

Mā tō tātou takiwā
For our District

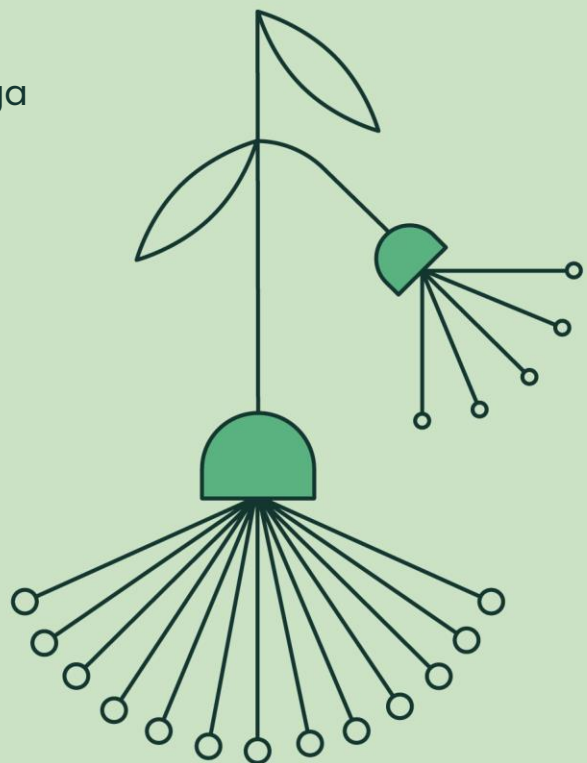
Council

Te Kaunihera

C22-1

Thursday, 24 February 2022, 9.30am

Council Chambers, Barks Corner, Tauranga



Council

Membership:

Chairperson	Mayor Garry Webber
Deputy Chairperson	Deputy Mayor John Scrimgeour
Members	Cr Grant Dally Cr Mark Dean Cr James Denyer Cr Murray Grainger Cr Monique Gray Cr Anne Henry Cr Kevin Marsh Cr Margaret Murray-Benge Cr Allan Sole Cr Don Thwaites
Quorum	6
Frequency	Six weekly

Role:

To ensure the effective and efficient governance and leadership of the District.

Power to Act:

To exercise all non-delegable functions and powers of the Council including, but not limited to:

- The power to make a rate;
- The power to make a bylaw;
- The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan;
- The power to adopt a Long Term Plan, Annual Plan or Annual Report;
- The power to appoint a chief executive;
- 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;
- The power to adopt a remuneration and employment policy;
- The power to approve a proposed policy statement or plan under clause 17 of Schedule 1 of the Resource Management Act 1991;
- The power to make a final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.

- To exercise all functions, powers and duties of the Council that have not been delegated, including the power to compulsorily acquire land under the Public Works Act 1981.
- To make decisions which are required by legislation to be made by resolution of the local authority.
- To authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council, or included in Council's Long Term Plan or Annual Plan.
- To make appointments of members to Council Controlled Organisation Boards of Directors/Trustees and representatives of Council to external organisations;
- To consider and make decisions regarding any matters relating to Council Controlled Organisations, including recommendations for modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent) recommended by the Policy Committee or any matters referred from the Performance and Monitoring Committee.
- To approve joint agreements and contractual arrangements between Western Bay of Plenty District Council and Tauranga City Council or any other entity.
- To consider applications to the Community Matching Fund (including accumulated Ecological Financial Contributions).
- To consider applications to the Facilities in the Community Grant Fund.

Procedural matters:

- Approval of elected member training/conference attendance.

Mayor's Delegation:

Should there be insufficient time for Council to consider approval of elected member training/conference attendance, the Mayor (or Deputy Mayor in the Mayor's absence) is delegated authority to grant approval and report the decision back to the next scheduled meeting of Council.

Should there be insufficient time for Council to consider approval of a final submission to an external body, the Mayor (or Deputy Mayor in the Mayor's absence) is delegated authority to sign the submission on behalf of Council, provided the final submission is reported to the next scheduled meeting of Council or relevant Committee.

Power to sub-delegate:

Council may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body, subject to the restrictions on its delegations and any limitation imposed by Council.

Notice is hereby given that a Meeting of Council will be held in the
Council Chambers, Barks Corner, Tauranga on:
Thursday, 24 February 2022 at 9.30am

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- 1 PRESENT**
- 2 IN ATTENDANCE**
- 3 APOLOGIES**
- 4 CONSIDERATION OF LATE ITEMS**
- 5 DECLARATIONS OF INTEREST**
- 6 PUBLIC EXCLUDED ITEMS**
- 7 PUBLIC FORUM**

Nil

8 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE PERFORMANCE AND MONITORING COMMITTEE MEETING HELD ON 2 DECEMBER 2021

File Number: A4431840

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Jan Pedersen, Group Manager People And Customer Services

RECOMMENDATION

That the Minutes of the Performance and Monitoring Committee Meeting held on 2 December 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

- 1. Minutes of the Performance and Monitoring Committee Meeting held on 2 December 2021**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
PERFORMANCE AND MONITORING COMMITTEE MEETING NO. PM21-8
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
AND VIA ZOOM (AUDIO / VISUAL LINK) UNDER COVID-19 ALERT LEVEL 2
AND LIVESTREAMED ON THURSDAY, 2 DECEMBER 2021 AT 9.30AM**

1 PRESENT

Cr D Thwaites (Chairperson), Mayor G Webber, 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, Deputy Mayor J Scrimgeour and Cr A Sole.

2 IN ATTENDANCE

J Holyoake (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), G Payne (Strategic Advisor), D Jensen (Finance Advisor), B Whitton (Customer Services and Governance Manager), P Watson (Reserves and Facilities Manager), B Williams (Strategic Property Manager), J Paterson (Transportation Manager), J Rickard (Senior Policy Analyst), EJ Wentzel (Utilities Operations Manager), T Coupe (Project Co-ordinator Infrastructure), H Wi Repa (Governance Technical Support), J Osborne (Governance Support Administrator) and C Irvin (Senior Governance Advisor).

VIA ZOOM

K Little (Operations Manager), T Abraham (Senior Assurance and Risk Specialist), and G Payne (Strategic Advisor).

OTHERS IN ATTENDANCE

Matakana Island Residents

B Rolleston

M Ngatai

Persimmon Lane Venue

R Chalmers

I Chalmers

Te Puke Wastewater Alternative Options Working Group

B Roderick

M Jones

M Boyle

B Shaw (Consultant)

VIA ZOOMPongakawa Heritage Charitable Trust Members

C Cawte

J Black

Waka Kotahi

D Spiers (Director Regional Relationships)

A Crean (Project Director)

J Andrew (Regional Manager System Design)

3 APOLOGIES**APOLOGY**

RESOLUTION PM21-8.1

Moved: Cr M Dean

Seconded: Cr J Denyer

That the apology for lateness from Cr Marsh be accepted.

CARRIED**4 CONSIDERATION OF LATE ITEMS**

Nil

5 DECLARATIONS OF INTEREST

Cr Denyer declared an interest in a confidential Agenda item.

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 PRESENTATIONS

Nil

9 REPORTS

9.1 GROUP MANAGER FINANCE AND TECHNOLOGY SERVICES' REPORT

The Committee considered a report dated 2 December 2021 from the Group Manager Finance and Technology Services. The report was taken as read.

Staff responded to questions as follows:

- Operationally, Council was under pressure due to increased costs both in wages and what was being charged out. Shipping was a good example in that it was taking twice as long for shipments to arrive from China as it did three months ago. This made it difficult to achieve what was needed in the capital space.
- The main driver for reducing debt was the Long Term Plan, the significant payments that had been made over the last few weeks, and the rates that had recently been collected on behalf of the Bay of Plenty Regional Council.
- The ten fold increase in associate income forecast was due to 'Borrower Notes'. When Council borrowed from the Local Government Funding Agency (LGFA), it had to give money back as Borrower Notes, which were held as security. As Council had not yet had to borrow, it had not yet had to give money back to the LGFA (as Borrower Notes).
- Council had a policy to be a 'good corporate citizen' in the community. Upon receiving an invoice, Council endeavoured to pay within a 30 day turnaround.
- The budgets for financial contributions were difficult to estimate and were very fluid from year to year. Budget variances were more a reflection of time lags/timing. There was no connection to rates income with financial contributions.

RESOLUTION PM21-8.2

Moved: Cr A Henry

Seconded: Cr M Murray-Benge

That the Group Manager Finance and Technology Services' report dated 2 December 2021 titled 'Group Manager Finance and Technology Services' Report be received.

CARRIED

9.2 SCHEDULE OF PAYMENTS FOR THE MONTH OF SEPTEMBER AND OCTOBER 2021

The Committee considered a report dated 2 December 2021 from the Financial Controller. The report was taken as read.

RESOLUTION PM21-8.3

Moved: Cr M Grainger

Seconded: Cr J Denyer

That the Financial Controller's report dated 2 December 2021 titled 'Schedule of Payments for the Months of September and October 2021' be received.

CARRIED

9.3 PROPOSAL TO LEASE - PONGAKAWA HERITAGE HOUSE AND RECLASSIFY PART OF PONGAKAWA DOMAIN RECREATION RESERVE TO LOCAL PURPOSE RESERVE (COMMUNITY USE)

The Committee considered a report from the Reserves and Facilities Manager who provided a brief summary of the report.

Joanne Black from Pongakawa Charitable Trust addressed the meeting noting the following:

- The Trust had been together for about five years and consisted of eight to ten members. The idea came from the 125th Jubilee of Pongakawa School that the Trust organised, where there were a lot of memorabilia and historical artifacts to do with the community that needed a home.
- It was felt that using the heritage home would be a great asset for the future of the Pongakawa community, as well as the connection to the school and its families.
- Having the cooperation of Council to help navigate the process was greatly appreciated.

Catherine Cawte from Pongakawa Charitable Trust addressed the meeting noting the following:

- The house had been gifted to the community and was now part of a historical vision for the area. It would fit in beautifully in the area, linking all the facilities around the school and community, and be a good resource that could be used for other purposes such as Plunket.

Staff responded to questions as follows:

- The area was relatively small and not a lot of people used it at the same time so it was felt that the car park would be adequate. There was also parking across the road, at the playcentre and a grass area that could be used for parking. It was felt that car park space would not be lost once the house was relocated to the site
-

- Catherine and Joanne attended the Maketu Community Board meeting in March 2021 to speak about the project.
- The Trust had already had an architect review the project in terms of a toilet block (including disabled access) and a building consent.
- As soon as Council had passed a resolution to proceed, staff would begin an advertising process before Christmas, then go out to full consultation and bring it back to Council, hopefully by February 2022. The Trust could then move forward with their planning, funding and building consent work.
- The cost of changing the Reserve status lay solely with the Applicant (the exacerbator of the change). A condition of the lease was that the Trust must have funding in place to complete the process/work (this was a pre-requisite before commencing the project).

RESOLUTION PM21-8.4

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Gray

1. That the Reserves and Facilities Manager's report dated 2 December 2021 titled 'Proposal to Lease – Pongakawa Heritage House and Reclassify Part of Pongakawa Domain Recreation Reserve to Local Purpose Reserve (Community Use)' 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 the Performance and Monitoring Committee approve in principle the application by the Pongakawa Heritage Charitable Trust to lease an area of approximately 465m² on Pongakawa Domain Recreation Reserve to locate and operate a heritage and archival repository facility.

And

4. That if approved, the Performance and Monitoring Committee agrees in principle to the reclassification of the portion of Pongakawa Domain Recreation Reserve as shown in this report from 'Recreation' to 'Local Purpose Reserve' (community use).

CARRIED

9.4 MATAKANA POINT ROAD / TIROHANGA ROAD SEAL EXTENSION

The Committee considered a report dated 2 December 2021 from the Transportation Manager. The report was taken as read.

Mr Rob Rolleston, Matakana Island resident, addressed the meeting noting the following:

- He felt the process had been unfair and that this was a matter for everyone on Matakana Island, not just residents living on Tirohanga Road.

Mr Mark Ngatai, Matakana Island resident, addressed the meeting noting the following:

- The tar sealing of the roads on Matakana Island had a long history. Residents had not always agreed with Council's plans or their process.
- He agreed with Rob Rolleston that the tar sealing of the roads was a matter for all residents on the Island and not just those on the Tirohanga Road.

RESOLUTION PM21-8.5

Moved: Mayor G Webber

Seconded: Cr M Murray-Benge

1. That the Transportation Manager's report dated 2 December 2021 titled 'Matakana Point Road / Tirohanga Road Seal Extension' 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 the seal extension on Tirohanga Road proceeds as planned in accordance with the seal extension policy.

CARRIED

10:20 The meeting adjourned

10:45 The meeting reconvened

10:45 Cr Marsh entered the meeting

CHANGE TO ORDER OF BUSINESS

The Chairperson requested that the next item of business be open Agenda item no. 9.6: 'Connection of 58 Te Puna Road to the Ōmokoroa Transfer Pipeline' in order to allow for presenters to be released from the meeting.

RESOLUTION PM21-8.6

Moved: Mayor G Webber

Seconded: Cr M Murray-Benge

That the next item of business be item no. 9.6: 'Connection of 58 Te Puna Road to the Ōmokoroa Transfer Pipeline' in order to allow for presenters to be released from the meeting.

CARRIED

9.5 CONNECTION OF 58 TE PUNA ROAD TO THE ŌMOKOROA TRANSFER PIPELINE

The Committee considered a report dated 2 December 2021 from the Asset and Capital Manager who provided a brief summary of the report.

Rose Chalmers, of Persimmon Lane Venue, spoke to the report noting the following points:

- The Venue initially catered for small events but now accommodated larger events such as weddings.
- Persimmon Lane Venue was unique to Te Puna in that it was rural and was able to hold events, such as weddings, for people with a limited budget
- Wastewater had become an increasing issue due to the growth in the size of the Venue and the events being held there.
- It was important the Venue and property were well looked after and part of this was sorting out the wastewater problem, in particular because of safety and environmental concerns.

Rose Chalmers responded to questions as follows:

- The Chalmers had been told that the large area of grass between the barn and the house could not be used because it was too steep.
- The Deputy Chief Executive Officer advised that the transfer pipeline had a capped discharge limit into the Tauranga City Council system and with the planned growth in Ōmokoroa the 30 year predicted wastewater volumes were at that limit.

RESOLUTION PM21-8.7

Moved: Mayor G Webber

Seconded: Cr A Sole

1. That the Asset and Capital Manager's report dated 2 December 2021 titled 'Connection of 58 Te Puna Road to the Ōmokoroa Transfer Pipeline' 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 Council does not approve the connection of 58 Te Puna Road, Te Puna into the Ōmokoroa transfer pipeline.

CARRIED

Cr Henry and Cr Murray-Benge voted against the motion and requested that their vote be recorded.

9.6 TE PUKE WASTEWATER ALTERNATIVE OPTIONS OPEN REPORT

The Committee considered a report dated 2 December 2021 from the Asset and Capital Manager. The report was taken as read with the following points noted:

- The amount of work done over the last five years was acknowledged, as was the significant contribution of time put in towards the project by the guests attending today.

Barry Roderick spoke to the report noting the following:

- Barry thanked Bob Shaw on behalf of the group for their collaborative work partnership. Bob had graciously completed research tasks when requested and done a very good job.

Michael Jones spoke to the report noting the following:

- It had been a long road to get to where the project was now, and applauded Bob Shaw for his continuous efforts. Council could take confidence in the work completed to date. Waiari was a special river that had a lot of cultural and historical significance, as well as environmental value. Everyone was concerned about achieving the best possible solution and 'getting it right'.

Mark Boyle spoke to the report noting the following:

- Mark acknowledged that a solid body of work had been done by the group, one that the community could be satisfied with.

Staff responded to questions as follows:

- It would be ideal to do the consultation for the Katikati and Te Puke wastewater processes side by side, so that the communities understood the decisions that had to be made along the way.
 - Future direction for the project must be set by 2029. From a Council and working party perspective, it would be best to move it along as quickly as practically possible because once a decision was made it gave clear direction on how to manage the processes. The sites still had to be canvassed to gain an understanding of any barriers on the land (such as soil conditions).
 - Council was currently designing an upgrade to the Te Puke Waste Water Treatment Plant to cater for Rangiora Business Park wastewater flows and to meet consent conditions.
 - Part of the next stage of the process was to look at the long term affects the wastewater disposal could have on the area. Once the working party knew the location of the site, they would start assessing what long term affects could occur.
-

Any new site had to have a resource consent, and would go through community consultation.

RESOLUTION PM21-8.8

Moved: Mayor G Webber

Seconded: Cr G Dally

1. That the Asset and Capital Manager's report dated 2 December 2021 titled 'Te Puke Wastewater Alternative Options Open Report' 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 staff be instructed to proceed with the staged approach as set out in the Asset and Capital Manager's reported titled 'Te Puke Wastewater Alternative Options Open Report':
 - a. Contact landowners and explain the background to the Te Puke effluent irrigation investigations and the interest in their parcel, likely timing and implications.
 - b. If permission is provided by landowners, undertake site investigations (soil permeability, groundwater level, crop compatibility, effluent sodium potassium levels as well as any other undesirable compounds) to determine feasibility of site.
 - c. If permission is not granted, continue to next site on the list and repeat (b) above.
 - d. Develop a communication plan, that includes a timing schedule, regarding the 'Te Puke Wastewater Alternative Options' and present this at a future Performance and Monitoring Committee. The communication plan should be developed in conjunction with the communication plan for the Katikati Alternative Options process.

CARRIED

10 INFORMATION FOR RECEIPT

10.1 WELLBEING PLAN IMPLEMENTATION UPDATE

The Committee considered a report dated 2 December 2021 from the Senior Policy Analyst. The report was taken as read.

- In relation to creating signage of common sayings in different languages in Te Puke, Cr Gray advised that the Te Puke Community Board were working on a project to

install story boards around the town, and asked if there would be merit in discussing this with the Policy Team to progress this action.

Staff responded to questions as follows:

- The Senior Policy Analyst advised that she would follow up with the Community Board on the signage project.
- The Rural Connectivity Group had been progressing a resource consent to have an internet tower installed in Whakamarama (on the corner of Ross Road). They still needed to get in touch with the land owner.
- The funding of the security cameras at McLaren Falls was from a separate budget to the budget for CCTV. There was still an opportunity for CCTV to be installed elsewhere in the Kaimai Ward. Funding would be allocated in accordance with the criteria in the CCTV Management Plan.
- Council was working with Tauranga City Council on a concept plan for McLaren Falls.
- The Wellbeing Implementation Plan would be reported on to council on a six monthly basis. The request to communicate more with Ward Councillors was taken on board.

Cr Henry thanked the Senior Policy Analyst on behalf of the Live Well Waihi Beach Steering Group for all the hard work done in providing information and advice to the group.

RESOLUTION PM21-8.9

Moved: Cr M Gray

Seconded: Cr A Henry

That the Senior Policy Analyst's report dated 2 December 2021 titled 'Wellbeing Plan Implementation Update' be received.

CARRIED

10.2 THE CENTRE – PĀTUKI MANAWA DIGITAL HUB

The Committee considered a report dated 2 December 2021 from the Customer Services and Governance Manager. The report was taken as read.

RESOLUTION PM21-8.10

Moved: Cr M Murray-Benge

Seconded: Cr A Sole

That the Customer Services and Governance Manager's report dated 2 December 2021 titled 'The Centre – Pātuki Manawa Digital Hub' be received.

CARRIED

11 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION PM21-8.11

Moved: Cr M Dean

Seconded: Cr M Grainger

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
11.1 – Council Contracts Awarded or Renegotiated for the months of September and October 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 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

11.2 – Waka Kotahi (NZTA) Update and Presentation	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
11.3 – Te Puke Wastewater Alternative Options Confidential Report	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)	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
11.4 – Construction of Pensioner Housing – Beach Road, KatiKati	<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>	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

11.5 – Operational Risk Report December 2021 Confidential	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
CARRIED		

The Meeting closed at 2.57pm.

Confirmed as a true and correct record by Council on 24 February 2022.

8.2 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 9 DECEMBER 2021

File Number: A4474727

Author: Horowai Wi Repa, Governance Technical Support

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

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

ATTACHMENTS

- 1. Minutes of the Policy Committee Meeting held on 9 December 2021**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
POLICY COMMITTEE MEETING NO. PP21-7 HELD IN COUNCIL CHAMBERS,
BARKES CORNER, TAURANGA AND VIA ZOOM (AUDIO/VISUAL LINK) UNDER
COVID-19 PROTECTION FRAMEWORK ORANGE AND LIVESTREAMED ON
THURSDAY, 9 DECEMBER 2021 AT 9.30AM**

1 PRESENT

Mayor G Webber, Cr G Dally, Cr M Dean, Cr J Denyer, Cr M Grainger, Cr M Gray, Cr K Marsh (via Zoom), Cr M Murray-Benge, Deputy Mayor J Scrimgeour, Cr A Sole and Cr D Thwaites

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), R Davie (Group Manager Policy Planning and Regulatory Services), E Watton (Policy and Planning Manager), C Stone (Land Development Engineer), M Leighton (Senior Policy Analyst), N Rutland (Project Manager District Plan Review), T Rutherford (Policy Analyst), D Hancock (Legal Investigations Student), and B Clarke (Senior Governance Advisor)

3 APOLOGIES

APOLOGY

RESOLUTION PP21-7.1

Moved: Cr D Thwaites

Seconded: Cr A Sole

That the apology for absence from Cr Henry be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil.

5 DECLARATIONS OF INTEREST

Nil.

6 PUBLIC EXCLUDED ITEMS

Nil.

7 PUBLIC FORUM

Nil.

8 PRESENTATIONS

Nil.

9 REPORTS

9.1 WASTE MANAGEMENT AND MINIMISATION BYLAW – SPOKEN SUBMISSIONS

The report from the Senior Policy Analyst was taken as read.

The Policy and Planning Manager updated the Committee noting that, since the agenda closed, the consultation period had concluded and no submitters had registered to speak in Public Forum. Staff would provide an update on submissions at the Policy workshop scheduled later in the day.

RESOLUTION PP21-7.2

Moved: Cr J Denyer

Seconded: Cr M Grainger

That the Policy Analyst's report dated 9 December 2021, titled 'Waste Management and Minimisation Bylaw – Spoken Submissions', be received and the information noted.

CARRIED

9.2 ADOPTION OF THE DRAFT SEAL EXTENSION PRIORITISATION POLICY FOR CONSULTATION

The Chairperson welcomed the Legal Investigations Student who was in attendance.

The report from the Senior Policy Analyst was taken as read.

Staff responses to questions:

- Urban roads did not qualify in the budgets used for seal extension.
 - Residents on unsealed roads could contribute 50% of the cost to bring their road forward in the order of priority.
 - If the policy was adopted, it was likely that Goodall Road would be sealed within five years.
-

- In the recommendation, staff also sought to review the Māori Roadways Policy, as currently this was incompatible with the Seal Extension Prioritisation Policy. This would enable both policies to be consulted on concurrently.

RESOLUTION PP21-7.3

Moved: Cr G Dally

Seconded: Cr M Dean

1. That the Policy and Planning Manager's report dated 9 December 2021, titled 'Adoption of the draft Seal Extension Prioritisation Policy for Consultation,' 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 the draft Seal Extension Prioritisation Policy in Attachment 1 of the agenda report be adopted for consultation, in accordance with section 82 of the Local Government Act 2002 alongside the Annual Plan 2022/23, and in a manner generally consistent with the proposed approach set out in part 16 of this report.
4. That the Policy Committee requests that a review of the Māori Roadways Policy be undertaken to prepare a draft policy for adoption by no later than March 2022, to enable concurrent consultation with the draft Seal Extension Prioritisation Policy, and to include pre-engagement workshops with Tangata Whenua forums (Te Ihu o Te Waka o Te Arawa and Te Kahui Mana Whenua o Tauranga Moana) to inform development of the draft policy.

CARRIED

9.3 FURTHER SUBMISSION ON BEHALF OF COUNCIL – PROPOSED CHANGE 5 (KAITUNA) TO THE REGIONAL POLICY STATEMENT

The report from the Senior Policy Analyst was taken as read.

RESOLUTION PP21-7.4

Moved: Cr M Murray-Benge

Seconded: Cr A Sole

1. That the Senior Policy Analyst's report dated 9 December 2021, titled 'Further Submission on behalf of Council – Proposed Change 5 (Kaituna) to the Regional Policy Statement' be received.
 2. That the following submission, shown as Attachment 1 of the agenda report, is received by the Policy Committee and the information is noted:
-

-
- a. Western Bay of Plenty District Council's further submission to Proposed Change 5 (Kaituna) Bay of Plenty Regional Council Regional Policy Statement, dated 9 November 2021.

CARRIED

9.4 RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT BILL

The report from the Senior Policy Analyst/Project Manager District Plan Review's was taken as read, and it was noted that the Submission had already been provided.

Staff response to a question:

- Council was anticipating the reform by 17 December 2021. As signalled recently at Council, the pace of change with this reform was rapid, to the point that it had been included on the agenda for the Committee to receive and consider today. It had already been provided to the Environment Select Committee, and Council's submission points had been received. Staff would update Councillors on the report and outcome from that Committee, and what the next steps would be, at the workshop scheduled later in the day.

RESOLUTION PP21-7.5

Moved: Cr J Denyer

Seconded: Cr M Grainger

1. That the Senior Policy Analyst / Project Manager District Plan Review's report dated 9 December 2021, titled 'Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill' be received.
2. That the following submission, shown as Attachment 1 of the agenda report, is received by the Policy Committee and the information is noted:
 - a. Western Bay of Plenty District Council's Submission on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, dated 16 November 2021.

CARRIED

9.5 REDUCTIONS / WAIVERS OF FEES FOR COMMUNITY HOUSING AND PAPA KĀINGA

The report from the Senior Policy Analyst was taken as read.

Staff response to a question:

- Options A and B were similar, but slightly different. There was recognition that, for Papakāinga, most development would happen in rural areas and therefore, to date, there would not be a Financial Contribution charged for water or wastewater connections. Staff proposed that, for both Community Housing and Papakāinga, one 'up front' charge the equivalent of a full Financial Contribution would be paid for one household unit equivalent. Option A was a discount of 50% for Community Housing, recognising that would be connecting to water and wastewater as well. Papakāinga was a 100% discount because it was a lower range of fees. If that Papakāinga was in a situation where it would connect to water and wastewater, Council would assess the appropriate level of Financial Contributions for those connections. Option B was similar but recognised the two different contexts for it.

RESOLUTION PP21-7.6

Moved: Cr M Grainger

Seconded: Cr M Dean

1. That the Senior Policy Analyst's report dated 9 December 2021, titled Reductions/Waivers of Fees for Community Housing and Papakāinga, be received.
2. That the report relates to an issue that is considered to be of high significance in terms of Council's Significance and Engagement Policy.
3. That the following criteria for providing reductions/waivers of fees for Community Housing and Papakāinga is adopted for consultation as part of the Schedule of Fees and Charges 2022/23:
 - a. A waiver/reduction will be provided to community housing providers and Papakāinga.
 - b. Kāinga Ora are excluded from any waiver/reduction.
 - c. Organisations that are not registered Community Housing Providers (CHPs) will need to provide alternative evidence that the housing they are developing will be held as assisted rental or assisted ownership in the longer term.
 - d. For development of community housing, a restrictive covenant specifying the use of the housing for community housing will be lodged against the title.
4. That the level of the waiver for inclusion in the Draft Schedule of Fees and Charges 2022/23 for consultation as required under Section 83 of the Local Government Act is as follows:

- All developments charged the equivalent of one Household Unit Equivalent (HUE).
- Community Housing Providers: 100% reduction in FINCOS for additional dwellings (over and above the base charge of one HUE), up to a maximum of 10 dwellings.
- Papakāinga: 100% reduction in FINCOS for additional dwellings (over and above the base charge of one HUE) for all activities, up to a maximum of 10 dwellings.

CARRIED

10 INFORMATION FOR RECEIPT

Nil.

The meeting was declared closed at 9.45 am.

Confirmed as a true and correct record at the Council meeting held on 24 February 2022.

8.3 MINUTES OF THE COUNCIL MEETING HELD ON 16 DECEMBER 2021

File Number: A4474077

Author: Carolyn Irvin, Senior Governance Advisor

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Council Meeting held on 16 December 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

- 1. Minutes of the Council Meeting held on 16 December 2021**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. C21-14
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
AND VIA ZOOM (AUDIO / VISUAL LINK)
UNDER COVID-19 PROTECTION FRAMEWORK – ORANGE
AND LIVESTREAMED ON THURSDAY, 16 DECEMBER 2021 AT 9.30AM**

1 PRESENT

Mayor G Webber (Chairperson), 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, Cr A Sole and Cr D Thwaites

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), R Davie (Group Manager Policy Planning and Regulatory Services), J Pedersen (Group Manager People and Customer Services), K Perumal (Group Manager Finance and Technology Services), D Pearce (Community Manager), D Jensen (Finance Manager), L Balvert (Communications Manager), H Wi Repa (Governance Technical Support), J Osbourne (Governance Support Administrator), and C Irvin (Senior Governance Advisor).

VIA ZOOM:

L Balneaves (Executive Assistant Finance and Technology)

OTHERS IN ATTENDANCE:

Bay of Plenty Times

One member of the Press

3 APOLOGIES

APOLOGY

RESOLUTION C21-14.1

Moved: Cr J Denyer

Seconded: Cr K Marsh

That the apology for lateness from Cr Dally be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEM

The Chairperson advised there was one late item for the Committee to consider for inclusion in the open section of the agenda, being 'Notice of Motion – Councillor Grainger – Three Waters Proposal'.

The reason this item was not included on the agenda was that it was received after the Agenda had been published and it could not be delayed to the next scheduled Council meeting because the Notice of Motion needed Council confirmation to facilitate action in a timely manner.

LATE ITEM

RESOLUTION C21-14.2

Moved: Cr M Grainger

Seconded: Cr M Murray-Benge

1. That, in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the following item be considered as a late item of open business:

- 'Notice of Motion – Councillor Grainger – Three Waters Proposal'

CARRIED

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

A. Wayne Wright – Ōmokoroa Resident

- The Labour Government's argument for the Three Waters Reform lacked any credible foundation.
- A Statement of Claim had been filed in the High Court by three councils who were asking the Government to provide a legal affirmation of their position, and ownership of assets, which should provide a legal framework of shared understanding for all parties going forward.
- Councillors should listen to their ratepayers who were against the proposed amalgamation of the Three Waters Reform and vote for the motion today.

9.33am Cr Dally entered the meeting

B. Keith Hay – Katikati – Waihi Beach Residents and Ratepayers Association

- It was felt the Three Waters Reform proposal would not solve all the problems in New Zealand, but would have a serious negative effect on ratepayers.
- Cr Grainger's motion was fully supported and it was hoped it would be passed unanimously to demonstrate to the Government that the District absolutely rejected the proposal.

C. Ross Goudie – Waihi Beach Community Board Chairperson

- Cr Grainger's motion was fully supported.
- The Government's processes so far were highly questionable and it was felt they had not been transparent and genuine.
- Council had to decide today which side of history it wanted to be on and stand up for the ratepayers who were against the proposal.

D. Bruce McCabe – Ōmokoroa Residents and Ratepayers Association

- Cr Grainger's motion was fully supported because Local Government's fundamental responsibility was to act in the best interest of ratepayers.
- Western Bay of Plenty District Council (WBOPDC) ratepayers were against the proposal because they felt it would be detrimental to them.

E. Ken Shirley – Ōmokoroa Residents and Ratepayers Association

- Council was to be congratulated for its achievements over the last 15 years – especially in the infrastructure area.
- Drinking water, stormwater and sewerage could be managed in a better way with better economies of scale, access to expertise, greater cooperation between councils and more leveraging funding from the Government.
- However, the Three Waters Reform campaign had been dishonest and misleading, and the reforms could be an expensive failure.
- Therefore, Cr Grainger's motion was fully supported.

F. Mike Hickey – Waihi Beach Resident

- Mr Hickey asked when the next Waihi Beach Community Board meeting would be held, if Council had liaised with Police in preparation for the upcoming holiday season, if anyone had been appointed to monitor the Waihi Beach Bylaws during the holiday season, and if there were any plans in place to restore road markings at Waihi Beach.

CHANGE TO ORDER OF BUSINESS

The Chairperson requested that the next item of business be open item 10.7: 'Notice of Motion – Councillor Grainger – Three Waters Proposal', in order to allow for attendees to be released from the meeting.

RESOLUTION C21-14.3

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Murray-Benge

That the next item of business be open item 10.7: 'Notice of Motion – Councillor Grainger – Three Waters Proposal', in order to allow for attendees to be released from the meeting.

CARRIED

8 REPORTS**8.1 NOTICE OF MOTION – COUNCILLOR GRAINGER – THREE WATERS PROPOSAL**

The Committee considered a late item report dated 16 December 2021 from Cr Murray Grainger, who spoke to the report noting the following:

- The Government's Three Waters Reform process so far had been far from democratic, and had removed local decision making from the community.
 - It was clear from cabinet papers that had been released there was never going to be an 'opt-out' option.
 - WBOPDC had written to Government Ministers twice, requesting modifications to the current Government proposals.
 - Given Council's duties and responsibilities under the Local Government Act 2002, why would WBOPDC not stand with the other Councils to oppose the undemocratic tactics of Central Government? Not doing so would be a failure of the solemn declarations that Elected Members made when elected.
-

RECOMMENDATION**MOTION**

The Mayor put the following motion:

Moved: Cr Grainger

Seconded: Cr Murray-Benge

1. That Council agrees to fund the initial payment of \$15,000; and
2. That _____ and _____ be mandated to sign the *MoU between Partner Councils in relation to their 3 Waters Campaign* dated 8 November 2021 on behalf of WBOPDC"

The vote was as follows: 6 for the motion and 6 against the motion. The Mayor then exercised his casting vote.

The motion was declared lost on the casting vote.

11:00am The meeting adjourned

11:16am The meeting reconvened

9 COMMUNITY BOARD MINUTES FOR RECEIPT

9.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 10 NOVEMBER 2021

RESOLUTION C21-14.4

Moved: Cr K Marsh

Seconded: Cr M Murray-Benge

That the Minutes of the Katikati Community Board Meeting held on 10 November 2021, be received.

CARRIED

9.2 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 16 NOVEMBER 2021

RESOLUTION C21-14.5

Moved: Cr K Marsh

Seconded: Cr M Murray-Benge

That the Minutes of the Maketu Community Board Meeting held on 16 November 2021, be received.

CARRIED

9.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 18 NOVEMBER 2021

RESOLUTION C21-14.6

Moved: Cr K Marsh

Seconded: Cr M Murray-Benge

That the Minutes of the Te Puke Community Board Meeting held on 18 November 2021 be received.

CARRIED

9.4 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 23 NOVEMBER 2021

RESOLUTION C21-14.7

Moved: Cr K Marsh

Seconded: Cr M Murray-Benge

That the Minutes of the Ōmokoroa Community Board Meeting held on 23 November 2021 be received.

CARRIED

9.5 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 29 NOVEMBER 2021

RESOLUTION C21-14.8

Moved: Cr K Marsh

Seconded: Cr M Murray-Benge

That the Minutes of the Waihi Beach Community Board Meeting held on 29 November 2021 be received

CARRIED

10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

10.1 MINUTES OF THE COUNCIL MEETING HELD ON 4 NOVEMBER 2021

RESOLUTION C21-14.9

Moved: Deputy Mayor J Scrimgeour
Seconded: Cr J Denyer

That the Minutes of the Council Meeting held on 4 November 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.2 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 4 NOVEMBER 2021

RESOLUTION C21-14.10

Moved: Cr J Denyer
Seconded: Cr M Grainger

That the Minutes of the Audit and Risk Committee Meeting held on 4 November 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.3 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 4 NOVEMBER 2021

RESOLUTION C21-14.11

Moved: Cr G Dally
Seconded: Cr M Murray-Benge

That the Minutes of the District Plan Committee Meeting held on 4 November 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

11 REPORTS

11.1 RECOMMENDATORY REPORT FROM THE KATIKATI COMMUNITY BOARD - 33 MIDDLEBROOK DRIVE

The Committee considered a report dated 16 December 2021 from the Senior Governance Advisor – Community Boards. The report was taken as read.

RESOLUTION C21-14.12

Moved: Cr J Denyer
Seconded: Cr A Sole

-
- That the land (33 Middlebrook Drive) be leased to the Interested Parties for the purpose of building suitable accommodation for all Interested Parties' purposes.

Interested Parties:

- Western Bay Museum
 - Katikati MenzShed
 - Katikati Community Van
 - Katikati Community Patrol
-
- That the leasing decision be placed on hold to enable discussion to be held between the Interested Parties and Council on a staged approach to the development and multi party funding including the Council's Middlebrook Drive insurance claim.

CARRIED

11.2 RECOMMENDATORY REPORT FROM THE KATIKATI COMMUNITY BOARD – REQUEST TO ENDORSE "KATIKATI MURAL TOWN – AVOCADO CAPITAL OF NEW ZEALAND"

The Committee considered a report dated 16 December 2021 from the Senior Governance Advisor – Community Boards. The report was taken as read.

RESOLUTION C21-14.13

Moved: Cr A Henry

Seconded: Cr A Sole

That Council endorse the branding of 'Katikati Mural Town – Avocado Capital of New Zealand'.

CARRIED

11.3 RECOMMENDATORY REPORT FROM THE PERFORMANCE AND MONITORING COMMITTEE – CONNECTION OF 58 TE PUNA ROAD TO THE ŌMOKOROA TRANSFER PIPELINE

The Committee considered a report dated 16 December 2021 from the Senior Governance Advisor. The report was taken as read.

RESOLUTION C21-14.14

Moved: Cr M Grainger

Seconded: Cr D Thwaites

That Council does not approve the connection of 58 Te Puna Road, Te Puna into the Ōmokoroa transfer pipeline.

CARRIED

11.4 TOURISM BAY OF PLENTY LETTER OF EXPECTATION 2022–2023

The Committee considered a report dated 16 December 2021 from the Community Manager. The report was taken as read.

RESOLUTION C21-14.15

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

1. That the Community Manager's report dated 16 December 2021 titled 'Tourism Bay of Plenty Letter of Expectation 2022–2023' 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 Council receives the Letter of Expectation 2022–2023 for Tourism Bay of Plenty.
4. That Council approves the Letter of Expectation from Western Bay of Plenty District Council to Tourism Bay of Plenty (Attachment 1), noting that approval of Tauranga City Council, as joint shareholder, was sought at their Council meeting on 6 December 2021.
5. That Council approves the amendment to Tourism Bay of Plenty's Statement of Intent for 2021–2024.

CARRIED

11.5 DRAFT 2022 SCHEDULE OF MEETINGS FOR ADOPTION

The Committee considered a report dated 16 December 2021 from the Governance Support Administrator. The report was taken as read.

RESOLUTION C21-14.16

Moved: Cr A Henry

Seconded: Cr M Grainger

1. That the Governance Support Administrator's report dated 16 December 2021 titled 'Draft 2022 Schedule of Meetings for Adoption' be received.
 2. That the report relates to an issue that is of low significance in terms of Council's Significance and Engagement Policy.
-

3. That the Draft 2022 Meeting Schedule, as shown in Attachment 1, be adopted as Council's meeting programme for 2022, noting that this programme is subject to change depending on the changing business needs of Council.
4. That the Customer Service and Governance Manager be delegated authority to make amendments to the meeting schedules should Council business require such amendment throughout the year, subject to appropriate notification to both Elected Members and the public.

CARRIED

11.6 RIGHT OF WAY EASEMENTS X 3 OVER KAITUNA SAND SPIT RECREATION RESERVE IN FAVOUR OF PART SECTION 3 SO 25204, PAPAHIKAHAWAI 1 AND 2 BLOCK VI ML394327, AND BAY OF PLENTY REGIONAL COUNCIL (IN GROSS)

The Committee considered a report dated 16 December 2021 from the Reserves and Facilities Manager. The report was taken as read.

RESOLUTION C21-14.17

Moved: Cr M Grainger

Seconded: Cr G Dally

1. That the Reserves and Facilities Manager's report dated 16 December 2021 and titled 'Right of Way Easements x 3 over Kaituna Sand Spit Recreation Reserve in favour of Part Section 3 SO 25204, Papahikahawai 1 and 2 Block VI ML394327, and Bay of Plenty Regional Council (in Gross)' be received.
2. That the report relates to an issue that is of low significance in terms of Council's Significance and Engagement Policy.
3. That having considered the provisions of Section 48 (3) of the Reserves Act 1977, Council, in its capacity as administering authority, does not require public notification of its intention to grant a right of way easement for the reasons contained in Section 2 of the report.
4. 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 right of way easement shown on the attached plan (Attachment 1) to allow Part Section 3 SO 25204 (Ford Island) and Papahikahawai 1 and 2 Blocks ML 39427 (Papahikahawai Island) and in gross for the Bay of Plenty Regional Council to provide access to and from the islands over Part Section 6 and Section 7 SO 46938 (the reserve) subject to:
 - a. The access being for maintenance purpose only;

- b. The Easement agreement includes conditions that protects Council against future maintenance; and
- c. The costs associated with the granting of an Easement are borne by the applicant

CARRIED

12 INFORMATION FOR RECEIPT

Nil

13 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION C21-14.18

Moved: Cr J Denyer

Seconded: Cr G Dally

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 Council Meeting held on 4 November 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)(i) - the withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the</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>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>12.2 – Confidential Minutes of the Audit and Risk Committee Meeting held on 4 November 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>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 – Recommendatory Report from the Performance and Monitoring Committee – Construction of Pensioner Housing – Beach Road, Katikati	<p>s7(2)(b)(i) – the withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</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>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>
12.4 – 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>
12.2 – Mayor's Report to Council – 16 December 2021	<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</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</p>

	<p>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>exist under section 6 or section 7</p>
12.3 - Eastern Town - Verbal Update	<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>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 11:55am.

Confirmed as a true and correct record at the Council meeting held 24 February 2022.

.....

Mayor G Webber

CHAIRPERSON / MAYOR

8.4 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 8 FEBRUARY 2022

File Number: A4476464

Author: Barbara Clarke, Senior Governance Advisor

Authoriser: Barbara Whitton, Customer Services and Governance Manager

RECOMMENDATION

That the Minutes of the Policy Committee Meeting held on 8 February 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

- 1. Minutes of the Policy Committee Meeting held on 8 February 2022**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
POLICY COMMITTEE MEETING NO. PP22-1, HELD IN THE COUNCIL CHAMBERS, BARKES
CORNER, TAURANGA AND VIA ZOOM (AUDIO/VISUAL LINK) UNDER
COVID-19 PROTECTION FRAMEWORK RED AND LIVESTREAMED
ON TUESDAY, 8 FEBRUARY 2022 AT 9.30AM**

1 PRESENT

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

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), R Davie (Group Manager Policy Planning and Regulatory Services), P Watson (Reserves and Facilities Manager), E Watton (Policy and Planning Manager), K McGinity (Senior Recreation Planner), T Rutherford (Policy Analyst), and B Clarke (Senior Governance Advisor)

3 APOLOGIES

Nil.

4 CONSIDERATION OF LATE ITEMS

Nil.

5 DECLARATIONS OF INTEREST

Nil.

6 PUBLIC EXCLUDED ITEMS

Nil.

7 PUBLIC FORUM

Nil.

8 PRESENTATIONS

Nil.

9 REPORTS

9.1 PROPOSED DRAFT TE PUKE-MAKETU RESERVE MANAGEMENT PLAN

The Senior Recreation Planner's report was taken as read.

RESOLUTION PP22-1.1

Moved: Cr M Gray

Seconded: Cr M Murray-Benge

1. That the Senior Recreation Planner's report dated 8 February 2022 titled 'Proposed Draft Te Puke-Maketu Reserve Management Plan' be received.
2. That the report relates to an issue considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That the pre-engagement undertaken from Monday, 13 September to Monday, 11 October 2021 fulfils the requirements of Section 41(5) of the Reserves Act 1977.
4. That the Policy Committee approves the release of the proposed draft Te Puke-Maketu Reserve Management Plan (attached to the agenda report as Parts 1 and 2) for community consultation, pursuant to Section 41(6) of the Reserves Act 1977.

CARRIED

9.2 DELIBERATIONS ON THE WASTE MANAGEMENT AND MINIMISATION BYLAW

The Policy Analyst's report was taken as read.

RESOLUTION PP22-1.2

Moved: Cr J Denyer

Seconded: Cr M Murray-Benge

1. That the Policy Analyst's report dated 8 February 2022 titled 'Deliberations on the Waste Management and Minimisation Bylaw' be received.
 2. That the report relates to an issue considered to be of medium significance in terms of Council's Significance and Engagement Policy.
 3. That, in relation to the following key deliberations matters that arose from feedback in the consultation period, the Policy Committee resolves:
-

Issue One: Construction and Demolition Waste

Option 1A: That the bylaw retains the current wording relating to Construction and Demolition waste.

Issue Two: Waste Management and Minimisation Plan

Option 2A: That feedback received regarding transfer stations be diverted to the Waste Management and Minimisation Plan (WMMP) review 2022/23.

4. That, pursuant to section 155 of the Local Government Act 2002, the bylaw is the most appropriate way of addressing the perceived problems, is the most appropriate form of bylaw, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
5. That the Policy Committee recommends to Council that the Waste Management and Minimisation Bylaw, as released for consultation and included as Attachment 1 of the agenda report, be adopted and come into force on 6 April 2022.
6. That the Policy Committee requests the Chief Executive Officer to direct staff to prepare a decision document as the formal response to submitters, in general accordance with the resolutions made in relation to this report, to be adopted by Council alongside the final bylaw.

CARRIED

10 INFORMATION FOR RECEIPT

Nil.

The meeting was declared closed at 9.33am.

The minutes were confirmed as a true and correct record by Council on 24 February 2022.

9 REPORTS

9.1 PUKEHINA COMMUNITY HALL 2020 TO 2050

File Number: A4435595

Author: Blaise Williams, Strategic Property Manager

Authoriser: Gary Allis, Deputy Chief Executive & Group Manager Infrastructure Services

EXECUTIVE SUMMARY

A new land lease is required to be entered into with Pukehina Beach Ratepayers Association to ensure that the hall continues operating as the local community hall. The purpose of this report is for Council to grant the lease.

RECOMMENDATION

1. That the Strategic Property Manager's report dated 24 February 2022 titled 'Pukehina Community Hall Lease 2020-2050' 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 Council, in its capacity as administering body of Lot 67 DPS 6963 Waihi South, **grants** Pukehina Beach Ratepayers Association a land lease of approximately 812m² for the purpose of a Community Hall from 1 November 2020 to 30 September 2025, with the ability to renew the lease 5 more times for a period of 5 years each, to 30 September 2050.
- OR
4. That Council, in its capacity as administering body of Lot 67 DPS 6963 Waihi South, **does not grant** Pukehina Beach Ratepayers Association a lease of approximately 812m² for the purpose of a Community Hall from 1 November 2020 to 30 September 2025, with the ability to renew the lease 5 more times for a period of 5 years each, to 30 September 2050.
 5. That the Chief Executive be delegated authority to negotiate and sign the lease.

BACKGROUND

As referred to in the Issues and Options Paper – Community Facilities (refer **Attachment 1**) the Pukehina Beach Ratepayers Association (PBRA) undertook the guardianship of the Pukehina Community Hall. Ownership of the building will pass to them contemporaneously with the signing of the lease.

The PBRA is responsible for all maintenance of the hall. However, given the extent of works required in terms of the recent building assessment from Prendos, and the granting of a \$200,000 loan, staff (including the building consents team) will involve themselves in

ensuring appropriate work is carried out. Staff have a meeting with the Hall committee in mid-February to discuss progress.

The lease proposed is for the footprint of the hall building only. The PBRA have signed the agreement to take ownership of the Hall, and this will be signed off by Council once the lease approval has been given.

A new land lease has been presented to and accepted by the PBRA. The lease term will be for a 5-year term, with the ability to renew the lease 5 more times for a period of 5 years each, ending 30 September 2050. This is the standard lease term for all Community Halls. The lease rental is the in the same form as leases held with other community halls and is based on \$1.00 on demand from Council. Council's rental policy does not apply to community halls.

If Council requires the land for other Council purposes, the lease allows for Council to give 6 months' notice to end the tenancy.

SIGNIFICANCE AND ENGAGEMENT

The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy.

In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions. The Policy requires Council and its communities to identify the degree of significance attached to issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is of low significance because the lease has already been consulted on as part of the Maketu Ward Reserve Management Plan (refer **Attachment 2**). The Reserve Management Plan (RMP) records that a lease is in place.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

The lease is contemplated in the RMP for the Maketu Ward. The RMP is to be reviewed in 2022/2023. The first term of the lease will expire on 30 September 2025. The RMP Review Document will detail the further proposed terms of the lease. The first lease term will be from 1 November 2020 to 30 September 2025, with 5 further terms of 5 years each with the lease expiring 30 September 2050.

ISSUES AND OPTIONS ASSESSMENT

<p style="text-align: center;">Option A</p> <p>That Council, in its capacity as administrating body of Lot 67 DPS 6963 Waihi South, grants Pukehina Beach Ratepayers Association a lease of approximately 812m² for the purpose of a Community Hall from 1 November 2020 to 30 September 2025, with the ability to renew the lease 5 more times for a period of 5 years each, to 30 September 2050.</p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>The hall provides wide ranging community benefits. It is used every day both socially, recreationally, and educationally.</p>
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>The Hall committee benefits from the hall targeted rate from residents of the Pukehina Beach area. Other income comes from hall bookings, donations and grants. This covers the future loan repayment and incidental operational costs.</p>
<p style="text-align: center;">Option B</p> <p>That Council, in its capacity as administrating body of Lot 67 DPS 6963 Waihi South, does not grant Pukehina Beach Ratepayers Association a lease of approximately 812m² for the purpose of a Community Hall from 1 November 2020 to 30 September 2025, with the ability to renew the lease 5 more times for a period of 5 years each, to 30 September 2050.</p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>A well used community space will be lost to Pukehina and surrounds.</p>
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>The community would not need to contribute to a targeted rate.</p>

STATUTORY COMPLIANCE

The lease is contemplated in the Reserve Management Plan for the Maketu Ward. The land is not a reserve under the Reserves Act 1977 so is not subject to that Act. The lease is subject to the Property Law Act 2007.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	<p>The Hall committee currently benefits from the hall targeted rate from residents of the Pukehina Beach area. Other income comes from hall bookings, donations and grants.</p> <p>Council has approved a loan to the Hall Committee (PBRA) of \$200,000 to bring the hall up to a consentable standard.</p>

ATTACHMENTS

1. **Issues and Options Paper**  
2. **Maketu RMP – Pukehina Community Hall (Fire Services Building)**  

Key Proposal
Issues and Options Paper
Community Facilities

Long Term Plan 2021-2031

Pukehina Hall Remediation

Issue and Options (IOP)		
	Number	Description
Topic	LTP01	Pukehina Hall
Issue	07	Pukehina Hall Remediation
Related strategies		Community Facilities Activity

Staff Narrative
<p>The Pukehina Community Hall has been assessed as having weather tightness issues. Consequently it does not have a current building consent and is unable to be used by the public.</p> <p>Recently the Pukehina Residents and Ratepayers Hall Committee has subsumed the Hall Committee and in the last few months they have undertaken a number of repairs to the Hall and obtained the reports necessary to commence the work required to reach the end goal of opening the Hall to the public.</p> <p>The new Hall Committee is working with both Property and Building Consent staff to map a pathway to the issue of a Building Warrant of Fitness (BWOFF).</p> <p>The Hall Committee and the property team have agreed that a loan up to \$200,000 from Council, (together with possible third party matching funds) would allow the Hall to be remediated to the point where it would attain a BWOFF).</p> <p>Consultation on the funding of the loan against rates over 10 years at \$30.00 plus maintenance costs of \$6.50 per property, has been undertaken, with online submissions closing on 9th April 2021. A drop in session was also held at the Pukehina Fishing Club on 17th March 2021.</p> <p>111 submissions were received on the above issue with 77 in support of the proposal and 21 against. 13 general comments were also received which were neither for, nor against the proposal.</p> <p>It should be noted that this Issues and Options Paper excludes the \$6.50 per property proposed maintenance cost which is in addition to the above \$30.00 per property loan repayment. The \$6.50 will be discussed under the general internal submission made for Halls in general, across the District.</p> <p>Declining the request will require the Council to undertake special consultation with the Pukehina Community on the future of the building and land, potential demolition and/or sale.</p>

A4043598

Options	
1	<i>That Council approves loan funding of up to \$200,000, for remediation of the Pukehina Hall weather tightness issues to be funded over 10 years by a rate of \$30.00 per property within the Pukehina Hall area of benefit.</i>
2	<i>That Council does not approve loan funding of up to \$200,000, for remediation of the Pukehina Hall weather tightness issues and undertakes special consultation with the Pukehina Community on the future of the building.</i>

A4043598

Option 1: That Council approves loan funding of up to \$200,000, for remediation of the Pukehina Hall weather tightness issues to be funded over 10 years by a rate of \$30.00 per property within the Pukehina Hall area of benefit.

Advantages

- There is community support from both the Community and Pukehina Residents and Ratepayer Association.
- The new Hall Committee are already working hard to bring the hall up to BWO standards.
- A community asset will be preserved.

Disadvantages

- There is some risk that weather tightness issues may not be fully addressed with current funding although this may be mitigated by 3rd party and matching funding being received.

Option 1: Implications for Work Programme/Budgets

y/e June	2021/22 \$000	2022/23 \$000	2023/24 \$000	2024/25 \$000	2025/26 \$000	2026/27 \$000	2027/28 \$000	2028/29 \$000	2029/30 \$000	2030/31 \$000	Comments
Capital cost e.g. Asset											
Capex funding											
• Rates											
• Fin Contribution											
• External											
• Other <i>Loan</i>	200										
Opex cost e.g. grants, service delivery, maintenance											
Opex funding											
• Rates		24.600	24.600	24.600	24.600	24.600	24.600	24.600	24.600	24.600	Plus one additional year
• External											
• Other (<i>specify</i>)											

A4043598

Option 2: *That Council does not approve loan funding of up to \$200,000, for remediation of the Pukehina Hall weather tightness issues and undertakes special consultation with the Pukehina Community on the future of the building.*

Advantages

- No additional cost to the community.

Disadvantages

- Hall will not be able to be used for community purposes.
- Hall would need to be demolished.
- Not meet community expectations.

Option 2: Implications for Work Programme/Budgets

y/e June	2021/22 \$000	2022/23 \$000	2023/24 \$000	2024/25 \$000	2025/26 \$000	2026/27 \$000	2027/28 \$000	2028/29 \$000	2029/30 \$000	2030/31 \$000	Comments
Capital cost e.g. Asset											
Capex funding											
• Rates											
• Fin Contribution											
• External											
• Other (specify)											
Opex cost e.g. grants, service delivery, maintenance											
Opex funding											
• Rates											
• External											
• Other (specify)											

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Recommended Decision**Option 1**

That Council approves loan funding of up to \$200,000, for remediation of the Pukehina Hall weather tightness issues to be funded over 10 years by a rate of \$30.00 per property within the Pukehina Hall area of benefit.

Decision

(To be completed in the decision making meeting)

Reason

(To be completed in the decision making meeting)

A4043598



Maketu Ward Reserves Management Plan Review September 2013

5.28 Pukehina Emergency Services Building

Location	Pukehina Parade, Pukehina	Current Inventory	
Reserve Classification:	Fee Simple		
District Plan Zone	Residential	Car park	Medium
ID	1246		
Area	0.0812 Ha		
Current State	Pukehina Emergency Services Community Trust lease site Fire Service		
Concept Plan	No		
Overview	Maintain		

Background:

- ☐ Currently contains Community Centre

Reserve Issues:

- ☐ Well maintained.
- ☐ Possible reclassification to Local Purpose Reserve.

Reserve Management Policy:

- 5.28.1 Reclassify from Fee Simple to Local Purpose Reserve.
- 5.28.2 Following reclassification, generic objectives for Local Purpose Reserves and generic policies apply.

2012/22 LTP Approved Actions	Action Cost Estimate	Renewal - Higher Std - Growth	Preferred Timing	Project No
No Proposals				

9.2 STORMWATER EASEMENT OVER ŌMOKOROA SOUTH EAST COAST MAIN TRUNK ESPLANADE RESERVE IN FAVOUR OF PROPOSED LOCAL PURPOSE (STORMWATER) RESERVE

File Number: A4452727

Author: Peter Watson, Reserves and Facilities Manager

Authoriser: Gary Allis, Deputy Chief Executive & Group Manager Infrastructure Services

EXECUTIVE SUMMARY

This report seeks Council's consent under its delegated authority in respect of the granting of rights of easements in accordance with Section 48(1) of the Reserves Act 1977, for a stormwater easement over part of Ōmokoroa Southeast Coast Main Trunk Esplanade Reserve (Lot 204 DP 519381) in favour of the proposed Local Purpose (Stormwater) being Lot 502 DP 560118 to allow the discharge of stormwater to Tauranga Harbour.

RECOMMENDATION

1. That the Reserves and Facilities Manager's report dated 24 February 2022 titled 'Stormwater Easement Over Ōmokoroa Southeast Coast Main Trunk Esplanade Reserve in Favour of Proposed Local Purpose (Stormwater) Reserve' 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 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 stormwater easement shown on the attached plan (**Attachment 2**) to allow Lot 502 DP 560118 to discharge stormwater over Lot 204 DP 519381.

OR

4. That, pursuant to the authority delegated by the Minister of Conservation to Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby **DOES NOT** consent to the creation of a stormwater easement shown on the attached plan (**Attachment 2**) to allow Lot 502 DP 560118 to discharge stormwater over Lot 204 DP 519381.

BACKGROUND

As part of Resource Consent 11580S for Harbour Ridge Development, a requirement for an easement has been prescribed to allow discharge of stormwater overland from a newly created local purpose stormwater reserve over Ōmokoroa Southeast Coast Main Trunk

Esplanade Reserve to Tauranga Harbour. To lawfully discharge the stormwater, an easement is required over the adjacent esplanade reserve as shown in **Attachment 1**.

The Developer's agent has formally applied for the Western Bay of Plenty District Council's consent to the stormwater easement (overland flow) as per **Attachment 1**.

A survey plan has been created to detail the proposed easement's location, refer **Attachment 2**.

The land over which the stormwater easement is to be created, is an esplanade reserve and is subject to the provisions of the Reserves Act 1977.

The stormwater will be discharging naturally overland over the easement area over part of the esplanade reserve and does not affect the public's right to access across the reserve.

The easement document ensures the protection of the esplanade reserve, especially for overland flow, and provides the necessary legal right for the discharge of stormwater across the esplanade reserve.

The low swale for an overland flow path will not significantly impact the ability for a cycleway/walkway to be constructed along the esplanade reserve.

The Department of Conservation require that, in terms of the delegation of the Minister's powers under the Reserves Act 1977, this is to be made by Council and recorded as such.

SIGNIFICANCE AND ENGAGEMENT

This item does not trigger Council's policy on significance.

ISSUES AND OPTIONS ASSESSMENT

Option A	
That pursuant to the authority delegated by the Minister of Conservation to 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 stormwater easement shown on the attached plan (Attachment 2) to allow Lot 502 DP 560118 to discharge stormwater over Lot 204 DP 519381.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none">• Economic• Social• Cultural• Environmental	<ul style="list-style-type: none">• Enables Council (Utilities Department) to allow their Stormwater Reserve to effectively discharge stormwater into Tauranga Harbour via the esplanade reserve.

	<ul style="list-style-type: none"> This option supports the structure planning process which identified a stormwater pond in this location.
Costs (including present and future costs, direct, indirect and contingent costs).	<ul style="list-style-type: none"> Costs for the creation of the easement are borne by the Developer. While both the Grantor and Grantee is Western Bay of Plenty District Council, the easement instrument prescribes the responsibilities for each Council Department as parties to the easement (Utilities and Reserves).
Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).	N/A
<p style="text-align: center;">Option B</p> <p>That pursuant to the authority delegated by the Minister of Conservation to Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby DOES NOT consent to the creation of a stormwater easement shown on the attached plan (Attachment 2) to allow Lot 502 DP 560118 to discharge stormwater over Lot 204 DP 519381.</p>	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> Economic Social Cultural Environmental 	<ul style="list-style-type: none"> If Council declines the easement, it would not be possible to release stormwater elsewhere. Council wants to ensure that stormwater runoff is directed away from soakage to an approved point, in this case the Tauranga Harbour.
Costs (including present and future costs, direct, indirect and contingent costs).	N/A

STATUTORY COMPLIANCE

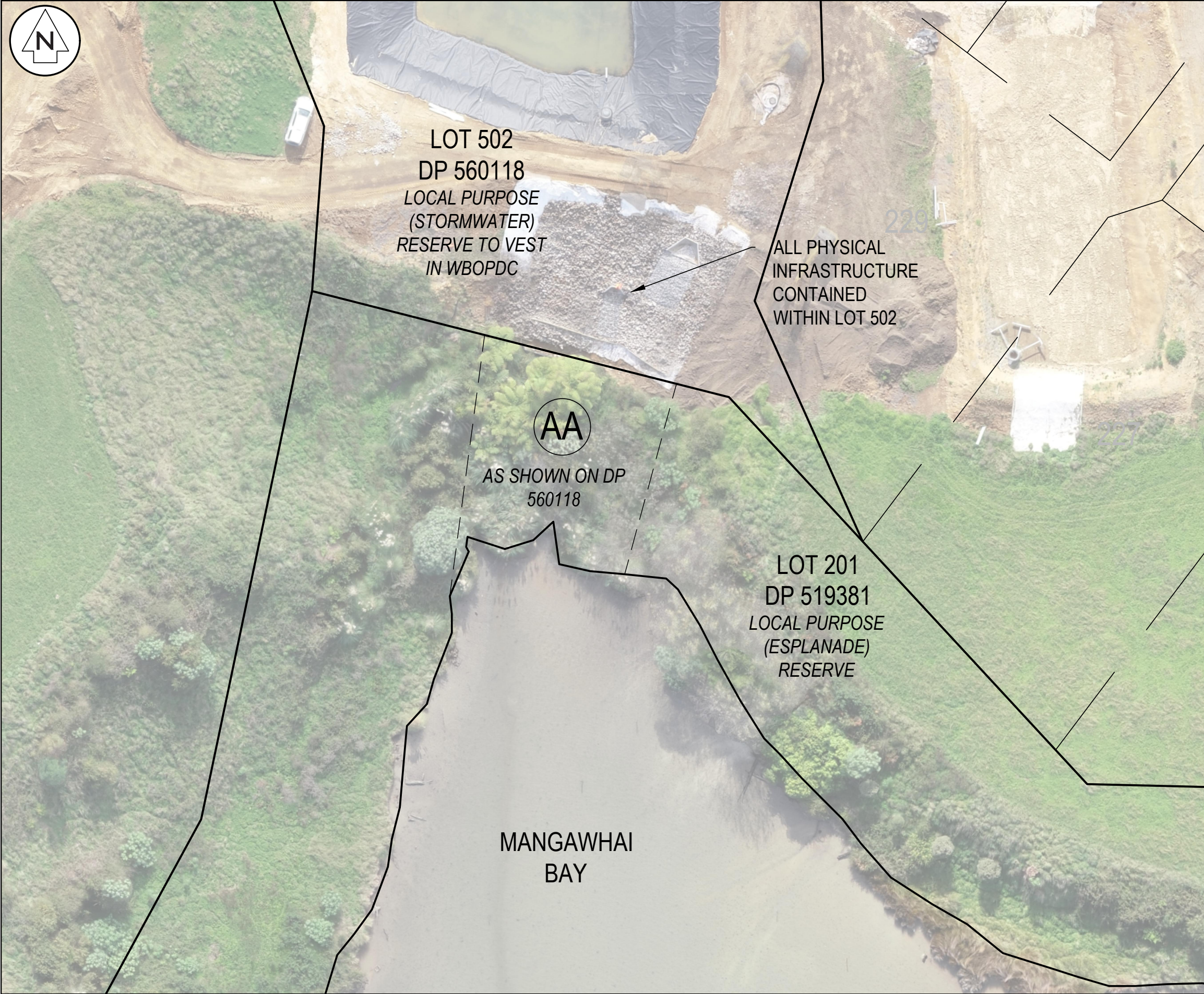
Section 48 (1) of the Reserves Act 1977 provides Council with the Statutory authority to grant easements over reserves.

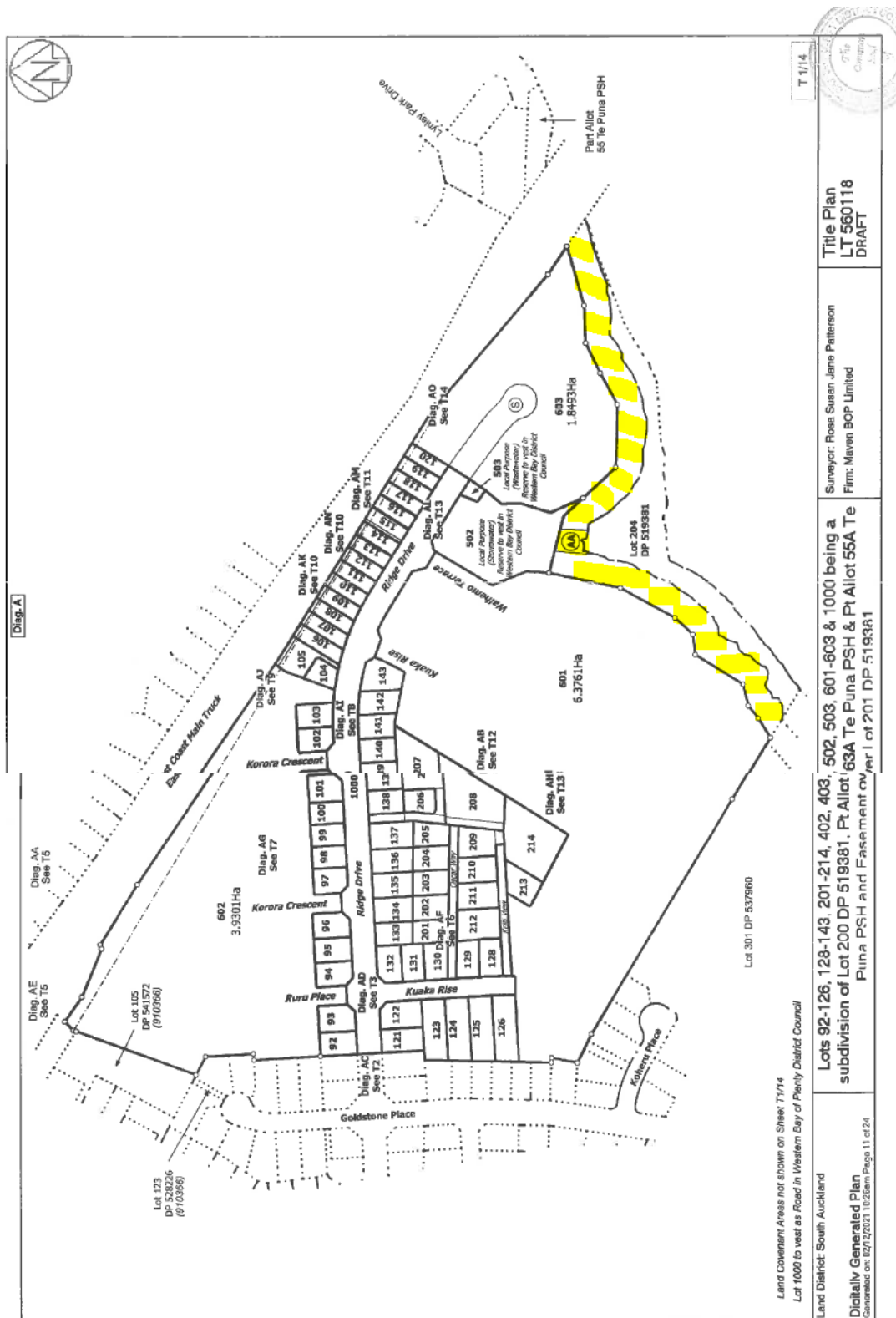
FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
No funding required.	An application fee of \$307 is required from the applicant to allow the processing of the consent.

ATTACHMENTS

1. **Aerial Plan of Easement**  
2. **Survey Plan of Easement**  





9.3 RIGHT TO CONVEY ELECTRICITY OVER LOT 1 DPS 65226 A LOCAL PURPOSE RESERVE (COMMUNITY USE) BEING WAIHĪ BEACH COMMUNITY CENTRE LAND, WAIHĪ BEACH

File Number: A4463033

Author: Peter Watson, Reserves and Facilities Manager

Authoriser: Gary Allis, Deputy Chief Executive & Group Manager Infrastructure Services

EXECUTIVE SUMMARY

This report seeks Council's consent under its delegated authority in respect of the granting of rights of easements in accordance with Section 48(1) of the Reserves Act 1977, for an electricity easement, in gross, over part of an existing local purpose reserve (community use) located at Waihī Beach being:

Part of Waihī Beach Community Centre's reserve land, 106 Beach Road, Lot 1 DPS 65226 (P/1883/83); in favour of PowerCo Limited.

RECOMMENDATION

1. That the Reserves and Facilities Manager's report dated 24 February 2022 titled 'Right to Convey Electricity over Lot 1 DPS 65226 a Local Purpose Reserve (Community Use) being Waihī Beach Community Centre Land, Waihī Beach' 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 an electricity easement (in Gross) over Lot 1 DPS 65226 that aligns closely to the route shown in **Attachment 1** in favour of PowerCo.

BACKGROUND

PowerCo are proposing to install a new 11kV cable at Waihī Beach that will increase their resilience in the area as there is currently only one line of supply.

The proposed cable will run from the Waihī Beach substation, through Western Bay of Plenty District Council (WBOPDC) land, and all the way down Seaforth Road. As the cable will go through WBOPDC land, being part of Waihī Beach Community Centre land (**Attachment 1**) PowerCo are asking to secure an easement.

With regards to the easement application, Council typically negotiates an easement fee for easements across its reserve land, however, in this circumstance it has been proposed to PowerCo that Council will be prepared to waive an easement fee in lieu of a financial contribution to assist a local environmental community group in achieving its objectives in restoring the wetland and improving biodiversity in the adjoining reserve, currently known as Broadlands Block.

This arrangement will see a win/win situation for all parties involved, that results in a benefit for the environment.

The land over which the electricity easements are to be created are Local Purpose Reserves and are subject to the provisions of the Reserves Act 1977.

The electricity lines will be thrust underground and therefore have no impact on public use of the reserve.

The easement document ensures the protection of the local purpose reserve.

The Department of Conservation require that in terms of the delegation of the Minister's powers under the Reserves Act 1977, this is to be made by Councils and recorded as such.

SIGNIFICANCE AND ENGAGEMENT

The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because there are no impacts on the public use of the reserve and the community will benefit with increased capacity in the power network.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

The Reserves Act 1977 Section 48(3) states that where the easement will not materially alter, or permanently damage, or impede the rights of the public in the use of the reserve, public notification is not required, as the pipeline is underground. On this basis, and noted in section 1.5 of this report, there is no public consultation required.

The Reserves and Facilities section of Council have been consulted and are satisfied with the location of the cable. The easement documentation will include conditions that ensure the reserve is reinstated to the satisfaction of Council.

Interested/Affected Parties	Completed Consultation		
Asset Managers	Staff associated with the management of the local purpose reserve have been consulted and have no objection to an easement being established.	Planned	Completed
Waihi Beach Community Board	The Reserves and Facilities Manager provided a briefing on the proposal to the Waihi Beach Community Board at their February 2022 workshop.		
The Hall Committee, MenzShed and School	Will need to be notified of the proposed work prior to it commencing on site.		

ISSUES AND OPTIONS ASSESSMENT

<p>Option A</p> <p>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 consents to the creation of an electricity easement (in Gross) over Lot 1 DPS 65226 that aligns closely to the route shown in Attachment 1 in favour of PowerCo.</p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<ul style="list-style-type: none"> • PowerCo need to upgrade their power network and, this allows PowerCo to service the growth of the area and increase capacity and resilience to their network. • Supports local economy with improved power network • Provides opportunity for environmental enhancement for the adjoining wetland through a community partnership approach • Provides PowerCo with security over their investment
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Costs for the creation of the easement are borne by the Grantee (PowerCo).</p> <p>The easement instrument protects Council from further maintenance or replacement costs of the easement facility.</p>

Option B	
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 DOES NOT consent to the creation an electricity easement (in Gross) over Lot 1 DPS 65226.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<ul style="list-style-type: none"> • If Council declines the easement, there may be impact on electricity consumers, and the ability to support continued growth and investment in the local economy. • Lost opportunity for environmental enhancement partnership
Costs (including present and future costs, direct, indirect and contingent costs).	N/A

STATUTORY COMPLIANCE

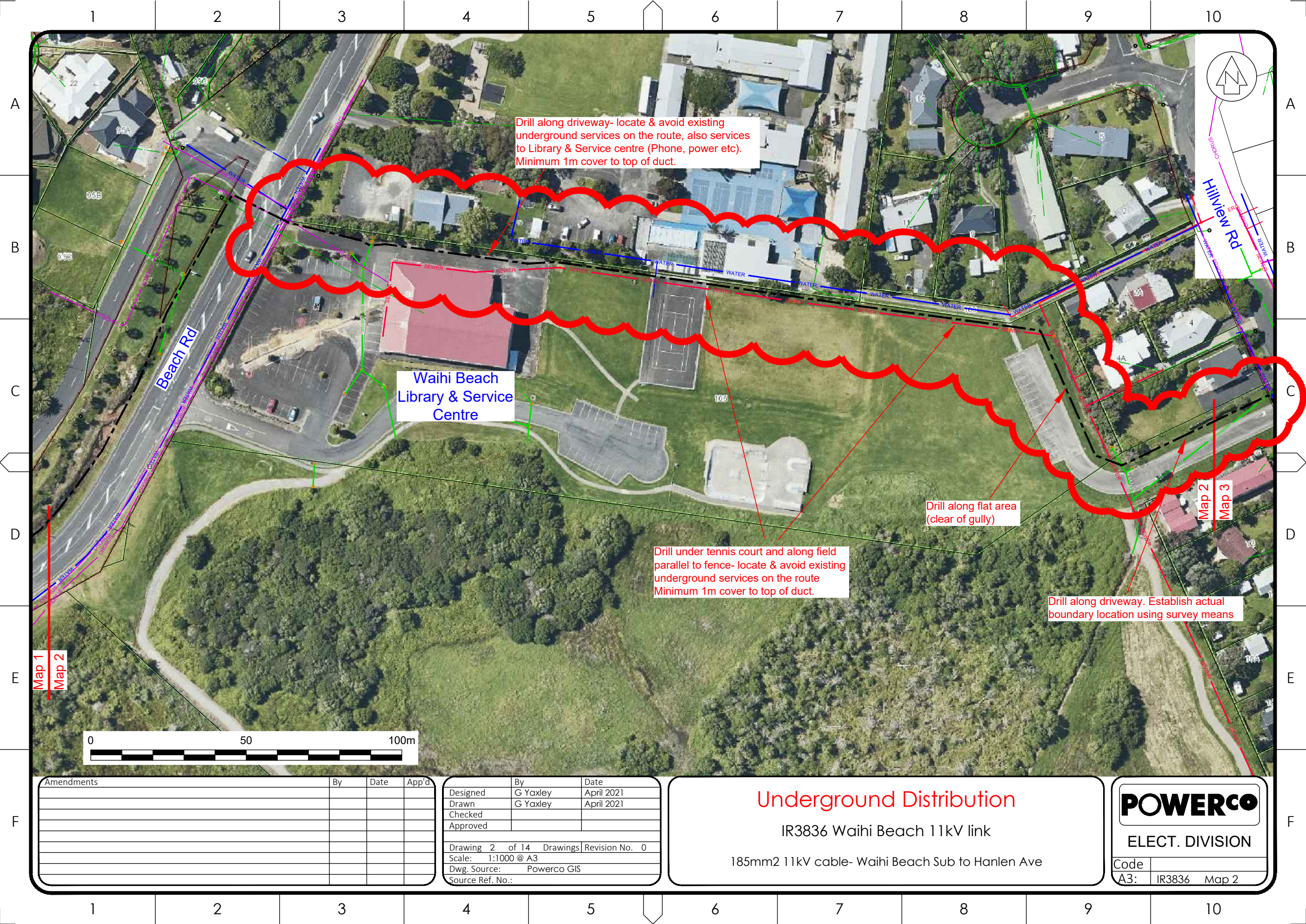
Section 48 (1) and 48 (3) of the Reserves Act 1977 provides Council with the statutory authority to grant easements over reserves.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
No funding required	<p>An application fee of \$307 is required from the applicant to allow the processing of the consent.</p> <p>The easement instrument protects Council from further maintenance or replacement costs of the easement facility.</p> <p>Costs associated with installing the electricity cable and reinstatement of the site are to be borne by the applicant.</p>

ATTACHMENTS

1. Plan of easement location



9.4 PROPOSAL TO OFFICIALLY NAME BROADLANDS BLOCK, WAIHĪ BEACH AND TO NAME THE MAIN STORMWATER POND IN KAIMAI VIEWS, ŌMOKOROA

File Number: A4466641

Author: Peter Watson, Reserves and Facilities Manager

Authoriser: Gary Allis, Deputy Chief Executive & Group Manager Infrastructure Services

EXECUTIVE SUMMARY

At the Performance and Monitoring Committee meeting of 20 July 2021 (PM21.05) Council resolved to publicly notify for submissions or objections to name the reserve unofficially known as Broadlands Block to Te Mata Reserve.

Additionally, at the same meeting, Council resolved to publicly notify for submissions or objections to name the main stormwater pond within the Kaimai Views subdivision, Puna Rua.

Submissions for both proposals closed at 5pm on 17th January 2021. No submissions were received from the public, however, one submission in support was received from Ngati Taka Hapu in favour of the naming of Puna Rua Pond. (**Attachment 1**).

This report requests that Council considers all objections and/or submissions before making a resolution.

RECOMMENDATION

1. That the Reserves and Facilities Manager's report, dated 24 February 2022 titled 'Proposal to Officially Name Broadlands Block, Waihī Beach and to Name the Main Stormwater Pond in Kaimai Views, Ōmokoroa' 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 Council approves:
 - Council staff to undertake the Reserves Act 1977 process to officially name Te Mata Reserve, being Part Lot 5 DPS 13324 and Lot 1 DPS 14034, and currently unofficially known as 'Broadlands Block';
 - and
 - The naming of the main stormwater pond at Kaimai View subdivision to be known as 'Puna Rua' and that Council staff undertake the installation of signage to identify the site.

BACKGROUND

Both the Te Mata and Puna Rua name proposals were advertised in the Weekend Sun dated 3 December 2021. Submissions closed at 5pm on 17th January 2022. No public submissions were received.

Local Iwi/Hapū groups were also contacted for comment. It was requested that they respond by 1 February 2022. Ngati Taka Hapū was the only group that responded, via email, in support of the naming of the stormwater pond as Pua Rua.

Broadlands Block

The land is currently identified as 'Broadlands Block' in the Katikati – Waihi Beach Ward Reserve Management Plan. The reserve has not been formally gazetted with a name. There is no physical signage within the reserve to identify this name.

A representative from Otawhiwhi Marae has forwarded a proposal to name the block to reflect the history of the area – Te Mata Reserve.

It is proposed that if adopted, Te Mata Reserve will be formally gazetted.

Stormwater Pond – Kaimai Views Reserve

The developer of the subdivision, Classic Developments, in conjunction with Pirirākau, have proposed to name the pond. The preferred naming suggestion for the main pond is 'Puna Rua' – this means 'Two Springs' which is what feeds the pond system between rain events.

It is proposed that if adopted, signage will be placed at the pond location but the name will not be gazetted as the pond is not a reserve per se, as it lays over multiple land parcels, some of which are proposed to be further subdivided. There is no detrimental effect by not gazetted the name of the pond.

Below is Council's Reserve naming Policy which is contained in the Reserve Management Plan.

P8 Naming Policy

- *All reserves vested in or administered by Council will be named through a formal resolution of Council following consultation with Tangata Whenua and interested parties.*
- *Naming will generally be initiated at the time of vesting and will be publicly advertised with a one month period for comment.*
- *Where an existing reserve is known by the community by a local rather than the official name signage that recognises both names will be considered.*
- *This Reserves Naming Policy acknowledges the New Zealand Geographic Board (Ngā Pou Taunaha O Aotearoa) "Rules of Nomenclature" which act as guiding principles for determining place names in New Zealand. In summary these rules as they relate to Council administered reserves are:*

- *Names which have historic, geographic or particular local significance are generally acceptable. So too, for example, are names of early explorers and discoverers, early settlers, surveyors and geologists and early notable people or events which have some connection with the proposed area to be named.*
- *Names of persons will not be given to features during the person's lifetime. If the name of a deceased person is used, generally the surname is chosen.*
- *Descriptive names can be used provided there is no duplication of the name in a neighbouring area.*
- *Name duplication is avoided.*
- *The use of the possessive form is avoided; e.g. Smith's Reserve.*
- *Names in local usage normally take precedence.*
- *Names considered to be in poor taste are avoided.*
- *Original Māori place names will be encouraged – an "original Māori place-name" means any Māori place name that is recognised by the Tangata Whenua as one historically associated with a place within their tribal boundary.*
- *Includes reserves which are approved by the Department of Conservation through the Management Plan process.*

Explanation

When new reserves are created or when existing reserves have names that are poorly related to the locality, purpose or nature of the reserve or to its community use, it is desirable for the reserve to be named, or renamed, to ensure ease and consistency of identity.

As the reserve is subject to the Reserves Act 1977 and vested in Council, it may under s16(10) of the Act by notice in the Gazette, declare that a reserve shall be known by such name as is specified in the notice, and the Council may in like manner change the name of any reserve. Any change of name shall not affect the appointment or term of the administering body controlling the reserve or any member thereof.

Significance and Engagement

In terms of the Significance and Engagement Policy this decision is considered to be of low significance as the naming of the reserve and pond minimal community and financial impact.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed Consultation		
Name of interested parties/groups	Public submissions closed at 5pm on 17 January 2022. No submissions were received.		Completed
Tangata Whenua	Ngati Taka Hapu advised they were in support of the naming of the Puna Rua Pond.		

ISSUES AND OPTIONS ASSESSMENT

Option A	
<p>3. That Council approves:</p> <ul style="list-style-type: none"> • Council staff to undertake the Reserves Act 1977 process to officially name Te Mata Reserve being Part Lot 5 DPS 13324 and Lot 1 DPS 14034 and currently unofficially known as 'Broadlands Block'; and • The naming of the main stormwater pond at Kaimai View subdivision to be known as Puna Rua and that Council staff undertake the installation of signage to identify the site. 	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Naming of the reserve and pond would:</p> <ul style="list-style-type: none"> • Comply with Council's reserve naming policy • Provide the public with a better reference to the site.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Gazetting costs for Te Mata Reserve approx. \$80.00.</p> <p>New naming signage will need to be constructed at approximately \$1000.00 and installed for the reserve.</p> <p>The costs above will be funded through the approved reserves 2021/2022 minor capital works budget.</p>

	Any sign maintenance would be covered by the District Reserves budget.
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STATUTORY COMPLIANCE

Te Mata Reserve

As the reserve is subject to the Reserves Act 1977 and vested in Council, it may under s16(10) of the Act by notice in the Gazette, declare that a reserve shall be known by such name as is specified in the notice, and the Council may in like manner change the name of any reserve. Any change of name shall not affect the appointment or term of the administering body controlling the reserve or any member thereof.

Council will also need to comply with its reserve naming policy contained in the Reserve Management Plan.

Puna Rua Pond

As this is not a reserve the name will not be gazetted and there is no Reserve Management Plan for the pond at this point in time. This area of land along with other new areas of land vested upon subdivision will be included in the next review of the Kaimai Ward Reserve Management Plan.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	<p>Gazetting costs for Te Mata Reserve approx. \$80.00.</p> <p>New naming signage will need to be constructed at approximately \$1000.00 and installed for the reserve and the pond.</p> <p>The costs above will be funded through the approved reserves 2021/2022 minor capital works budget.</p> <p>Any sign maintenance would be covered by the District Reserves budget.</p>

ATTACHMENTS

1. Response from Ngati Taka Hapu

From: bobleef42 <bobleef42@gmail.com>
Sent: Friday, 24 December 2021 11:38 AM
To: Joanne Hin <Joanne.Hin@westernbay.govt.nz>; 'operations@pirirakauinc.co.nz' <operations@pirirakauinc.co.nz>; 'des_heke@xtra.co.nz' <des_heke@xtra.co.nz>
Subject: RE: Naming of main stormwater pond within Kaimai Views

Kia Ora All,
Name O K by me.
Mere Keremete
Bob Leef
Ngati Taka Hapu.

Sent from my Galaxy

----- Original message -----

From: Joanne Hin <Joanne.Hin@westernbay.govt.nz>
Date: 24/12/21 10:13 (GMT+12:00)
To: "'operations@pirirakauinc.co.nz'" <operations@pirirakauinc.co.nz>, "'des_heke@xtra.co.nz'" <des_heke@xtra.co.nz>, Bob Leef <bobleef42@gmail.com>
Subject: Naming of main stormwater pond within Kaimai Views

Morena Gabrielle, Des, and Bob

Naming of main stormwater pond within Kaimai Views subdivision, Ōmokoroa

A proposal has been made to name the pond Puna Rua (two springs) within Kaimai Views subdivision. The main stormwater pond provides both a stormwater catchment and an amenity for the subdivision. A map is included in the council report so you can see where this is.

I attach the Council report detailing the background for the naming.

If you have any feedback to give on this proposal please could you provide to me by 1 February 2022. If you require to have hui with my Manager Blaise Williams about this proposal please do not hesitate to contact myself.

This proposal has also been advertised in the Weekend Sun dated 3/12/2021 in order to seek feedback from the public. The closing date for their feedback is 17 January 2022.

In the meantime I hope you enjoy a pleasant break over this period. I know we have all had a challenging year.

regards

Joanne Hin

Legal Property Officer

9.5 MAYOR'S REPORT TO COUNCIL – 24 FEBRUARY 2022**File Number:** A4471154**Author:** Charlene Page, Executive Assistant Mayor/CEO**Authoriser:** Garry Webber, Mayor**EXECUTIVE SUMMARY**

The purpose of this report is for the Mayor to provide verbal updates to Elected Members on the below subjects.

RECOMMENDATION

That the Senior Executive Assistant Mayor/CEO's report dated 24 February 2022 titled 'Mayor's Report to Council – 24 February 2022' be received.

BACKGROUND

- Three Waters Governance Group;
- SmartGrowth; and
- Managing Forestry Land-Use under the influence of Carbon – Issues and Options Paper.

10 INFORMATION FOR RECEIPT**11 RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

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
11.1 – Confidential Minutes of the Performance and Monitoring Committee Meeting held on 2 December 2021	<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
11.2 – Confidential Minutes of the Council Meeting held on 16 December 2021	s7(2)(a) – the withholding of the information is necessary to protect the privacy of natural persons, including	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

	<p>that of deceased natural persons</p> <p>s7(2)(b)(i) - the withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</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</p>	<p>information for which good reason for withholding would exist under section 6 or section 7</p>
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	(including commercial and industrial negotiations)	
11.3 - 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>	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
11.4 - 2022 Statute Barred Rates Report	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	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
11.5 - Mayor's Report to Council - 24 February 2022	<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)(c)(i) - the withholding of the information is necessary to protect</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>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 to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied</p> <p>s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment</p>	
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