


Minutes Whakatāne District Ordinary Council Meeting – 17 October 2024

 <p>WHAKATĀNE District Council <i>Kia Whakatāne au i ahau</i></p>	Details of Meeting:	WHAKATĀNE DISTRICT ORDINARY COUNCIL MEETING HELD IN ROOM TŌTARA, COMMERCE STREET, WHAKATĀNE, ON THURSDAY, 17 OCTOBER 2024, COMMENCING AT 9:00 AM.
	Present:	His Worship the Mayor Dr V Luca, Deputy Mayor L Immink, Councillors T Boynton, G Dennis, A Iles, W James, J Jukes, T O’Brien, J Pullar, N Rangiaho, and N Tánczos
	In Attendance:	S Perdia (Chief Executive), D Bewley (GM Development and Environment Services), L Woolsey (GM Strategy and Transformation), G Fletcher (GM Community Experience), B Gray (GM Infrastructure and Acting CFO and GM Business Partnering), M Hingston (Acting Kaihautu Strategic Māori Partnerships), H Keravel (Acting Manager Strategy and Performance), N Woodley (Manager Policy, Planning and Consents), C Richards (Manager Customer Services), G Mischefski-Gray (Strategic Policy Analyst), H Allison (Senior Strategic Policy Analyst), V Fergusson (Manager Strategic Property), C Viljoen (Manager Governance Services) and S Duffy (Senior Governance Support Advisor) <i>Via Teams:</i> E Hatch (GM People and Engagement)
	Visitors:	<i>Via Teams:</i> Mr Ben Petch (Inplace Consultancy)
	Apologies:	

1 KARAKIA

Mayor Luca welcomed all to the meeting at 9:00 am, and Councillor Rangiaho gave a Karakia.

2 MEETING NOTICES

Meeting attendees were advised on the following subjects:

- Health and Safety aspects attendees needed to be aware of.
- Standard meeting protocols when livestreamed.

3 APOLOGIES

Nil

4 ACKNOWLEDGEMENTS / TRIBUTES

Acknowledgements were given to Ngai Tuhoe kaumatua, Manawaru tribal, Te Rūnanga o Ngāti Whare, and Ngāti Manawa for their manaakitanga (hospitality) experienced by the Councillors and Executive at the recent bus tour of the southern district. Council staff were also thanked for their mahi organising the tour.

The newly appointed Senior Advisor - Kaupapa Māori was welcomed to Council.

The Ngāti Awa Te Toki kapa haka festival would take place over Labour Weekend, and it was reported the competition celebrated its 10th year.

5 CONFLICTS OF INTEREST

Councillor O'Brien declared an interest in the items 3.1 and 3.3 of the public excluded agenda; being chairperson of Te Runanga o Ngāti Awa.

Five members noted they were non-committee members of the Whakatāne Sportfishing Club.

6 PUBLIC PARTICIPATION

Nil.

7 CONFIRMATION OF MINUTES

Refer to page 12 of the agenda.

Moved Councillor Deputy Mayor Immink / Seconded Councillor Boynton

RESOLVED:

THAT the following minutes be **confirmed** as a true and correct record:

- Extra-Ordinary Council Meeting 5 August 2024
- Ordinary Council Meeting 15 August 2024

CARRIED

8 STANDING AND JOINT COMMITTEE RECOMMENDATIONS AND MINUTES

8.1 Recommendation – Finance and Performance Committee

Refer to pages 13-14 of the agenda.

Moved Councillor James / Seconded Councillor Jukes

RESOLVED:

1. THAT Council **approve** the carry forward of unspent capital expenditure budgets related to major projects into the 2024/25 financial year, totalling \$7.74 million, including associated subsidies where applicable;

Project	Project Description	(after LTP2034 Rephasing) Revised Budget 2024	Actual 2024	Variance / Underspend	Proposed Budget Carry Forward to 2025	Revised Budget 2025
Emergency Management						
S61101	BOF Emcy Mgt Comm Resilience	638,707	175,546	463,160	463,160	463,160
Aquatic Centres						
C21102	WhkAquatic NewOffice&TrngSpace	150,000	93,813	56,187	56,187	56,187
C21103	WhkAquatic NewPoolWWtoSewage					
C21155	Murupara Aquatic Centre Renewa	27,170	-	27,170	27,170	106,197
Libraries and Galleries						
A11162	BOF-Hono Hapori Cmnty Outreach	446,107	212,681	233,426	287,319	287,319
Halls						
P15151	BOF-EQHalls-Enhance Resilience	755,561	425,564	329,997	329,997	329,997
Corporate Property						
Y93130	BOF - CCTV Upgrade Enhance	718,868	637,168	81,700	81,700	81,700
Parks, Reserves and Gardens						
C11139	MitchellPark MktSpace Drainage	50,000	-	50,000	50,000	50,000
C11140	MitchellPk MktSpace L/ScapShad	150,000	-	150,000	150,000	150,000
C11141	MitchellPark MktSpace Toilets	300,000	-	300,000	300,000	300,000
C11297	Ohope Westend Toi stairway	86,603	19,903	66,700	66,700	66,700
Cemeteries						
C15157	Cemeteries Renewals - Cremator	18,476	7,388	11,087	10,000	16,954
Stormwater Drainage						
310009	Whk SW WesternCatch UpgradeRen	2,000,000	1,686,944	313,056	313,056	2,617,955
310019	Apanui Linear Park	1,956,850	1,104,513	852,337	300,000	300,000
310125	WHK SW Pump Replacements	622,001	47,371	574,629	574,629	2,748,128
311016	OHOPE SW Upgrades	311,978	174,124	137,854	137,854	137,854
Wastewater						
510090	WHK WW - Rising Main Renewal	579,887	4,633	575,254	575,254	575,254
Water Supply						
410028	EQ Water Network Renewals	2,200,000	1,799,933	400,067	400,067	2,722,408
410039	WHK W Backflow Preventors	500,000	8,137	491,863	491,863	681,383
413060	Taneatua WTP Access Track	300,000	48,812	251,187	50,000	50,000
414557	Plains W Backflow Preventors	700,000	7,136	692,864	692,864	1,267,017
417002	Otumahi Water Storage	2,483,193	586,567	1,896,626	1,896,626	4,896,626
Ports and Harbours						
C23116	Wharfside Fire&Safety Upgrade	40,000	-	40,000	40,000	40,000
C23118	Wharfside Landscaping & Shade	100,000	-	100,000	100,000	100,000
C23119	Wharfside Toilets	350,000	-	350,000	350,000	350,000
					7,744,447	

2. THAT the Council **approve** the carry forward of unspent capital expenditure budgets related to other projects and general renewals into the 2024/25 financial year totalling \$2.57 million, including associated subsidies where applicable;

Project	Project Description	(after LTP2034 Rephasing) Revised Budget 2024	Actual 2024	Variance / Underspend	Proposed Budget Carry Forward to 2025	Revised Budget 2025
Strategic Property						
E13001	Harbour Owned Comm Blgs	35,106	-	35,106	35,106	105,744
Aquatic Centres						
C21501	Renewals Murupara Aquatic Cent	15,215	637	14,578	14,000	14,000
Whakatāne Holiday Park						
C37005	Holiday Park - Renewals	180,000	94,696	85,304	40,000	145,369
Stormwater Drainage						
310012	Electrical & minor replacement	79,149	1,834	77,316	70,000	70,000
310123	WHK SW - Pipe Upgrades	881,744	232,731	649,013	649,013	649,013
310097	Ohope SW modelling for RC	40,000	80	39,920	39,920	39,920
311203	Ohp Compre SW Consents & Upgrd	82,320	-	82,320	82,320	82,320
311204	Ohp CAP Upgrd Compre MGMT Plan	83,865	-	83,865	83,865	83,865
311404	Edge Compre SW Consent & Upgrd	33,546	-	33,546	33,546	33,546
313004	Tane Compre SW Consent & Upgrd	72,683	9,651	63,032	63,032	63,032
Wastewater						
510017	3WR32 Swg Pmpstn Upgr Pohutu	74,777	3,240	71,536	71,536	71,536
510089	WHK WW - Upgrade WW Treatmt Pl	900,000	480,686	419,313	169,000	426,288
511008	Ohope WW Asset risk & resilien	31,310	79	31,230	31,230	31,230
511551	EDG WW Rising Main Renewal	294,087	3,706	290,381	158,835	158,835
511016	Muru WW monitor renewal RC	27,955	23,800	4,155	4,155	31,350
512504	Muru WW Dischrg Rsrce Consents	264,849	2,591	262,258	262,258	912,258
512555	MRP WW Pipe, Manhole, Conn rept	129,272	-	129,272	129,272	129,272
513008	Tane WW Dischrg Rsrce Consnets	111,820	-	111,820	111,820	111,820
Water Supply						
410030	Equalised W PS Renewals	229,231	195,104	34,127	34,127	34,127
412054	Matata Water Meters	100,000	-	100,000	100,000	208,330
414559	PLAINS W Sampling/Cond Assess	7,827	-	7,827	7,827	7,827
417000	3WR1 Headworks - Otumahi 2nd	247,692	28,907	218,786	218,786	218,786
Ports and Harbours						
C23115	Tidal Pool Remediation	187,638	37,606	150,031	150,031	150,031
C23572	Harbours Renewals - Navigation	10,539	-	10,539	10,539	41,096
					2,570,218	

3. THAT the Council **approve** the carry forward of unspent operational project budgets into the 2024/25 financial year totalling \$1.61 million, including associated subsidies where applicable.

Project	Project Description	(after LTP2034 Rephasing) Revised Budget 2024	Actual 2024	Variance / Underspend	Proposed Budget Carry Forward to 2025
Governance					
L10501	BOF Collective Iwi Policy Hub	349,973	177,712	172,261	172,261
Safer Communities					
S50568	Community Planning	21,548	-	21,548	21,548
S50576	CommFunding Dev Business Case	51,023	25,144	25,878	25,878
Resource Management - Policy					
Y50027	Review of Strategies changes	77,674	66,879	10,795	10,795
Y50043	Landslide District Plan change	200,000	4,070	195,930	195,930
Y50045	Minimum Floor Level Consenting	100,000	47	99,953	99,953
Y50046	Spatial Plan/ Future Dev Strat	215,480	553,550	(338,070)	201,930
Y50050	BOF (S.D.Regem) Murupara	150,000	-	150,000	3,015
Y50052	BOF (S.D.Regem) Minginui	150,000	-	150,000	3,015
Strategic Property					
E10006	Town Regeneration	403,818	50,517	353,301	353,301
E13046	Proactive Property Development	269,350	198,599	70,751	70,751
Events and Tourism					
E20003	Tourism Development Plan (MBIE)	586,666	220,678	365,988	365,988
Parks Reserves and Gardens					
C10020	Onepu Forestry Block Pruning	60,000	55,790	4,210	4,210
C10021	Valley Rd Pine Plantation Harvesting	35,001	8,400	26,601	26,601
Corporate Property					
Y92006	BOF-CCTV Upgrade Expansion	300,000	26,650	273,350	57,237
					1,612,413

CARRIED

8.2 Minutes

Refer to page 15 of the agenda.

Moved Councillor Iles / Seconded Councillor Pullar

RESOLVED:

THAT the minutes from the following Whakatāne District Council Standing Committees be **received**:

- CEPSC Minutes 7 August 2024
- Environment, Energy and Resilience Committee 8 August 2024
- Risk and Assurance Committee 19 August 2024
- Finance and Performance Committee 29 August 2024

CARRIED

9 MAYORAL AND CHIEF EXECUTIVE REPORTS

9.1 Mayoral Report – July/August 2024

Refer to pages 16-42 of the agenda.

Members thanked the mayor for his advocacy and support regarding consideration of Councillor remuneration, and the correspondence to the Remuneration Authority.

Moved Councillor Iles / Seconded Deputy Mayor Immink

RESOLVED:

THAT the Council **receives** the Mayoral Report – September/October 2024.

CARRIED

9.2 Chief Executive Report – October 2024

Refer to pages 43-44 of the agenda.

Moved Deputy Mayor Immink / Seconded Councillor Iles

RESOLVED:

THAT the Council **receives** the Chief Executive report – October 2024.

CARRIED

10 REPORTS

10.1 Council Meeting Calendar 2025 Report

Refer to pages 45-51 of the agenda.

Moved Councillor James / Seconded Councillor Boynton

RESOLVED:

1. THAT the Council Meeting Calendar 2025 Report be **received**; and
2. THAT the Council **adopts** the Council meeting calendar 2025 as appended to the Council Meeting Calendar 2025 report; noting that the Calenda 2025 is a living document.

CARRIED

10.2 Appointment of Director to BOPLASS Ltd.

Refer to pages 52-54 of the agenda.

Moved Councillor Iles / Seconded Councillor Rangiaho

RESOLVED:

1. THAT the Director appointment to BOPLASS report be **received**; and
2. THAT Council **appoints** the Chief Executive Officer Steven Perdia as Whakatāne District Council's director on the board of Bay of Plenty Local Authority Shared Services (BOPLASS) Ltd.

CARRIED

10.3 Change in Appointment of Recovery Manager

Refer to pages 55-58 of the agenda.

Moved Councillor James / Seconded Councillor Iles

RESOLVED:

1. THAT the Change in Appointment of Recovery Manager report be **received**; and
2. THAT the Council **recommends** to the Civil Defence Emergency Management Group the rescindment of the appointment of Steven Perdia as Local Recovery Manager for the Whakatāne District Council; and
3. THAT the Council **recommends** to the Civil Defence Emergency Management Group the appointment of Sarah Ellis as a Local Recovery Manager for the Whakatāne District Council.

CARRIED

10.4 Appointment of Observers to Limited Partnership Board

Refer to pages 59-61 of the agenda.

In response to a query, staff would follow up if the two WDC observers could attend the same meeting.

It was agreed that the appointment was to the role (as opposed to the person) and hence the recommendations were updated accordingly.

Moved Councillor Iles / Seconded Deputy Mayor Immink

RESOLVED:

1. THAT the Appointment of Observers to Limited Partnership Board report be **received**; and
2. THAT Council **approves** the appointment of Whakatāne District Council Chief Executive Officer as Council's delegated authority for obligations under the Limited Partnership Agreement and as observer to the Board of Te Rāhui Herenga Waka Limited Partnership; and
3. THAT Council **approves** the appointment of the Whakatāne District Council mayor as alternate Council observer to the Board of Te Rāhui Herenga Waka Limited Partnership.

CARRIED

10.5 Eastern Bay of Plenty Spatial Plan: Project Governance Group Revised Terms of Reference Report

Refer to pages 62-69 of the agenda.

Attendance: Mr Petch joined the meeting at 9:39 am.

Moved Councillor Boynton / Seconded Councillor Dennis

RESOLVED:

1. THAT the Eastern Bay of Plenty Spatial Plan: Project Governance Group Terms of Reference Report be **received**; and
2. THAT Council **adopt** the amended Terms of Reference for the Eastern Bay of Plenty Spatial Plan Project Governance Group.

CARRIED

Attendance: Councillor Iles left the meeting at 9:42am and Mr Petch left the meeting at 9:44 am.

10.6 Change to Fees and Charges – Tōtara Events Space

Refer to pages 70-73 of the agenda.

Attendance: G Mischefski-Gray (Strategic Policy Analyst) and H Allison (Senior Strategic Policy Analyst) entered the meeting at 9:45 am.

During discussions the following points were noted:

- The proposed fees were in alignment with Council's Fees and Charges Policy and with the Revenue and Finance Policy. The fee structure for afterhours usage was formulated as cost recovery only.
- Council provided several meeting rooms for public use during business hours, at no charge, and it was requested this information be communicated.
- Strong community feedback noted revenue impacts if the fee structure was not competitive.
- The meeting rooms in question were premium spaces.
- For Council related events the charges would not apply. Judgement and discretion could be made when working collaboratively with council.

Attendance: Acting GM Strategy and Transformation left the meeting at 9:58am and then physically entered the meeting at 10:00 am.

Moved Councillor Pullar / Seconded Councillor James

RESOLVED:

1. THAT the Change to Fees and Charges: Tötara Event Space report be **received**; and
2. THAT the Council **approve** an additional fee between sections 30 and 31 of the Fees and Charges Schedule as follows:

31.0 CIVIC CENTRE ROOM HIRE (Tötara Event Space).

31.1	Bond	
31.1.1	Bond fee	\$200 each
31.2	Tötara/Kiwi Space	
31.2.1	General Use	\$330 per evening
31.3	Miro/Kereru Space	
31.3.1	General Use	\$240 per evening
31.4	Tötara/Kiwi/Miro/Kereru Space (Entire Space)	
31.4.1	General Use	\$500 per evening
31.4.2	Registered Non-Profit/Charitable Organisation	\$240 per evening

CARRIED

Adjournment: The meeting adjourned at 10:12 am and recommenced at 10:28 am.

Attendance: Councillor Iles re-entered the meeting at 10:28am.

10.7 Council Policies and Bylaws: Work Programme Update Report

Refer to pages 74-85 of the agenda.

Moved Councillor Iles / Seconded Councillor Rangiaho

RESOLVED:

1. THAT the Council Policies and Bylaws: Work Programme Update Report be **received**; and
2. THAT the Council **note** a schedule of the policy and bylaw review timetable will be published on the Council website; and
3. THAT the Council **revoke** the Whakatāne District Council COVID-19 Policy.

CARRIED

10.8 Approval of the Public Places Bylaw and Freedom Camping Bylaw

Refer to pages 86-85 of the agenda.

The Senior Strategic Policy Analyst summarised the changes incorporated into the final versions of the bylaws. She advised of the additional proposed change to clause 4.1 (f); updated to read “a person shall not dispose of the body or part of the body of an animal in their possession into a public place”.

Attendance:

Manager Strategic Property entered the meeting at 10:47 am.

GM Infrastructure and Acting CFO and GM Business Partnering entered the meeting at 10:57 am.

Moved Councillor Jukes / Seconded Deputy Mayor Immink

RESOLVED:

1. THAT the Council **receive** the Approval of Public Places Bylaw and Freedom Camping Bylaw report; and
2. THAT the Council **approve** amendments to the Public Places Bylaw; and
3. THAT the Council **revoke** the freedom camping provisions within the Public Places Bylaw and **replace** with the Freedom Camping Bylaw; and
4. THAT the Council **approve** the amendments to the District Reserve Management Plan.

CARRIED

11 RESOLUTION TO EXCLUDE THE PUBLIC

Refer to pages 145-146 of the agenda and page 8 of the Supplementary agenda.

Moved Iles / Seconded Deputy Mayor Immink

RESOLVED:

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

1. Public Excluded Minutes Ordinary Council Meeting 30 July 2024
2. Public Excluded Minutes Chief Executive Performance and Support Committee Meeting 7 August 2024
3. Public Excluded Minutes Risk and Assurance Committee Meeting 19 August 2024
4. Commercial Land Management Update
5. 2 The Strand Additional Information
6. Pohutu Street Update
7. Funding Update October 2024 Report (*Supplementary agenda*)

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:

	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
1.	Public Excluded Minutes Ordinary Council Meeting 30 July 2024	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)
2.	Public Excluded Minutes Chief Executive Performance and Support Committee 7 August 2024	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)

3.	Public Excluded Minutes Risk and Assurance Committee Meeting 19 August 2024	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)
4.	Commercial Land Management Update	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)
5.	2 The Strand Additional Information	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)
6.	Pohutu Street Update	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)
7.	Funding Update October 2024 Report (<i>Supplementary agenda</i>)	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)

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:

Item No	Interest
1, 2, 3, 5	To protect the privacy of natural persons, including that of deceased natural persons; (Schedule 7(2)(a))
3, 4, 6	Maintain legal professional privilege (Schedule 7(2)(g))
3, 5, 6, 7	To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))

CARRIED

The meeting moved into Public Excluded session at 10:55 am.

The meeting returned to the Public session at 3:02 pm.

12 RESTATEMENT OF RESOLUTIONS

The Chairperson restated the following resolutions:

Public Excluded – Commercial Land Management Update	
1	THAT the Council receive the report Commercial Land Management Update.
2	THAT the Council confirms the public be excluded from consideration of this report on the grounds set out in the Local Government Official Information and Meetings Act 1987 under Section 48(1)(a)(i) Section 7 (2)(g) as withholding the information is necessary to maintain legal professional privilege and confirms that the report remain in Public Excluded.
Public Excluded – 2 The Strand Additional Information	
1	THAT the Council: <ul style="list-style-type: none">i) Receive the 2 The Strand Additional Information report; and,ii) Confirms the public be excluded from consideration of this report on the grounds set out in the Local Government Official Information and Meetings Act 1987 under Section 48(1)(a): Schedule 7 (2)(i) as withholding the information is necessary to enable the Council to carry out negotiations Schedule 7 (2)(a) to protect the privacy of natural persons, including that of deceased natural personsiii) Confirms that the report be released to the public on the Chief Executive’s approval.
2	THAT the Council confirms that this report be released to the public on the Chief Executive’s approval after completion of the project.
Public Excluded – Pohutu Street Update	
1	THAT the Pohutu Street Update report be received.
2	THAT the Council confirms that the report be released to the public on the Chief Executive’s approval.
Public Excluded – Funding Update October 2024	
1	THAT the Funding Update October 2024 report be received.
2	THAT the Council confirms that the report be released to the public on the Chief Executive’s approval.

The Chief Executive acknowledged this was the last Council meeting for the current GM Community Engagement. He thanked her for her great work and achievements and wished her all the best when leaving Council in November.

The meeting closed at 3:07 pm with a Karakia by Councillor Rangiaho.

Confirmed at the meeting dated:
CHAIRPERSON