classified as historic reserve and therefore limiting public access	14, 103, 105	The classification of a reserve as Historic does not remove the ability for the public to access the reserve. It does recognise the historical significance of a reserve - in this case, a wahi tapu.
27	Whanarua Bay - transfer of Lot 66	Submits that Lot 66 cannot be transferred unless they are bound by the Reserves Act 1977 allowing public rights of access including vehicle access	15, 27	The reserves which form the Joint Request will continue to be subject to the Reserves Act 1977 which requires public access to the reserve. The proposal requires that a reserve management plan must address the status of the road on Lot 66.
28	Whanarua Bay - transfer of Lot 71 unencumbered	Submits that Lot 71 should be transferred to Te-Whanau-a-Apanui.	15, 17	Supports proposal

Topic Number	Topic	Question/Decision requested	Applies to submission/s:	Comments
29	Joint Request - Whanarua Bay inclusion	Submits that Whanarua Bay should be excluded from the treaty settlement package	16	The Joint Request has been presented to ODC for its consideration. Te Arawhiti and Te Whānau-ā-Apanui have identified the sites of significance as described in the Agreement in Principle.
30	Whanarua Bay - administration of Lot 66	Submits that Lot 66 must remain in the [ownership/administration] of ODC	16, 64, 71, 100	The Joint Request has been amended following the Special Consultative Procedure. The proposed administration arrangement is described in Table 1 of this report.
31	Whanarua Bay - transfer of Lot 66	Submits that Lot 66 should not be transferred to Te Whānau-ā-Apanui	17, 71, 75, 77, 81, 93, 102	The Joint Request has been amended following the Special Consultative Procedure. The proposed administration arrangement is described in Table 1 of this report.
32	Whanarua Bay - classification of Lot 66 and Lot 80	Submits that Lot 66 and Lot 88 should retain the classification of Recreation Reserve	17, 66, 94, 98, 100, 105, 113	Historic Reserve is an appropriate classification of Lot 80 because Whanarua Bay is a wahi tapu. Classification of reserves as Historic still require public access.
33	Whanarua Bay - treaty settlement package	Submits that Lot 66 and Lot 80 be excluded from the treaty settlement package	18, 81, 89	The Joint Request has been presented to ODC for its consideration. Te Arawhiti and Te Whānau-ā-Apanui have identified the sites of significance as described in the Agreement in Principle.
34	Whanarua Bay - status of Lot 66 and Lot 80	Submits that Lot 66 and Lot 80 remain as recreational reserve with public access including vehicle access	18, 88, 92, 101	Only the urupā at Lot 80 and Lot 71 are proposed to transfer unencumbered. The rest of the site will remain a reserve with public access requirements under the Reserves Act.
35	Whanarua Bay - administration of Lot 66 and Lot 80	Submits that ODC should be the sole administering body of Lots 66 and 80	18, 27, 91, 96	The proposed administration arrangement is described in Table 1 of this report.



Topic Number	Topic	Question/Decision requested	Applies to submission/s:	Comments
36	Joint Request - transfer of reserves unencumbered	Submits that the Joint Request does not currently align with the resolution passed by the Hapū Chairs forum, and that all reserves should be transferred to hapū /original land owners unencumbered with the Crown providing ongoing resourcing of the reserves.	20, 23, 24, 25, 26, 28, 30, 31, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 67, 68, 85, 90	Te Arawhiti and Te Whānau-ā-Apanui have approached ODC with the Joint Request, based on the Agreement in Principle signed in 2019.
37	Joint Request - land parcels	Submits that Whangaparaoa Beach and Oruaiti Beach reserves have not been included as part of the Joint Request and should be included.	21	These reserves are not owned or administered by ODC so have not formed part of this Joint Request.
38	Joint Request - transfer of reserves	Submits that all reserves should be transferred to iwi and hapū who hold the mana with Council continuing to resource the reserves in the future	29	The Joint Request has been presented to ODC for its consideration by Te Arawhiti and Te Whānau-ā-Apanui and the proposed management of the reserves is described in the report for Council.
39	Joint Request - unencumbered transfer of all reserves	Submits that if the ownership of reserves is to transfer to Te Whānau-ā-Apanui, it should do so completely unencumbered, and public access should be at the discretion of the landowner as iwi is capable of managing and maintaining access and facilities without conditions.	32	The Joint Request has been presented to ODC for its consideration by Te Arawhiti and Te Whānau-ā-Apanui and the proposed management of the reserves is described in the report for Council.
40	Joint Request - history of reserves	Submits that every effort should be made to consult with former owners and establish the context of how ownership [of the reserves] came to be with Council	32	The Agreement in Principle between Te Arawhiti and Te Whānau-ā-Apanui has formed the basis of the Joint Request which Council has received. Consultation with affected parties will be carried out as required.
41	Joint Request - transfer of reserves	Submits that land should be transferred to hapū unencumbered.	37	The Joint Request has been presented to ODC from Te Arawhiti and Te Whānau-ā-Apanui, based on the Agreement in Principle.
42	Joint Request - consultation	Submits that the Council needs to consult with hapū directly, not through processes.	37	Consultation has been carried out directly with affected parties, as required.

Topic Number	Topic	Question/Decision requested	Applies to submission/s:	Comments
43	Joint Request - transfer of reserves	Submits that council reserves in the rohe of Te Whānau-ā-Apanui be returned to the iwi	61	The Joint Request has been presented to ODC for its consideration by Te Arawhiti and Te Whānau-ā-Apanui and the proposed management of the reserves is described in the report for Council.
44	Whanarua Bay - transfer of reserves, hapū	Submits that transferring the reserves to [Te Whanau a Rangīirunga] will enable the wellbeing [whanau] to have custodianship of the land, and be more involved will the well-being of the whenua	62, 63	The Joint Request, which has been put to ODC by Te Arawhiti and Te Whānau-ā-Apanui, has been created based on the agreement in principle.
45	Whanarua Bay - transfer of Lot 80	Submits that Lot 80 should only transfer with ODC retaining an administrative role	64, 71	The proposed administration arrangement is described in Table 1 of this report.
46	Whanarua Bay - transfer of Lots 71 to 80	Submits that [they] are opposed to the unencumbered transfer of these lots without reserve status and without public access requirements	65	The Joint Request proposes that only two parcels are transferred unencumbered - Lot 71 and the focal point of the urupā on Lot 80. The remaining lots will retain a reserve classification.
47	Whanarua Bay - classification of reserves	Submits that [they] object to Lots 66, 68, 69, 70 and the balance of Lot 80 and Lot 3 becoming historic reserves thus limiting public access	65	The classification of a reserve as Historic does not remove the ability for the public to access the reserve. It does recognise the historical significance of a reserve - in this case, a wahi tapu. As a reserve held under the Reserves Act 1977, public access to the reserve is a requirement.
48	Whanarua Bay - administration and management of reserves	Submits that [they] strongly support the joint administration of the reserves by ODC and Te Whānau-ā-Apanui	65	The proposed administration arrangement is described in Table 1 of this report.
49	Whanarua Bay - urupā focal point	Submits that thoughtful design of the urupā unencumbered lot should be considered to ensure parking at the bottom of Lot 66 remains	66	The unencumbered lot will be surveyed and defined in accordance with the Joint Request
50	Whanarua Bay - vesting of parcels	Submits that [they] would like to see other land on the coast identified for transfer to offset the proposed transfer of Lot 66 and Lot 80	66	The Joint Request has been presented to ODC for their consideration and is based on the Agreement in Principle.

Topic Number	Topic	Question/Decision requested	Applies to submission/s:	Comments
51	Whanarua Bay - status of road on Lot 66	Submits that it is insincere for Council to consider the road as "illegal"	69	The report to Council describes that no required permission were sought for the road on Lot 66.
52	Joint Request - transfer of reserves	Submits that ODC engage with the hapū of Te Whānau-ā-Apanui and work in partnership to choose what model of transfer is preferred by each hapū.	70	ODC has received the Joint Request from Te Arawhiti and Te Whānau-ā-Apanui and consulted on the Request, as required under the Local Government Act 2002.
53	Joint Request - Treaty of Waitangi	Submits that ODC honour the Treaty of Waitangi and mana whenua rights	70	The recommendations with regard to the Joint Request are described in the report to Council.
54	Joint Request - transfer to iwi	Submits that ODC trust in Te Whānau-ā-Apanui that the lands which are returned are afforded the same protection and care that iwi have given the vast majority of whenua that has remained in their care	70	The recommendations with regard to the Joint Request are described in the report to Council.
55	Special Consultative Procedure - process	Submits that the Special Consultative Procedure was not run in accordance with the Local Government Act.	73	The Special Consultative Procedure was run in accordance with the Local Government Act.
56	Whanarua Bay - wahi tapu site, transfer	Submits that it would be more appropriate to return the unencumbered lot to local hapū or whanau, rather than iwi	73	The Joint Request proposes that reserves be transferred to Te-Whanau-a-Apanui, in accordance with the Agreement in Principle
57	Whanarua Bay - road on Lot 66	Submits that [they] would like to have unrestricted access to [the] road	75	The Joint Request has described the proposed management of the reserves as part of the Treaty settlement
58	Whanarua Bay - consultation during Special Consultative Procedure	Submits that [they] are concerned that there is a lack of consultation with residential lot owners as stakeholders	76	The Special Consultative Procedure was run in accordance with the Local Government Act. Affected parties have been consulted where appropriate.
59	Whanarua Bay - transfer of reserves, ownership	Submits that Lot 3, and Lots 66, 68, 69, 70, 71 and 80 should be retained by the ODC with no transfer of ownership or management	76, 92, 99, 100, 105, 112	The Joint Request has been presented to ODC for their consideration and is based on the Agreement in Principle.
60	Joint Request - transfer of reserves	Supports the joint request and management option 3 (transfer of ownership and management to Te Whānau-ā-Apanui)	83	Supports the proposal

Topic Number	Topic	Question/Decision requested	Applies to submission/s:	Comments
61	Waihou Bay Boat Ramp - transfer of reserve	Submits that the site in question must be returned to [Te Whanau-a-Pararaki] hapū	86	The Joint Request has outlined the proposed transfer of this site to Te Whānau-ā-Apanui
62	Joint Request - classification of reserves	Supports the proposal that reserves retain their reserve status	87	Supports the proposal
63	Joint Request - administration and management of reserves	Submits that Option 2 is supported with a management retreat of Council involvement, and a gradual handover to Te Whānau-ā-Apanui	87	The Joint Request has been presented to Council and is based on the Agreement in Principle. In the case of Whanarua Bay, this Option 2 is the option which has been recommended. With regard to the other reserves, Option 1 has been recommended.
64	Joint Request - lease agreement	Submits that they seek Council consider a lease agreement with iwi if the reserves retain their reserve status	87	The Joint Request has been presented to Council based on the Agreement in Principle, and did not include the request to have or include lease agreements as part of the transfer.
65	Whanarua Bay - transfer of reserves, investigation	Submits that further investigation is required into the lots prior to the transfer	92	The Joint Request has been presented to ODC for their consideration and is based on the Agreement in Principle.
66	Whanarua Bay - administering body of reserves	Submits that [they] do not support Te Whānau-ā-Apanui as a sole administering body for the reserves	94, 103, 105	The Joint Request has been presented to ODC from Te Arawhiti and Te Whānau-ā-Apanui and is based on the Agreement in Principle.
67	Whanarua Bay - transfer of Lots 66 and 80	Supports the transfer of Lots 66 and 80 to Te Whanau-a-Kahurautao as they uphold manawhenua as kaitiaki	95	The Joint Request has been presented to ODC from Te Arawhiti and Te Whānau-ā-Apanui and is based on the Agreement in Principle.

Topic Number	Topic	Question/Decision requested	Applies to submission/s:	Comments
68	Whanarua Bay - treaty settlement package	Submits that the 1.7345ha Tokatea reserve be offered as part of the Treaty settlement instead of Lots 66 and 80	96, 100, 106, 112	The Joint Request has been presented to ODC from Te Arawhiti and Te Whānau-ā-Apanui and is based on the Agreement in Principle.
69	Whanarua Bay - transfer of Lots 66 and 80	Submits that Lot 66 and Lot 80 are not transferred	96	The Joint Request has been presented to Council and is based on the Agreement in Principle. The report outlines the recommended transfer and management option for all parcels that make up Whanarua Bay Recreation Reserve.
70	Whanarua Bay - transfer of Lots 3, 68, 69, 70 and 71	Submits that Lots 3, 68, 69, 70 and 71 could be transferred and that Lots 66 and 80 are excluded	96, 100, 102, 106	The Joint Request has been presented to Council and is based on the Agreement in Principle. The report outlines the recommended transfer and management option for all parcels that make up Whanarua Bay Recreation Reserve.
71	Whanarua Bay - transfer of Lot 80	Submits that the argument for the transfer of Lot 80 has not been made	97	The Joint Request has been presented to ODC by Te Arawhiti and Te Whānau-ā-Apanui and is based on the Agreement in Principle.
72	Whanarua Bay - acknowledgement of form hapū	Submits that [they] seek acknowledgement that properties [in Whanarua Bay] were purchased in good faith from Mr Wi Repa on the clear understanding that that lot owners would have guaranteed legal access to their properties and that the reserves could be enjoyed by all.	97	This is outside the scope of the Joint Request.
73	Joint Request - iwi as sole management	Submits that [they] do not support the proposal that Te Whānau-ā-Apanui be the sole administering body for the reserves	97, 108	The proposed administration of reserves is described in the report for council.

Topic Number	Topic	Question/Decision requested	Applies to submission/s:	Comments
74	Whanarua Bay - access to coastal marine area	Submits that if Lot 80 is transferred unencumbered access to the coastal marine area will be lost	98	The Joint Request has proposed that the urupā focal point is defined and transferred unencumbered. The remainder of Lot 80 is proposed to retain a reserve classification.
75	Whanarua Bay - response to Joint Request	Submits that Council declines the Joint Request until access issues are resolved	98	The Joint Request describes the proposed management of the lot, which includes a reserve management plan specifically addressing the road on Lot 66.
76	Whanarua Bay - treaty settlement package	Submits that the local maunga, Kairangi, be investigated by Te Arawhiti and Te Whānau-ā-Apanui	99, 106	Council has received a Joint Request in relation to reserves that it currently owns/manages.
77	Hoani Waititi Memorial Reserve - unencumbered transfer	Submits that the reserve should transfer unencumbered to [Te Whanau-a-Nuku] hapū	107	The Joint Request proposes that reserves be transferred to Te-Whanau-a-Apanui to be administered as appropriate, in accordance with the Agreement in Principle
78	Hoani Waititi Memorial Reserve - proposed administration and management	Submits that the ownership should be vested to Te Whānau-ā-Apanui and managed on/behalf of Te Whanau-a-Nuku	107	The Joint Request has been presented to ODC from Te Arawhiti and Te Whānau-ā-Apanui and is based on the Agreement in Principle.
79	Hoani Waititi Memorial Reserve - boundary of urupā	Submits that the boundary of the urupā should be surveyed and formalised prior to the transfer of the reserve	107	The Joint Request has been amended following the Special Consultative Procedure. The proposed administration arrangement is described in Table 1 of this report.

Topic Number	Topic	Question/Decision requested	Applies to submission/s:	Comments
80	Whanarua Bay - transfer of Lot 80, access	Submits that the transfer of Lot 80 is supported on the condition that vehicle access to beachfront properties is guaranteed.	108	The Joint Request has been presented to ODC from Te Arawhiti and Te Whānau-ā-Apanui and is based on the agreement in principle. The classification of a reserve as Historic does not remove the ability for the public to access the reserve. It does recognise the historical significance of a reserve - in this case, a wahi tapu.
81	Whanarua Bay - maintenance of road on Lot 66	Submits that [they] would contribute to annual maintenance costs and any waiver of liability to use the road on Lot 66	109	The Joint Request describes that a Reserve Management Plan shall be created, which will specifically address the road on Lot 66
82	Whanarua Bay - road on Lot 66, legality	Submits that the roadway on Lot 66 has been constructed illegally	111	The Joint Request describes that a Reserve Management Plan shall be created, which will specifically address the road on Lot 66
83	Whanarua Bay - easement over Lot 66 and Lot 75	Submits that an easement is favour of hapū for vehicular access over Lots 66 and 75 should be created	112	The Joint Request includes land parcels that ODC owns/maintains. It does not propose the transfer or any conditions on privately owned land. The Joint Request describes that a Reserve Management Plan shall be created, which will specifically address the road on Lot 66.
84	Whanarua Bay - transfer of reserves to whanau	Submits that the proposed reserves should be returned to the descendants of [the original owners]	114	The Joint Request has been presented to ODC for its consideration by Te Arawhiti and Te Whānau-ā-Apanui and the proposed management of the reserves is described in the report for Council.
85	Whanarua Bay - transfer of unencumbered lot to whanau	Submits that the proposed unencumbered urupā focal point lot be returned to the descendants of [the original owners]	114	The Joint Request has been presented to ODC for its consideration by Te Arawhiti and Te Whānau-ā-Apanui and the proposed management of the reserves is described in the report for Council.

# Report to the Council on the audit of

Ōpōtiki District Council's

Long-term plan  
consultation document

For the period 1 July 2021 to 30 June 2031



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## Key messages

This report sets out our findings from the long-term plan consultation document (CD) audit and draws attention to our detailed findings, and, where appropriate, makes recommendations for improvement. In addition, this report also provides information on the next step in the audit process, being the audit of the long-term plan (LTP).

In our view, the District Council has produced a CD that fulfils its primary purpose of providing an effective basis for public participation in decisions on the content of the LTP. The CD includes all the major matters that we expected, provides preferred and alternative options to address these issues, and encourages the community to provide feedback.

The Government has announced initial plans for the three waters reform. The reform has the potential to significantly change the services the District Council delivers. Currently, there is not sufficient information available to be able to conclude on the full effects of the three waters reform. We reviewed the assumptions disclosed in the CD against sector guidance and concluded the assumptions were reasonable.

The capital do-ability assumption was an area of audit focus for the current LTP. The District Council's budgeted capital works programme has not always been delivered in the past and this continues to be a significant consideration for the future years. We agree that there may be financial impacts as well as impacts on the levels of service provided if the capital works programme is not delivered as forecasted.

### Audit opinion

We issued a non-standard audit report on 1 April 2021. Without modifying our audit opinion, we included two emphasis of matter paragraphs in our audit report drawing attention to the uncertainties associated with the delivery of the capital programme (capital do-ability) and the three waters reforms.

### Matters identified during the audit

The majority of our recommendations were implemented prior to the Council adopting the CD. There are a number of recommendations that had no significant impact on the CD but will impact on the LTP. Management agreed to implement the following recommendations prior to the LTP being adopted:

- The financial forecasts and accounting policies need to be updated to reflect the adoption of PBE IPSAS 41 *Financial Instruments* (refer to section 3.5).
- The infrastructure strategy could be enhanced to help improve the usefulness of the document to readers (refer to section 2.3).
- Mitigations and actions to be developed and implemented in relation to the do-ability capital expenditure programme (refer to section 2.4.2).

Going forward we also recommend:

- improvements be made to processes and controls in place over the financial model (refer to section 3.3).

### **Future focus**

As well as the audit report issued on the CD, we will issue an audit report on the LTP that will be adopted before 1 July 2021.

### **Thank you**

We would like to thank the Council, management, and staff for their assistance received during the audit.



Leon Pieterse  
Appointed Auditor  
12 May 2021

# 1 Our audit report



## 1.1 We issued a non-standard audit report

We issued a non-standard audit report on the CD on 1 April 2021.

Without modifying our audit opinion, we included the following emphasis of matter paragraphs in our audit report drawing attention to the uncertainties associated with the:

- delivery of the capital programme; and
- three waters reforms.

This means we were satisfied the District Council's CD meets the statutory purpose and provides an effective basis for public participation in the Council's decisions about the proposed content of the 2021-31 LTP.

We found the underlying information and assumptions used to prepare the CD provided a reasonable and supportable basis for the preparation of the LTP.

## 1.2 Uncorrected misstatements

The CD is free from material misstatements, including omissions. During the audit, we have discussed with management any misstatements that we found, other than those which were clearly trivial. There were no significant misstatements identified during the audit which were not corrected. A list of corrected misstatements can be provided upon request.

## 1.3 Quality and timeliness of information provided for audit



The development of the CD and LTP is a significant and complex project and a comprehensive project plan is required for a successful LTP process.

The District Council had a project plan which included key milestones, deadlines, and the work stream responsible. This contributed to producing the underlying information documents and enabling the District Council to meet all key deadlines.

The District Council continues to be receptive to audit recommendations and is focused on continuous improvement. In addition, Council staff were available throughout the audit and provided requested information promptly. Overall, this equated to a smooth audit process with no significant issues.

## 2 Matters raised in the Audit Engagement Letter



In our audit engagement letter we identified the following matters as the main audit risks and issues:

### 2.1 Impact of the economic downturn caused by Covid-19 on the District Council's forecasts

The District's economy has been cushioned from the more severe impacts of Covid-19 due to a diverse economy, strong rural/horticulture sector, and low reliance on international tourism.

For the purposes of the CD, the Council assumed that there will be no significant impact on its activities and services because of Covid-19. The BERL "faster rebuild" scenario of a faster and more vigorous economic recovery for the District was applied.

We concluded that, due to the low reliance on tourism and retail, significant infrastructure upgrades, growing population, and a high proportion of employment in the agriculture and local government sectors, the "faster rebuild" scenario was reasonable.

We were satisfied the District Council's Covid-19 assumption was reasonable and supportable.

### 2.2 Financial Strategy

The District Council's overall financial strategy has not significantly changed from the 2018-28 long-term plan. The strategy is focused on being financially sustainable to continue delivering services to its communities in the future.

We reviewed the financial strategy and the links to the infrastructure strategy and were satisfied the financial strategy is financially prudent, is reflected in the forecast financial information, and was adequately summarised in the CD. All legislative requirements have been met.

The Council is presenting a balanced budget as defined by section 100 of the Local Government Act 2002 for all years except 2024/25 and 2025/26. The budget is unbalanced in these years due to the proposed development to Hukutaia and Woodlands. We have considered this as reasonable and note that the Council will need to ensure a resolution is passed in relation to this unbalanced budget before the LTP is adopted.

#### Management comment

*Thank you for noting that Council proposes to not balance the budget in these years. We think that this is an important aspect of holding responsibility to create the right balance for the community in terms of providing capability for growth whilst maintaining consciousness of affordability.*

## 2.3 Infrastructure Strategy

We found the infrastructure strategy was reasonable, aligned with other underlying information, and complies with relevant legislation.

The infrastructure strategy has not significantly changed from the previous LTP. The strategy is to continue with a business-as-usual approach for infrastructure activities. This means looking after existing assets by ensuring they continue to meet the needs of the community, and providing infrastructure to enable any further growth to occur.

We provided detailed feedback to the District Council for consideration. Our key recommendations for content to be included in the infrastructure strategy were:

- address the “do-ability” of the capital programme, including the impact of Covid-19;
- reflect an understanding of asset information, including condition and performance of assets, addressing the reliability of that information and any gaps, particularly as it concerns critical assets;
- asset condition – for each asset group (such as water and wastewater);
- be clear in the infrastructure strategy as to which forecasts are inflated and which are not;
- explain any backlogs of capital expenditure and the impacts on infrastructure, and impacts (to date and in future if not rectified);
- address the affordability of required work, especially in the early years;
- reference the National Policy Statement on Freshwater Management within the strategy; and
- significant resource consents that are expiring or require renewal during the LTP period including any impact.

These recommendations are considered good practice and as such would help improve the usefulness of the document to readers. The District Council should consider these recommendations when preparing the final version of the infrastructure strategy which forms part of the final LTP.

### Management comment

*Thank you for this feedback. Council plans to incorporate this feedback into the final version of the Infrastructure Strategy.*

## 2.4 Assumptions

We reviewed and assessed the appropriateness of the assumptions the District Council has established as a basis for the development of the CD. When reviewing the assumptions, we focused on those that were considered material. including Covid-19, climate change, capital do-ability, Waka Kotahi (NZTA) subsidies, three waters reform, and revaluations.

We were satisfied that those assumptions considered as material were reasonable and supportable, being derived from appropriate sources, and have been applied appropriately and consistently throughout the CD and underlying information. We were satisfied as to the completeness of the Council's significant assumptions disclosures.

### 2.4.1 Climate change

The District Council has declared a climate change emergency and has assumed there will be more extreme weather and storm events, and increased risk from sea levels rising due to the low-lying residential areas close to the coast.

The climate change assumptions have been based on the Ministry for the Environment's climate change projections for the Bay of Plenty region.

The Council has disclosed in its infrastructure strategy that climate change effects will be investigated. The investigation will consider what the potential climate changes will be and the impacts of those changes, including on the Council's assets. The Council will then use this information to identify adaption actions.

We have concluded that the climate change assumption was reasonable and has been applied reasonably in the development of LTP forecasts.

### 2.4.2 Capital expenditure "do-ability"

The Council has made the assumption that its capital expenditure programme will be achieved and has included a capital expenditure do-ability assumption which indicates that, whilst the capital works plan seems aspirational, the Council is confident that delivery of the plan is achievable, and has mitigated the risk of delay as much as possible.

Typically, the District Council has delivered between 20% and 69% of total spend over the last six years, representing an average of 41%. Excluding 2020 (because of the impact of Covid-19), the average was 45%.

We discussed with management how the capital programme would be achieved. The following contributors to the capital programme's success were noted:

- The District Council has created Programme Manager and Project Co-ordinator roles in preparing for project delivery.
- Stages of key projects are staggered, with investigation and design generally planned for a year ahead of construction.

- The scope of projects is agreed early to improve efficiency of execution.
- Prioritisation of the project portfolio against strategic objectives to ensure the right projects are delivered at the right time.

The CD adequately includes appropriate disclosure within the Capital Expenditure section on page 32.

Due to the value of the planned capital expenditure programme across the ten years of the LTP, coupled with the historical delivery of the capital expenditure programmes, we included an emphasis of matter paragraph in our audit report drawing attention to the disclosure on page 32 of the CD and the uncertainty over the delivery of the capital programme.

We have previously recommended that the Council formally considers the risks posed by continued under-delivery of capital works.

We recommend that mitigations be developed and actions implemented before the adoption of the final LTP.

#### **Management comment**

*Management and staff are in the process of preparing revised project and programme management processes, systems, and procedures to maximise the chances of delivery.*

*A project governance group is being established to oversee our growth driven infrastructure upgrades, which are the budgets that collectively present the highest project risks to Council.*

*Staff note that the apparent low delivery rate was in part due to assumed grant funding not being realised in the financial year it was budgeted for, with project delivery delayed as a result.*

## **2.5 Quality of asset-related forecasting information**

We reviewed the following activities in detail to ascertain the Council's assessment of its reliability of information:

- land transport;
- water; and
- wastewater.

We have assessed the Council as having sufficient appropriate asset information to inform its renewals forecasts.



We are satisfied that the process adopted by the Council to develop the three-waters forecasts is reasonable, especially in view of the limited scope of infrastructure schemes operating throughout the District.

## **2.5.1 Condition and performance information for critical assets**

### **Three waters**

Asset condition, along with criticality and performance of assets, is considered by the District Council when prioritising the renewals works programme that has initially been generated using age/condition-based data.

The current status of processes pertaining to asset condition are summarised in the Asset Management Improvement Programme section of the three-waters Asset Management Plans (AMPs):

- **Asset Management Processes - Condition and Performance Assessment**

There is an ongoing investigation programme to optimise condition data based on the data held in AssetFinda. Base performance monitoring has been completed.

- **Asset Management Processes - Optimised Lifecycle Management**

The forward works programme is based on performance modelling and condition assessment as well as robust predictive modelling from AssetFinda.

- **Asset Management Information systems - Condition/Performance Monitoring**

Detailed performance data has been modelled and a basic knowledge of condition populated. Critical assets have been condition assessed. The District Council has identified the need to schedule condition assessments across all assets with regular updating of the data held in Asset Finda.

- **Asset Data and Information - Condition and Performance Data**

Preliminary performance is well understood. The District Council has identified the need to generate a methodology for assessing the condition of low-criticality assets.

We have assessed the District Council as having sufficient appropriate asset information to inform its renewals forecasts.

### **Land transport**

WSP has had a long-term contract with the District Council to manage the transportation activity, including asset management processes, and was responsible for preparing the 2021 Transportation AMP. The District Council is currently in a transition phase where responsibility for planning and strategy, and maintenance of RAMM is being bought back in-house.

The District Council's general approach for identifying critical roads is to follow the hierarchy of the One Network Road Classification (ONRC); that is a road with a higher classification is more critical than roads with a lower classification.

The Transportation AMP includes an improvement plan project to develop a plan for assessment of critical assets aligned to ONRC and community outcomes. This project has been partially completed. However, we have assessed the risk of critical assets not being prioritised from an asset management perspective as being low given the small quantity of assets being managed that carry a significant percentage of traffic in the network; in particular only 70km of roads (that is 21.7% of total road length) carry 68% of all traffic movements within the District.

The District Council assesses the condition and performance of roading assets using industry standards and techniques when justifying the triennial programme business case to Waka Kotahi.

The quality of the District Council's roading data is also assessed as being better than average compared to other rural councils and local authorities within the Bay of Plenty region.

We are satisfied that the asset data held is sufficient for the District Council to develop an appropriate renewals forecast for transportation assets.

### 3 Other matters



In this section, we have detailed our key findings from the audit. We have also detailed our findings in relation to other areas of focus:

#### 3.1 The content of the Consultation Document (CD)

We found the CD provides an effective basis for public participation in the Council’s decision-making about the proposed content of its LTP, facilitates the right debate with the community, and meets the legislative requirements of the Local Government Act 2002.

The CD was easy to read with a good amount of contextual information. It was clear which issues were being consulted on (including a range of options, the consequences of these choices, and the Council’s preferred options) and highlights the critical parts of the proposed financial and infrastructure strategies.

#### 3.2 Three-waters reform

In line with sector guidance, the Council assumed that there is currently insufficient detail regarding the possible changes to services which will result from the three-waters reform programme, and therefore it is prudent to plan a business-as-usual approach to service delivery.

The Council will be consulting on water projects. The CD adequately includes appropriate disclosure of the three-waters reform on page 30 under the heading “three waters reform disclosure”.

We included an emphasis of matter paragraph in our audit report referring readers to this disclosure.

#### 3.3 Financial model and forecasts

In assessing the financial forecasts we focused on the integrity of the financial model, the reliability of the source data and whether the outputs of the model have appropriately flowed through to the underlying information (including the financial strategy, infrastructure strategy, and financial forecasts). We concluded that overall the financial model is reasonable, reduces the risk of misstatement and accurately informed the consultation document, infrastructure strategy and financial strategy.

We adopted a substantive approach undertaking a variety of data logic, metric, integrity, analytical review, spreadsheet, and data flow testing and noted no areas of concern.

We reviewed the documented process notes for the financial modelling system and although we believe this to be sufficient guidance to users, in the interests of future proofing the Councils financial model we would recommend the formalisation of these procedures and the provision of training on this guidance documentation would be

beneficial. This will ensure that key knowledge is spread and is not lost if key users of the system were to leave the Council.

#### **Management comment**

*Thank you for this feedback. Council will look to improve our documentation process in this area.*

### **3.4 Performance management framework**

The forecast performance framework is appropriate, complies with relevant legislation, and complies with generally accepted accounting practice.

The performance framework remained relatively unchanged from prior years with no significant changes to levels of service or activity structure. There were some performance measures that were revised, removed, and added. However, this was simply to better align the framework to the Council's strategy.

### **3.5 PBE IPSAS 41 Financial Instruments**

PBE IPSAS 41, *Financial Instruments* becomes effective for the year ending 30 June 2023 or the second year of the LTP. The LTP is required to be prepared in accordance with the accounting policies expected to be used in the future which means that the LTP will need to reflect this new accounting standard.

Before the LTP is adopted, the District Council will need to:

- perform an assessment on the impact of PBE IPSAS 41 on the financial forecasts;
- ensure any material measurement adjustments that arise on transition to PBE IPSAS 41 that may affect the forecasts are made;
- ensure the financial instrument accounting policies disclosed are updated to be consistent with the requirements of PBE IPSAS 41;
- ensure disclosures are made about the change in accounting policy; and
- consider whether a decision to early-adopt PBE IPSAS 41 for the LTP will impact the preparation of the financial statements for the year ending 30 June 2022.

#### **Management comment**

*Council has previously performed an assessment on the impact of PBE IPSAS 41 on the financial forecasts. No significant change is expected as a result of adopting this standard. We note that since the issue of the CD the Local Government (Rating of Whenua Māori) Amendment Bill has been given Royal Assent, we will reassess the impact of this standard in light of that change.*

*The remaining feedback will be incorporated into the LTP prior to adoption.*

## 4 Audit of the Long-term plan

The next step in the audit process will be the audit of the LTP. To ensure our audit of the LTP is efficient we expect the Council to prepare a schedule of changes to the financial forecasts, draft LTP, and performance framework that were the basis of the CD. This will enable us to assess the extent of changes as a result of community consultation and tailor our audit work accordingly.

Under section 94(1) of the Act, our audit report on the LTP forms part of the LTP, which the Council is required to adopt before 1 July 2021 (section 93(3)). Our agreed timeframes will enable us to issue our audit report in time for the Council meeting on 29 June 2021, at which time the 2021-31 LTP will be formally adopted.

We are responsible for reporting on whether the LTP meets the statutory purpose and provides a reasonable basis for integrated decision-making by the District Council, and accountability to the community. We considered the quality of the underlying information and assumptions as part of the audit of the CD so, for the audit of the LTP, we will focus on how these are reflected in the LTP. We will consider the effect of the decisions that come from the consultation process and review the LTP to gain assurance that appropriate, material, consequential changes and disclosures have been made.

At the conclusion of the LTP audit, we will ask the District Council to provide us with a signed representation letter on the LTP. The audit team will provide the representation letter template during the LTP audit.

## Appendix 1: Disclosures

Area	Key messages
Our responsibilities in conducting the audit	<p>We carried out this audit on behalf of the Controller and Auditor-General. We are responsible for expressing an independent opinion on the CD and reporting that opinion to you. This responsibility arises from section 93C(4) of the Local Government Act 2002.</p> <p>The audit of the CD does not relieve management or the Council of their responsibilities.</p> <p>Our audit engagement letter dated 19 October 2020 contains a detailed explanation of the respective responsibilities of the auditor and the Council.</p>
Auditing standards	<p>We carried out our audit in accordance with the Auditor-General’s Auditing Standards. The audit cannot and should not be relied upon to detect all instances of misstatement, fraud, irregularity or inefficiency that are immaterial to your CD. The Council and management are responsible for implementing and maintaining your systems of controls for detecting these matters.</p>
Auditor independence	<p>We are independent of the Council in accordance with the independence requirements of the Auditor-General’s Auditing Standards, which incorporate the independence requirements of Professional and Ethical Standard 1 (Revised): <i>Code of Ethics for Assurance Practitioners</i>, issued by New Zealand Auditing and Assurance Standards Board.</p> <p>In addition to this audit and our audit of the Council’s annual report, we have carried out engagements in the areas of debenture trust deed assurance engagement, which are compatible with those independence requirements. Other than the audit and these engagements, we have no relationship with or interests in the Council.</p>
Fees	<p>The audit fee, covering both the CD and the LTP for the period is \$84,000 (excluding GST and disbursements), as detailed in our audit engagement letter dated 19 October 2020.</p> <p>Other fees will be charged in the period for the annual report audit and debenture trust deed assurance engagement.</p>
Other relationships	<p>We are not aware of any situations where a spouse or close relative of a staff member involved in the audit occupies a position with the Council that is significant to the audit.</p> <p>We are not aware of any situations where a staff member of Audit New Zealand has accepted a position of employment with the Council during or since the end of the financial year.</p>

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## REPORT

Date : 19 May 2021

To : Ordinary Council Meeting, 1 June 2021

From : Planning and Regulatory Group Manager, Gerard McCormack

Subject : **ANIMAL CONTROL – ROAMING HORSES WITHIN OPŌTIKI TOWNSHIP**

File ID : A244210

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### EXECUTIVE SUMMARY

**Roaming horses within the Opōtiki Township have been an ongoing issue for a number of years. There continues to be a high cost to the rate payer in responding to horse complaints with little prospect of expenditure being recovered. The number of roaming horses and associated complaints has reached a level that makes managing the issue very difficult within existing budgets and public perception of the Council's animal control service is low. The measures staff put in place following the December 2020 Council meeting have not successfully dealt with the issue. A number of options are presented for consideration and direction is sought from Council on how to proceed.**

### PURPOSE

To update Council on the efforts made to manage roaming horses within the township since the matter as last discussed in December 2020. To obtain direction from Council on further options presented for consideration.

### BACKGROUND

Concerns relating to roaming horses are not new. For a long time, Animal Control Officers have been responsible for trying to manage issues within the Opōtiki township in relation to horses. Horses roaming within the township increase the risk of traffic incidents and also cause damage to property (fences and gardens etc).



In December 2020, a report was presented to Council outlining the issues, including the escalating number of complaints, the high costs to the ratepayer, and the measures staff were taking to address the issues. These measures included the following:

- Development of a register to identify owners and horses
- Removing stallions from town
- Supporting the police in response to horse complaints
- Meeting with a number of horse owners to discuss the issues and to identify their horses.

Following that Council meeting and the implementation of the measures set out above, a number of horse owners have registered their horses with the Council and provided their contact details. However, although photographs of the horses have been provided, it remains difficult for officers to correctly identify roaming horses and to make contact with their owners accordingly. Additionally, the way horses are being moved in and out of the township means that Council is unlikely to ever be able to achieve a complete register of horses within the township for identification purposes.

Although responsibility for controlling animals is the Council's responsibility, Police have historically been involved in some of the complaints around roaming horses given the dangers such horses present to highway users. Police have also been involved in assisting Council staff when altercations have occurred in relation to impounded and roaming horses. Staff met with Police in early 2021 to discuss the ongoing issues. At the meeting an arrangement was put in place whereby the Police were to be the lead agency for responding to complaints relating to roaming horses, supported by Council officers. Since this time, members of the public have been encouraged to report roaming horses directly to the Police for action. However, despite the efforts of both Council staff and Police, the number of complaints being received by both organisations remains high. The Police have now advised that due to resourcing issues, they can no longer operate as the lead agency, as they cannot respond to all the calls being received. Furthermore, our animal control team and our out of hours provider are also insufficiently resourced to appropriately respond to the number of complaints being received.

Recently, 19 horses were found grazing in the Council paddocks next to Peria House. These horses were subsequently impounded resulting in 10 horses being removed and agreement reached that nine horses could remain grazing a paddock on a temporary basis.

Regional Council have also raised concerns about roaming horses undermining the performance of the stopbanks, noting that "these animals can reduce grass cover, cause tracking, stock holes and pugging

which weakens the integrity of the stopbank. A 'good stopbank' has no bare soil. Grass cover is very important acting as a 'protective seal' reducing soil scouring and slumping during heavy rainfall."

It is also worth noting that the recent customer satisfaction survey identified animal control as a service that the community was generally not satisfied with. It is understood that this is a result, at least in part, of Council not being able to meet the public's expectation in dealing with roaming dogs and horses.

#### *Statutory Context*

Under the provisions of the Local Government Act 2002, the Council as Road Controlling Authority is required to ensure that sufficient safety precautions are in place to protect the general safety of the public, traffic, and workers employed on or near any of the roads of which the Council is custodian.

The Reserves Act 1977 sets out how reserves are to be managed by administering bodies in accordance with the general purpose of the Reserves Act, as set out in Section 3 of the Act, summarised as follows:

- Providing for the preservation and management of areas for the benefit and enjoyment of the public
- Ensuring, as far as possible, the survival of all indigenous species of flora and fauna
- Ensuring as far as possible, the preservation of access for the public
- Providing for the preservation of representative samples of all classes of natural ecosystems and landscapes
- Promoting the protection of the natural character of the coastal environment and the margins of lakes and rivers.

The Impoundment Act 1955 enables a Council to exercise its powers under this Act in respect of any regional road, State Highway or motorway, river bed or riparian land in its district whether or not that highway, river bed, or riparian land is under the control of the Council. This Act covers the generic impoundment of all stock animals and doesn't offer sufficient powers and penalties to assist Council in tackling our localised horse problem.

The Council manages dogs using the Dog Control Act 1996 which provides powers to issue infringement notices and other such enforcement powers. However, there is no corresponding legislation relating to horses.

As such, the only legislative course of action the Council has available is to develop a local bylaw. The Animal Control Bylaw assists Council in managing horses and currently regulates the keeping of animals and stock and the movement of stock and horse riding in public places. The bylaw is designed to protect

the public from nuisance and protect, promote, and maintain public health and safety. The current Animal Control Bylaw was adopted in 2020 following a review and public consultation exercise.

## **DISCUSSION AND OPTIONS SECTIONS**

There continues to be a high cost to the ratepayer in responding to horse complaints with little prospect of expenditure being recovered. The number of roaming horses and associated complaints has reached a level that makes managing the issue very difficult within existing budgets and public perception of the Council's animal control service is low. The measures staff put in place following the December 2020 meeting have not successfully dealt with the issue. As such, further options are presented below for Council consideration.

### **Options:**

#### 1. Increase animal control staffing budget

Without additional officers being recruited and with the Police no longer able to provide assistance, Council will only be able to respond to a small number of minor roaming horse complaints, if any.

Following a recent Worksafe audit, it has been established that in order to appropriately respond to health and safety requirements, at least two officers need to attend each call out and both officers must be sufficiently trained and be able to demonstrate a suitable level of competency in dealing with horses. The animal control team is insufficiently resourced to deal with horse complaints on top of all other areas of the service, in particular roaming dogs which are also an issue in the district.

In order to effectively manage the issue, two additional full time (FTE) animal control officers would be required, increasing the number of FTE officers to 3.5. A corresponding increase in the training budget and budget for the out of hour's service provider will also be required to sufficiently respond to the complaints and meet relevant health and safety obligations. Two extra officers would also necessitate purchase of additional personal protective equipment (PPE). The overall cost of this option is estimated to be within the region of \$200k per annum and would be met by way of an increase to staffing budget for the animal control area.

#### 2. Prohibit use of Council land for the grazing of horses within the township

Council currently issues licences to horse owners to allow the grazing of Council reserves. This results in revenue to Council (approx. \$4-7k per annum) and also reduces the costs of mowing these reserves. However, despite the best endeavours of Council and horse owners, the paddocks licenced for grazing are often not secure (mainly as a result of vandalism) resulting in horses roaming on the road. To address

this, Council could chose to end all licences for grazing, reducing the land available for the grazing of horses within the township.

This option would not entirely address the issue (as private land remains available for grazing and refusing to issue licences does not prevent grazing, it simply makes the use unauthorised) and will result in a loss of revenue and increased mowing costs. However, it would make the Council's position on horses in the township clearer and would make horse ownership in the Ōpōtiki township more difficult.

### 3. Review the bylaw seeking to ban horses from the township

Council could consider reviewing the bylaw seeking public support for banning horses from the township. The bylaw was only reviewed last year and Council decided to continue to allow horses to graze within the township. However, given the increase in roaming horses and inability of Council and Police to manage the ongoing problems, a review of the bylaw may be considered appropriate if additional resourcing is not available. It should be noted that even if the public did agree to ban horses from the Ōpōtiki township, this would need to be enforced by Council. Reviewing the bylaw would send a clear signal to horse owners that the Council will not tolerate roaming horses in the Ōpōtiki township.

### **Financial implications**

The costs of implementing Options 2 and 3 can be covered through existing staff budgets. Option 1, increasing staffing budgets would require a \$200k per annum increase in the staffing budget of the animal control service. This cost would allow for the recruitment of two additional officers and additional training and additional costs associated with the out of hours service contract. A \$200k per annum increase in operational costs represents approximately a 2% rate rise, equating to approximately an additional \$23 per rating unit, or \$7 per \$100k of capital value of property, per annum.

### **SIGNIFICANCE ASSESSMENT**

#### **Assessment of significance**

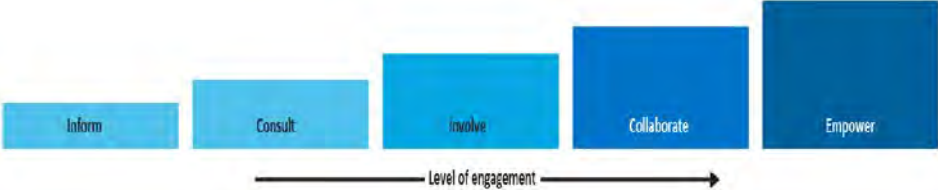
Under Council's Significance and Engagement Policy, on every issue requiring a decision, Council considers the degree of significance and the corresponding level of engagement required. Should the Council choose to move forward with options 2 or 3 (or both of these options) the level of significance is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

However, should the Council choose to proceed with option 1, there would be financial implications for ratepayers. The adopted Significance and Engagement Policy lists a number of criteria that need to be

considered when determining the level of significance, and notes that if an issue exceeds one or more of the criteria, the matter is more likely to have a high degree of significance. One of the criterion listed in the policy states the following "A decision that will have a major and long-term impact on a wide range of people and/or groups who reflect the makeup of the District's community". As set out above, option 1 would result in a 2% rate rise, equating to approximately an additional \$23 per rating unit, or \$7 per \$100k of capital value of property, per annum. The additional rate take required in order to deliver this option is not considered 'major' and therefore the significance of this option remains low.

**Assessment of engagement requirements**

As the level of significance for each of the options is considered low, the engagement required is determined to be at the level of inform according to schedule 2 of the Significance and Engagement Policy. However, in respect of Option 1 and the corresponding financial implications, owing to the potential public interest in the matter, Council may wish to conduct a public consultation exercise to determine the community's views on the issue.



**CONCLUSION**

Roaming horses within the Ōpōtiki Township have been an ongoing issue for a number of years. The problem has increased markedly over the past twelve months, resulting in more danger to road users and damage to property. Efforts by staff and the Police to curb the problem have been unsuccessful and the issue has reached a point where neither organisation is able to sufficiently manage the issue with current resources. A number of options are presented for consideration and direction is sought from Council on how to proceed.

**RECOMMENDATIONS:**

- 1. That the report titled "Animal Control – Roaming Horses Within Ōpōtiki Township" be received.**
- 2. In respect of option 1, Council agrees/does not agree to consult the public on a proposed increase in the animal control budget by \$200,000 to pay for additional animal control officers and after-hours service providers.**

3. **In respect of option 2, Council agrees/does not agree to prohibit use of reserves within the Ōpōtiki township for the grazing of horses.**
4. **In respect of option 3, Council agrees/does not agree to undertake a review of the Animal Control Bylaw seeking to ban horses from the Ōpōtiki township.**

Gerard McCormack

**PLANNING AND REGULATORY GROUP MANAGER**

## REPORT

Date : 13 May 2021

To : Ordinary Council Meeting, 1 June 2021

From : Planning and Regulatory Group Manager, Gerard McCormack

Subject : **PUBLIC TOILETS IN OPOTIKI CBD – ANNUAL OPERATIONAL COSTS**

File ID : A242863

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### EXECUTIVE SUMMARY

**This report seeks to inform Council about the annual cost of operational expenditure of public toilets located in the Opotiki CBD as requested by Councillors at the 26 January 2021 meeting.**

**This report seeks:**

- 1. That the report titled 'Public Toilets in Opotiki CBD – Annual Operational Costs' be received**
- 2. That Council resolve to retain all public toilet facilities within the CBD and fund the operational expenditure of the facilities as allocated within the proposed Long Term Plan 2021-31.**

### PURPOSE

The purpose of this report is to inform Council of the average operational costs of public toilets in Opotiki CBD as requested by Councillors at the 26 January 2021 Ordinary Council Meeting.

### BACKGROUND

At the January 2021 Ordinary Council Meeting, council resolved to allocate funding in the 2021-2031 Long Term Plan for the operational costs of new public toilets at Ford Street Reserve and Volkners Island Reserve. At that meeting, Councillors requested that Council staff provide a report to inform them of the annual operational expenditure of toilet facilities within the central business district, both existing and proposed. This report provides an overview of the operational costs of maintaining all public toilets in the CBD and seeks that Council retain all toilet facilities identified in the report.

## DISCUSSION AND OPTIONS SECTIONS

In the Ōpōtiki CBD, there are currently three public toilets:

- *i*-SITE
- 113 Church Street (next to the Ladies Rest Rooms/old Plunket Rooms)
- Memorial Park.

After the Ford Street Reserve and Volkners Island Reserve are developed and public toilets are built, there will be five public toilets located in the Ōpōtiki township, two of which will be on Church Street (Ford Street Reserve and Old Plunket Rooms). In addition, Te Tāhuhu o Te Rangi will also have toilets within the building that will be available for the public to use during opening hours which is a total of six toilet facilities in the township.

The following table shows the average actual operational cost of maintaining the three existing public toilets in Ōpōtiki township, from 2017/18 to 2019/20:

LOCATION	2017/18 Actual	2018/19 Actual	2019/20 Actual	2020/21 - YTD Actual	AVERAGE Per Annum
<i>i</i> -SITE	\$4,532	\$8,115	\$6,052	\$2,339	<b>\$6,233.00</b>
Town Centre	\$22,216	\$24,601	\$20,268	\$13,434	<b>\$22,361.66</b>
Memorial Park	\$5,524	\$6,311	\$6,495	\$3,559	<b>\$6,110.00</b>
					<b>\$34,704.66</b>

The approximate operational cost of maintaining new public toilets at the Ford Street Reserve and Volkners Island Reserve will be \$20,000 per year for each public toilet. The annual operational costs of the toilets in Te Tāhuhu is predicted to be approximately \$7,000 to \$10,000 as the opening and closing of the toilets will be done by Council staff. The cleaning of the toilets will be done by Council's preferred contractor.

In total, the average annual operational expenditure of maintaining six public toilets in the Ōpōtiki township will be approximately \$75-80,000 per year. Operational costs of public toilets include:

- cleaning/sanitation, and opening/closing
- security (general surveillance every day)
- electricity
- ongoing maintenance (e.g., repair and replacement of broken parts)
- Insurance.



The operational cost of the Library toilets will be slightly less, as Library staff will open and close the toilets each day during staffed hours.

Operational costs do not include the upgrade of facilities. The operational cost of maintaining the public toilets will increase with inflation over time, so the figures in the above table should be considered as an average for information purposes only.

The advantages and disadvantages of each of the public toilets is provide in the table below:

PUBLIC TOILET	ADVANTAGES	DISADVANTAGES
i-SITE	Showers provided Used by tourists visiting the area Facilities for staff	Not located within the immediate CBD
Ford Street Reserve	Central location, adjacent to new facility Parking available Convenient for users	More costly to operate than the existing public toilets
Te Tāhuhu o Te Rangī	Provides a facility for library patrons	Will be used mostly by library patrons Usage doesn't widely extend to the general public
Church Street	Well-utilised Convenient location for foot traffic Used by tourists visiting the area	High usage contributes to most regular maintenance costs
Volkners Island Reserve	Central location required for Motu Trails Adjacent to new facilities and parking Convenient	More costly to operate than the existing public toilets
Memorial Park	Convenient for events at the Pavilion Well-utilised Parking available	Not located within the immediate CBD

This report seeks that Council consider the operational cost of six public toilets in Ōpōtiki township, and decide whether to retain all six public toilets, as recommended by Council officers. The operational budget already exists within the LTP to maintain these facilities. As requested by Councillors, staff have produced a report to outline the total annual cost of maintaining all toilet facilities. Council staff have recommended that all toilet facilities are retained, and that Council meet the annual operational expenditure of these facilities, as allocated in the proposed Long Term Plan 2021-31.

**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 operational cost of toilets in CBD is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

**Assessment of engagement requirements**

As the level of significance for operational cost of toilets in the CBD is considered to be low, the engagement required is determined to be at the level of inform according to schedule 2 of the Significance and Engagement Policy.



**COMMUNITY INPUT AND PUBLICITY**

The level of significance for this decision is low. Funding within the proposed LTP has allowed for the ongoing maintenance of all toilet facilities in the township – both existing facilities and proposed facilities – and this report provides a more detailed overview of the annual operational expenditure of toilet facilities in the CBD, as requested by Councillors.

With regard to community input, two Council officers were located at the Church Street public toilets/old Plunket Rooms on 18 and 19 February to interact with the community about the facility. This consultation was not directly related to this report but does provide information in relation to the facility. Public opinion was that the toilet facility on Church Street serves the general public well and is an asset on Church Street that ought to remain. More detailed information about this consultation will be provided in a report to Council toward the end of 2021.

**CONSIDERATIONS**

**Financial/budget considerations**

The annual operational expenditure for the maintenance of the toilet facilities within the township is allocated within the proposed LTP. This report seeks to inform Council about this cost and recommend that all toilet facilities identified in Ōpōtiki CBD – both existing and proposed – remain. The annual

operational expenditure for maintaining six toilet facilities in the township is approximately \$75,000 – 80,000 per year.

### **Policy and planning implications**

This report relates to the report to Council for the 26 January 2021 meeting, where councillors sought more information about the annual operational expenditure for all toilet facilities within the township. The budget for the toilet facilities has been allocated within the LTP.

### **Risks**

No risks have been identified with regard to this report.

### **Authority**

The report seeks that councillors resolve to retain all toilet facilities within the Ōpōtiki CBD and fund them as allocated for in the Long Term Plan 2021-31.

## **RECOMMENDATIONS**

- 1. That the report titled 'Public Toilets in Ōpōtiki CBD – Annual Operational Costs' be received.**
- 2. That Council resolve to retain all public toilet facilities within the CBD and fund the operational expenditure of the facilities as allocated within the proposed Long Term Plan 2021-31.**

Gerard McCormack

**PLANNING AND REGULATORY GROUP MANAGER**

## REPORT

Date : 12 May 2021

To : Ordinary Council Meeting, 1 June 2021

From : Strategic Development Manager, Sarah Jones

Subject : **10 POTTS AVENUE – PETITION**

File ID : A242871

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### EXECUTIVE SUMMARY

**All relevant information relating to the demolition of 10 Potts Avenue was provided to Council at a Council meeting on 9 March 2021. Council made a decision at that meeting to demolish the building. A petition has since been received, signed by 319 individuals, who wished to ‘confirm their support to keep the Low Bucks Building Standing and Saved From Demolition’. This report seeks to acknowledge receipt of the petition.**

### PURPOSE

To acknowledge receipt of a petition received in respect of the demolition of the building at 10 Potts Avenue.

### BACKGROUND

At a Council meeting on 9 March 2021, Council resolved to end the current tenancy at 10 Potts Avenue and demolish the building, to be in conjunction with the timing of the demolition of Lots 9 and 10, and that there be a discussion with Lions and help given to them to relocate, if possible.

On 13 April 2021, a petition was received in respect of 10 Potts Avenue. The petition is titled ‘Petition to Save the Old Low Bucks Building Situated on Potts Avenue, Opotiki’ and is recorded as containing the signatures of 319 individuals who wished to ‘confirm their support to keep the Low Bucks Building Standing and Saved From Demolition’. Mr Bruce Underwood spoke to the petition at the Council meeting on 20 April 2021.

## DISCUSSION

All information relevant to the decision to demolish the building at 10 Potts Avenue was presented to Council at the 9 March 2021 Council meeting.

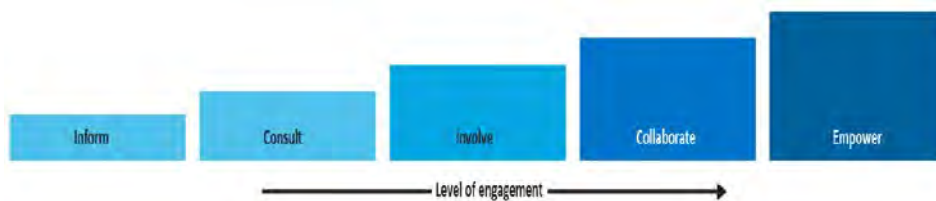
Since the Council decision was made, the tenant has vacated the building and contracts for asbestos removal and demolition have been let. Asbestos removal is due to be completed by 15 May 2021 and demolition is scheduled to start on 18 May 2021. Demolition is expected to be completed before the end of June.

No other new information has been received.

## SIGNIFICANCE ASSESSMENT

The decisions or matters of this report are not considered significant in accordance with Council's Significance and Engagement Policy

As the level of significance for 10 Potts Avenue – Petition is considered to be of low significance the level of engagement required is determined to be at the level of inform according to Schedule 2 of the Significance and Engagement Policy.



## CONCLUSION

A petition has been received, signed by 319 individuals, who wished to 'confirm their support to keep the Low Bucks Building Standing and Saved From Demolition'. All relevant information relating to the demolition of 10 Potts Avenue was provided to Council at the 9 March 2021 Council meeting. Council made a decision on that basis and staff have progressed projects based on that resolution.

## RECOMMENDATIONS:

1. That the report titled "10 Potts Avenue - Petition" be received.
2. That Council acknowledge receipt of the petition.

Sarah Jones

**STRATEGIC DEVELOPMENT MANAGER**



## REPORT

Date : 13 May 2021

To : Ordinary Council Meeting, 1 June 2021

From : Workforce Development Co-Ordinator, Barbara MacLennan

Subject : **ŌPŌTIKI WORKFORCE DEVELOPMENT CO-ORDINATION - UPDATE**

File ID : A243144

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### EXECUTIVE SUMMARY

**This report updates Council on progress of the Workforce Development co-ordination function.**

### PURPOSE

Ōpōtiki District Council has established a dedicated local co-ordination position and a support role to co-ordinate local stakeholders, plans, and activities. These positions are enabled by Government funding via the Provincial Growth Fund (MBIE) and Mayors Taskforce for Jobs funding (MSD), and the latter has a strong rangatahi to employment focus.

Current functions of the roles are to work closely with Whakatōhea and other Pathways to Work stakeholders to implement the local Pathways to Work Plan which was refreshed in late 2019, and to deliver on the outcomes of the Mayors Taskforce for Jobs Community Recovery Project. The team also have oversight of the Ōpōtiki Community Driver Mentoring Programme which ODC established in 2017.

### PROGRESS

#### Information and Communications

"Workforce Matters" section on ODC Website

Council's services now list "Workforce Matters", and the new section on the website includes the regularly updated vacancies, training and support available locally.

In terms of vacancies, our 13 May update shared 28 vacancies being advertised locally across our sectors of Admin/Business Support, Trades Related & Driving, Primary Industries (Kiwifruit and Aquaculture), Retail/Hospitality, Education, Health, & Community Services, and Government/Local Government. The previous listing on 29 April had included 19 vacancies across these sectors.

A new service being offered weekly by Work and Income is career coaching and is proving popular.

Database of businesses, stakeholders, and job seekers who receive emails when the listings update now sits at **140**.

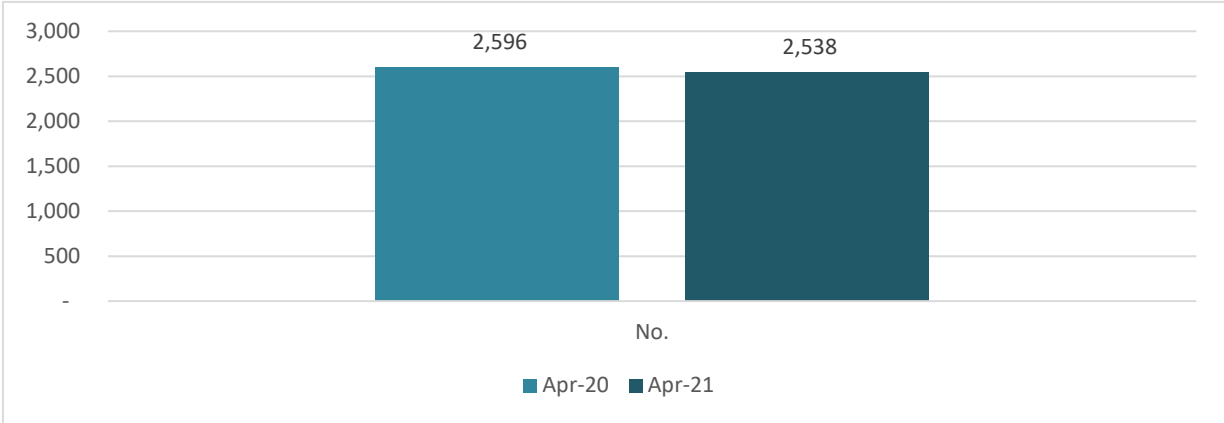
Job Seeker Statistics

Toi EDA monitors Job Seeker statistics in the Eastern Bay via data provided by MSD.

**Jobseeker Work-Ready Support trends**

Jobseeker Support is a weekly payment that helps people until they find work. It is available to people unemployed and looking for a job, people in part-time employment seeking more work, and people who have a health condition or disability which affects their ability to work. Data in this report excludes Jobseeker Health Condition or Disability Support grants.

The number of Eastern Bay residents receiving Jobseeker Work-Ready Support remains relatively high but is now on a path to recovery. Latest data shows a slight year-on-year decrease from 2,596 at the end of April 2020, following the initial onset of COVID-19, down to 2,538 in April 2021 (i.e. -2%).



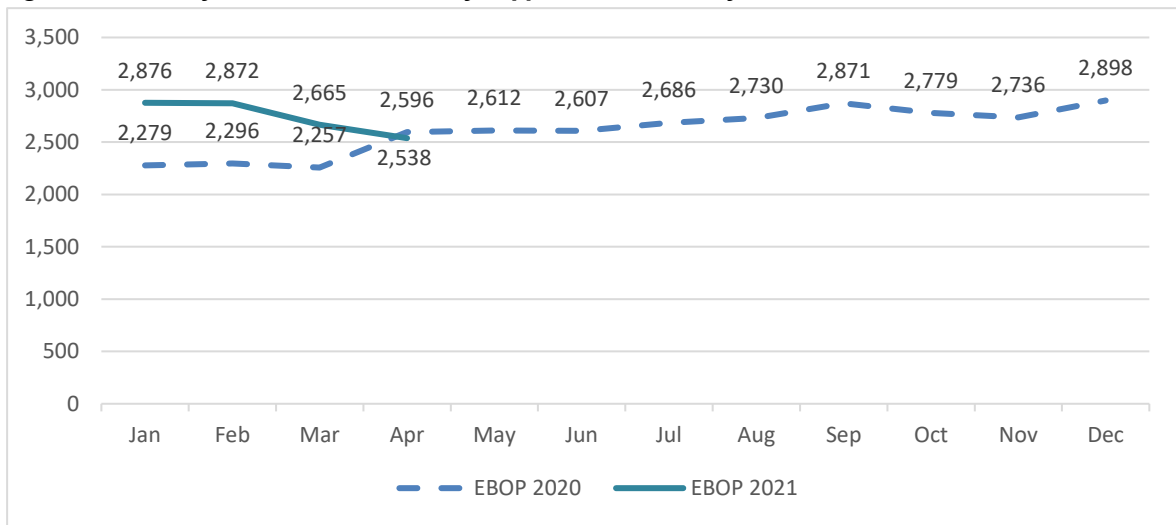
The number of Jobseeker Work-Ready Support recipients remains above April 2020 levels in Opotiki (+13%) but is now lower than last year in Kawerau (-9%) and Whakatane (-3%).

**Table 1: People receiving Jobseeker Work-Ready Support by area**

As at end of	Kawerau	Opotiki	Whakatane	Eastern Bay	BOP
<b>Apr-20</b>	859	441	1,296	2,596	11,831
<b>Apr-21</b>	778	499	1,261	2,538	11,596
<b>Change (%)</b>	-9%	13%	-3%	-2%	-2%

Much of the increase in Work-Ready Support across the Eastern Bay resulted from the COVID-19 pandemic and remained high throughout 2020 but is now falling.

**Figure 1b: Monthly Jobseeker Work-Ready Support in Eastern Bay, 2020 and 2021**



**Supporting key sectors to pathway under 30s into their workforces**

- Aquaculture – The third cohort of the Tūāpapa Programme (part funded by MTFJ) is underway, with 9 under 30s graduates from previous courses now eligible to apply for roles at the factory. Later this month a further 4 will graduate.
- Construction and Infrastructure – see vocational training below

**Mayor’s Taskforce for Jobs – Subsidies for young recruits**

- 13 subsidies are now underway across 6 local businesses, with a number of pending applications.
- As we accompany the Mayor to visit ngā rangatahi at their workplaces it is positive to see young people who worked on footpath projects now with permanent jobs and rapidly growing skills.





*Two of Delta's MTfJ Subsidy recipients Arlyce and Te Autu hard at work. Arlyce is managing a 20 tonne aggregate crusher, and Te Autu is operating the 14 tonne excavator. Their colleague Robert is operating the 10 tonne wheel loader.*

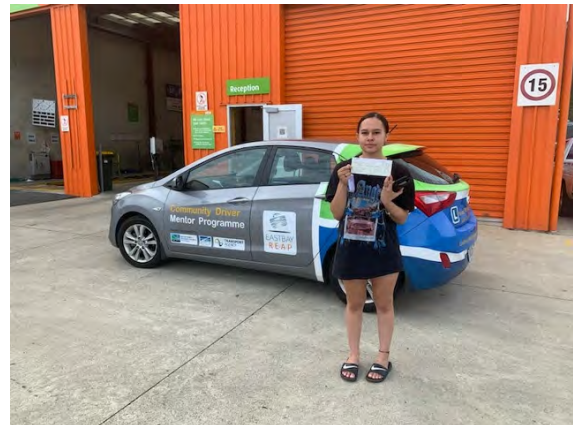
### **Locally Available Vocational Training – Interim Plan**

- Councillors will recall that we're co-ordinating a programme of short course training commonly needed by our quickly growing industries, particularly oriented to the under 30s. Our role is co-ordination, and assistance with finding local venues. Participants register and pay directly with the training providers.
- GrowSafe was held on May 7<sup>th</sup> with 8 in attendance, Class 2 Learners Theory is scheduled for May 20<sup>th</sup>, and Forklift, Wheels Tracks and Rollers and Class 2 are scheduled for June.
- The "Empowering Women" programme is set for mid-June, and we've let stakeholders know to refer interested candidates. We anticipate following this programme that it will be timely to schedule a series of retail, hospitality, technology and business administration short courses.

### **Class 1 Driver Licensing**

- The impact of the Ōpōtiki Community Driver Mentoring Programme for young people is significant. The focus this year has been to extend the programme to Restricted-Full as well as Learner-Restricted.
- As a result of recent publicity about the importance of graduating to a Full Licence, and the availability of mentoring, a number of local young people enrolled.

**Recent OCDMP Graduate Stories: Christian (left) and Tasmyn (right).**



*Tasmyn had set herself the goal of getting her Full licence this year but had been waylaid by the general distractions and setbacks of life. Hearing about Eastbay REAP's programme through Facebook is what pushed her to prioritise her Full. She sat the test on April 9<sup>th</sup> and passed and said that it was both a huge relief and something that she feels very proud about. She has already set her next goal for her HT License to broaden her career options, highlighting the importance of the Full Licence as a necessary steppingstone to further independence and qualifications.*

*Christian is a returnee Eastbay REAP student who had successfully sat her Restricted in 2019 through the programme. After the mandatory 18 months wait, she promptly returned to Eastbay REAP for assistance to pass her Full and did so successfully on April 9<sup>th</sup>. She expressed that the freedom to legally drive with passengers at any time of day meant everything to her and would make things easier in life both personally and for work.*

Both of these stories highlight the importance of not only reaching Restricted but taking the next step of achieving a Full licence for both independence and further opportunities personally and professionally. This is something we and Eastbay REAP continue to stress.

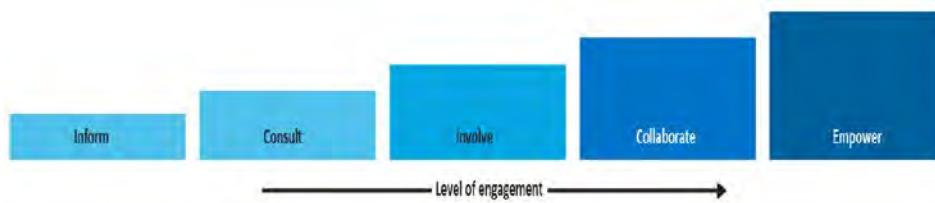
## **SIGNIFICANCE ASSESSMENT**

### **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 Ōpōtiki Workforce Development Co-Ordination - Update is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

### **Assessment of engagement requirements**

As the level of significance for the Ōpōtiki Workforce Development Co-ordination – Update is considered to be low, the 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 Workforce Development Co-Ordination – Update" be received.**

Barbara MacLennan

**WORKFORCE DEVELOPMENT CO-ORDINATOR**

## **REPORT**

Date : 1 June 2021

To : Ordinary Council Meeting, 1 June 2021

From : Land Transport Engineer, Dale Clarke

Subject : **ADOPTION OF ODC SEAL EXTENSION POLICY**

File ID : A243271

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### **EXECUTIVE SUMMARY**

**This report is to provide council information and recommendation to adopt a Seal Extension Policy.**

### **PURPOSE**

The purpose of this report is to provide Councillors information on a proposed policy for Seal Extensions on Opotiki district roads. It recommends that Council adopt this policy and lays out reasoning as to why it is necessary.

### **BACKGROUND**

In late 2020, there was an instance of negative national media in relation to a Council decision to not allow a seal extension of Amokura Road. This highlighted the lack of an official policy surrounding the seal extension process. The attached draft Seal Extension Policy is a formalisation of Council processes that have unofficially existed and been followed for a number of years.

### **DISCUSSION**

The Seal Extension Policy has been assembled based on current practices that have been carried out over the last few years, along with some guidance from other Council Seal Extension Policies from around New Zealand. It has had input and review from multiple Council staff including Policy Planners. The adoption of a formal policy provides a decision making framework to staff and Councillors regarding seal extensions, and allows decisions to be made that are fair and considered.

**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 Adoption of ODC Seal Extension Policy is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

**Assessment of engagement requirements**

As the level of significance Adoption of ODC Seal Extension Policy is considered to be low, the engagement required is determined to be at the level of inform according to schedule 2 of the Significance and Engagement Policy.



**COMMUNITY INPUT AND PUBLICITY**

Consultation on this matter is not being undertaken in accordance with schedule of the Council’s Significance and Engagement Policy. This matter does not represent any change, rather a formalisation of existing practice and therefore, consultation is not considered necessary.

**CONSIDERATIONS**

**Financial/budget considerations**

There is no extra cost for adoption of this policy.

Budget for seal extensions is sought through loan funding as needed.

**Risks**

There are no major risks associated with the decisions or matters.

**RECOMMENDATIONS:**

- 1. That the report titled "Adoption of ODC Seal Extension Policy" be received.**
- 2. That the attached draft seal extension policy be adopted by Council**

Dale Clarke

**LAND TRANSPORT ENGINEER**

<b>POLICY</b>	<b>STATUS</b>	<b>AT</b>	<b>DATE</b>	<b>DOC ID</b>
<i>Seal Extension Policy</i>	<i>Draft</i>			



**OPOTIKI DISTRICT COUNCIL**

# **SEAL EXTENSION POLICY**

## Background

The Ōpōtiki District Council maintains around 343km of road, of which about 177km is sealed and 166km is unsealed.

Historically within the Ōpōtiki District Council (ODC) roading network up to the 2013/14 financial year, seal extension works were carried out annually based on a 10 year seal extension programme. This programme was adopted by Council, based on expected maintenance savings and ratepayer request.

ODC stopped its seal extension programme in 2014. The change in direction stemmed from the funding that council receives from Central Government via Waka Kotahi - New Zealand Transport Agency (WK). WK no longer funds the seal extensions, due to the fact that in most cases, the roads are not nationally significant, and benefit few road users.

Now, Seal Extensions are carried out on a situational, or as requested basis when Council and affected residents reach an agreement that there is a valid need to do so. Subject to agreement, if a 60% portion of expected costs is contributed, then Council would look at providing 40% of the costs.

Seal extensions may be appropriate when an increase in dust generated from the road becomes a nuisance and health hazard to residents and/or agriculture, or an increased number of homes along a road and/or predicted increases traffic volumes due to industrial, agricultural and/or residential development.

## Purpose

The purpose of this policy is to outline Council's approach to seal extension requests from the public.

This Policy does not apply to seal extensions which may be carried out by ODC for other reasons, for example, with funding assistance from Waka Kotahi or private land developers.

## Definitions

### **SEAL EXTENSION**

The process of permanently sealing an unsealed road. This includes, but is not limited to, pavement construction, road carriageway widening, water table and culvert upgrades, shape correction and road realignment.

### **SEAL**

The surface layer of a roadway, protecting the underlying pavement from damage, and providing grip to road users. Usually consisting of combination of a sprayed bitumen and a clean stone aggregate. Also known as "Chip seal", "Tar Seal" or "Surfacing".

### **UNSEALED ROAD**

A road made from one or several layers of compacted unbound aggregate. Also known as "Gravel Road"

### **APPLICANT(S)**

Person(s), organisation(s), group(s), or a representative of those, applying for a seal extension to a particular unsealed road.



## **PAPER ROAD**

The term "paper road" is used to describe a road that has not yet been formed and only exists on paper. A paper road is more accurately described as an unformed legal road. An unformed legal road is usually a 20 metre wide corridor and is commonly found in rural areas.

## **Policy**

### **Roads That Will Be Considered**

Seal extensions will be considered for already formed, trafficked and unsealed public road. A maximum of 2km of seal extension will be considered annually.

Seal extensions do not apply to paper roads or to roadways that restrict full public access.

### **Application Process**

Applications will be processed as they are received.

Any person or group of persons may request a seal extension in writing to:

Ōpōtiki District Council  
PO Box 44, Ōpōtiki 3122; or  
108 Saint John Street, Ōpōtiki 3122

The applicant should provide as much detail as possible, including;

- Road Name
- Approximate dimensions section of road requested e.g. "between house number XX and YY"
- Aerial photos or sketches of the section e.g. google maps images
- Reason(s) for requesting a seal extension

### **Assessment Criteria:**

ODC staff will review the application and report on it to Council, along with a recommendation. In preparing the report, staff may negotiate with the applicant over the level of financial contribution required. Where more than one application is being considered at the same time and these will exceed available budgets, staff may prioritise based on the merits of the individual applications.

Seal extensions will be considered on a case-by-case basis. The following criteria will be used to assess an application for a seal extension:

- Traffic volume of the road
- Degree of dust generation
- Proximity of homes to the road
- Quantity of homes and/or businesses serviced by the road
- Predicted future use of the road
- Future maintenance costs of a proposed sealed road
- Condition of the unsealed road pavement
- Degree of financial contribution of the applicant(s)
- Financial position of Ōpōtiki District Council

**Financial Contribution:**

If a seal extension is deemed appropriate, the applicant(s) will be required to contribute to the cost of the works. Financial contributions must be paid before the work takes place.

Council requires a minimum of 60%, and up to 100% contribution to the cost of the work. The level of funding required will be based on consideration of the following:

- Waka Kotahi subsidy for this type of work (if applicable)
- Level of wider community benefit from the work.

Council will fund the remaining cost up to a maximum of 40%.

**Undertaking the works**

Council will be responsible for the procurement and project management of the seal extension works.

**Future Maintenance:**

Upon completion of the seal extension, Council will be responsible for operation and maintenance of the sealed road, unless agreed otherwise.

**Denied Applications:**

If the application is denied, council does so at its own discretion. Council will provide a brief explanation as to why the application was denied.

## Review

This policy will be reviewed:

- Within five years after the first policy is adopted by the Council, and then at intervals determined by the council
- Earlier than five years at the request of the council.

Refer to policy index for policy owner.



## REPORT

Date : 14 May 2021

To : Ordinary Council Meeting, 1 June 2021

From : Land Transport Engineer, Dale Clarke

Subject : **EASTERN BAY ROAD SAFETY OPERATIONS GROUP TERMS OF REFERENCE**

File ID : A243227

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### EXECUTIVE SUMMARY

**This report provides the Council with an update on joint oversight of road safety, and recommendations to approve the newly established Terms of Reference (ToR) for the Eastern Bay of Plenty Road Safety Operations Group and to appoint an Elected Member representative to the group.**

### PURPOSE

The purpose of this report is to provide the Council with an update on joint oversight of road safety, and recommendations to approve the newly established Terms of Reference (ToR) for the Eastern Bay of Plenty Road Safety Operations Group (the Operations Group) and to appoint an Elected Member representative to the group.

### BACKGROUND

Road Safety is identified as a priority area for the Eastern Bay and ensuring an effective road safety programme is essential for the wellbeing of the community.

Previously, there were two management groups for road safety in the Eastern Bay of Plenty - the Eastern Bay of Plenty Regional Safety Committee (EBRSC) and the Operations Group. The EBRSC was established to provide strategic direction and leadership, while the Operations Group oversaw operational matters. Both management groups were joint collaborations between Ōpōtiki, Whakatāne, Kawerau District Councils and the Bay of Plenty Regional Council.

At the end of the previous triennium, a review was undertaken of the EBRSC and the member councils agreed to disestablish the EBRSC and to strengthen the existing joint Operations Group, including establishing Terms of Reference for the Operations Group. This was to give effect to the national 'Road to Zero 2020-2030' strategy and align with Waka Kotahi's expectation for oversight of the Road Safety Programme it funds.

This decision is reasonably consistent with those taken in Rotorua and the Western Bay of Plenty who have been through their own reviews of Road Safety Governance Committees, and which resulted in a combined high level governance/operational group in Rotorua and a staff-led operational group in the Western Bay of Plenty.

## **DISCUSSION**

### **Terms of Reference Development**

Until now, the Operations Group has not had a ToR. The benefits of one for this strengthened Group include; clarity of purpose and scope, defined parameters for its activity including good decision-making, clarified membership of the Group and relationship with the Regional Transport Committee, clear authority lines and roles of Elected Members.

The Operations Group (which includes representatives from the four Eastern Bay of Plenty Councils and from three partner organisations) has developed the ToR and agreed to these being presented to the four Councils for adoption. It was also agreed to seek appointment of each council's representative.

### **Appointment of an Elected Member from each Council**

The ToR require an Elected Member from each Council to be a member of the group.

With the subsequent disbanding of the governance committee for the road safety activity it may be important that the councillor representatives on the operations group have a connection to the Regional Transport committee and that consideration be given to the role and expectations of the councillor representative from a governance perspective e.g. that the member provides a report back to the Projects and Services Committee.

This group is not a statutory committee but rather an operational group. The ToR states that elected members are eligible for appointment to the Chair or Deputy Chair positions and goes on to provide an outline of the duties of the Chair (see point 6 in the Draft ToR).

The Chairperson and Deputy Chairperson are decided by the group and are not remunerated positions.

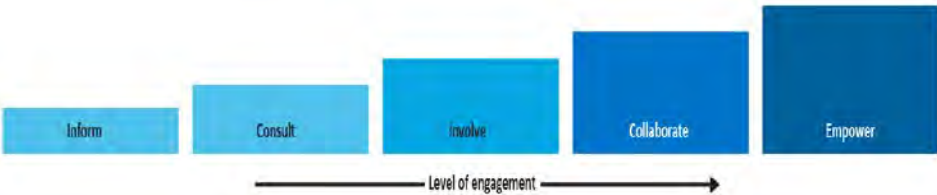
**SIGNIFICANCE ASSESSMENT**

**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 EBOP Road Safety Operations ToR is considered to be low as determined by the criteria set out in section 17 of the Significance and Engagement Policy.

**Assessment of engagement requirements**

As the level of significance for EBOP Road Safety Operations ToR is considered to be low, the engagement required is determined to be at the level of Inform, according to schedule 2 of the Significance and Engagement Policy.



**COMMUNITY INPUT AND PUBLICITY**

Consultation on this matter is not being undertaken in accordance with schedule 2 of the Council’s Significance and Engagement Policy. Consultation is not required due to the low significance of the issue.

**CONSIDERATIONS**

**Financial/budget considerations**

There is no additional budget involved in a strengthened Operations Group. These parameters for Road Safety already exist and are confirmed within the Annual and Long Term Plans of each Council.

**Risks**

The risks of not establishing ToR for this Group includes ambiguity of expectations which has the potential to create confusion, dilute, delay or repeat activity and decisions. A further risk is that the Group would not realise the benefits of an improved, effective, collaborative road safety programme. Support from Waka Kotahi may also be at risk and nor would the Eastern Bay benefit from formal links with the Regional Transport Committee.

In accordance with the jointly agreed resolutions by Councils, until the ToR is agreed, the EBRSC cannot be fully disestablished. Therefore if agreement on the Group's ToR cannot be reached by all 4 Council leadership teams, an alternative solution will need to be determined or the EBRSC may need to be re-established.

### **Authority**

As agreed in the recommendation to disestablish the governance Committee, establishment of a Terms of Reference for the Operations Group is by joint agreement of the four joint Councils.

### **NEXT STEPS**

The other three councils will be advised that ODC have approved the ToR and appointed an Elected Member representative and request that they also approve the ToR appoint their governance representative as soon as possible.

When the Terms of Reference for the Operations Group are agreed to by all four Councils, the EBRSC will be formally disestablished and reference to it removed from Councils' Governance Structures.

### **RECOMMENDATIONS:**

- 1. That the report titled "Eastern Bay Road Safety Operations Terms of Reference" be received.**
- 2. That the Ōpōtiki District Council approves the Terms of Reference for the Eastern Bay of Plenty Operational Road Safety Group.**
- 3. That the Eastern Bay of Plenty Operational Road Safety Group forward the Terms of Reference to the partnering Councils for approval, noting that this can be done by the Chief Executives.**
- 4. That the Ōpōtiki District Council appoint Councillor David Moore to be a member of the group as per the Terms of Reference.**

Dale Clarke

**LAND TRANSPORT ENGINEER**

### **Attached to this report:**

- Appendix 1 – Draft Terms of Reference Eastern BOP Road Safety Operational Group

## **TERMS OF REFERENCE FOR THE EASTERN BAY OF PLENTY ROAD SAFETY OPERATIONS GROUP**

### **PURPOSE**

- To provide oversight, strategic leadership and pragmatic solutions to ensure that Eastern Bay of Plenty roads are increasingly free of death and serious injury.
- To give effect to the national 'Road to Zero 2020-2030' strategy.

The Eastern Bay of Plenty Operational Road Safety Group ('the Group') is a collaborative and inter-organisational forum and response to contribute to and plan the co-ordinated delivery of road safety in the area.

### **SCOPE**

- All local roads and State Highways in the Eastern Bay of Plenty region.
- All road safety matters including education and promotion, and those that influence and impact enforcement, engineering and improvement.
- Co-ordination with broader regional and national strategies.
- Budget parameters are identified and agreed through the Annual and Long Term Plans for each Council.

### **GROUP TYPE**

The Group is a high level staff-led operational group with elected member representation. It is not a governance committee and therefore its structure is not subject to legislation protocol.

### **MEMBERSHIP**

The Group shall comprise of at least the following member organisations:

- ACC
- NZ Police
- Waka Kotahi (NZ Transport Agency)
- Whakatāne District Council (staff)
- Ōpōtiki District Council (staff)
- Kawerau District Council (staff)
- Bay of Plenty Regional Council (staff)

Elected-member representation:

- One elected member from each of Bay of Plenty Regional Council, Kawerau District Council, Ōpōtiki District Council, Whakatāne District Council.
- Eastern Bay of Plenty Road Safety Co-ordinator
- The group can also include the Eastern Bay of Plenty Road Safety Co-ordinator.

**Membership application:**

- Requests for additional membership shall be in writing and will be considered at the next scheduled Group meeting.
- Members shall be organisational only.
- Criteria for membership includes:
  - General:
    - A vested interest (financial or logistic support) in road safety in the Eastern Bay of Plenty;
    - Commitment to attend and contribute to regular meetings and activities;
    - Commitment to advocate for, support and action community engagement and education of road safety throughout the Eastern Bay of Plenty;
    - Additional members may be co-opted for specific tasks or assignments and for finite periods of time, although shall have no voting rights.
    - To perform their role effectively, each Committee member must develop and maintain his or her skills and knowledge, including an understanding of the group's responsibilities.
    - While it is recognised that each member brings a particular perspective, members are expected to contribute to discussion and act in the best interests of road safety and all people of the Eastern Bay of Plenty.

**TERMS OF APPOINTMENT**

- Each member organisation shall be appointed for a three-year term which shall be reviewed at the beginning of each new triennium (the triennium is to align with LTP/RLTP/NLTP timeframes).
- Each member organisation shall appoint up to 2 representatives to the group, confirmed annually at the beginning of each calendar year. These representatives shall be appointed on the basis of interest, position and skills.
- One elected member will be appointed as the representative to the group by the Mayor or Chief Executive of each of the four Councils, at the beginning of each triennium.



### **CHAIRPERSON AND DEPUTY CHAIRPERSON**

- The Chair and Deputy Chair shall be appointed annually at the first meeting of the calendar year.
- The Chair and the Deputy Chair must be from different member Councils.
- The Deputy Chair acts for the Chair if the latter is unable to fulfil their position.
- Elected members are eligible for appointment to Chair or Deputy Chair positions.
- The Chair shall provide leadership, be responsible for chairing meetings and follow up of actions, set agendas, act as key contact for all Councils and the Regional Transport Committee, ensure that the Group acts within its responsibilities, and that required information is disseminated to all appropriate parties.

### **ROLE OF ELECTED MEMBERS**

- Elected members provide a link to each represented governance body and to the community.
- The elected member shall provide updates to their governing bodies and through each Council's agreed channels, and ensure the Mayors are kept informed on key issues of local road safety prior to attendance at Regional Transport Committee meetings.
- No alternate elected member representation is required.

### **MEETING FREQUENCY**

- Bi-monthly.
- Additional meetings may be convened as necessary.

### **QUORUM**

- Four member organisations – in person or on video call.
- Two of these must be Council organisations.
- Elected members are not included in the required quorum to enable a meeting to be held.

### **MEETING ARRANGEMENTS**

- Meetings will be held at times and locations set out in an annual schedule agreed by the Group before the beginning of each calendar year.
- Meeting locations will be shared around the Eastern Bay cluster (Kawerau, Ōpōtiki, Whakatāne).
- Video meetings may be held by agreement if best suited for particular discussion and decision.
- In-person attendance at meetings is the expectation, however, if necessary and agreed with the Chair in advance members may attend by video call.
- Additional workshops or seminars may be held as necessary to assist in fulfilling an action.
- Sub-groups/task forces/steering groups may be established as required for a particular purpose and for a defined period of time to assist in fulfilling a task. Such groups should have clear Terms of Reference established.

## **MEETING PROCEDURE**

- External speakers and presenters, including community members and stakeholders, with a specific interest or concern on road safety, may be invited to share at a meeting and contribute to particular discussion points.
- Additional organisational staff may be required or invited to attend and participate in Group meetings as necessary.
- Decisions are by agreement of 75% of those individuals present in person or on video call.

## **ADMINISTRATION**

- Whakatāne District Council will take responsibility for administration aspects of the Group in conjunction with the Chair. This includes but is not limited to agenda preparation, minutes, meeting logistics and group communication.
- The intention is that agendas and reports will be distributed a week prior to the agreed meeting date.
- Whakatāne District Council has the responsibility to appoint the Road Safety Co-ordinator for the Eastern Bay of Plenty cluster after consultation with other funding Councils.

## **RELATIONSHIPS**

- Collaborative relationships should be developed with any organisation or community group that has a vested interest in road safety in the Eastern Bay of Plenty. This may include but is not limited to District Community Boards, Iwi, schools, the District Health Board, AA, and the Regional Transport Association.
- The Group may hold events, information sessions or any other activity necessary in order to engage and consult with the community and form recommendations for decisions.

## **RESPONSIBILITIES AND FUNCTIONS**

- Encourage full participation of each Group member.
- Contribute to the development of the triennial Road Safety Action Plan for submission to Waka Kotahi.
- Support the implementation of the Road Safety Action Plan.
- Agree any potential funding applications to appropriate organisations that will support road safety priorities in the Eastern Bay.
- Engage communities, including District Community Boards, across the Eastern Bay of Plenty on specific priorities, key trends and emerging issues of road safety.
- Encourage, contribute to and support local, regional and national road safety programmes and initiatives.
- Provide leadership in the development and review of road safety plans, strategies and policies for recommendation to each Council of the Eastern Bay.

- Consider matters referred to the Group by the Chief Executives or the senior management of the Councils, the partner organisations or the Regional Transport Committee.
- Remain responsive to the possibilities and opportunities for collaboration to support road safety initiatives and priorities.
- Raise the profile of road safety initiatives within member organisations and the wider community.
- Support community-led road safety initiatives if they can be demonstrated to contribute to Eastern Bay road safety objectives.
- Report strategic activity to the Regional Transport Committee and ensure each partner Council and organisation are aware of key matters.

#### **ACCOUNTABILITY AND REPORTING**

- Each member organisation shall determine the department within its own organisational structure, through which this Group reports.
- The Group will ordinarily provide a quarterly written report to the Regional Transport Committee, focused on strategic matters and in line with the latter's delegation to 'monitor and provide advocacy on regional road safety matters'. A report is not required to be furnished if there are no strategic matters to be raised.
- The Group may present in-person to the Regional Transport Committee as appropriate to an issue and/or if requested.
- The Group should update and report on progress of activity at least quarterly to each Council (full Council or applicable Council Committee) through appropriate senior manager reports and as applicable to other member organisations.

#### **AUTHORITY**

The Group has been agreed to under the authority and mandate from the Kawerau, Ōpōtiki and Whakatāne District Councils and the Bay of Plenty Regional Council.

#### **REVIEW**

These Terms of Reference will be fully reviewed by the Operations Group and confirmed by the Executive leadership of each Council at the commencement of every triennium.

Minor alterations to the Terms of Reference or changes that are immediately required to further critical plans, may be amended at any time with the written agreement of the Operations Group.

**REPORT**

Date : 14 May 2021

To : Ordinary Council Meeting, 1 June 2021

From : Chief Executive Officer, Aileen Lawrie

Subject : **CHIEF EXECUTIVE OFFICER'S UPDATE**

File ID : A242645

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**LGOIMA REQUESTS**

**LGOIMA Report (01/02/2021-18/05/2021)**

Month	Submitter	Subject	Due
February 2021	Stuff News - Nikki Macdonald	LGOIMA request about landfill space	Completed
	Association of Local Government Information Management	Request for information on systems in use in Local Government	Completed
	Ministry for the Environment	Consented/permitted fill sites (landfills, cleanfills etc) and transfer stations	05/03/2021
	Hayden Woods	Louis Rapihana Vis Grey power article	Completed
	Hayden Woods	Code of Conduct for Elected Councillors	Completed
	Radio NZ	Trade waste data disputes	Completed
	Radio NZ	Trade waste data disputes	Completed
	Tim Heriwini - Cooney Lees	Archaeological Authorities request disclosure	Completed
	Adeel Akmal	External consultants and professional services	Completed
Peter Martelletti	Lot 66 at Whanarua Bay - Request for copy of Cooney Lees letter to Michael Homan	Completed	
March 2021	Cairo Mitchell-Acasont	Use of water fluoridation	Completed
	Gender Pay taskforce	Number of Employees	Completed
	New Zealand Taxpayers	2021 Ratepayers Report	Completed

	Holland & Beckett (Mark Roberson) Restgroup	Mark Roberson - water supply LGOIMA Request 3 waters geospatial data	Completed Completed
	Bruce Easton	Cycleway pipi beds at the Waioatahe Estuary contract standards and proposed pathway	Completed
	Nicholas Turoa	Council Consultation on Transfer of Reserve Land	Completed
	Louise Buchanan	Request for information - swimming pool inspections	Completed
	Bay Of Plenty Times	Pothole LGOIMA	Completed
	New Zealand Taxpayers	Climate Change submission costs	Completed
	Fran Tyler	Request for LGOIMA data	Completed
April 2021	Mark Stringfellow	Unconsented Dwellings	05/05/2021
	Lewis Hamlin	Request for external legal spending June 2019 - June 2020	Completed
	Karen Batchelor	Animal euthanasia Request	Completed
	ACT party NZ	Has Council discussed establishing Maori Wards and Maori Constituencies	Completed
May 2021	Lynn Worthington	Drug & Alcohol testing	Completed
	Mark Stringfellow	Public Register of Interests	31/05/2021

### **RESPONSE TO LETTER RE HOUSING SOLUTIONS FROM MINISTER WOODS**

Attached is the response from the Minister of Housing, Hon Dr Megan Woods, to the letter sent to her from Council, Whakatōhea Māori Trust Board and Te Runanga o Te Whānau regarding housing solutions.

### **MEETINGS / EVENTS ATTENDED BY CEO – 3 APRIL 2021 – 14 MAY 2021**

#### **6 APRIL 2021**

Powhiri for Bevan Gray and other new managers at Whakatāne District Council

Risk and Assurance Committee meeting

#### **7 APRIL 2021**

Government officials visit to Ōpōtiki

#### **12 APRIL 2021**

ODC Tenders Sub-Committee meeting

Ōpōtiki Harbour Development Project update meeting with MBIE, via Zoom

**14 APRIL 2021**

Councillor/CEO catch up meeting

Project site visits with Councillors

**16 APRIL 2021**

Ōpōtiki Harbour Steering Group meeting, via Zoom

**19 APRIL 2021**

Met with David Speirs, Director Regional Relationships – Waikato/Bay of Plenty, and Erin Wilson, Pou Arahi for the region (Waka Kotahi)

Ōpōtiki Harbour Development Project update meeting with MBIE, via Zoom

**20 APRIL 2021**

Ordinary Council meeting

**23 APRIL 2021**

Meeting and site visit – Whakatōhea Mussels (Opotiki) Ltd

**25 APRIL 2021**

ANZAC Dawn Service – Terere Marae

ANZAC Parade and Service – Opotiki town

**27 APRIL 2021**

Ōpōtiki Harbour Development Project update meeting with MBIE, via Zoom

Ōpōtiki District Council Long Term Plan consultation drop-in session

**28 APRIL 2021**

Moana Project Benefits Expectation workshop

Ōpōtiki District Council Long Term Plan consultation drop-in session

**30 APRIL 2021**

Prime Minister and Minister Nash – PGF projects visit to Ōpōtiki

**3 MAY 2021**

Ōpōtiki Harbour Development Project update meeting with MBIE, via Zoom

**5 MAY 2021**

Government Agency hui for Moana Plan, via Zoom

**6 MAY 2021**

Ōpōtiki District Council Long Term Plan consultation drop-in session

**10 MAY 2021**

Ōpōtiki Harbour Development Project update meeting with MBIE, via Zoom

**12 MAY 2021**

Councillor/CEO catch up meeting

Provincial Development Unit – interview re Ōpōtiki projects

Ōpōtiki Harbour Steering Group meeting, via Zoom

**13 MAY 2021**

Ōpōtiki Marine Advisory Group (OMAG) meeting

LGNZ Three Waters Sector Update, via Zoom

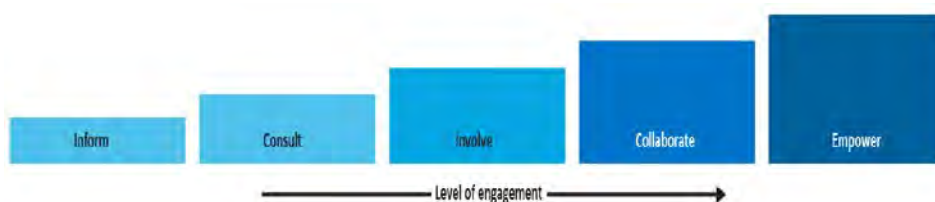
**SIGNIFICANCE ASSESSMENT**

**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**



# Hon Dr Megan Woods

MP for Wigram

Minister of Housing

Minister of Energy and Resources

Minister of Research, Science and Innovation

Associate Minister of Finance



Tēnā koe Lyn,

Thank you for your letter dated 24 March outlining your ideas and solutions to increase the supply of new housing in the Eastern Bay of Plenty. I have read your letter with interest and you raise some important issues relating to homelessness, public housing and unlocking land for development in your region.

I acknowledge the issues you have raised regarding the delivery of public housing in the Eastern Bay. The public housing programme plays a key role in addressing the housing crisis and remains a priority for the Government. As you know, Kāinga Ora has recently committed to building 20-30 additional houses in Ōpōtiki within the next 18 months on top of the upgrade of existing Kāinga Ora housing stock.

I understand there is also an opportunity for iwi-led investment in housing in Ōpōtiki. I am informed that officials from Te Tūāpapa Kura Kāinga are in the early stages of engagement with Whakatōhea and Te Whānau a Apanui about opportunities in the region.

You also talk about unlocking 70ha of land for development through investment in infrastructure in Ōpōtiki. I have forwarded your letter on to relevant officials to help with the design of the Housing Acceleration Fund. I look forward to viewing the business case for this project in late June.

Local government and developers have told the Government that investment in infrastructure is one of the most important contributions that central government can make to increase housing supply. We have listened. The newly announced Housing Acceleration Fund will help 'green light' developments that face infrastructure bottlenecks and might not otherwise progress.

The most significant component of the Housing Acceleration Fund is an infrastructure fund to unlock a mix of private sector led and government led developments in locations facing the biggest housing supply and affordability challenges. The Fund will also include additional funding for the Land for Housing Programme to accelerate development of vacant or underutilised Crown owned land, operate in more regions, and deliver a broader range of affordable housing options for rental and home ownership.

The Housing Acceleration Fund will also be complemented by:

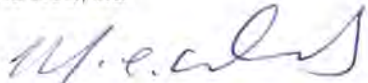
- the Kāinga Ora Land Programme, through which Kāinga Ora will be supported to borrow \$2 billion extra to scale up land acquisition to boost housing supply; and
- the refocused Residential Development Response Fund, which will shift from supporting construction activity and jobs through COVID-19 to now focus on supporting the delivery of more affordable housing options for rent and homeownership.

In rolling out this housing package, the Government is committed to building on existing relationships in regional areas such as Ōpōtiki, working alongside local government, the private sector, iwi and Māori, and the not-for-profit sector to meet New Zealand's housing needs.

I'm confident that the steps we've taken respond to the challenges councils have raised, but I recognise that there is still work to do. I've asked my officials to use planned engagements over the coming months to discuss the progress of housing supply initiatives and how we can partner with councils to support meeting New Zealand's housing needs with a particular focus on affordable housing.

Thank you for taking the time to write to me.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'M. Woods', written in a cursive style.

Hon Dr Megan Woods  
**Minister of Housing**

**REPORT**

Date : 21 May 2021  
 To : Ordinary Council Meeting, 1 June 2021  
 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. Confirmation of In-Committee Minutes – Ordinary Council Meeting 20 April 2021.**
- 17. Confirmation of Notes – Council Workshop 20 April 2021.**
- 18. In-Committee Minutes – Coast Community Board Meeting 23 March 2021.**
- 19. Renaming Ford Street Reserve.**
- 20. Appointment Recommendation Independent Chair and Member Risk and Assurance Committee.**
- 21. Scout Hall Tenancy and Use, 106 St John Street, Opotiki**
- 22. 113A Church Street (Ex Plunket Rooms) – Lease Agreement.**

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>Confirmation of In-Committee Minutes – Ordinary Council Meeting 20 April 2021</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)

17.	<b>Notes – Council Workshop 20 April 2021</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 Coast Community Board Meeting 23 March 2021</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>Renaming Ford Street Reserve</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>Appointment Recommendation Independent Chair and Member Risk and Assurance Committee</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>Scout Hall Tenancy And Use, 106 St John Street, Ōpōtiki</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>113A Church Street (Ex Plunket Rooms) – Lease Agreement</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:**

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	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)
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17.	Protect the privacy of natural persons Protect information (commercial sensitivity) Protection from improper pressure or harassment Prevent disclosure or use of official information for improper gain or improper advantage	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(f)(ii) Section 7(2)(j)
18.	Protect the privacy of natural persons Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(f)(ii)
19.	Protect the privacy of natural persons Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(f)(ii)
20.	Protect the privacy of natural persons Protection from improper pressure or harassment	Section 7(2)(a) Section 7(2)(f)(ii)
21.	Protect the privacy of natural persons Protect information (commercial sensitivity) Carry out negotiations	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(i)
22.	Protect the privacy of natural persons Protect information (commercial sensitivity) Carry out negotiations	Section 7(2)(a) Section 7(2)(b)(ii) Section 7(2)(i)