

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
COUNCIL MEETING NO. C21-3  
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA  
ON THURSDAY, 8 APRIL 2021 AT 9.30AM**

**1 PRESENT**

Mayor G Webber, Deputy Mayor J Scrimgeour, Cr G Dally, Cr M Dean, Cr J Denyer, Cr M Grainger, Cr M Gray, Cr A Henry, Cr K Marsh, Cr M Murray-Benge and Cr D Thwaites.

**2 IN ATTENDANCE**

M Taris (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), J Pedersen (Group Manager People and Customer Services), K Perumal (Group Manager Finance and Technology Services), R Davie (Group Manager Policy Planning and Regulatory Services), E Watton (Policy and Planning Manager), D Pearce (Community Manager), D Jensen (Senior Financial Planner), G Payne (Strategic Advisor), C Page (Senior Executive Assistant Mayor/CEO) and B Marynowski (CEO Group Assistant) and C Irvin (Senior Governance Advisor).

**3 APOLOGIES**

Nil

**4 CONSIDERATION OF LATE ITEMS**

Nil

**5 DECLARATIONS OF INTEREST**

Members were advised that if they have an interest (actual, potential, perceived, pecuniary or non-pecuniary interest) in any item on the agenda, then they must declare this interest and refrain from discussing or voting on that item, and they were advised to withdraw from the meeting table for the item [As per the Local Authorities (Members' Interest) Act 1968].

- Councillor Gray advised that she had resigned from the Waiari Water Supply Scheme.

**6 PUBLIC EXCLUDED ITEMS**

Nil

**7 PUBLIC FORUM**

Nil

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**8 COMMUNITY BOARD MINUTES FOR RECEIPT****8.1 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 9 FEBRUARY 2021**

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**RESOLUTION C21-3.1**

Moved: Deputy Mayor J Scrimgeour  
Seconded: Cr M Murray-Benge

That the Minutes of the Maketu Community Board Meeting held on 9 February 2021 be received.

**CARRIED**

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**8.2 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 11 FEBRUARY 2021**

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**RESOLUTION C21-3.2**

Moved: Deputy Mayor J Scrimgeour  
Seconded: Cr M Murray-Benge

That the Minutes of the Te Puke Community Board Meeting held on 11 February 2021 be received.

**CARRIED**

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**8.3 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 16 FEBRUARY 2021**

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**RESOLUTION C21-3.3**

Moved: Deputy Mayor J Scrimgeour  
Seconded: Cr M Murray-Benge

That the Minutes of the Ōmokoroa Community Board Meeting held on 16 February 2021 be received.

**CARRIED**

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**8.4 MINUTES OF THE WAIHI BEACH COMMUNITY BOARD MEETING HELD ON 22 FEBRUARY 2021**

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**RESOLUTION C21-3.4**

Moved: Deputy Mayor J Scrimgeour  
Seconded: Cr M Murray-Benge

That the Minutes of the Waihi Beach Community Board Meeting held on 22 February 2021 be received.

**CARRIED**

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## 9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

### 9.1 MINUTES OF THE COUNCIL MEETING HELD ON 9 FEBRUARY 2021

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#### RESOLUTION C21-3.5

Moved: Cr M Dean

Seconded: Cr A Henry

That the Minutes of the Council Meeting held on 9 February 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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### 9.2 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 18 FEBRUARY 2021

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#### RESOLUTION C21-3.6

Moved: Cr M Dean

Seconded: Cr A Henry

That the Minutes of the Policy Committee Meeting held on 18 February 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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### 9.3 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 23 FEBRUARY 2021

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#### RESOLUTION C21-3.7

Moved: Cr M Dean

Seconded: Cr A Henry

That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 23 February 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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### 9.4 MINUTES OF THE COUNCIL MEETING HELD ON 25 FEBRUARY 2021

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#### RESOLUTION C21-3.8

Moved: Cr M Dean

Seconded: Cr A Henry

That the Minutes of the Council Meeting held on 25 February 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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**9.5 MINUTES OF THE PERFORMANCE AND MONITORING COMMITTEE MEETING HELD ON 16 MARCH 2021**

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**RESOLUTION C21-3.9**

Moved: Cr M Dean  
Seconded: Cr A Henry

That the Minutes of the Performance and Monitoring Committee Meeting held on 16 March 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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**10 REPORTS****10.1 RECOMMENDATORY REPORT FROM PERFORMANCE AND MONITORING COMMITTEE - TWO MILE CREEK BANK PROTECTION WORKS**

The Committee considered a report dated 8 April 2021 from the Deputy CEO. The report was taken as read.

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**RESOLUTION C21-3.10**

Moved: Cr J Denyer  
Seconded: Cr A Henry

1. That Council increases the budget for Two Mike Creek Bank Protection Works from \$4,000,000 to \$5,975,000, funded from a transfer from other stormwater projects, in accordance with the attached schedule.
2. That it be noted the construction period for the Two Mile Creek works will be over the 2020/21/22/23 financial years, subject to resolving land entry agreements.
3. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.

**CARRIED**

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**10.2 RECOMMENDATORY REPORT FROM AUDIT AND RISK COMMITTEE - REPAYMENT OF DEBT MATURITY**

The Committee considered a report dated 8 April 2021 from the Senior Financial Planner. The report was taken as read.

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**RESOLUTION C21-3.11**

Moved: Cr M Grainger  
Seconded: Cr J Denyer

1. That Council repay the \$20 million debt maturity payable to the Local Government Funding Agency Limited on 15 April 2021 from Council's cash balance.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.

**CARRIED**

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### **10.3 BOPLASS LTD HALF YEARLY REPORT TO SHAREHOLDERS 2020-2021 (PERIOD ENDED 31 DECEMBER 2020) AND DRAFT STATEMENT OF INTENT 2021-2024**

The Committee considered a report dated 8 April 2021 from the Senior Financial Planner. The report was taken as read.

Staff responded to questions as follows:

- The CEO advised that, under the Bay of Plenty Local Authority Shared Services Ltd (BOPLASS) Statement of Intent 2021-2024, 'Projects for Consideration' were items that were discussed amongst the collective BOPLASS Council and then taken back to the individual Councils for consideration. There were variations due to some Councils having different operating models.

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#### **RESOLUTION C21-3.12**

Moved: Cr K Marsh

Seconded: Cr M Dean

1. That the Senior Financial Planner's report dated 8 April 2021 titled 'BOPLASS Limited Half Yearly Report to Shareholders 2020-2021 (Period Ended 31 December 2020) and Draft Statement of Intent 2021-2024' be received.
2. That the BOPLASS Limited Half Yearly Report to Shareholders 2020-2021 (Period Ended 31 December 2020) and Draft Statement of Intent 2021-2024 relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the BOPLASS Limited Half Yearly Report to Shareholders 2020-2021 (Period Ended 31 December 2020) be received.
4. That the BOPLASS Limited Draft Statement of Intent 2021-2024 be received.
5. That the Board of BOPLASS Limited be advised of any comments on their Draft Statement of Intent 2021-2024.

**CARRIED**

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### **10.4 LOCAL GOVERNMENT FUNDING AGENCY LIMITED (LGFA) DRAFT STATEMENT OF INTENT 2021-2022 AND HALF YEAR REPORT 31 DECEMBER 2020**

The Committee considered a report dated 8 April 2021 from the Senior Financial Planner. The report was taken as read.

Staff responded to questions as follows:

- The Group Manager Finance and Technology Services advised that the LGFA was looking at exploring reverse mortgage initiatives around 'off balance sheet' financing, and was seeking advice from Cameron Partners (a Central Government advisor) who had provided Central Government with advice around infrastructure funding and financing.

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#### **RESOLUTION C21-3.13**

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

1. That the Senior Financial Planner's report dated 8 April 2021 titled 'Local Government Funding Agency Limited Draft Statement of Intent 2021-2022 and Half Year Report 31 December 2020' be received.

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2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
  3. That the Local Government Funding Agency Limited's Half Year Report to Shareholders 31 December 2020 (**Attachment 1**) be received.
  4. That the Local Government Funding Agency Limited's Draft Statement of Intent 2021-2022 and accompanying cover letter (**Attachment 2**) be received.
  5. That the Board of the Local Government Funding Agency Limited be advised of any comments on their Draft Statement of Intent 2021-2022 within two months from 1 March 2021.

**CARRIED**

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### **10.5 TE PUNA WAR MEMORIAL HALL RATES RESOLUTION REPORT**

The Committee considered a report dated 8 April 2021 from the Acting – Finance Manager. The report was taken as read.

Staff responded to questions as follows:

- The Group Manager Finance and Technology Services advised that the loan component was already planned as part of the Annual Plan process, which was then not required due to the Hall receiving external funding. By the time Council was notified it could not be taken out of the Annual Plan process. The only way Council could accommodate not charging the area of benefit was to switch off that charge in the invoice process. Therefore the rates resolution needed to be closed off to capture this change.
- The CEO advised that, in accordance with legislation, this was a necessary 'clean up' to make sure the rates were absolutely correct.

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#### **RESOLUTION C21-3.14**

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

1. That the Acting - Finance Manager's report dated 8 April 2021 titled 'Te Puna War Memorial Hall Rates Resolution Report' be received.
2. That the targeted rate for Te Puna War Memorial Hall be set at zero for 2020/2021.

**CARRIED**

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### **10.6 DELEGATION OF DECISION MAKING FOR 2021 COMMUNITY MATCHING FUND**

The Committee considered a report dated 8 April 2021 from the Community Manager. The report was taken as read.

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#### **RESOLUTION C21-3.15**

Moved: Cr M Grainger

Seconded: Cr M Gray

1. That the Community Manager's report dated 8 April 2021 titled 'Delegation of Decision Making for 2021 Community Matching Fund' be received.
  2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
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3. That pursuant to Clause 32 Schedule 7 of the Local Government Act 2002, Council delegates to Deputy Mayor Scrimgeour, Councillor Dean and Councillor Denyer, together with the Chief Executive Officer, the power to make decisions in respect of applications to the Community Matching Fund 2021, including but not limited to the following powers:
- a. To award grants according to the purposes and guidelines of the Community Matching Fund 2021, within the allocated budget of \$140,000; and
  - b. To make payments to grant recipients as soon as practicable after the award decisions have been made.

**CARRIED**

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### 10.7 CHIEF EXECUTIVE OFFICER'S EXTRAORDINARY REPORT

The Committee considered a report dated 8 April 2021 from the Executive Assistant Mayor/CEO. The report was taken as read.

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#### RESOLUTION C21-3.16

Moved: Mayor G Webber

Seconded: Deputy Mayor J Scrimgeour

That the Executive Assistant Mayor/CEO's report dated 8 April 2021 titled 'Chief Executive Officer's Extraordinary Report' be received.

**CARRIED**

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### 10.8 MAYOR'S REPORT TO COUNCIL

The Committee considered a report dated 8 April 2021 from the Executive Assistant Mayor/CEO. The Mayor spoke to the report noting the following:

- Mayor Webber had been invited to attend the Tauranga ANZAC Day Service, along with Cr Murray-Benge, to lay a wreath on behalf of the Western Bay of Plenty District Council (reflected in recommendation seven).
  - SmarthGrowth: The next leadership meeting would be held on 22 April 2021 where a new independent Chairperson would be appointed.
  - Tauranga City Council (TCC): The TCC Commissioners had asked if WBOPDC could look at the possibility of a Common District Plan together with TCC. This would be with a view to exploring any savings that could be achieved if this was done as one entity, and possibly putting a case to Central Government. The respective CEO's were asked to look into this.
  - Three Waters: Elected Members attended the 'Zone Two' meeting on 26 March 2021. The costs of delivering associated infrastructure was likely to be more than first expected. Opinions had been split at rural and provincial meetings, for various reasons, between parties that did want to be a part of the the project and those who did not want to be a part of the associated reform.
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#### RESOLUTION C21-3.17

Moved: Mayor G Webber

Seconded: Cr M Grainger

That the Executive Assistant Mayor/CEO's report dated 8 April 2021 titled 'Mayor's Report to Council' be received.

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2. That Waihi Beach Councillors attend the Waihi Beach ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
3. That Te Puke Councillors attend the Te Puke ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
4. That Maketu Councillors attend the Maketu ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
5. That Katikati Councillors attend the Katikati ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
6. That Ōmokoroa Councillors attend the Ōmokoroa ANZAC Day Service and lay a wreath in conjunction with the Ōmokoroa Community Board on behalf of the Western Bay of Plenty District Council.
7. That Mayor Garry Webber and Councillor Murray-Benge attend the Tauranga ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.

**CARRIED**

## 11 INFORMATION FOR RECEIPT

Nil

## 12 RESOLUTION TO EXCLUDE THE PUBLIC

### RESOLUTION C21-3.18

Moved: Cr M Dean

Seconded: Cr J Denyer

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter 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 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 for the passing of this resolution
<b>12.1 - Confidential Minutes of the Council Meeting held on 9 February 2021</b>	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	s48(1)(a)(i) - 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 would exist under section 6 or section 7
<b>12.2 - Confidential Minutes of the Council Meeting held on 25 February 2021</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely	s48(1)(a)(i) - 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 would exist under section 6 or section 7



	<p>unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p> <p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	
<b>12.3 - Confidential Minutes of the Performance and Monitoring Meeting held on 16 March 2021</b>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - 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 would exist under section 6 or section 7
<b>12.4 - Recommendatory Report from Performance and Monitoring Committee -</b>	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the

<b>Property Acquisition - 109 Clarke Road</b>	disadvantage, commercial activities s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>12.5 - Mayor's Report to Council</b>	s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest  s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - 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 would exist under section 6 or section 7
<b>12.6 - Chief Executive Officer's Report - Request for Execution of Documents under Seal of Council</b>	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information  s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest	s48(1)(a)(i) - 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 would exist under section 6 or section 7

**CARRIED**

**The Meeting closed at 10:04am.**

**The minutes of this meeting were confirmed at the Council Meeting held on 20 May 2021.**

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Mayor G Webber  
**CHAIRPERSON / MAYOR**