



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

PRESENT:

Mayor David Moore (Chairperson)
Deputy Mayor Shona Browne (Deputy Chairperson)
Councillors:
Tom Brooks
Barry Howe
Maxie Kemara
Steve Nelson
Dean Petersen

IN ATTENDANCE:

Stace Lewer (Chief Executive Officer)
Nathan Hughes (Group Manager Service Delivery)
Antoinette Campbell (Group Manager Strategy and Development)
Billy Kingi (Finance Manager)
Anthony Kirikiri (Solid Waste Manager)
Mercedes Neems (Executive Support Officer)
Gae Finlay (Executive Assistance and Governance Lead)

GUESTS:

David Walker, Warren Goslett and Darryl Knoesen (Audit New Zealand), via
Zoom

Deputy Mayor Browne opened the meeting with an inspirational prayer.

APOLOGIES

Nil.

DECLARATION OF ANY INTERESTS IN RELATION TO OPEN MEETING AGENDA ITEMS

Nil.

PUBLIC FORUM

Nil

1. CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING 17 SEPTEMBER 2024 p4

RESOLVED

- (1) That the minutes of the Ordinary Council meeting held on 17 September 2024 be confirmed as a true and correct record.**

HWTM/Kemara

Carried

2. CONFIRMATION OF MINUTES – EXTRA ORDINARY COUNCIL MEETING 18 SEPTEMBER 2024 p11

RESOLVED

- (1) That the minutes of the Extra Ordinary Council Meeting held on 18 September 2024 be confirmed as a true and correct record.**

HWTM/Nelson

Carried

3. MINUTES – STRATEGY PLANNING AND REGULATORY COMMITTEE MEETING 19 FEBRUARY 2024 p23

RESOLVED

- (1) That the minutes of the Strategy Planning and Regulatory Committee meeting held on 19 February 2024, and any recommendations therein, be received.**

Browne/Nelson

Carried

4. MINUTES – PERFORMANCE AND DELIVERY COMMITTEE MEETING 5 AUGUST 2024 p26

RESOLVED

- (1) That the minutes of the Performance and Delivery Committee meeting held on 5 August 2024, and any recommendations therein, be received.**

Brooks/Petersen

Carried

5. DRAFT MINUTES – COAST COMMUNITY BOARD MEETING 1 OCTOBER 2024 p28

RESOLVED

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

Kemara/HWTM

Carried

6. MINUTES – REGIONAL TRANSPORT COMMITTEE MEETING 13 SEPTEMBER 2024 p33

RESOLVED

- (1) That the minutes of the Regional Transport Committee meeting held on 13 September 2024 be received.**

HWTM/Browne

Carried

7. MINUTES – BAY OF PLENTY MAYORAL FORUM 16 SEPTEMBER 2024 p42

RESOLVED

- (1) That the minutes of the Bay of Plenty Mayoral Forum held on 16 September 2024 be received.**

HWTM/Nelson

Carried

8. MINUTES – CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE MEETING 27 SEPTEMBER 2024 p45

RESOLVED

- (1) That the minutes of the Civil Defence Emergency Management Group Joint Committee meeting held on 27 September 2024 be received.**

HWTM/Browne

Carried

9. MAYORAL REPORT – 7 SEPTEMBER 2024-18 OCTOBER 2024 p57

His Worship the Mayor extended his thanks to Councillor Kemara for attending the ambulance dedication. He highlighted the following from the report:

- The Harbour opening.
- The citizenship ceremony.

RESOLVED

- (1) That the report titled “Mayoral Report – 7 September 2024-18 October 2024” be received.**

HWTM/Browne

Carried

10. ADOPTION OF THE ŌPŌTIKI DISTRICT COUNCIL 2024-2034 LONG TERM PLAN AND REVENUE AND FINANCING POLICY **p62**
and separate document

The following were tabled to elected members:

- Independent Auditor's Report on Ōpōtiki District Council's 2024-234 Long Term Plan.
- LTP changes made since 4.00pm on 25 October 2024 (after the agenda distribution).

The Chief Executive Officer thanked everyone involved in getting the Long Term Plan to this milestone, a journey which has taken approximately 18 months. There have been numerous workshops and community engagements, along with some challenges, and difficult decisions being made. The challenges have not been unique to Ōpōtiki District Council as many Councils around the country have been in a similar position. The introduction of a new activity has added some cost pressure around the maintenance and operation of the Harbour and that has been included in the Plan.

The Chief Executive Officer thanked the community members who submitted to the Long Term Plan and attended the hearing. The audit process has been extensive and thanks were extended to the Finance Manager and his team for working through that process. The adoption of the Long Term Plan sets the direction for the next 10 years.

David Walker (Audit New Zealand) highlighted the following:

- The audit process has been massive and with the BERL updated information and NZTA confirming their funding a far bigger change was experienced than would have been anticipated.
- The Finance Manager and his team put those changes through and rather than just copying and pasting they looked at the local factors that impacted Council.
- The balanced budget is a legal requirement and the intention behind that is that Council sets a balanced budget.
- Where there is an unbalanced budget, e.g. deficits, this comes to Audit's attention.
- The Emphasis of Matter is regarding the breach, being a month late self-disclosure is required and that is referred to as an Emphasis of Matter in the Audit opinion; it is drawing readers' attention to a fact.
- Another difficulty was that the financial model did not perform quite as staff had anticipated.
- The Audit opinion with the Emphasis of Matter is embargoed until Audit sights the final Long Term Plan adopted today.
- There has been a noticeable change from the Consultation Document stage to the Long Term Plan stage; a number of Councils underestimated the challenges and learnt from that.

David Walker acknowledged that a number of staff are involved in the Long Term Plan process and thanked everyone for their input. He particularly mentioned that the Finance Manager has been absolutely amazing and the Group Manager Strategy and Development had the difficult task of picking up a role that was half way through. She did extremely well picking up a massive project towards the end. David Walker also noted the Group Manager Service and Delivery's great knowledge of infrastructure and thanked the Chief Executive Officer for his support, along with Councillors for the amount of time they have put in.

His Worship the Mayor thanked David Walker for the kind comments to staff, adding that the elected members also appreciate what staff do.

Councillor Howe noted that in six terms as a Councillor, this is the first time he has heard an auditor acknowledge staff.

RESOLVED

- (1) That the report titled "Adoption of the Ōpōtiki District Council 2024-2034 Long Term Plan and Revenue and Financing Policy" be received.**
- (2) That Council adopts the Revenue and Financing Policy.**
- (3) That Council resolves that the budgets for the 2024/25 to 2026/27 financial years in the Long Term Plan are not balanced budgets because operating revenues are not at a level sufficient to meet 2024/25 to 2026/27 financial year operating expenses primarily due to (a) the initial operating costs of the harbour being higher than the current ratepayers can afford, and (b) the transition to using a long-run average approach to the funding of capital renewals.**
- (4) That Council resolves that setting an unbalanced budget from 2024/25 to 2026/27 is financially prudent in terms of sections 100 and 101 of the Local Government Act 2002 given the outsized impact it would have on current ratepayers while these operations are developing and transitioning.**
- (5) That Council adopts the unaudited Ōpōtiki District 2024-2034 Long Term Plan.**
- (6) That Council receive the Audit opinion on the Ōpōtiki District 2024 – 2034 Long-Term Plan.**
- (7) That Council adopts the audited Ōpōtiki District 2024-2034 Long-Term Plan subject to any minor typographical amendments proposed by Audit.**
- (8) That Council adopts the Funding Impact Statement contained within the Ōpōtiki District 2024-2034 Long Term Plan.**

David Walker, Warren Goslett and Darryl Knoesen left the meeting at 10.28am.

11. SETTING OF 2024-2025 RATES, DUE DATES FOR PAYMENT, AND THE PENALTIES REGIME **p71**

The Finance Manager noted two small corrections:

- Page 72 – Water Supply Charges: Ohiwa - \$1,213.33, should be a decimal point instead of a comma as shown in the report.
- Page 75 – Communities of Interest: \$387,702 should be a comma, not a dot as shown in the report.

Points made:

- Feedback received is that returning to quarterly rates billing is wanted.
- Concerns around the timing of the instalments and when the rate demands are sent out.
- This is possibly something which could be looked at in the 2025-2026 Annual Plan process.

RESOLVED

- (1) That the report titled "Setting Of 2024-2025 Rates, Due Dates for Payment, and the Penalties Regime" be received.
- (2) That the Ōpōtiki District Council, pursuant to the provisions of the Local Government (Rating) Act 2002, set the following rates (including GST) for the period 1 July 2024 to 30 June 2025:

1 GENERAL RATES

(a) General Rate

Pursuant to Section 13 of the Local Government (Rating) Act 2002, a general rate of 0.2582 cents in the Dollar of Capital Value on all rateable rating units in the Ōpōtiki District.

Revenue Sought **\$11,438,861**

(b) Uniform Annual General Charge

Pursuant to Section 15 of the Local Government (Rating) Act 2002, a uniform annual general charge of \$622.82 per rating unit on every rateable rating unit in the district.

Revenue Sought **\$3,040,710**

2 TARGETED RATES

(a) Water Supply Charges

Pursuant to Section 16 of the Local Government (Rating) Act 2002, a targeted rate for water supply within the following water supply areas as follows:

	Supply Name	
(i) A full charge for the ordinary supply of water in respect of each separately used or inhabited part of a rating unit to which water is supplied.	Ōpōtiki/	\$468.72
	Hukutaia	
	Te Kaha	\$560.37
	Ōhiwa	\$1,213.33
(ii) A half charge in respect of every rating unit to which water can be, but is not supplied, situated within 100m of any part of the waterworks.	Ōpōtiki/	\$234.36
	Hukutaia	
	Te Kaha	\$280.19
	Ōhiwa	\$606.67
Revenue Sought:	Ōpōtiki/	\$1,142,845
	Hukutaia	
	Te Kaha	\$209,923
	Ōhiwa	\$26,087

Pursuant to section 19 of the Local Government (Rating) Act 2002 a targeted rate for water supplied by meter is applied as well as the connection charge outlined above as follows

Any property that is connected to one of the above water supplies where there is a water meter, the metered volumes of water used shall be charged at the following marginal rates per cubic meter up to each daily use threshold.	Ōpōtiki/	0m³	\$0.88
	Hukutaia	2m³	\$1.33
		3.5m³	\$1.76
		4.5m³	\$2.20
		10m⁺3	\$2.64
	Te Kaha	0m³	\$1.55
		2m³	\$2.33
		3.5m³	\$3.09
		4.5m³	\$3.88
		10m⁺3	\$4.66
	Ōhiwa	0m³	\$1.67
		2m³	\$2.33
		3.5m³	\$3.09
		4.5m³	\$3.88
		10m⁺3	\$4.66

- (b) Sewerage rates**
Pursuant to Sections 16 of the Local Government (Rating) Act 2002,
a targeted rate in each urban drainage area as follows:

	Scheme Name	2024/25
(i) One full charge in respect of every separately used or inhabited part of a rating unit connected to a public sewerage drain.	Ōpōtiki	\$575.59
	Waihau Bay	\$1,019.67
(ii) Half of the full charge in respect of each rating unit to	Ōpōtiki	\$287.79
	Waihau Bay	\$509.84

which sewer drainage can be, but is not connected, situated within 30m from any part of the public sewerage drain.

(iii) 80% of the full charge in respect of every separate toilet pan, water closet, or urinal where there are multiple connections on one rating unit.	Ōpōtiki	\$460.47
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Note:

A residence of not more than one household shall be deemed to have not more than one water closet, toilet pan, or urinal.

Charge (i) does not apply when charge (iii) does.

<i>Revenue Sought</i>	Ōpōtiki	\$1,050,791
	Waihou Bay	\$26,002

(c) **Waioweka Wastewater Extension**

Pursuant to Sections 16 of the Local Government (Rating) Act 2002, a targeted rate shall be set as a fixed amount per rating unit connected to the Waioweka Wastewater Extension of \$0.00.

<i>Revenue Sought:</i>	Waioweka Extension	\$Nil
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(d) **Refuse Collection Charge**

Pursuant to Section 16 of the Local Government (Rating) Act 2002, a targeted rate for kerbside refuse collection within the defined Ōpōtiki Ward and Waiotaha/Waioweka Ward collection areas set as follows:

- (i) A full charge of \$250.84 per separately used or inhabited part of a rating unit (except those not used or inhabited) within the defined Ward collection areas
- (ii) A half charge of \$125.42 per rating unit that is not used or inhabited within the defined Ward collection areas.

<i>Revenue Sought</i>		\$585,188
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(e) Communities of interest

Pursuant to Section 16 of the Local Government (Rating) Act 2002, a communities of interest targeted rate set as an amount per rating unit as follows:

(i) Residential communities of interest

\$117.25 per rateable rating unit within the defined rating areas where land use is residential.

***Revenue Sought* \$265,473**

(ii) Rural communities of interest

\$56.86 per rateable rating unit within the defined rating areas where land use is rural.

***Revenue Sought* \$138,043**

(iii) Commercial/industrial communities of interest

\$1,895.78 per rateable rating unit in the district where land use is commercial or industrial.

***Revenue Sought* \$387,702**

3 INSTALMENT DATES

That the Ōpōtiki District Council resolves that all rates are payable in two equal instalments, due on or before:

- Instalment One: 20 January 2025**
- Instalment Two: 20 May 2025**

That the Ōpōtiki District Council resolve that all metered water charges are payable in six monthly instalments based on usage, due on or before:

- Instalment One: 20 December 2024**
- Instalment Two: 20 May 2025**

4 ADDITIONAL CHARGES ON UNPAID RATES

That the Ōpōtiki District Council authorise the addition of penalties to unpaid rates in accordance with the following regime:

Under the provisions of Sections 57 and 58 of the Local Government (Rating) Act 2002, a penalty of 10% will be added to the amount of the first instalment of rates remaining unpaid after the due date, on 20 January 2025; and of the second instalment of rates remaining unpaid after the due date, on 20 May 2025.

The Solid Waste Manager entered the meeting at 10.30am.

12. ADOPTION OF THE EASTERN BAY SPATIAL PLAN GOVERNANCE GROUP TERMS OF REFERENCE p79

The Group Manager Strategy and Development advised that our partner Councils have all adopted the Terms of Reference.

RESOLVED

- (1) That the report titled "Adoption of the Eastern Bay Spatial Plan Governance Group Terms of Reference" be received.**
- (2) As per the Strategy, Planning and Regulatory Committee recommendations to Council, that:**
 - a. That the amended Terms of Reference for the Eastern Bay of Plenty Spatial Plan Project Governance Group be approved.**
 - b. That the proposed timeline for the Eastern Bay of Plenty Spatial Plan project and approach to engagement is noted being 14 October 2024 to 17 November 2024.**
 - c. That the Group Manager Strategy and Development is delegated to approve subsequent minor editorial changes to the Terms of Reference for the Eastern Bay of Plenty Spatial Plan Project Governance Group.**

HWTM/Browne

Carried

13. WASTE MANAGEMENT AND MINIMISATION PLAN REVIEW 2024 p94

RESOLVED

- (1) That the report titled "Waste Management and Minimisation Plan Review 2024" be received.**
- (2) That Council receives the Waste Assessment dated February 2024. Appendix 1.**
- (3) That Council receives the Medical Officer of Health feedback obtained on 5 April 2024. Appendix 2.**
- (4) That Council, in light of the completed Waste Assessment, agrees to revoke the existing WMMP and proceed with a new Waste Management and Minimisation Plan in accordance with section 50(3) of the Waste Minimisation Act 2008.**
- (5) That Council initiate the consultation process as outlined in section 83 of the Local Government Act 2002 and as required by section 44(e) of the Waste Minimisation Act 2008, for the development of the new WMMP.**

HWTM/Petersen

Carried

The Solid Waste Manager left the meeting at 10.40am.

14. CHIEF EXECUTIVE OFFICER'S UPDATE

p173

The Chief Executive Officer highlighted the following from his report:

- The Harbour opening.
- The citizenship ceremony, noting the positive feedback received from citizenship candidates.

RESOLVED

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

HWTM/Kemara

Carried

15. RESOLUTION TO EXCLUDE THE PUBLIC

p179

SECTION 48 LOCAL GOVERNMENT OFFICIAL INFORMATION & MEETINGS ACT 1987

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

- 16. Confirmation of In-Committee Minutes – Ordinary Council Meeting 17 September 2024.**
- 17. Evolution Networks.**
- 18. Notes Of Council Workshops.**

2. THAT the following person be permitted to remain at this meeting after the public has been excluded because of their knowledge of the subject item in relation to the following. This knowledge will be of assistance and is relevant to the matters to be discussed:

Name: Kent Duston

Item: 17

Business: To provide Council with detailed information and updates in relation to Item 17 relevant to Council's investment in Evolution Networks.

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

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

Item No	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
16.	Confirmation of In-Committee Minutes – Ordinary Council Meeting 17 September.	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.	Evolution Networks	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.	Notes Of Council Workshops.	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)
17.	Carry out negotiations	Section 7(2)(i)
18.	Protection from improper pressure or harassment Prevent disclosure or use of official information	Section 7(2)(a) Section 7(2)(j)

HWTM/Brooks

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/Brooks

Carried

RESOLVED

- (1) That the in-committee minutes of the Ordinary Council meeting held on 17 September 2024 be confirmed as a true and correct record.**

HWTM/Nelson

Carried

RESOLVED

- (1) That the report titled "Evolution Networks" be received.**
- (2) That Council agrees to "Option 3", the sale of its 30% shareholding in Evolution Networks for the sale price of \$60,000.**
- (3) That Council agrees that the shares and outstanding debt be converted to a subordinate loan of \$98,300 and payments made to Council over a three year period.**
- (4) That Council delegates authority to the Chief Executive Officer to negotiate an appropriate interest rate and finalise the sales agreement.**

HWTM/Howe

Carried

RESOLVED

- (1) That the report titled "Notes From Council Workshop" be received.**
- (2) That the Council agrees to publicly release the full notes related to the 4 September 2024 and 26 September 2024 workshops.**

HWTM/Kemara

Carried

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.01AM.

**THE FOREGOING MINUTES ARE CERTIFIED AS BEING A
TRUE AND CORRECT RECORD AT A SUBSEQUENT
MEETING OF THE COUNCIL HELD ON 10 DECEMBER
2024**

D G T MOORE

HIS WORSHIP THE MAYOR