



# Ordinary Council

## *Hui a te Kaunihera*

Wednesday, 17 July 2024  
*Rāapa, 17 Hōngongoi 2024*

Totara Room, Whakatāne District Council  
14 Commerce Street, Whakatāne  
12:00 pm

Chief Executive: Steph O'Sullivan

Publication Date: 12 July 2024



**Live Streaming the Meeting - *Ka whakapāho mataora te hui***

**Live Streaming the Meeting - *Ka whakapāho mataora te hui***

**PLEASE NOTE**

The **public section** of this meeting will be Live Streamed via YouTube in real time.  
The live stream link will be available via Council's website.

All care will be taken to maintain your privacy however, as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast.

The opinions or statements expressed during a meeting by individuals are their own, and they do not necessarily reflect the views of the Whakatāne District Council. Council thus disclaims any liability with regard to said opinions or statements.

**A Membership - *Mematanga***

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Mayor Dr V Luca

Deputy Mayor L N Immink

Councillor T Boynton

Councillor G L Dennis

Councillor A V Iles

Councillor W B James

Councillor J C Jukes

Councillor T O'Brien

Councillor J W Pullar

Councillor N Rangiaho

Councillor N S Tánczos

## **B Powers of the Council - *Ngā mana o te Kaunihera***

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The Council will meet Eight weekly to make decisions on all matters that cannot be delegated, that it has not delegated or that it has had referred to it by staff or a committee. Extraordinary Council meetings will be called when required in between the Eight weekly cycle for specific purposes such as hearing the Annual Plan submissions.

#### **The powers that cannot be delegated by the Council are:**

- a. the power to make a rate
- b. the power to make a bylaw
- c. the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
- d. the power to adopt a Long-term plan, Annual plan or Annual report
- e. the power to appoint a Chief executive
- f. the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the Local Governance Statement
- g. the power to adopt a remuneration and employment policy

#### **The powers that can be delegated but which the Council retains:**

- a. Approve the Council's recommendation to the Remuneration Authority for the remuneration of additional positions of responsibility for elected members and elected members expenses rules
- b. Approve the Local Governance Statement (called "A Guide to the Whakatāne District Council") produced following the triennial election of members
- c. Resolve those decisions required to be made by a local authority under the Local Electoral Act 2001 including the appointment of electoral officer.
- d. Determine whether or how to fill any extraordinary Council vacancies within 12 months of an election
- e. Review and make decisions on Council membership and the basis for elections through representation reviews
- f. Set the direction for the Long-Term Plan
- g. Hearing of submissions on the Long-Term Plan and, if required, the Annual Plan
- h. Appoint and discharge trustees, directors or office holders to Council's Council-Controlled organisations and to other external bodies
- i. Agree the final Statement of Intent for Council's Council-Controlled organisations
- j. Adopt the Half Yearly and Full Year Annual Report of the Whakatāne Airport
- k. Approve the purchase, sale and disposal of Council property
- l. Approve a proposed plan or a change to a District Plan under Clause 17 of the First Schedule of Resource Management Act 1991 (RMA); A1827586 April 2021 Page 14 of 37.
- m. Approve changes to the status or revoke the status of a reserve as defined in the Reserves Act 1977
- n. Authority to name or rename a reserve in accordance with the Reserves Management Plan;

**B Powers of the Council - *Ngā mana o te Kaunihera* (Cont.)**

- o. Authorise any unbudgeted expenditure that exceeds the delegation levels provided to officers, committees or other subordinate decision-making bodies of Council
- p. Approve recommendations from relevant Committees for new fees and charges for services provided, outside of the Annual Plan or Long Term Plan process.

**Procedural matters exercised by Council:**

- a. Receive minutes and recommendations, and make decisions on any recommendations from:
  - Standing Committees, Joint Committees and Joint Forums
  - Iwi Chairs Forum
  - Commercial Advisory Board
  - Toi Economic Development Agency
  - Any other Council appointed advisory board or forum with Council as the parent committee
- b. Consider any matters referred to it from any of the Committees, the Mayor, or Chief Executive.

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**1 Prayer - *Karakia***

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**2 Meeting Notices - *Ngā Pānui o te hui***

**1. Live Streaming**

The Whakatāne District Council livestreams Council and Standing Committee meetings held in Tōtara Room, within the Council building. The webcast will live stream directly to Council's YouTube channel in real time. The purpose of streaming meetings live is to encourage transparency of Council meetings.

By remaining in the public gallery, it is understood your consent has been given if your presence is inadvertently broadcast.

Please be aware the microphones in Totara Room are sensitive to noise, so please remain quiet throughout the meeting unless asked to speak.

**2. Health and Safety**

In case of an emergency, please follow the building wardens or make your way to the nearest exit. The meeting point is located at Peace Park on Boon Street.

Bathroom facilities are located opposite the Chambers Foyer entrance (the entrance off Margaret Mahy Court).

**3. Other**

**3 Apologies - *Te hunga kāore i tae***

No apologies were recorded at the time of compiling the agenda.

**4 Acknowledgements / Tributes - *Ngā mihimihi***

An opportunity for members to recognise achievements, to notify of events, or to pay tribute to an occasion of importance.



## **5 Conflicts of Interest - *Ngākau kōnatunatu***

### **5 Conflicts of Interest - *Ngākau kōnatunatu***

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected member and any private or other external interests they might have.

The Elected Member Register of Interest is available on the Whakatāne District Council website. If you wish to view the information, please click this [Register link](#)

### **6 Public Participation - *Wānanga Tūmatanui***

#### **6.1 Public Forum - *Wānanga Tūmatanui***

The Council has set aside time for members of the public to speak in the public forum at the commencement of each meeting. Each speaker during the forum may speak for five minutes. Permission of the Chairperson is required for any person wishing to speak during the public forum.

With the permission of the Chairperson, Elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

#### **6.2 Deputations - *Ngā Whakapuaki Whaitake***

A deputation enables a person, group or organisation to make a presentation to Community Board on a matter or matters covered by their terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered. No more than two speakers can speak on behalf of an organisation's deputation. Speakers can speak for up to 5 minutes, or with the permission of the Chairperson, a longer timeframe may be allocated.

With the permission of the Chairperson, Elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

**7 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui***

**7 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui***

**Confirmation of Council Meeting Minutes**

The minutes from the Council meetings listed below can be viewed via the Council website. Click on the required link.

- [Ordinary Council Meeting - 27 June 2024](#)
- [Extraordinary Council Meeting - 4 July 2024](#)

## 8 Reports - *Ngā Pūrongo*

### 8 Reports - *Ngā Pūrongo*

#### 8.1 Delegated Authority for Budgets 2024-25



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To: **Whakatāne District Council**  
Date: **Wednesday, 17 July 2024**  
Author: **G Connolly / CFO and GM Business Partnering**  
Authoriser: **S O'Sullivan / Chief Executive**  
Reference: **A2703905**

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#### 1. Reason for the report - *Te Take mō tēnei rīpoata*

The purpose of this report is to provide Council with clarity regarding the current budgeted operations for 2024/25, pending adoption of the Long Term Plan 2024-34, and to address implications for staff delegations.

Additionally, Council approval must be sought for the budget associated with project operating and capital expenditure. This approval should specifically cover items outlined in the draft Long Term Plan 2024-34 or unspent funds from the 2023-24 approved plan, which are not currently accounted for in the Long Term Plan 2021-31.

#### 2. Recommendation - *Tohutohu akiaki*

1. THAT the Council **notes** identification of Long Term Plan 2021-31 Year 4 as the current basis for approved budget provided for in the Delegations Register - Staff, which grants delegation for expenditure and contracts to and through the Chief Executive to maintain existing Council services.
2. THAT the Council **approve**, for the purposes of expenditure and contract delegations for the transitional period pending adoption of LTP2034, budget for the proposed carry forward of unspent 2023-24 budgets for operating and capital projects. This budget is as provided in Appendix 1: Table 1 and extends into the 2024-25 financial year.
3. THAT the Council **approve**, for the purposes of expenditure and contract delegations for the transitional period pending adoption of LTP2034, a budget for operating and capital projects. This budget is as provided in Appendix 1: Table 2 and extends into the 2024-25 financial year.

#### 3. Subject - *Kaupapa*

Councils' *Delegations Register – Staff* includes appropriate delegation of authority to incur expenditure or enter into contracts resulting in future expenditure from Council to the Chief Executive, and through the Chief Executive to subordinated staff, ensuring the effective and efficient delivery of services to the community.

The basis for the delegation in the register is the overall approved budget in the current Long-term Plan or Annual Plan.

### **8.1 Delegated Authority for Budgets 2024-25(Cont.)**

Central Government's approaches to changes in Three Waters / Local Waters Done Well legislation and impacts on timing of Audit have delayed the adoption of the Long Term Plan 2024-34 [LTP2034] which would normally establish the basis commencing on 1 July 2024 for the Council's reporting year ending 30 June 2025.

The changes in waters legislation earlier year did provide for the impact of delays in adoption of the Long Term Plan beyond 30 June 2024, on the basis that adoption would occur no later than 30 September 2024, within schedule 1AA of the Local Government Act 2002 [LGA].

Specific clause 46 (2) states:

*If an authority adopts its 2024–2034 long-term plan on or after 1 July 2024, but no later than 30 September 2024, (a) the authority's 2021–2031 long-term plan continues in force until the date on which the authority adopts its 2024–2034 long-term plan.*

The legislation above provides consistency with Council's delegations framework and means that the approved budget, currently in place governing delegation of expenditure and contracting to and through the Chief Executive, is year 4 of Long Term Plan 2021-31 [LTP2031].

#### **3.1. Delegated Authority to maintain Council operations:**

Despite the expenditure run rate (in line with Annual Plan 2024) being above the provision of year 4 of Long Term Plan 2031, which is due to the significant impacts of inflation and additional compliance since LTP2031 was prepared, the Chief Executive has sufficient delegation in general to maintain Council operations, based on the current Delegation Framework. The cumulative year to date expenditure commitments to general operating and capital expenditure costs are within the annual approved budget.

In line with the legislation, and current planning, it is anticipated that LTP2031 would be superseded by LTP2034 before 30 September 2024. As such there is sufficient budget through 2031, despite the higher monthly run rate, for expenditure delegation not to be exceeded before LTP2034 is adopted. This includes expenditure such as personnel costs, payments to suppliers, capital expenditure to maintain or renew assets generally.

#### **3.2. Delegated Authority to continue specific projects provided for in Annual Plan 2034, but not provided for in LTP2031 year 4 budgets:**

There are several specific operating and capital projects which have been commenced, or for which key outcomes have been anticipated, where delegated authority for future expenditure was not provided for in LTP2031 but is necessary to continue or complete the project. These reflect items that would normally be addressed separately at year end through carry forward approval.

Appendix 1: Table 1 provides a schedule of these projects for which it is recommended Council, for the sake of transparency and clarity during this transitional period, confirm delegated authority to and through the CE for expenditure or contracts to continue or complete these projects.

#### **3.3. Delegated Authority to commence specific projects anticipated in Long Term Plan 2034, but not provided for in LTP2031 year 4 budgets:**

There are some specific operating and capital projects which having been anticipated to commence in Long Term Plan 2034, but not budgeted in LTP2031, where delay in adoption LTP2034 and establishment of delegation through budgets is anticipated to have material impacts, such as:

## 8.1 Delegated Authority for Budgets 2024-25(Cont.)

- i. those impacted by seasonality; or
- ii. those where further delay could result in potential unanticipated additional cost in delivery; or
- iii. where, based on Councils indicated inclusion in LTP2034 having completed preparatory work in anticipation of budgets in Q1 if paused, could result in potential unanticipated additional cost in delivery.

Management reviewed LTP2034 and identify these in Appendix 1 : Table 2.

It is recommended that Council, for the sake of transparency and clarity during this transitional period, confirm delegated authority to and through the Chief Executive for expenditure or contracts to avoid potential unanticipated additional cost in delivery, on the basis that management take all reasonable steps to limit commitments in this period pending adoption of LTP2034.

### 4. Options analysis - *Ngā Kōwhiringa*

No options have been identified relating to the matters of this report.

### 5. Significance and Engagement Assessment - *Aromatawai Pāhekoheko*

#### 5.1. Assessment of Significance

This report is assessed to be of low significance in accordance with the Council's Significance and Engagement Policy. However, this report is part of broader processes to develop Council's LTP2034 which is assessed as high significance.

#### 5.2. Engagement and community views

Due to the low significance of the matters of this report, public participation is not required to inform decision-making, as set out in Section 6.1(a) of the Council's Significance and Engagement Policy.

### 6. Considerations - *Whai Whakaaro*

#### 6.1. Financial/budget considerations

This report addresses the basis for the current budget provided for within Council Delegations Register – Staff to ensure ongoing continuity of existing services of Council. The recommendation establishes and / or clarify budgets in addition to those provided in LTP2031 Year 4 relative to the Delegations Register – Staff associated with budget carried forward from 2023-24 into the 2024-25 reporting year, and establish additional approved budget associated with some limited projects currently identified in LTP2034.

The recommendations in this paper do not result in any material additional costs which would impact the subsequent rating resolution currently provided for in the anticipated adoption of Long Term Plan 2024-34 as currently drafted.

#### 6.2. Strategic alignment

No inconsistencies with any of the Council's policies or plans have been identified in relation to this report.

### **8.1.1 Appendix 1 - Specific Additional Transitional Budget**

#### **6.3. Climate change assessment**

Based on this climate change assessment, the decisions and matters of this report are assessed to have no climate change implications and considerations, in accordance with the Council's Climate Change Principles.

#### **6.4. Risks**

There is risk that if establishment of approved budgets for recommendation 2 and recommendation 3 are not in place, that there would be insufficient authority to continue or commence these projects which could result in delays in delivery, achieved outcomes and additional cost increases.

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

- Appendix 1 Specific Additional Transitional Budget

### **8.1.1 Appendix 1 - Specific Additional Transitional Budget**

## Ordinary Council - AGENDA

## 8.1.1 Appendix 1 - Specific Additional Transitional Budget(Cont.)

## APPENDIX 1:

Table 01 : 2023-24 Budget Carry Forward to 2024-25 for transition delegation pending adoption of LTP2034			
Project Code	Activity Group	Project	Portion of balance of Budget for Carry Fwd
<b>Operating Projects</b>			
E20003	Strategy and futures	Tourism Development Fund [MBIE Funded]	350,000
Y50043	Resource Management	Landslide District Plan change	200,000
Y50045	Resource Management	Minimum Floor Level consenting	100,000
Y50047	Resource Management	NPS Implement Updates and Change	220,000
Y10501	Better Off Funded Projects	Collective Iwi Hub	200,000
T31464	Better Off Funded Projects	Southern Districts Regeneration	300,000
			<b>1,370,000</b>
<b>Capex Projects</b>			
S61101	07.01 Emergency Management	BOF Emergency Resilience	500,000
C11297	12.01 Parks Reserves and Gardens	Ohope Westend Toi stairway	60,000
C23116-19	11.01 Ports and Harbour	Wharfside Improvements	500,000
P15151	18.01 Halls	BOF EQ Halls - Enhance Resilience	400,000
410040	10.01 Water Supply	Keepa Road Water Main	200,000
417002	10.01 Water Supply	Otumahi Water Storage	1,130,000
510061	09.01 Wastewater	WW Model Network Updates	60,000
510062	09.01 Wastewater	WHK WW Discharge Rsrce Consent	390,000
O93001	20.03 Corporate Property	Alarms and Cameras Te Koputu	40,000
Y93127	20.03 Corporate Property	Exhibition Centre LED Lighting	75,000
Y93128	20.03 Corporate Property	Library HVAC - fit for purpose	30,000
			<b>3,385,000</b>

Table 02 : Budget for 2024-25 (a a portion of anticipated) for transition delegation pending adoption of LTP2034			
Project Code	Activity Group	Project	Portion of project Budget
<b>Operating Projects</b>			
L10502	03.01 Strategic Māori Relationships	Toi Waka Whakarei	50,000
10*10*50.TBA7	03.01 Strategic Māori Relationships	Te Reo Strategy & Implementation	50,000
10*10*50.TBA8	03.01 Strategic Māori Relationships	Reo Rua Policy & Implementation	50,000
L30106	20.12 Strategy and Policy	Climate Change	50,000
A20016	02.01 Libraries and Galleries	Arts Strategy and Implement	50,000
75*46*12.TBA2	20.11 Procurement and Risk Manag	Internal Assurance	50,000
O50001	20.02 Corporate Project Managemen	Project Management Training	20,000
75*60*10.TBA8	20.10 Digital Services	ERP	150,000
			<b>470,000</b>
<b>Capex Projects</b>			
A11150	02.01 Libraries and Galleries	Library Mixed Collection Renew	50,000
C11137	12.01 Parks Reserves and Gardens	Awatapu Lagoon Wetland	500,000
40*11*10.TBA2	12.01 Parks Reserves and Gardens	Accessible Play Spaces	50,000
40*11*10.TBA2	12.01 Parks Reserves and Gardens	Play Space Improvements	20,000
40*11*10.TBA2	12.01 Parks Reserves and Gardens	Maraetotara Improvements	50,000
40*11*10.TBA2	12.01 Parks Reserves and Gardens	Aniwhenua Camp Water Supply upgrade	100,000
Z21172	16 Waste Management	Murupara Transfer Station Impr	13,000
Various	14.01 Transport Network Connectic	In line with programme confirmed with NZTA	2,500,000
Various	Three-waters	Various in progress or high priority projects	2,500,000
O61275	20.10 Digital Services	ECMS Upgrades (Objective)	70,000
			<b>5,853,000</b>

**9 Resolution to Exclude the Public - *Whakataunga kia awere te marea***

**9 Resolution to Exclude the Public - *Whakataunga kia awere te marea***

**9.1 Resolution to Exclude the Public**

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

1. Chief Executive Key Performance Indicators Q3 and Q4 Report
2. Appendix 1 – Chief Executive Q3 2023-2024 KPIs
3. Appendix 2 - Chief Executive Q4 2023-2024 KPIs

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>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>When item can be released into public</b>
1.	Chief Executive Key Performance Indicators Q3 and Q4 Report	Good reason to withhold exists under Section 7.	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)	Not to be released
2.	Appendix 1 – Chief Executive Q3 2023-2024 KPIs	Good reason to withhold exists under Section 7.	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)	Not to be released
3.	Appendix 2 - Chief Executive Q4 2023-2024 KPIs	Good reason to withhold exists under Section 7.	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)	Not to be released

This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:



**9.1 Resolution to Exclude the Public(Cont.)**

Item No	Interest
1	To protect the privacy of natural persons, including that of deceased natural persons; (section 7(2)(a))

**1 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui***

**1 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui***

- 1.1 Public Excluded Minutes Whakatāne District Council Meeting – 27 June 2024
- 1.2 Public Excluded Minutes Extraordinary Council Meeting 4 July 2024

**2 Reports - *Ngā Pūrongo***

- 2.1 Chief Executive Key Performance Indicators - Q3 and Q4 Report

**2.1.1 Appendix 1 - Chief Executive Quarter 3 2023-2024 KPIs**

**2.1.2 Appendix 2 - Chief Executive Quarter 4 2023-2024 KPIs**