

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. C21-8
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
ON THURSDAY, 20 MAY 2021 AT 9.30AM**

1 PRESENT

Deputy Mayor J Scrimgeour (Chairperson), Cr G Dally, Cr M Dean, Cr J Denyer, Cr M Grainger, Cr A Henry, Cr K Marsh, Cr M Murray-Benge, Cr D Thwaites and Cr A Sole.

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), D JENSEN (SENIOR FINANCIAL PLANNER), P OSBORNE (SENIOR GOVERNANCE ADVISOR – COMMUNITY BOARDS) AND C IRVIN (SENIOR GOVERNANCE ADVISOR).

OTHER ATTENDEES

MEGAN WILSON (BAY OF PLENTY TIMES)

3 APOLOGIES

The Chairperson noted the leave of absence from Mayor G Webber.

APOLOGY

RESOLUTION C21-8.1

Moved: Cr M Dean

Seconded: Cr D Thwaites

That the apology for absence from Cr M Gray be accepted.

CARRIED

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].

Declarations of interest were as follows:

- Cr Grainger in relation to item 10.2: 'Recommendatory Report from Ōmokoroa Community Board – Expressions of Interest for the Old Pavilion and Old Library'.

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

PUBLIC FORUM ADJOURN MEETING

RESOLUTION C21-8.2

Moved: Cr M Grainger

Seconded: Cr K Marsh

That the meeting adjourn for the purpose of holding a public forum.

CARRIED

A. Mike Hayden – Ōmokoroa Menzshed

- The Ōmokoroa Menzshed was seen as a venue/hub for retired men to assist with preserving mental health and providing opportunities that supported the upkeep of vocational skills by contributing to the community through activities such as repair shops, amongst other things.
- The Ōmokoroa Menzshed put forward a comprehensive Expression of Interest to use the Old Pavilion as a fall-back option only (not permanent), and were disappointed when it was denied.
- The Ōmokoroa Community Board met on 10 April 2021 and it was agreed that the Board let their decision lie on the table, until the Ōmokoroa Menzshed and the Board could sit down face-to-face and discuss some of the issues highlighted at this meeting.
- This meeting took place on 10 May, with an agreement that members of Ōmokoroa Menzshed would meet with Council's Strategic Property Manager to discuss further details (yet to take place). Mr Hayden acknowledged the positive input from Cr Thwaites and Cr Grainger.
- Ōmokoroa Menzshed wanted to, and could afford to, fund a building that could be used as the 'Hub', but could not afford the land and felt that the best option would be for it to be located on Council land.
- Mr Hayden noted that, until Council gave its full support to the project, it would be difficult to raise funds for the building and was therefore hoping that this could progress quickly.

Mr Hayden responded to questions of clarification from Elected Members as follows:

- The Ōmokoroa Menzshed was asking for Council to consider a 2000 square metre serviced plot for their proposed building, which was to include a parking area and room for expansion.
- The existing Old Pavilion could be used in the interim, if necessary. However, there were safety issues and it was preferable to spend money on a new building as opposed to repairing/upgrading the existing pavilion.

The Chairperson thanked Mr Hayden for his contribution to Public Forum.

PUBLIC FORUM MEETING RECONVENED

RESOLUTION C21-8.3

Moved: Cr D Thwaites

Seconded: Cr A Henry

That the meeting reconvene in formal session.

CARRIED

8 COMMUNITY BOARD MINUTES FOR RECEIPT

8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 31 MARCH 2021

RESOLUTION C21-8.4

Moved: Cr M Murray-Benge
Seconded: Cr A Henry

That the Minutes of the Katikati Community Board Meeting held on 31 March 2021, be received.

CARRIED

8.2 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 6 APRIL 2021

RESOLUTION C21-8.5

Moved: Cr M Murray-Benge
Seconded: Cr A Henry

That the Minutes of the Maketu Community Board Meeting held on 6 April 2021, be received.

CARRIED

8.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 8 APRIL 2021

RESOLUTION C21-8.6

Moved: Cr M Murray-Benge
Seconded: Cr A Henry

That the Minutes of the Te Puke Community Board Meeting held on 8 April 2021, be received.

CARRIED

8.4 MINUTES OF THE ŌMOKOROĀ COMMUNITY BOARD MEETING HELD ON 13 APRIL 2021

RESOLUTION C21-8.7

Moved: Cr M Murray-Benge
Seconded: Cr A Henry

That the Minutes of the Ōmokoroā Community Board Meeting held on 13 April 2021 be received.

CARRIED

8.5 MINUTES OF THE WAIHI BEACH COMMUNITY BOARD MEETING HELD ON 19 APRIL 2021

RESOLUTION C21-8.8

Moved: Cr M Murray-Benge
Seconded: Cr A Henry

That the Minutes of the Waihi Beach Community Board Meeting held on 19 April 2021, be received.

CARRIED

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION**9.1 MINUTES OF THE KATIKATI - WAIHI BEACH WARD FORUM MEETING HELD ON 2 MARCH 2021**

RESOLUTION C21-8.9

Moved: Cr J Denyer
Seconded: Cr G Dally

That the Minutes of the Katikati - Waihi Beach Ward Forum Meeting held on 2 March 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.2 MINUTES OF THE KAIMAI WARD FORUM MEETING HELD ON 10 MARCH 2021

RESOLUTION C21-8.10

Moved: Cr J Denyer
Seconded: Cr G Dally

That the Minutes of the Kaimai Ward Forum Meeting held on 10 March 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.3 MINUTES OF THE MAKETU - TE PUKE WARD FORUM MEETING HELD ON 16 MARCH 2021

RESOLUTION C21-8.11

Moved: Cr J Denyer
Seconded: Cr G Dally

That the Minutes of the Maketu - Te Puke Ward Forum Meeting held on 16 March 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.4 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 19 MARCH 2021

RESOLUTION C21-8.12

Moved: Cr J Denyer
Seconded: Cr G Dally

That the Minutes of the Audit and Risk Committee Meeting held on 19 March 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.5 MINUTES OF THE COUNCIL MEETING HELD ON 8 APRIL 2021

RESOLUTION C21-8.13

Moved: Cr J Denyer
Seconded: Cr G Dally

That the Minutes of the Council Meeting held on 8 April 2021 be confirmed as a true and correct record and the recommendations therein be adopted, noting the following amendment as the last item:

Item Transferred into Open Section:

12.5 MAYOR'S REPORT TO COUNCIL

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

RESOLUTION C21-3.23

Moved: Mayor G Webber
Seconded: Cr G Dally

1. That the Executive Assistant Mayor/CEO's report dated 8 April 2021 titled 'Mayor's Report to Council' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That Mayor Garry Webber and Deputy Mayor John Scrimgeour replace Councillor Grant Dally and Councillor Kevin Marsh and be appointed as Western Bay of Plenty District Council representatives to the Waiari Kaitiaki Group for the balance of this Triennium.
4. That the report/recommendation be transferred into the Open section of the meeting on 8 April 2021.

CARRIED

CARRIED

9.6 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 21 APRIL 2021

RESOLUTION C21-8.14

Moved: Cr J Denyer
Seconded: Cr G Dally

That the Minutes of the Extraordinary Council Meeting held on 21 April 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.7 MINUTES OF THE PERFORMANCE AND MONITORING MEETING HELD ON 27 APRIL 2021

RESOLUTION C21-8.15

Moved: Cr J Denyer
Seconded: Cr G Dally

That the Minutes of the Performance and Monitoring Meeting held on 27 April 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.8 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 27 APRIL 2021

RESOLUTION C21-8.16

Moved: Cr J Denyer
Seconded: Cr G Dally

That the Minutes of the Extraordinary Council Meeting held on 27 April 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.9 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 5 MAY 2021

RESOLUTION C21-8.17

Moved: Cr J Denyer
Seconded: Cr G Dally

That the Minutes of the Policy Committee Meeting held on 5 May 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.10 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 5 MAY 2021

RESOLUTION C21-8.18

Moved: Cr J Denyer
Seconded: Cr G Dally

That the Minutes of the Extraordinary Council Meeting held on 5 May 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.11 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 12 MAY 2021

RESOLUTION C21-8.19

Moved: Cr J Denyer
Seconded: Cr G Dally

That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 12 May 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.12 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 12 MAY 2021

RESOLUTION C21-8.20

Moved: Cr J Denyer
Seconded: Cr G Dally

That the Minutes of the Extraordinary Council Meeting held on 12 May 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10 REPORTS**10.1 RECOMMENDATION FOR ADOPTION OF 2021-2022 DOG CONTROL REGISTRATION FEES**

The Committee considered a report dated 20 May 2021 from the Compliance and Monitoring Manager. The report was taken as read.

RESOLUTION C21-8.21

Moved: Cr D Thwaites
Seconded: Cr M Murray-Benge

1. That Council adopts the 2021-2022 Dog Control Registration Fees as included in the 2021-2031 draft Schedule of Fees and Charges and that they be approved for public notification in accordance with the Dog Control Act 1996.
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

10.2 RECOMMENDATORY REPORT FROM ŌMOKOROA COMMUNITY BOARD - EXPRESSIONS OF INTEREST FOR THE OLD PAVILION AND THE OLD LIBRARY

The Committee considered a report dated 20 May 2021 from the Senior Governance Advisor – Community Boards. The report was taken as read.

- Cr Grainger declared an interest in this item and provided Elected Members with an overview of the group The Old Library Omokoroa's (TOLO) statement on what their intentions were for the future.
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RESOLUTION C21-8.22

Moved: Cr D Thwaites
Seconded: Cr M Murray-Benge

1. That Council approve that the group 'The Old Library Ōmokoroa' (TOLO) be leased the former Library and Service Centre at 9 McDonnell Street on Council's standard terms and conditions, for an initial period of 24-months and subject to satisfactory review a further two periods of 24-months.
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

10.3 RECOMMENDATORY REPORT FROM PERFORMANCE AND MONITORING COMMITTEE - TE PUNA MARAE CONNECTION TO ŌMOKOROA PIPELINE.

The Committee considered a report dated 20 May 2021 from the Asset and Capital Manager. The report was taken as read.

- The Deputy CEO advised that this decision supports the Marae in two ways: by enabling it to function and by supporting economic growth.
- The CEO advised that Council was fortunate to receive this extra funding as an addition to the Three Waters funding.

RESOLUTION C21-8.23

Moved: Cr M Dean

Seconded: Cr M Grainger

1. That Council approve the connection of Tūtereinga and Poutūterangi Marae to the Ōmokoroa transfer pipeline.
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 it be noted that the connection of Tūtereinga and Poutūterangi Marae to the Ōmokoroa transfer pipeline is funded from the Government Crown Infrastructure Partners Three Waters fund.

CARRIED

10.4 RECOMMENDATORY REPORT FROM PERFORMANCE AND MONITORING COMMITTEE - ŌMOKOROA NO. 1 SCHOOL - REQUEST TO CONNECT TO THE ŌMOKOROA WASTEWATER TRANSFER PIPELINE

The Committee considered a report dated 20 May 2021 from the Asset and Capital Manager. The report was taken as read.

Staff responded to questions as follows:

- The Deputy CEO advised that this connection was different in that the Ministry of Education and the School paid for all the costs.

RESOLUTION C21-8.24

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

1. That Council approves the connection of the Ōmokoroa No.1 School into the Ōmokoroa transfer pipeline.
2. That Council approves the school be charged a volumetric capital connection charge of \$3,658 per household equivalent.
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.
4. That the funding for the physical connection and capital contribution for the Ōmokoroa No.1 School into the Ōmokoroa transfer pipeline is provided by the Ministry of Education through the School.

CARRIED

10.5 STORMWATER EASEMENT OVER TE PUNA RIVER ESPLANADE RESERVE IN FAVOUR OF 560 OLD HIGHWAY

The Committee considered a report from the Legal Property Officer Reserves and Facilities. The report was taken as read.

Staff responded to questions as follows:

- The Deputy CEO advised that, at this point in time, the application for the Easement had not been approved and the pipeline could be placed either under ground or over ground.

RESOLUTION C21-8.25

Moved: Cr M Murray-Benge

Seconded: Cr M Dean

1. That the Legal Property Officer Reserves and Facilities' report dated 20 May 2021 titled 'Stormwater Easement over Te Puna River Esplanade Reserve in favour of 560 Old Highway' 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.
3. That pursuant to the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby consents to the creation of a storm water easement shown on the attached plan (**Attachment 1**) to allow Lot 1 DPS 56909 to discharge stormwater over Lot 4 DPS 44151.

CARRIED

10.6 CHIEF EXECUTIVE OFFICER'S EXTRAORDINARY REPORT

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

RESOLUTION C21-8.26

Moved: Cr M Grainger

Seconded: Cr A Sole

That the Executive Assistant Mayor/CEO's report dated 20 May 2021 titled 'Chief Executive Officer's Extraordinary Report' be received.

CARRIED

11 INFORMATION FOR RECEIPT

Nil

12 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION C21-8.27

Moved: Cr M Grainger

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
12.1 - Confidential Minutes of the Audit and Risk Committee Meeting held on 19 March 2021	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
12.2 - Confidential Minutes of the Council Meeting held on 8 April 2021	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <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)(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)(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

<p>12.3 - Confidential Minutes of the Extraordinary Council Meeting held on 21 April 2021</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</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>	<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</p>
<p>12.4 - Confidential Minutes of the Performance and Monitoring Meeting held on 27 April 2021</p>	<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)(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)(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>	<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</p>
<p>12.5 - Confidential Minutes of the Extraordinary Council Meeting held on 27 April 2021</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	<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</p>
<p>12.6 - Confidential Minutes of the Extraordinary Council Meeting held on 5 May 2021</p>	<p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations</p>	<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</p>

	(including commercial and industrial negotiations)	which good reason for withholding would exist under section 6 or section 7
12.7 - Chief Executive Officer's Report - Request For Execution of Documents under Seal of Council	<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)(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>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>

CARRIED

The Meeting closed at 10:10am.

The minutes of this meeting were confirmed at the Council Meeting held on 29 June 2021.

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Mayor G Webber

CHAIRPERSON / MAYOR