

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
COUNCIL MEETING NO. C22-3  
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA  
AND VIA ZOOM AND LIVESTREAMED UNDER COVID-19 TRAFFIC LIGHT ORANGE  
ON THURSDAY, 12 MAY 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 A Henry, Cr M Murray-Benge, Cr A Sole and Cr D Thwaites

### **VIA ZOOM**

Cr M Gray, Cr K Marsh

## **2 IN ATTENDANCE**

G Allis (Deputy CEO/General Manager Infrastructure Group), R Davie (General Manager Strategy and Community), C Nepia (Strategic Kaupapa Māori Manager), L Balvert (Communications Manager), A Curtis (Acting Regulatory Services General Manager), M Leighton (Senior Policy Advisor), P Watson (Reserves and Facilities Manager), H Wi Repa (Governance Technical Support), P Osborne (Senior Governance Advisor – Community Boards), J Osborne (Governance Support Administrator) and C Irvin (Senior Governance Advisor)

### **VIA ZOOM**

J Holyoake (Chief Executive Officer) and J Graham (Acting General Manager Corporate Services).

## **MEMBERS OF THE PUBLIC**

Two members of the public.

## **3 APOLOGIES**

### **APOLOGY**

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#### **RESOLUTION C22-3.1**

Moved: Cr M Grainger

Seconded: Cr J Denyer

That the apology for lateness from Cr Dally be accepted.

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**CARRIED**

## 4 CONSIDERATION OF LATE ITEMS

The Chairperson advised there was one late item for Council to consider for inclusion in the open section of the agenda, being 'Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 5 May 2022'.

The reason that this item was not included on the agenda was because for Council to approve Agenda C22-3 item 11.3: 'Recommendatory Report from Annual Plan and Long Term Plan Committee - Adoption of 2022/2023 Dog Control Registration Fees', it had to receive the Annual Plan and Long Term Plan Committee minutes of 5 May 2022 as a true and correct record, to be able to enact the recommendation arising from that meeting. It could not be delayed to the next scheduled Council meeting because it had to be approved for public notification in accordance with the Dog Control Act 1996.

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### RESOLUTION C22-3.2

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

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:

- 'Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 5 May 2022'.

**CARRIED**

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## KARAKIA

THE STRATEGIC KAUPAPA MĀORI MANAGER PROVIDED A KARAKIA TO OPEN THE MEETING. THE KARAKIA ACKNOWLEDGED ATTENDEES, ENCOURAGED A GOOD MEETING AND GAVE THOUGHT TO THOSE WHO WERE UNWELL, BEREFT AND BEREAVED.

## 5 DECLARATIONS OF INTEREST

NIL

## 6 PUBLIC EXCLUDED ITEMS

NIL

## 7 PUBLIC FORUM

### A. David Clayton-Greene – Director, CGC Landscapes Ltd – Te Ranga Reserve Enhancement Project

- Mr Clayton-Greene introduced himself and advised he had been working with Buddy Mikaere on this project on behalf of Ngāi Tamarāwaho. He then spoke to a power point presentation and provided a summary of the following points:
- The Te Ranga Reserve looking north (a piece of land on the corner of Joyce Road and Pyes Pa Road);
- Te Ranga battle site as seen from the rifle pits;

9:34 Cr Dally entered the meeting

- Artist's impression of the battle and charge;
- Lest we forget – the current memorial;
- Aquinas Students participate in commemorations every June 21;
- What we had by way of signage and the current memorial – a 1960s Historic Places Trust Concrete marker;
- Hapu planting day...Members of Ngai Tamarawaho hapu and friends... on lower reserve;
- Te Ranga Reserve Enhancement Concept Plan;
- The beginning of the enhancement project last year – with a karakia and blessing prior to work starting;
- General view of proposed site works;
- Proposed road site signage;
- Boardwalk – this is to avoid any digging for path laying and potential damage to archaeological/cultural items;
- The proposed boardwalk is to avoid the need for pathway foundations that might have archaeological implications; and
- Proposed car park and entrances to new Urupa and walkway to memorial. It is intended that the walkway entry have panels telling the Te Ranga story.

The presenter responded to questions as follows:

- It had taken a long time to get the funding for the project together but it was now finally getting off the ground. Bay of Plenty Regional Council had been approached in terms of funding for planting and there was funding coming through from Western Bay of Plenty District Council and Tauranga City Council.
- The priority this year was the formation and planting of the bund and the clearing and planting of the escarpment. This would take place the weekend before 21 June 2022.
- On 21 June 2022 there would be a public and Whanau planting day. Many community groups were wanting to be a part of this.
- Talks were underway to get an initial design for the carpark, and get it in place.

- There was also an opportunity to link it with an adjoining area of wetland. It would require an effort from everyone involved to try to maintain as much area of reserve as possible, given the pressure from councils to find land for housing.
- When the project started this land was zoned as rural land, being on the outskirts of town. It was now a more urbanised area with substantial growth. It was important to retain the historic nature of the reserve and accord it with the respect and significance it deserved. This meant no houses being built on the reserve and that it remained a reserve.
- Tauranga City Council owned the land.

The Mayor thanked David for his presentation.

## **8 COMMUNITY BOARD MINUTES FOR RECEIPT**

### **8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 30 MARCH 2022**

#### **RESOLUTION C22-3.3**

Moved: Cr A Henry

Seconded: Cr J Denyer

That the Minutes of the Katikati Community Board Meeting held on 30 March 2022 be received.

**CARRIED**

### **8.2 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 5 APRIL 2022**

#### **RESOLUTION C22-3.4**

Moved: Cr A Henry

Seconded: Cr J Denyer

That the Minutes of the Ōmokoroa Community Board Meeting held on 5 April 2022 be received.

**CARRIED**

### **8.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 7 APRIL 2022**

#### **RESOLUTION C22-3.5**

Moved: Cr A Henry

Seconded: Cr J Denyer

That the Minutes of the Te Puke Community Board Meeting held on 7 April 2022 be received.

**CARRIED**

**8.4 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 12 APRIL 2022**

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**RESOLUTION C22-3.6**

Moved: Cr A Henry

Seconded: Cr J Denyer

That the Minutes of the Maketu Community Board Meeting held on 12 April 2022 be received.

**CARRIED**

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**8.5 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 19 APRIL 2022**

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**RESOLUTION C22-3.7**

Moved: Cr A Henry

Seconded: Cr J Denyer

That the Minutes of the Waihī Beach Community Board Meeting held on 19 April 2022 be received.

**CARRIED**

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**9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION****9.1 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 15 MARCH 2022**

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**RESOLUTION C22-3.8**

Moved: Cr J Denyer

Seconded: Cr M Grainger

That the Minutes of the Audit and Risk Committee Meeting held on 15 March 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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**9.2 MINUTES OF THE PERFORMANCE AND MONITORING COMMITTEE MEETING HELD ON 31 MARCH 2022**

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**RESOLUTION C22-3.9**

Moved: Cr D Thwaites

Seconded: Cr A Sole

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That the Minutes of the Performance and Monitoring Committee Meeting held on 31 March 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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### **9.3 MINUTES OF THE KATIKATI - WAIHĪ BEACH WARD FORUM MEETING HELD ON 1 MARCH 2022**

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#### **RESOLUTION C22-3.10**

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Minutes of the Katikati - Waihi Beach Ward Forum Meeting held on 1 March 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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### **9.4 MINUTES OF THE KAIMAI WARD FORUM MEETING HELD ON 10 MARCH 2022**

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#### **RESOLUTION C22-3.11**

Moved: Cr M Dean

Seconded: Cr M Grainger

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

**CARRIED**

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### **9.5 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 5 APRIL 2022**

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#### **RESOLUTION C22-3.12**

Moved: Mayor G Webber

Seconded: Deputy Mayor J Scrimgeour

That the Minutes of the Policy Committee Meeting held on 5 April 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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### **9.6 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 5 APRIL 2022**

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#### **RESOLUTION C22-3.13**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Murray-Benge

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That the Minutes of the District Plan Committee Meeting held on 5 April 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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## **9.7 MINUTES OF THE COUNCIL MEETING HELD ON 6 APRIL 2022**

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### **RESOLUTION C22-3.14**

Moved: Mayor G Webber

Seconded: Cr A Henry

That the Minutes of the Council Meeting held on 6 April 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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### **LATE ITEM**

## **9.8 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 5 MAY 2022**

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### **RESOLUTION C22-3.15**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr J Denyer

That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 5 May 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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## **10 COUNCIL AND COMMITTEE MINUTES FOR RECEIPT**

### **10.1 MINUTES OF THE TE IHU O TE WAKA O TE ARAWA MEETING HELD ON 16 FEBRUARY 2022**

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#### **RESOLUTION C22-3.16**

Moved: Cr G Dally

Seconded: Deputy Mayor J Scrimgeour

That the Minutes of the Te Ihu o te Waka o Te Arawa Meeting held on 16 February 2022 be received.

**CARRIED**

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**10.2 MINUTES OF THE TE KĀHUI MANA WHENUA O TAURANGA MOANA MEETING HELD ON 23 FEBRUARY 2022**

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**RESOLUTION C22-3.17**

Moved: Cr M Grainger

Seconded: Cr M Dean

That the Minutes of the Te Kāhui Mana Whenua o Tauranga Moana Meeting held on 23 February 2022 be received.

**CARRIED**

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**11 REPORTS****11.1 STORMWATER EASEMENT OVER PART OF ŌMOKOROA BEACH GROVE ESPLANADE RESERVE**

The Committee considered a report date 12 May 2022 from the Reserves and Facilities Manager. The report was taken as read.

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**RESOLUTION C22-3.18**

Moved: Cr M Grainger

Seconded: Cr M Murray-Benge

1. That the Reserves and Facilities Manager's report dated 12 May 2022 titled 'Stormwater Easement Over Part of Ōmokoroa Beach Grove Esplanade 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 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 stormwater easement shown on the attached plan (**Attachment 2**) in favour of Lot 1 Deposited Plan South Auckland 15538 to allow Lot 1 Deposited Plan South Auckland 15538 to discharge stormwater over Section 1 Survey Office Plan 330241.

**CARRIED**

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**11.2 LOCAL ALCOHOL POLICY – DATE TO COME INTO FORCE**

The Committee considered a report date 12 May 2022 from the Senior Policy Analyst. The report was taken as read.

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**RESOLUTION C22-3.19**

Moved: Cr A Henry

Seconded: Cr M Murray-Benge

1. That the Senior Policy Analyst's report dated 12 May 2022 titled 'Local Alcohol Policy – Date to Come into Force' 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 adopted Western Bay of Plenty District Local Alcohol Policy 2022 come into force 21 August 2022.

**CARRIED**

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**11.3 RECOMMENDATORY REPORT FROM ANNUAL PLAN AND LONG TERM PLAN COMMITTEE – ADOPTION OF 2022/2023 DOG CONTROL REGISTRATION FEES**

The Committee considered a report date 12 May 2022 from the Senior Governance Advisor. The report was taken as read.

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**RESOLUTION C22-3.20**

Moved: Cr A Henry

Seconded: Deputy Mayor J Scrimgeour

1. That the report relates to an issue considered to be of low significance in terms of Council's Significance and Engagement Policy.
2. That the Annual Plan and Long Term Plan Committee recommend to Council the adoption of the 2022-2023 Dog Control Registration Fees as included in the 2022-2023 draft Schedule of Fees and Charges and that they be approved for public notification in accordance with the Dog Control Act 1996.

**CARRIED**

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**12 INFORMATION FOR RECEIPT**

Nil

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**13 RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION C22-3.21**

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:

<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>
<b>13.1 - Confidential Minutes of the Audit and Risk Committee Meeting held on 15 March 2022</b>	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.2 - Confidential Minutes of the Performance and Monitoring Committee Meeting held on 31 March 2022</b>	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information  s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be	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>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>13.3 - Confidential Minutes of the Council Meeting held on 6 April 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)(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>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)(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><b>13.4 - 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>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</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>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>	
<b>CARRIED</b>		

**The Meeting closed at 9:51am.**

**Confirmed as a true and correct record at the Council meeting held 29 June 2022**

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Mayor G Webber  
**CHAIRPERSON / MAYOR**