

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
**MEETING NO. C22-1**  
**HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA**  
**AND VIA ZOOM UNDER COVID-19 TRAFFIC LIGHT RED AND LIVESTREAMED**  
**ON THURSDAY, 24 FEBRUARY 2022 AT 9.30AM**

## **1 PRESENT**

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

### **VIA ZOOM:**

Cr G Dally and Cr K Marsh.

## **2 IN ATTENDANCE**

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), J Graham (Acting Group Manager Finance and Technology Services), J Pedersen (Group Manager People and Customer Services), C Nepia (Strategic Kaupapa Māori Manager) D Jensen (Finance Manager), G Payne (Strategic Advisor), H Wi Repa (Governance Technical Support), and C Irvin (Senior Governance Advisor).

### **VIA ZOOM:**

R Davie (Group Manager Policy Planning and Regulatory Services), L Balvert (Communications Manager) and J Osborne (Governance Support Administrator).

### **KARAKIA:**

The Strategic Kaupapa Māori Manager gave a Karakia to open the meeting:

Tūtawa mai i runga	Come forth from above,
Tūtawa mai i raro	below,
Tūtawa mai i roto	within,
Tūtawa mai i waho	and from the environment
Kia tau ai	Vitality and wellbeing, for all
Te mauri tū	Strengthened in unity.
Te mauri ora	
Ki te katoa	
Haumi e	
Hui e	
Tāiki e!	

**3 APOLOGIES**

Nil

**4 CONSIDERATION OF LATE ITEMS**

Nil

**5 DECLARATIONS OF INTEREST**

Nil

**6 PUBLIC EXCLUDED ITEMS**

Nil

**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**

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**RESOLUTION C22-1.1**

Moved: Cr D Thwaites

Seconded: Cr M Grainger

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.

**CARRIED**

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

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**RESOLUTION C22-1.2**

Moved: Mayor G Webber

Seconded: Cr A Sole

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.

**CARRIED**

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**8.3 MINUTES OF THE COUNCIL MEETING HELD ON 16 DECEMBER 2021**

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**RESOLUTION C22-1.3**

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

1. 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.
2. That the following amendment be made to the recommendation for Item No. 8.1 'Notice of Motion – Councillor Grainger – Three Waters Proposal', to reflect a Division being called:

The motion was put. A division was called and recorded as follows:

In Favour: Crs M Grainger, A Henry, K Marsh, M Murray-Benge, A Sole and D Thwaites

Against: Crs G Webber, J Scrimgeour, G Dally, M Dean, J Denyer and M Gray

**EQUAL**

The Chairperson then exercised his casting vote and voted against the motion.

The motion was declared **lost** on the casting vote.

**CARRIED**

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

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**RESOLUTION C22-1.4**

Moved: Mayor G Webber

Seconded: Cr A Sole

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.

**CARRIED**

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**9 REPORTS****9.1 PUKEHINA COMMUNITY HALL 2020 TO 2050**

The Committee considered a report dated 24 February 2022 from the Strategic Property Manager. The report was taken as read.

Staff responded to questions as follows:

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- The lease was required to be in place before the transfer of the building ownership to the Pukehina Beach Ratepayers Association could take place.
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### RESOLUTION C22-1.5

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Dean

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 812m<sup>2</sup> 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.
4. That the Chief Executive be delegated authority to negotiate and sign the lease.

**CARRIED**

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

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

Staff responded to questions as follows:

- The water would be filtered through a stormwater pond. This was fully consented and met the required standards.
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### RESOLUTION C22-1.6

Moved: Cr M Grainger

Seconded: Cr M Murray-Benge

1. That the Reserves and Facilities Manager's report dated 24 February 2022 titled 'Stormwater Easement Over Ōmokoroā 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
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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 201 DP 519381.

**CARRIED**

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### **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**

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

Staff responded to questions as follows:

- PowerCo had agreed to make a contribution for the restoration of the land to the community group with the payment staged over 3 years. The quantum was based on what would normally be charged for the easement.
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#### **RESOLUTION C22-1.7**

Moved: Cr J Denyer

Seconded: Cr A Henry

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.

**CARRIED**

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

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

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**RESOLUTION C22-1.8**

Moved: Cr A Henry

Seconded: Cr J Denyer

1. That the Reserves and Facilities Manager's report, dated 24 February 2022 titled 'Proposal to Officially Name Broadlands Block, Waihi 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.

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**CARRIED****9.5 MAYOR'S REPORT TO COUNCIL - 24 FEBRUARY 2022**

The Committee considered a report from the Mayor who spoke to the below items noting the following:

Three Waters Working Group

- The Three Waters Working Group was about to reach the end of its conclusion around the bigger issues of community voice and the role of future development strategy, that would have to be implemented by individual councils.
  - The 'Future Development Strategy' would be consulted on at a local council level, by the council, and would become the fundamental document.
  - The 'Government Policy Statement' (GPS) would sit above the Future Development Strategy' document and would set the rules.
  - The new organisation's fundamental role would be to make sure that all assets placed in the Three Waters space were compliant with Te Mata Atawai standards and resource consent conditions.
  - The funding for assets for growth councils would be done through the use of financial contributions. The development would fund any new asset for growth. It was recognised there was a problem with councils in New Zealand needing to, and being able to, reach new operating standards.
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- The organisations that were available to do the maintenance of the existing facilities and those that would build the new facilities were the same organisations.
- The big, nation-wide issue was who would set these operating priorities. Mayor Webber had suggested the same process used at SmartGrowth, based on 'how you identify'.
- The Crown needed to provide a significant guarantee that they could and would provide the funding. It had agreed to become a guarantor in the ownership structure and would need to be a funding 'backstop'.
- The Three Waters Working Group had still not arrived at a decision/solution for the ownership issue.
- At an organisational level, the main issue was whether or not all assets were compliant, and if not, what process was needed to make them compliant.

The Mayor responded to questions as follows:

- It was recognised by councils that they could not fund \$120 to \$160 billion over the next ten to fifteen years.
- Cross-subsidisation from bigger metro councils to smaller councils was recognised and becoming a bigger issue.
- WBOPDC had always been opposed to the Government simply providing the necessary funds to some councils to reach their required operating standards, due to it disadvantaging councils (WBOPDC included) whose ratepayers had paid their rates accordingly and had 'future-proofed' themselves.
- WBOPDC still came under 'Entity B' which was part of Taranaki and Waikato.
- The Crown had said that it would take \$160 billion to bring every council up to the same required standard and that ratepayers would have to pay this. The transition was likely to take 15 to 20 years.
- The ownership would lie with the new entities, which would be owned by the ratepayers as a collective ownership.
- It had been made clear to the Crown that a 'Waka Kotahi type' model was not wanted.
- The Three Waters Working Group could provide a report to the Government that was either unanimously/majority supported, or expressed no agreement at all. At this point the report was not unanimous.
- The ownership of the assets had not been resolved as yet, in the opinion of the Three Waters Working Group.
- The final opportunity to have a say would be with the Select Committee. Every council could put a submission into this process.

#### SmartGrowth

- Eastern Town was now in the process of going forward, in the early stages. There was a template being prepared for the process.
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- Transport Minister Woods visited Tauranga on Tuesday 22 February 2022. He was aware of WBOPDC's position and asked why the Ōmokoroa roundabout was going to cost \$50 million, when most roundabouts cost \$15 million. He was informed that a large area of land had to be levelled out to be able to put the roundabout in.
- Minister Robertson acknowledged yesterday he was aware of the projects that were concerning WBOPDC.

#### Managing Forestry Land-Use Under the Influence of Carbon

- Cr Dean expressed disappointment at the way the potential of native species forestry was dismissed, only looking at native species as a carbon sequestering unit, rather than a production possibility. Research had shown that native species forestry was very viable in New Zealand.

#### **RESOLUTION C22-1.9**

Moved: Mayor G Webber

Seconded: Cr A Sole

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

**CARRIED**

## **10 INFORMATION FOR RECEIPT**

NIL

10:26 THE MEETING ADJOURNED

10:43 THE MEETING RECONVENED

## **11 RESOLUTION TO EXCLUDE THE PUBLIC**

### **RESOLUTION TO EXCLUDE THE PUBLIC**

#### **RESOLUTION C22-1.10**

Moved: Cr A Henry

Seconded: Cr A Sole

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:



<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<p><b>11.1 - Confidential Minutes of the Performance and Monitoring Committee Meeting held on 2 December 2021</b></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)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p><b>11.2 - Confidential Minutes of the Council Meeting held on 16 December 2021</b></p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(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</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

	<p>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><b>11.3 - Chief Executive Officer's Report - Request for Execution of Documents under Seal of Council</b></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>

	<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><b>11.4 - 2022 Statute Barred Rates Report</b></p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p><b>11.5 - Mayor's Report to Council - 24 February 2022</b></p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(c)(i) - 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 to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such 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>

	<p>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>	
<b>CARRIED</b>		

**The Meeting closed at 11.09am.**

**Confirmed as a true and correct record at the Council meeting held 6 April 2022.**

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Mayor G Webber  
**CHAIRPERSON / MAYOR**