



MINUTES OF AN ORDINARY COUNCIL MEETING DATED, TUESDAY, 30 APRIL 2024 IN THE OPOTIKI DISTRICT COUNCIL CHAMBERS, 108 ST JOHN STREET, OPOTIKI AT 10.00AM

PRESENT:

Mayor David Moore (Chairperson)
Councillors:
Maxie Kemara
Steve Nelson
Dean Petersen

IN ATTENDANCE:

Stace Lewer (Chief Executive Officer)
Gerard McCormack (Group Manager Planning and Regulatory)
Peter Bridgwater (Group Manager Finance and Corporate Services)
Nathan Hughes (Group Manager Engineering and Services)
Rachael Burgess (Group Manager Community Services and Development)
Billy Kingi (Financial Controllor)
Lucinda Butt (Contractor – Governance Support)
Gae Finlay (Executive Assistant and Governance Lead)

PUBLIC:

Ross Palmer
Several members of the public

Councillor Kemara opened the meeting with a karakia.

APOLOGIES

Deputy Mayor Browne, Councillor Brooks, Councillor Howe.

RESOLVED

(1) That the apologies be sustained.

HWTM/Nelson

Carried

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

PUBLIC FORUM

Ross Palmer – Evidence related to historical information and growth statistics on quad bikes and side-by-sides at the Drifts, based on newly collected data.

Ross Palmer made the following points:

- The growth in the number of quad bikes and side-by-sides in the Drifts subdivision in the past five to six years has increased 10-fold, from six quad bikes in 2019 to more than 50 today, and does not include guests and holidaymakers.
- Following on from the February 2024 Council meeting, it is unclear where the consultation with Drifts residents is at.
- The consensus from people spoken to do not think consultation will be productive.
- If there is a will to change a Resource Consent, there is a process for that as outlined the staff report to the February Council meeting.
- The Police have no record of the vandalism which took place in December 2023 being reported to them.
- Council has been supplied with the identities and addresses of some of the perpetrators – has this information actually been forwarded to the Police, and what was the outcome?
- Whether it is from Police or Council, there has to be both accountability and enforcement.
- We are asking for a change of approach by Council to help solve the issue.
- We respectfully request that Council communicates with the Drifts and Dunes residents and property owners regarding the current Resource Consents to increase peoples' understanding of regulations and how they apply in the Drifts.
- There are several low-cost solutions that will prevent motor vehicle use on reserves and the pedestrian boardwalk that crosses the dunes.

Janine Taylor and Mandy Neil – Waioatahe Drifts: Presentation of Petition

Janine Taylor and Mandy Neil presented a petition to Council with a little over 300 signatures. The letter attached to the petition which covered the following points was read out:

- As concerned residents and frequent visitors of the Waioatahe Drifts community, this letter expresses the collective view on the access of quad bikes and ATVs on our local beach.
- The possibility of restricting vehicle access through existing beach accesses, outlined at the 7 February 2024 Council meeting, may have been influenced by the opinions of a minority within the subdivision, as well as an assessment of planning documents and the subdivision Resource Consent.
- Council is urged to explore alternative solutions that priorities the wellbeing and desires of all stakeholders.

- The discussions during the meeting and the feedback received from residents clearly demonstrate that quad bike and ATV access to the beach is essential to our community's way of life.
- We are confident that adverse effects, including ecological damage and public safety risks, can be minimised to an acceptable extent.
- We urge Council to facilitate constructive discussions with all stakeholders if required to develop a mutually beneficial solution.
- The number of quad bike users in the Drifts clearly indicates it is an activity the community desires to engage in and partake.
- This activity can only be described as marginally more than minor effect for minimal days per annum.

The presentation concluded with an offer to assist Council with planting and cleaning up of the dunes.

Ross Palmer, Janine Taylor, Mandy Neil and all but one of the several members of the public left the meeting at 10.17am.

1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 19 MARCH 2024 p4

RESOLVED

- (1) That the minutes of the Ordinary Council meeting held on 19 March 2024 be confirmed as a true and correct record.**

HWTM/Kemara

Carried

2. DRAFT MINUTES – COAST COMMUNITY BOARD MEETING 9 APRIL 2024 p15

RESOLVED

- (1) That draft minutes of the Coast Community Board meeting held on 9 April 2024, and any recommendations therein, be received.**

HWTM/Kemara

Carried

3. MINUTES – ŌHIWA HARBOUR IMPLEMENTATION FORUM MEETING 28 MARCH 2024 p20

RESOLVED

- (1) That the minutes of the Ōhiwa Harbour Implementation Forum meeting held on 28 March 2024 be received.**

HWTM/Nelson

Carried

4. MINUTES – BAY OF PLENTY CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE MEETING 5 APRIL 2024 p28

RESOLVED

- (1) That the minutes of the Bay of Plenty Civil Defence Emergency Management Group Joint Committee Meeting held on 5 April 2024 be received.**

HWTM/Nelson

Carried

5. MAYORAL REPORT 9 MARCH 2024–19 APRIL 2024 p39

His Worship the Mayor highlighted the following from the report:

- Attending the Zone 2 meeting in Gisborne. The three Eastern Bay Mayors were invited to attend and it brought home the challenges being faced in the Gisborne district following Cyclone Gabrielle.
- Attending the LGNZ Combined Sector and Rural Provincial meetings in Wellington.

RESOLVED

- (1) That the report titled “Mayoral Report 9 March 2024–19 April 2024” be received.**

HWTM/Petersen

Carried

6. PROPOSED 2024-2025 FEES AND CHARGES SCHEDULE FOR PUBLIC CONSULTATION p43

Points made by staff:

- The Fees and Charges have not been refreshed entirely; some are Government charges which Council cannot change.
- The Fees and Charges are updated each year, but not collectively updated.
- Water meter charges – not looking to increase revenue; moving more towards the user pays approach to be more in line with the Revenue and Financing Policy.
- Solid waste – introducing a weighbridge system rather than a visual assessment.

RESOLVED

- (1) That the report titled “Proposed 2024-2025 Fees and Charges Schedule For Public Consultation” be received.**
- (2) That the draft 2024-2025 Fees and Charges Schedule (Appendix 1) be adopted for public consultation.**

- (3) That the Statement of Proposal (Appendix 2), prepared in accordance with Section 83 of the Local Government Act 2002, be adopted.**

HWTM/Nelson

Carried

7. DRAFT FREEDOM CAMPING BYLAW CONSULTATION

p83

RESOLVED

- (1) That the report titled "Draft Freedom Camping Bylaw Consultation" be received.**
(2) That Council endorses the draft Freedom Camping Bylaw and the Consultation Plan.

HWTM/Nelson

Carried

8. ŌPŌTIKI TOWNSHIP WASTEWATER RISING MAIN DIVERSION

p107

His Worship the Mayor noted the erosion has been rapid rather than gradual. He referred to the Council's good working relationship with the Regional Council but expressed disappointment they did not think this was a problem to be shared with Council. The consequences of not undertaking the diversion are dire.

It was agreed that Option 3 be adopted.

RESOLVED

- (1) That the report titled "Ōpōtiki Township Wastewater Rising Main Diversion" be received.**
(2) That Council approves unbudgeted expenditure up to \$250,000 for the diversion of the wastewater rising main.

HWTM/Nelson

Carried

9. LGNZ CONFERENCE 2024

p115

RESOLVED

- (1) That the report titled "LGNZ Conference 2024" be received.**
(2) That His Worship the Mayor together with Councillor Tom Brooks and Councillor Maxie Kemara are authorised to attend the LGNZ Conference 2024 in Wellington.
(3) That Council authorises the Chief Executive officer to attend the LGNZ Conference 2024.

Nelson/Petersen

Carried

10. CHIEF EXECUTIVE OFFICER'S UPDATE **p120**

The Chief Executive Officer stated he was pleased to be able to attend the Eastern Bay Road Safety Operations Group meeting which was held in Ōpōtiki.

He noted that discussions with Whakatōhea and the Regional Council regarding the western groyne access are progressing.

RESOLVED

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

HWTM/Petersen

Carried

The one remaining member of the public left the meeting at 10.43am.

11. RESOLUTION TO EXCLUDE THE PUBLIC **p125**

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:

12. Confirmation of In-Committee Minutes – Ordinary Council Meeting 19 March 2024.

13. Notes From Council Workshop.

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

Item No	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
12.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 19 March 2024.	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)
13.	Notes From Council Workshop.	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:

12.	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)
13.	Protection from improper pressure or harassment Prevent disclosure or use of official information	Section 7(2)(f)(ii) Section 7(2)(j)

HWTM/Nelson

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/Nelson

Carried

RESOLVED

- (1) That the in-committee minutes of the Ordinary Council meeting held on 19 March 2024 be confirmed as a true and correct record.**

HWTM/Kemara

Carried

RESOLVED

- (1) That the report titled "Notes From Council Workshop" be received.**
- (2) That Council agrees to publicly release the full notes related to the 25 March 2024 Workshop.**

HWTM/Petersen

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 10.48AM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COUNCIL HELD ON 11 JUNE 2024**

D G T MOORE

HIS WORSHIP THE MAYOR