

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. C22-2
HELD VIA ZOOM ONLY AND LIVESTREAMED UNDER COVID-19 TRAFFIC LIGHT RED
ON WEDNESDAY, 6 APRIL 2022 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/General Manager Infrastructure Services), R Davie (General Manager Strategy and Community), J Graham (Acting General Manager Corporate Services), A Curtis (Acting Regulatory Services General Manager), C Nepia (Strategic Kaupapa Māori Manager), E Watton (Policy and Planning Manager), D Pearce (Community Manager), D Jensen (Chief Financial Officer), G Payne (Strategic Advisor), B Whitton (Customer Service and Governance Manager), D Pearce (Community Manager), K McGinity (Senior Recreation Planner), T Rutherford (Policy Analyst), H Wi Repa (Governance Technical Support), J Osborne (Governance Support Administrator) and C Irvin (Senior Governance Advisor).

MEDIA

One member of the press.

KARAKIA

The Strategic Kaupapa Māori Manager acknowledged the passing of Moana Jackson and the work that he did during his years for the nation, and gave a Karakia to open the meeting:

Kia tau ngā manaakitanga a te mea ngaro
ki runga ki tēnā, ki tēnā o tatou
Kia mahea te hua mākihikihi
kia toi te kupu, toi te mana, toi te aroha,
kia tūturu, ka whakamaua kia tīna! Tīna!
Hui e, Tāiki e!

Let the strength and life force of our
Ancestors;
Be with each and every one of us;
Freeing our path from obstruction;
So that our words, spiritual power and
love are upheld;
Permanently fixed, established and
Understood;
Forward together!

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

NIL

5 DECLARATIONS OF INTEREST

NIL

6 PUBLIC EXCLUDED ITEMS

NIL

7 PUBLIC FORUM

Nil

8 COMMUNITY BOARD MINUTES FOR RECEIPT

8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 2 FEBRUARY 2022

RESOLUTION C22-2.1

Moved: Cr A Henry

Seconded: Cr M Dean

That the Minutes of the Katikati Community Board Meeting held on 2 February 2022, be received.

CARRIED

8.2 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 8 FEBRUARY 2022

RESOLUTION C22-2.2

Moved: Cr A Henry

Seconded: Cr M Dean

That the Minutes of the Ōmokoroa Community Board Meeting held on 8 February 2022, be received.

CARRIED

8.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 10 FEBRUARY 2022

RESOLUTION C22-2.3

Moved: Cr A Henry

Seconded: Cr M Dean

That the Minutes of the Te Puke Community Board Meeting held on 10 February 2022, be received.

CARRIED

8.4 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 15 FEBRUARY 2022

RESOLUTION C22-2.4

Moved: Cr A Henry

Seconded: Cr M Dean

That the Minutes of the Maketu Community Board Meeting held on 15 February 2022, be received.

CARRIED

8.5 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 21 FEBRUARY 2022

RESOLUTION C22-2.5

Moved: Cr A Henry

Seconded: Cr M Dean

That the Minutes of the Waihī Beach Community Board Meeting held on 21 February 2022, be received.

CARRIED

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

9.1 MINUTES OF THE PERFORMANCE AND MONITORING COMMITTEE MEETING HELD ON 10 FEBRUARY 2022

RESOLUTION C22-2.6

Moved: Cr D Thwaites

Seconded: Cr M Grainger

That the Minutes of the Performance and Monitoring Committee Meeting held on 10 February 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.2 MINUTES OF THE COUNCIL MEETING HELD ON 24 FEBRUARY 2022

RESOLUTION C22-2.7

Moved: Mayor G Webber

Seconded: Cr M Murray-Benge

That the Minutes of the Council Meeting held on 24 February 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.3 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 24 FEBRUARY 2022

RESOLUTION C22-2.8

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

That the Minutes of the District Plan Committee Meeting held on 24 February 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.4 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 8 MARCH 2022

RESOLUTION C22-2.9

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr J Denyer

That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 8 March 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.5 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 10 MARCH 2022

RESOLUTION C22-2.10

Moved: Mayor G Webber

Seconded: Cr M Gray

That the Minutes of the Policy Committee Meeting held on 10 March 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10 REPORTS**10.1 DELEGATION OF DECISION MAKING FOR 2022 COMMUNITY MATCHING FUND**

The Committee considered a report dated 6 April 2022 from the Community Manager. The report was taken as read.

RESOLUTION C22-2.11

Moved: Cr M Dean

Seconded: Cr M Murray-Benge

1. That the Community Manager's report dated 6 April 2022 titled 'Delegation of decision making for 2022 Community Matching Fund' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of council's significance and engagement policy.
3. That pursuant to clause 32 schedule 7 of the Local Government Act 2002, Council delegates to Deputy Mayor Scrimgeour, Councillor Dean and Councillor Denyer, together with the Chief Executive Officer, or his nominee(s), the power to make decisions in respect of applications to the Community Matching Fund 2022, including but not limited to the following powers:
 - a) To award grants according to the purposes and guidelines of the Community Matching Fund 2022, within the allocated budget of \$140,000;And
 - b) To make payments to grant recipients as soon as practicable after the award decisions have been made.

CARRIED

10.2 DELEGATION OF DECISION MAKING FOR FACILITIES IN THE COMMUNITY FUND 2022

The Committee considered a report dated 6 April 2022 from the Senior Recreation Planner. The report was taken as read.

RESOLUTION C22-2.12

Moved: Cr M Grainger

Seconded: Cr A Sole

1. That the Senior Recreation Planner's report dated 6 April 2022 titled 'Delegation of Decision Making for Facilities in the Community Fund 2022' 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 Clause 32 Schedule 7 of the Local Government Act 2022, Council delegates Deputy Mayor Scrimgeour (representing the Te Puke-Maketu Ward), Councillor Dean (representing the Kaimai Ward) and Councillor Denyer (representing the Katikati-Waihi Beach Ward), together with the Chief Executive Officer, the power to make decisions in respect of applications to the Facilities in the Community Fund 2022/23, including but not limited to the following powers:
 - a. To award grants according to the purposes and guidelines of the Facilities in the Community Fund 2022, within the allocated contestable budget of \$74,000;
and
 - b. To make payments to grant recipients as soon as practicable after the award decisions have been made.

CARRIED

10.3 2022 TRIENNIAL ELECTIONS AND ORDER OF CANDIDATES NAMES

The Committee considered a report dated 6 April 2022 from the Electoral Officer. The report was taken as read.

RESOLUTION C22-2.13

Moved: Cr J Denyer

Seconded: Cr A Henry

1. That the Electoral Officer's report dated 6 April 2022 and titled '2022 Triennial Elections and Order of Candidate Names' be received.
 2. That the report relates to an issue that is considered to be of low significance in
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terms of Council's Significance and Engagement Policy.

3. That Council resolves for the 2022 triennial elections to adopt:
 - The random order of candidate namesas permitted under regulation 31 of the Local Electoral Regulations 2001.

CARRIED

10.4 COUNCIL DECISION ON FORMAL SUBMISSIONS REGARDING ITS VIEWS ON THE GOVERNMENT'S PROPOSAL TO REMOVE EXOTIC FORESTS FROM THE EMISSIONS TRADING SCHEME

The Committee considered a report dated 6 April 2022 from the Executive Assistant Mayor/CEO. The report was taken as read.

RESOLUTION C22-2.14

Moved: Cr M Dean

Seconded: Cr J Denyer

1. That the Senior Executive Assistant Mayor/CEO's report dated 6 April 2022 titled 'Council Decision on Formal Submissions Regarding its Views on the Government's Proposal to Remove Exotic Forests from the Emissions Trading Scheme' be received.
2. That Council submits high-level feedback on the proposals as set out in the email (**Attachment 1**).
3. That Council adopts the following option as set out in the email (**Attachment 1**):
 - **Option three:** As for option two, but with exceptions for exotic species under certain conditions or criteria.

CARRIED

10.5 MAYOR'S REPORT TO COUNCIL - ELECTED MEMBERS REPRESENTATION AT ANZAC DAY 2022 COMMEMORATIONS

The Committee considered a report dated 6 April 2022 from the Senior Governance Advisor. The report was taken as read with the following noted by Mayor Webber:

- Due to COVID-19, the Defence Force and St John had withdrawn from most ANZAC Day parades this year. This meant the Tauranga ceremony would be slightly different than usual.
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RESOLUTION C22-2.15

Moved: Cr M Dean

Seconded: Cr D Thwaites

1. That the Senior Governance Advisor's report dated 6 April 2022 titled 'Mayor's Report to Council' be received.
2. That Waihi Beach Councillors attend the Waihi Beach ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
3. That Te Puke Councillors attend the Te Puke ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
4. That Maketu Councillors attend the Maketu ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
5. That Katikati Councillors attend the Katikati ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
6. That Ōmokoroa Councillors attend the Ōmokoroa ANZAC Day Service and lay a wreath in conjunction with the Ōmokoroa Community Board on behalf of the Western Bay of Plenty District Council.
7. That Mayor Webber attend the Tauranga ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
8. That Cr Dean attend the Oropi ANZAC Day service at the Oropi Hall and lay a wreath on behalf of the Western Bay of Plenty District Council.

CARRIED

10.6 BOPLASS HALF YEARLY REPORT TO SHAREHOLDERS 2021-2022 (PERIOD ENDING 31 DECEMBER 2021) AND DRAFT STATEMENT OF INTENT 2022-2025

The Committee considered a report dated 6 April 2022 from the Chief Financial Officer. The report was taken as read.

RESOLUTION C22-2.16

Moved: Cr A Sole

Seconded: Cr A Henry

1. That the Chief Financial Officer's report dated 6 April 2022 titled 'BOPLASS Half Yearly Report to Shareholders 2021-2022 (period ending 31 December 2021) and Draft Statement of Intent 2022-2025' be received.
2. That the BOPLASS Limited Half Yearly Report 2021-2022 to Shareholders (Period Ended 31 December 2021) be received.
3. That the BOPLASS Limited Draft Statement of Intent 2022-2025 be received.
4. That the BOPLASS Limited Half Yearly Report to Shareholders 2020-2021 (Period Ended 31 December 2021) and Draft Statement of Intent 2021-2024 relates to issues that are considered to be of low significance in terms of Council's Significance and Engagement Policy.
5. That the Board of BOPLASS Limited be advised of any comments on their Draft Statement of Intent 2022-2025.

CARRIED

10.7 RECOMMENDATORY REPORT FROM POLICY COMMITTEE - ADOPTION OF THE WASTE MANAGEMENT AND MINIMISATION BYLAW 2022

The Committee considered a report dated 6 April 2022 from the Senior Governance Advisor. The report was taken as read.

RESOLUTION C22-2.17

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

1. 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.
 2. That Council hereby adopts the Waste Management and Minimisation Bylaw 2022, as released for consultation, (included as **Attachment 1** of the agenda report), to come into force on 11 April 2022.
 3. That the decision document, (included as **Attachment 2** of the agenda report), as the formal response to submitters, in general accordance with the resolutions made in relation to this report, be adopted by Council alongside the final bylaw.
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4. That the report relates to an issue considered to be of medium significance in terms of Council's Significance and Engagement Policy.

CARRIED

10.8 RECOMMENDATORY REPORT FROM POLICY COMMITTEE - ADOPTION OF THE ALCOHOL CONTROL BYLAW 2022

The Committee considered a report dated 6 April 2022 from the Senior Governance Advisor. The report was taken as read.

RESOLUTION C22-2.18

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

1. That pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied, in relation to the alcohol ban proposed in Te Puke in the Alcohol Control Bylaw 2022, that there is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime and disorder, that can be shown to have been caused, or been made worse, by alcohol consumption in the area.
 2. That pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied, in relation to the alcohol bans proposed in Katikati and Waihi Beach in the Alcohol Control Bylaw 2022, that a high level of crime and disorder (caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply, if the bylaw is not made.
 3. That pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied that the Alcohol Control Bylaw 2022 can be justified as a reasonable limitation on people's rights and freedoms, and that the Bylaw is appropriate and proportionate, in light of the crime and disorder.
 4. That pursuant to s155 of the Local Government Act 2002, Council confirms that a Bylaw is the most appropriate way of addressing the perceived problems, the Bylaw is the most appropriate form of bylaw, and that the Bylaw does not give rise to any implications under the New Zealand Bill of Rights 1990.
 5. That Council hereby adopts the Alcohol Control Bylaw 2022, (included as **Attachment 1** of the agenda report), to come into force on 6 May 2022.
 6. That the decision document (included as **Attachment 2** of the agenda report), as the formal response to submitters, in general accordance with the resolutions made in relation to this report, be adopted by Council alongside the final bylaw.
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7. That the report relates to an issue considered to be of medium significance in terms of Council's Significance and Engagement Policy.

CARRIED

10.9 RECOMMENDATORY REPORT FROM TE KAHUI MANA WHENUA O TAURANGA MOANA - TE TOKA TŪ MOANA - TAURANGA MOANA RELATIONSHIP DOCUMENT

The Committee considered a report dated 6 April 2022 from the Senior Governance Advisor – Community Boards. The report was taken as read with the following comment made by the Chief Executive Officer:

- The two separate Māori Partnership Forum groups would be more productive as two separate groups at this stage, with Council working with them individually on items that they were passionate about, rather than focusing on internal politics.

RESOLUTION C22-2.19

Moved: Cr M Murray-Benge

Seconded: Cr A Sole

1. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
2. That Council adopt Te Toka Tū Moana as the basis of a forum involving Tauranga Moana iwi and hapū, and Western Bay of Plenty District Council.

CARRIED

10.10 REQUEST FOR EXECUTION OF DOCUMENTS UNDER SEAL OF COUNCIL

The Committee considered a report dated 6 April 2022 from the Executive Assistant Mayor/CEO. The report was taken as read.

RESOLUTION C22-2.20

Moved: Cr M Grainger

Seconded: Cr J Denyer

That the Senior Executive Assistant Mayor/CEO's report dated 6 April 2022 titled 'Request for Execution of Documents Under Seal of Council' be received.

CARRIED

10.11 TOURISM BAY OF PLENTY DRAFT STATEMENT OF INTENT 2022/2023 TO 2024/2025

The Committee considered a report dated 6 April 2022 from the Community Manager. The report was taken as read.

RESOLUTION C22-2.21

Moved: Cr A Henry

Seconded: Cr M Dean

1. That the report from the Community Manager dated 6 April 2022 titled 'Tourism Bay of Plenty Draft Statement of Intent 2022/2023 to 2024/2025' 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 Tourism Bay of Plenty Draft Statement of Intent 2022/2023 to 2024/2025 report.
4. That Council notes that as joint shareholder of Tourism Bay of Plenty, Tauranga City Council will be asked to approve the shareholder comments on the draft Statement of Intent for TBOP at their 11 April 2022 Council meeting.

CARRIED

10.12 TOURISM BAY OF PLENTY HALF YEARLY REPORT TO 31 DECEMBER 2021

The Committee considered a report dated 6 April 2022 from the Community Manager. The report was taken as read.

RESOLUTION C22-2.22

Moved: Cr M Murray-Benge

Seconded: Cr J Denyer

1. That the report from the Community Manager dated 6 April 2022 titled 'Tourism Bay of Plenty Half Yearly Report to 31 December 2021' 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 Tourism Bay of Plenty's Half Yearly Report to 31 December 2021.

CARRIED

11 INFORMATION FOR RECEIPT

NIL

12 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION C22-2.23

Moved: Cr M Murray-Benge

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
<p>12.1 - Confidential Minutes of the Performance and Monitoring Committee Meeting held on 10 February 2022</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>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>10.2 - Confidential Minutes of the Council Meeting held on 24 February 2022</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</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 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)(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 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> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or</p>	
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	<p>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>10.3 - Appointment of Trustee to the Board of Tourism Bay of Plenty</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>CARRIED</p>		

The Meeting closed at 9.59am.

Confirmed as a true and correct record at the Council meeting held 12 May 2022.

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 Mayor G Webber
MAYOR