

Mā tō tātou takiwā  
**For our District**

## **Council**

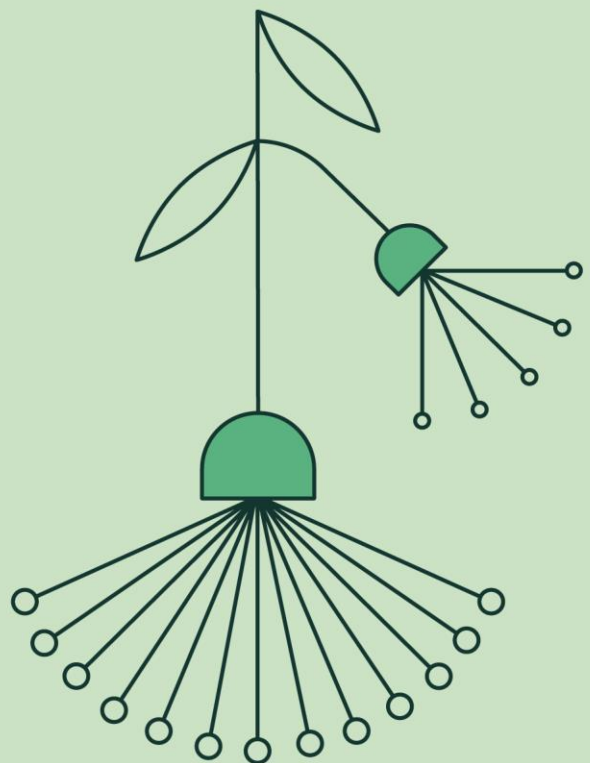
Te Kaunihera

CL23-4

Wednesday, 8 February 2023, 10.00am

Council Chambers, Barkes Corner,

1484 Cameron Road, Tauranga



# Council

## Membership:

<b>Chairperson</b>	Mayor James Denyer
<b>Deputy Chairperson</b>	Deputy Mayor John Scrimgeour
<b>Members</b>	Cr Tracey Coxhead Cr Richard Crawford Cr Grant Dally Cr Murray Grainger Cr Anne Henry Cr Rodney Joyce Cr Margaret Murray-Benge Cr Allan Sole Cr Don Thwaites Cr Andy Wichers
<b>Quorum</b>	Six (6)
<b>Frequency</b>	Six weekly

## Role:

The Council is responsible for:

- Ensuring the effective and efficient governance and leadership of the District.
- Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

## 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, a Long Term Plan Amendment, Annual Plan or Annual Report and to receive any related audit 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 or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991;
- The power to approve or amend the Council's Standing Orders;
- The power to approve or amend the Code of Conduct for Elected Members;
- The power to appoint and discharge members of committees;
- The power to establish a joint committee with another local authority or other public body;
- The power to make a final decision on a recommendation from the Parliamentary 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 monitor the performance of and make decisions on any matters relating to Council Controlled Organisations (CCO), including recommendations for
- modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent), including as recommended by the Strategy and Policy Committee.
- To approve joint agreements and contractual arrangements between Western Bay of Plenty District Council and Tauranga City Council and/or any other local authority including the requirement to review the terms of any such agreements or contractual arrangements.
- To approve the triennial agreement.
- To approve the local governance statement required under the Local Government Act 2002.
- To approve a proposal to the Remuneration Authority for the remuneration of Elected Members.
- To approve any changes to the nature and delegations of Committees.

### **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.

**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, Barkes Corner, 1484 Cameron Road, Tauranga on: Wednesday, 8 February 2023 at 10.00am

## Order Of Business

<b>1</b>	<b>Present .....</b>	<b>7</b>
<b>2</b>	<b>In Attendance.....</b>	<b>7</b>
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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**

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

### **8.1 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 15 DECEMBER 2022**

**File Number:** A5061724

**Author:** Horowai Wi Repa, Governance Technical Support

**Authoriser:** Greer Golding, Governance Manager

#### **RECOMMENDATION**

That the Minutes of the Te Puke Community Board Meeting held on 15 December 2022 be received.

#### **ATTACHMENTS**

- 1. Minutes of the Te Puke Community Board Meeting held on 15 December 2022**



**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
TE PUKE COMMUNITY BOARD MEETING NO. TPC22-1  
HELD IN THE TE PUKE LIBRARY AND SERVICE CENTRE, 130 JELlicoe STREET, TE PUKE  
ON THURSDAY, 15 DECEMBER 2022 AT 7.00PM**

**1 PRESENT**

K Ellis (Chairperson), Deputy A Paudel, Member D Snell, Member K Summerhays, Cr G Dally and Cr A Wichers

**2 IN ATTENDANCE**

G Allis (Deputy CEO/General Manager Infrastructure Group), C Mclean (Senior Transport Engineer) and C Irvin (Senior Governance Advisor)

**OTHERS IN ATTENDANCE:**

Maketu Community Board:

Deputy Mayor Scrimgeour

Cr Crawford

L Rae

M Jones

N Chauhan

R Larsen

One member of the press.

**KARAKIA**

Cr Wichers opened the meeting with a karakia.

**3 APOLOGIES**

Nil

**4 CONSIDERATION OF LATE ITEMS**

Nil

**5 DECLARATIONS OF INTEREST**

Nil

## 6 PUBLIC EXCLUDED ITEMS

Nil

## 7 PUBLIC FORUM

### A. Rebecca Larson from Epic Te Puke

- Epic Te Puke was requesting funding to create a better events calendar in the form of a social commercial platform. It was about creating a tool for the community to utilise.
- A quote for \$3,500 had been received for a custom built calendar system. Epic Te Puke was asking for partial funding from the Te Puke Community Board.

### B. Cr Crawford

- Cr Crawford congratulated the new Board and welcomed the new members. He encouraged suggestions on how the Maketu and Te Puke Community Boards could work together.

## 8 MINUTES FOR CONFIRMATION

### 8.1 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 7 NOVEMBER 2022

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#### RESOLUTION TPC22-1.1

Moved: Cr G Dally

Seconded: Member D Snell

That the Minutes of the Te Puke Community Board Meeting held on 7 November 2022 as circulated with the agenda be confirmed as a true and correct record.

**CARRIED**

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## 9 REPORTS

### 9.1 CHAIRPERSON'S REPORT - DECEMBER 2022

The Board considered a report from the Chairperson. The report was taken as read.

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#### RESOLUTION TPC22-1.2

Moved: Member K Summerhays

Seconded: Deputy A Paudel

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That the Chairperson's report dated 15 December 2022 titled 'Chairperson's Report – December 2022' be received.

**CARRIED**

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## 9.2 COUNCILLOR'S REPORT – DECEMBER 2022

The Board considered a report from the Cr Dally. The report was taken as read, with the following noted:

- In the report, under the heading 'Resource Management Act Reform (RMA to be replaced by 3 new Acts); the Strategic Planning Act (SPA) should read the 'Spatial Planning Act'.

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### RESOLUTION TPC22-1.3

Moved: Member K Summerhays

Seconded: Cr A Wichers

That the Councillor's report dated 15 December 2022 titled 'Councillor's Report – December 2022' be received.

**CARRIED**

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## 9.3 TE PUKE COMMUNITY BOARD GRANT APPLICATION – DECEMBER 2022

The Board considered a report from the Senior Governance Advisor. The report was taken as read.

The Chairperson would follow up on the following:

- That the Te Puke Community Board's logo be incorporated on the Street Smart Books for Year 13 Te Puke Highschool students.

The Chairperson advised the recommendations would be taken in parts as follows:

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### RESOLUTION TPC22-1.4

Moved: Chairperson K Ellis

Seconded: Member D Snell

#### Part 1

That the Senior Governance Advisor's report dated 15 December 2022 titled 'Te Puke Community Board Grant Application – December 2022' be received.

**CARRIED**

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**RESOLUTION TPC22-1.5**

Moved: Member K Summerhays

Seconded: Chairperson K Ellis

**Part 2**

That the Te Puke Community Board approve the grant application from Te Puke Citizens Club Incorporated for \$850 to contribute towards costs relating to the ANZAC Day parade and service, as well as the Armistice Day Service. This grant will be funded from the Te Puke Community Board Grants Account, subject to all accountabilities being met.

**CARRIED**

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**RESOLUTION TPC22-1.6**

Moved: Cr G Dally

Seconded: Cr A Wichers

**Part 3**

That the Te Puke Community Board approve the grant application from Blue Light Ventures Inc for \$560 for the printing costs of 160 Street Smart Handbooks for Year 13 Te Puke Highschool students. This grant will be funded from the Te Puke Community Board Grants Account, subject to all accountabilities being met.

**CARRIED**

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**RESOLUTION TPC22-1.7**

Moved: Member D Snell

Seconded: Member K Summerhays

**Part 4**

That the Te Puke Community Board do not approve the grant application from Tauranga and Western Bay Indian Association Inc due to there being insufficient information with the application.

**CARRIED**

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**9.4 APPOINTMENTS OF TE PUKE COMMUNITY BOARD MEMBERS TO OUTSIDE BODIES**

The Board considered a report from the Senior Governance Advisor. The report was taken as read.

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**RESOLUTION TPC22-1.8**

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Moved: Cr A Wichers

Seconded: Chairperson K Ellis

1. That the Senior Governance Advisor's report dated 15 December 2022 titled 'Appointments of Te Puke Community Board Members to Outside Bodies' be received.
2. That the following Te Puke Community Board Members be appointed as a representative to the following committees and organisations:

Co-Lab	Dale Snell
EPIC Te Puke Member	Andy Wichers
Creative Te Puke	Kassie Ellis
Friends of the Te Puke Memorial Pool	Kassie Ellis
Te Ara Kahikatea Pathway	Cr Dally
Te Puke Economic Development Group (TPEDG)	Anish Paudel
Te Puke Emergency Response Group	Kassie Ellis
Te Puke War Memorial Hall Committee	Dale Snell

**CARRIED**

## 9.5 CHRISTMAS AND NEW YEAR RUBBISH COLLECTION

The Board considered a report from the Resource Recovery and Waste Team Leader. The report was taken as read.

### RESOLUTION TPC22-1.9

Moved: Member D Snell

Seconded: Cr G Dally

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That the Resource Recovery and Waste Team Leader's report dated 15 December 2022 titled 'Christmas and New Year Rubbish Collection' be received.

**CARRIED**

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## **9.6 INFRASTRUCTURE GROUP REPORT TE PUKE COMMUNITY BOARD DECEMBER 2022**

The Board considered a report from the Deputy Chief Executive's Report. The report was taken as read.

### Rangiuru Business Park Development

The Deputy CEO/General Manager Infrastructure advised:

- There were very clear numbers in terms of flows for stage one and two.
- Each portion of the community paid a different share. Existing ratepayers paid for an upgrade to meet quality standards. Urban Growth and Rangiuru Business Park paid a percentage from development fees. This was a 'mix' with a whole set of calculations behind it.
- Under the Western Bay of Plenty Trade Waste bylaw, in terms of industrial usage at Rangiuru Business Park, waste had to be at a certain standard before it got pumped through to Te Puke. If it did not meet this standard, it had to be treated on site before being pumped through to Te Puke.
- The existing plant could not meet consent standards or the modern earthquake design standards. Therefore, stage one and two were being done simultaneously.

### Roading

The Senior Transport Engineer advised:

- The business case for Waka Kotahi funding for works on No. 1 Road Te Puke was still being prepared.
- Excessive rain caused potholes in the roads that could not be repaired in wet weather. A longer, dry spell of weather was needed to repair a large backlog of potholes around the district.
- Council collaborated with Tauranga City Council on future rehabilitation roading projects.
- Staff recently completed a section of footpath in Bell Road and had met with property owners for an assessment beforehand. Any issues or concerns they had were addressed and some plans were amended to address these identified concerns.
- Staff needed to meet with Waka Kotahi to confirm what they were prepared to fund in terms of walkways.

- Staff had begun a project to seek funding from Waka Kotahi to put bridges over the Waiari and Kaituna rivers.

The Deputy CEO/General Manager Infrastructure Group advised:

- The next stage of the 'Transport Choices' fund was the onboarding component. Council would engage someone to assist with this and the program with Waka Kotahi staff.

### RESOLUTION TPC22-1.10

Moved: Cr G Dally

Seconded: Deputy A Paudel

That the Deputy Chief Executive's Report, dated 15 December 2022 titled 'Infrastructure Group Report Te Puke Community Board December 2022' be received.

**CARRIED**

## 9.7 2023/2024 ANNUAL OPERATING BUDGET

The Board considered a report from the Senior Governance Advisor. The report was taken as read.

### RESOLUTION TPC22-1.11

Moved: Member D Snell

Seconded: Deputy A Paudel

1. That the Senior Governance Advisor's report dated 15 December 2022 titled '2023/2024 Annual Operating Budget' 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 it be recommended to the Annual Plan/Long Term Plan Committee that the Te Puke Community Board 2023/2024 Annual Operating Budget should be:

OPERATING COSTS	2023/2024	
Contingency	\$12,560	
Grants	\$11,000	
Milage Allowance	\$2,000	

Street Decoration	\$10,000	
Salaries	Determined by Remuneration Authority	
Inter Departmental Charges	Determined by Overhead Cost Allocation	
TOTAL OPERATING COSTS		

**CARRIED**


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**9.8 2023/2024 ANNUAL OPERATING BUDGET – FURTHER RESOLUTION**


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**RESOLUTION TPC22-1.12**

Moved: Member D Snell

Seconded: Deputy A Paudel

That the Te Puke Community Board wishes to develop a community plan in parallel with the Council led Te Puke spatial plan.

**CARRIED**


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**9.9 2023/2024 ANNUAL OPERATING BUDGET – FURTHER RESOLUTION**


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**RESOLUTION TPC22-1.13**

Moved: Member D Snell

Seconded: Deputy A Paudel

That the Te Puke Community Board seeks funding of \$50,000 for the development of a community plan, in parallel with the Council led Te Puke spatial plan, through the Annual Plan process.

**CARRIED**


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Member Anish Paudel closed the meeting with a karakia.



**The Meeting closed at 8:28pm.**

**Confirmed as a true and correct record at the Te Puke Community Board meeting held on 16 February 2023.**

.....

Chairperson K Ellis

**CHAIRPERSON / MAYOR**

unconfirmed

## **9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION**

### **9.1 MINUTES OF THE COUNCIL MEETING HELD ON 8 DECEMBER 2022**

**File Number:** A5005792

**Author:** Carolyn Irvin, Senior Governance Advisor

**Authoriser:** Greer Golding, Governance Manager

#### **RECOMMENDATION**

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

#### **ATTACHMENTS**

- 1. Minutes of the Council Meeting held on 8 December 2022**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
**COUNCIL MEETING NO. C22-1**  
**HELD IN THE COUNCIL CHAMBERS, BARKES CORNER**  
**1484 CAMERON ROAD, TAURANGA**  
**ON THURSDAY, 8 DECEMBER 2022 AT 9.30AM**

**1 PRESENT**

Mayor J Denyer (Chairperson), Deputy Mayor J Scrimgeour, Cr T Coxhead, Cr R Crawford, Cr G Dally, Cr M Grainger, Cr A Henry, Cr R Joyce, Cr M Murray-Benge, Cr A Sole, Cr D Thwaites and Cr A Wichers

**2 IN ATTENDANCE**

G Allis (Deputy Chief Executive Officer/General Manager Infrastructure), R Davie (General Manager Strategy and Community), A Henderson (General Manager Corporate Services), E Watton (Strategic Policy and Planning Programme Director), G Golding (Governance Manager), L Balvert (Communications Manager), M Leighton (Policy and Planning Manager), T Rutherford (Policy Analyst), P Osborne (Senior Governance Advisor – Board Secretary), H Wi Repa (Governance Technical Support), J Osborne (Governance Support Administrator) and C Irvin (Senior Governance Advisor)

**OTHER ATTENDEES**

Media

One member of the press

**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 7 NOVEMBER 2022**

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**RESOLUTION C22-1.1**

Moved: Cr A Sole

Seconded: Cr R Joyce

That the Minutes of the Katikati Community Board Meeting held on 7 November 2022 be received.

**CARRIED**

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**8.2 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 7 NOVEMBER 2022**

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**RESOLUTION C22-1.2**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr R Crawford

That the Minutes of the Maketu Community Board Meeting held on 7 November 2022 be received.

**CARRIED**

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**8.3 MINUTES OF THE ŌMOKOROĀ COMMUNITY BOARD MEETING HELD ON 7 NOVEMBER 2022**

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**RESOLUTION C22-1.3**

Moved: Cr D Thwaites

Seconded: Cr T Coxhead

That the Minutes of the Ōmokoroā Community Board Meeting held on 7 November 2022 be received.

**CARRIED**

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**8.4 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 7 NOVEMBER 2022**

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**RESOLUTION C22-1.4**

Moved: Cr G Dally

Seconded: Cr A Wichers

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

**CARRIED**

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**8.5 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 7 NOVEMBER 2022**

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**RESOLUTION C22-1.5**

Moved: Cr A Henry

Seconded: Cr A Sole

That the Minutes of the Waihi Beach Community Board Meeting held on 7 November 2022 be received.

**CARRIED**

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**9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION****9.1 MINUTES OF THE COUNCIL MEETING HELD ON 7 NOVEMBER 2022**

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**RESOLUTION C22-1.6**

Moved: Mayor J Denyer

Seconded: Cr D Thwaites

That the Minutes of the Council Meeting held on 7 November 2022 be confirmed as true and correct record and the recommendations therein be adopted.

**CARRIED**

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**10 REPORTS****10.1 GOVERNANCE STRUCTURE TERMS OF REFERENCE AND DELEGATIONS FOR COUNCIL AND COMMITTEES OF COUNCIL FOR THE 2022-2025 TRIENNIUM**

The Committee considered a report dated 8 December 2022 from the Governance Manager. The report was taken as read.

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**RESOLUTION C22-1.7**

Moved: Cr M Murray-Benge

Seconded: Cr A Sole

1. That the Governance Manager's report dated 8 December 2022 titled 'Governance Structure Terms of Reference and Delegations for Council and Committees of Council for the 2022-2025 Triennium' 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 the proposed Governance Structure Terms of Reference and Delegations for Council and Committees of Council as set out in **Attachment 1**.

And

That Council notes that the Community Board Chairpersons are members of the Community Committee, so the Community Committee Quorum should be nine.

4. That pursuant to Clause 26 Schedule 7 of the Local Government Act 2002 the following councillors be appointed as Convenor and Assistant Convenor for the Council Community Forums as set out below:
    - Katikati – Waihi Beach Community Forum:  
Convenor: Cr Anne Henry  
Assistant Convenor: Cr Allan Sole
    - Kaimai Ward Community Forum:  
Convenor: Cr Don Thwaites  
Assistant Convenor: Cr Tracey Coxhead
    - Maketu – Te Puke Community Forum:  
Convenor: Cr Richard Crawford  
Assistant Convenor: Cr Andy Wichers
  5. That Council approves the Community Forum Terms of Reference as included at **Attachment 2** to this report.
  6. That the District Licensing Committee duly constituted during the 2019 – 2022 triennium remain in force and the existing delegations and appointed members currently on the District Licensing Committee List be confirmed, as set out in **Attachment 1** to this report.
  7. That Council re-establishes SmartGrowth Leadership Group as a joint committee with Tauranga City Council and the Bay of Plenty Regional Council and appoints
-

Mayor James Denyer, Deputy Mayor John Scrimgeour and Councillor Don Thwaites as its representatives on this joint committee.

8. That Council notes that the SmartGrowth Leadership Group Terms of Reference are interim until new Terms of Reference are prepared for consideration by the partnership members.
9. That it is acknowledged that Cr Dally is a member of the District Plan Committee.

**CARRIED**

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## **10.2 COUNCIL APPOINTMENTS TO EXTERNAL COMMITTEES AND ORGANISATIONS FOR THE 2022-2025 TRIENNIUM**

The Committee considered a report dated 8 December 2022 from the Mayor. The report was taken as read.

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### **RESOLUTION CL22-1.8**

Moved: Cr M Grainger

Seconded: Cr G Dally

1. That the Mayor's report dated 8 December 2022 titled 'Council Appointments to External Committees and Organisations for the 2022-2025 Triennium' 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 following elected members be appointed as a representative and an alternative representative (where appropriate) to the following committees and organisations:
    - a) Bay of Plenty Civil Defence Emergency Management Group
      - Member: Mayor James Denyer
    - b) Western Bay of Plenty District Council – Council Controlled Organisations Appointment Panel
      - Member: Deputy Mayor John Scrimgeour
      - Alternate: Councillor Don Thwaites
    - c) Creative Communities Panel
      - Member: Councillor Anne Henry
      - Member: Councillor Tracey Coxhead
-

- d) Local Government New Zealand Zone 2
  - Member: Mayor James Denyer
  - Alternate: Deputy Mayor John Scrimgeour
  
- e) Public Transport Committee
  - Member: Mayor James Denyer
  - Alternate: Deputy Mayor John Scrimgeour
  
- f) Regional Transport Committee
  - Member: Mayor James Denyer
  - Alternate: Deputy Mayor John Scrimgeour
  
- g) Envirohub Bay of Plenty
  - Member: Councillor Richard Crawford
  
- h) Tauranga Moana Advisory Group
  - Member: Councillor Allan Sole
  - Member: Councillor Murray Grainger

And

That Council notes that point 9 of the report, 'Tauranga Moana Advisory Group' should state that Western Bay of Plenty District Council appoints two members onto this group.

- i) Te Maru o Kaituna (Kaituna River Authority)
  - Member: Councillor Andy Wichers
  - Alternate: Deputy Mayor John Scrimgeour
  
- j) Te Ohu Parawai o Te Waiari
  - Member: Deputy Mayor John Scrimgeour
  - Member: Councillor Grant Dally
  
- k) Tourism Bay of Plenty Appointments Panel
  - Member: Mayor James Denyer
  - Alternate: Deputy Mayor John Scrimgeour
  
- l) Waiāri Kaitiaki Advisory Group
  - Member: Mayor James Denyer
  - Member: Deputy Mayor John Scrimgeour
  
- m) Te Puke Alternative Wastewater Options Group
  - Member: Deputy Mayor John Scrimgeour
  - Alternate: Councillor Grant Dally



- n) Te Ohu Wairoa – Alternative Katikati Wastewater Options Group
  - Member: Mayor James Denyer
  - Member: Councillor Allan Sole
  - Member: Councillor Anne Henry
  - Member: Councillor Murray Grainger
  
- o) Kaituna Catchment Control Scheme Advisory Group
  - Member: Deputy Mayor John Scrimgeour
  - Alternate: Councillor Andy Wichers
  
- p) David Hume Swimming Pool Trust
  - Member: Councillor Anne Henry

**CARRIED**

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### **10.3 ADOPTION OF STANDING ORDERS FOR THE 2022–2025 TRIENNIUM**

The Committee considered a report dated 8 December 2022 from the Governance Manager. The report was taken as read.

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

Moved: Cr M Grainger

Seconded: Mayor J Denyer

1. That the Governance Manager’s report dated 8 December 2022 titled ‘Adoption of Standing Orders for the 2022–2025 Triennium’ 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 27 of Schedule 7 of the Local Government Act 2002, Council adopts the Western Bay of Plenty District Council Standing Orders for the 2022–2025 triennium (**Attachment 1**) with the following amendments by a vote in support of not less than 75% of Members present and voting:
  - a) That the Chief Executive Officer be delegated authority to make such minor editorial changes to Western Bay of Plenty District Council’s Standing Orders as may be required.

#### **AMENDMENT**

Moved: Cr Murray-Benge

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Seconded: Cr Henry

- That Council re-adopts Western Bay of Plenty District Council's 2019–2022 Triennium Standing Orders.

The amendment was put and declared **lost**.

### **FURTHER AMENDMENT**

Cr Grainger had foreshadowed a further amendment, which was then dealt with as follows:

Moved: Cr Grainger

Seconded: Cr Sole

That numbers 1, 2 and 3 (a) remain the same and the following be included:

4. That Council includes Standing Order 15.5 from the 2019–2022 Triennium Standing Orders, in the 2022–2025 version, with the exclusion of the last sentence, to be as follows:

- *'Recording and Responding to Public Forum Matters:*  
*Brief notes may be kept of matters raised in public forum. Matters for action will be referred through the service request system, while those requiring further investigation may be referred to the Chief Executive Officer for further report.'*

5. That Council includes Standing Order 23.6 from the 2019–2022 Triennium Standing Orders, in the 2022–2025 version as follows:

- *'Chairperson May Recommend Amendment:*  
*A Chairperson, when moving the adoption of a recommendation from a committee or subcommittee to the council, can include in the motion an amendment to the committee or subcommittee's recommendation.'*

The amendment was then put and declared **carried**, and became the substantive motion as follows:

**CARRIED**

### **SUBSTANTIVE MOTION**

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

Moved: Cr M Grainger

Seconded: Mayor J Denyer

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1. That the Governance Manager's report dated 8 December 2022 titled 'Adoption of Standing Orders for the 2022-2025 Triennium' 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 27 of Schedule 7 of the Local Government Act 2002, Council adopts the Western Bay of Plenty District Council Standing Orders for the 2022-2025 triennium (Attachment 1) with the following amendments by a vote in support of not less than 75% of Members present and voting:
  - a) That the Chief Executive Officer be delegated authority to make such minor editorial changes to Western Bay of Plenty District Council's Standing Orders as may be required.
4. That Council includes Standing Order 15.5 from the 2019-2022 Triennium Standing Orders, in the 2022-2025 version, with the exclusion of the last sentence, as follows:
  - *'Recording and Responding to Public Forum Matters:*  
*Brief notes may be kept of matters raised in public forum. Matters for action will be referred through the service request system, while those requiring further investigation may be referred to the Chief Executive Officer for further report.'*
5. That Council includes Standing Order 23.6 from the 2019-2022 Triennium Standing Orders, in the 2022-2025 version as follows:
  - *'Chairperson May Recommend Amendment:*  
*A Chairperson, when moving the adoption of a recommendation from a committee or subcommittee, to the council, can include in the motion an amendment to the committee or subcommittee's recommendation.'*

**CARRIED**

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#### **10.4 ELECTED MEMBER'S CODE OF CONDUCT 2022-2025**

The Committee considered a report dated 8 December 2022 from the Governance Manager.

The Chairperson suggested his report lie on the table in order for Elected Members to discuss and understand in more detail.

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**RESOLUTION C22-1.11**

Moved: Cr M Grainger

Seconded: Cr R Joyce

1. That the Governance Manager's report dated 8 December 2022 titled 'Elected Member's Code of Conduct 2022-2025' 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 the 'Elected Member's Code of Conduct 2022-2025' report lie on the table.

**CARRIED**

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**10.5 ELECTED MEMBERS REMUNERATION POOL OF FUNDS AND ALLOWANCES FOR THE 2022-2025 TRIENNIUM**

The Committee considered a report dated 8 December 2022 from the Governance Manager. The report was taken as read.

**RESOLUTION C22-1.12**

Moved: Cr R Crawford

Seconded: Cr M Murray-Benge

1. That the Governance Manager's report dated 8 December 2022 titled 'Elected Members Remuneration Pool of Funds and Allowances for the 2022-2025 Triennium' 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 formally confirms and recommends remuneration attached to different roles within the allocated pool of \$546,556 as follows:

<b>Office</b>	<b>Positions</b>	<b>Remuneration (\$)</b>	<b>Total (\$)</b>
Deputy Mayor	1	70,020.08	70,020.08
Committee Chairperson	3	53,095.00	159,285.00
Councillor	7	45,321.56	317,250.92

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Total	546,556.00
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4. That if Council undertakes a review of the committee structure at any time throughout the 2022-2025 triennium it will review the redistribution of the Remuneration Pool.
5. That Council confirms its approach to Elected Members Allowances as follows:
  - a. Council adopts the vehicle kilometre allowance in accordance with the Local Government Members (2022/2023) Determination 2022 and Council's Sensitive Expenditure Policy (**Attachment 2**).
  - b. Council adopts the travel time allowance of \$40.00 per hour of eligible travel time after the first hour of eligible travel time in accordance with the Local Government Members (2022/2023) Determination 2022 and Council's Sensitive Expenditure Policy;
  - c. Council approves the following communications allowances for the period of the Determination in addition to the issuing of Council owned laptops and data sim to Councillors and Community Board Members and in accordance with the Local Government Members (2022/2023) Determination 2022 and Council's Sensitive Expenditure Policy;
    - Use of a personal computer, tablet or laptop including any related docking station, \$400
    - Use of printer, \$50
    - Use of a mobile telephone, \$200
    - For the use of ICT consumables up to \$200
    - Use of internet services up to \$800
    - Use of a telephone service up to \$500
  - d) Council approves payment of up to \$6,000 for childcare allowances in accordance with the criteria set out in for the Determination.

**CARRIED**

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## **10.6 DELEGATIONS TO COMMUNITY BOARDS FOR THE 2022-2025 TRIENNIUM**

The Committee considered a report dated 8 December 2022 from the Governance Manager. The report was taken as read.

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**RESOLUTION C22-1.13**

Moved: Cr M Grainger

Seconded: Cr A Sole

1. That the Governance Manager's report dated 8 December 2022 titled 'Delegations to the Community Boards for the 2022-2025 Triennium' 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, for the 2022-2025 triennium, Council's delegations to the, Ōmokoroa, Katikati Maketu, Te Puke and Waihi Beach Community Boards be as follows:

Role and Purpose of Community Boards:

- To represent, and act as an advocate for, the interests of their communities.
- To consider and report on all matters referred by Council and its Committees, or any matter of interest or concern to the Community Board.
- To maintain an overview of services provided by Council within the community.
- To prepare an annual submission to the Council for expenditure within the community.
- To communicate with community organisations and special interest groups within the community.
- To undertake responsibilities as delegated by Council or its Committees.

Delegated Functions:

Subject to compliance with Council strategies, policies, plans and legislation:

- To have input into Council and its Committees on issues, services, plans and policies that affect communities within the Community Board Area.
- To provide an effective mechanism for community feedback to Council.
- To receive reports from Council appointees on Council matters relevant to the Community Board.
- To control, expend and monitor funds as allocated by Council.
- To allocate Community Board reserve funds to specific capital non-recurring projects for council assets on council land.

**CARRIED**

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**10.7 EXERCISE OF DELEGATION BY CHIEF EXECUTIVE OFFICER DURING THE INTERREGNUM PERIOD 2022**

The Committee considered a report dated 8 December 2022 from the Governance Manager. The report was taken as read.

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**RESOLUTION C22-1.14**

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

1. That the Governance Manager's report dated 8 December 2022 titled 'Exercise of Delegation by the Chief Executive Officer During the Interregnum Period 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 Council notes no actions were undertaken during the interregnum period that required the exercise of those delegations conferred on the Chief Executive Officer by Council at its meeting on 11 August 2022.

**CARRIED**

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**10.8 EXERCISE OF DELEGATIONS - REPORT ON SUBMISSIONS MADE ON BEHALF OF COUNCIL**

The Committee considered a report dated 8 December 2022 from the Strategic Policy and Planning Programme Director.

Submission to Governance and Administration Committee on the Local Government Electoral Legislation Bill:

Staff responded to questions as follows:

- Staff always endeavoured to ensure that, where time and opportunity allowed, Council was informed of any submissions it provided. However, in the instance of the Local Government Electoral Legislation Bill submission, there was a very strong direction and instruction to staff from the former Mayor. Council was heading into its formal representation review next year, and its approach to Māori representation would be workshopped with Elected Members.

Elected Member Comment:

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- Cr Henry expressed her belief that this was the voice of the former Mayor and not the voice of Elected Members.
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**RESOLUTION C22-1.15**

Moved: Cr A Henry

Seconded: Cr M Murray-Benge

1. That the Strategic Policy and Planning Programme Director's report dated 8 December 2022 titled 'Exercise of Delegations – Report on Submissions made on Behalf of Council' 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 be advised that, under the Mayor's Delegation, the following submissions have been lodged on behalf of Council:
  - a. Review of the Building Consent System on 2 September 2022 (**Attachment 1**);
  - b. Local Government Electoral Legislation Bill on 14 September 2022 (**Attachment 2**);
  - c. Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement on 24 August 2022 (**Attachment 3**); and
  - d. National Direction for Plantation and Exotic and Carbon Afforestation (on behalf of Council (**Attachment 4**), and as a signatory to the joint submission on behalf of 17 councils and Local Government New Zealand (**Attachment 5**)) on 18 November 2022.

**CARRIED**

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**10.9 PUKEHINA COASTAL RATE**

The Committee considered a report dated 8 December 2022 from the Group Manager Corporate Services. The report was taken as read.

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**RESOLUTION C22-1.16**

Moved: Cr M Murray-Benge

Seconded: Cr G Dally

1. That the Group Manager Corporate Services report dated 8 December 2022 titled 'Pukehina Beach Protection Coastal Rate' be received.
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2. That the report relates to an issue that is of low significance in terms of Council's Significance and Engagement Policy.
  3. That Council resolves to set the rate again in accordance with section 119 of the Local Government (Rating) Act 2002 (LGRA), and refund any overpaid rates paid in accordance with section 42 of the LGRA.
  4. That Council authorises officers to issue public notification of Council's intention to reset the Pukehina Beach Protection Rate.

**CARRIED**

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#### **10.10 MAYOR'S REPORT TO COUNCIL**

The Committee considered a report dated 8 December 2022 from the Mayor. The report was taken as read.

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#### **RESOLUTION C22-1.17**

Moved: Mayor J Denyer

Seconded: Cr A Sole

That the Mayor's report dated 8 December 2022 and titled 'Mayor's Report to Council' be received.

**CARRIED**

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#### **11 INFORMATION FOR RECEIPT**

Nil

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

Nil

**The Meeting closed at 10:15am.**

**Confirmed as a true and correct record at the Council meeting held 8 February 2023.**

.....

Mayor J Denyer

**CHAIRPERSON / MAYOR**

**9.2 MINUTES OF THE COUNCIL MEETING HELD ON 14 DECEMBER 2022**

**File Number:** A5005797

**Author:** Carolyn Irvin, Senior Governance Advisor

**Authoriser:** Greer Golding, Governance Manager

**RECOMMENDATION**

That the Minutes of the Council Meeting held on 14 December 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

**ATTACHMENTS**

- 1. Minutes of the Council Meeting held on 14 December 2022**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
COUNCIL MEETING NO. CL22-2**

**HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, 1484 CAMERON ROAD, TAURANGA  
ON WEDNESDAY, 14 DECEMBER 2022 AT 11.00AM**

## **1 PRESENT**

Mayor J Denyer (Chairperson), Deputy Mayor J Scrimgeour, Cr T Coxhead, Cr R Crawford, Cr G Dally, Cr M Grainger, Cr A Henry, Cr R Joyce, Cr M Murray-Benge, Cr A Sole, and Cr D Thwaites

## **2 IN ATTENDANCE**

J Holyoake (Chief Executive Officer), G Allis (Deputy Chief Executive Officer/General Manager Infrastructure), R Davie (General Manager Strategy and Community), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), C Nepia (Strategic Kaupapa Māori Manager), E Watton (Strategic Policy and Planning Programme Director), G Golding (Governance Manager), L Balvert (Communications Manager), K Little (Operations Manager), N Rutland (Environmental Planning Manager), J Rickard (Community and Strategic Relationships Manager), A Price (Senior Consents Planner), A Mark (Policy Analyst Resource Management), P Osborne (Senior Governance Advisor – Board Secretary), H Wi Repa (Governance Technical Support), J Osborne (Governance Support Administrator) and C Irvin (Senior Governance Advisor)

## **OTHERS IN ATTENDANCE**

One member of the press

One Photographer

## **3 APOLOGIES**

### **APOLOGY**

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#### **RESOLUTION CL22-2.1**

Moved: Cr R Crawford

Seconded: Cr A Henry

That the apology for absence from Cr Wichers be accepted.

**CARRIED**

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#### 4 CONSIDERATION OF LATE ITEMS

Nil

#### 5 DECLARATIONS OF INTEREST

Nil

#### 6 PUBLIC EXCLUDED ITEMS

Nil

#### 7 PUBLIC FORUM

##### A. Mr Stan Travis and Mr Bruce Devonport from Fairview Estate, Katikati

- Mr Travis was presenting on behalf of Fairview Estate, Katikati and Tabled Item 1 – 'Why a Speed Reduction is Needed in the Fairview Estate and on Sharp Road'.
- He presented Council with a petition on behalf of residents associated with Fairview Estate, Fairview Park, Arran Drive and the Fairview Golf Country Club, for an enforceable speed limit of 30 kilometres per hour.
- Residents of this area would like it recognised that this was now a 'built up/urban' area and not a 'rural area', and that this urban area was only going to expand as time went on.
- Residents would also like the Sharp Road speed limit to be reduced to 80 kilometres between State Highway 2 and Gleneagles Road.

##### Mayor Denyer:

- Next year Council was required to participate in a speed management review where Waka Kotahi would provide guidelines on appropriate speeds.

##### Deputy Chief Executive Officer/General Manager Infrastructure:

- The last speed review conducted by Council changed the speed limit on Sharp Road to 80k/ph. This was now a legitimate speed limit and these signs were about to be erected.

The Chairperson received the petition from Mr Travis and thanked him for his attendance.

#### 8 REPORTS

##### 8.1 COMMUNITIES 4 LOCAL DEMOCRACY - DRAFT MAYORAL DECLARATION

The Committee considered a report dated 14 December 2022 from the General Manager Strategy and Community. The report was taken as read.

Chief Executive Officer Comments:

- In deciding whether or not to join the organisation, it was important to keep eyes wide open in terms of being fiscally prudent because the declaration considered setting up entities in which there would be less financial capability in terms of being able to borrow money from the crown.
- If the decision was made to join, it should be alongside requesting transparency about some of the questions/due diligence and ensuring they were considered moving forward. Part of the process should be to raise any issues/concerns.

The Chairperson advised that the recommendations to the report would be taken in parts as follows:

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**RESOLUTION CL22-2.2**

Moved: Cr R Joyce

Seconded: Cr A Sole

**PART 1**

1. That the General Manager Strategy and Community's report dated 14 December 2022 titled 'Communities 4 Local Democracy – Draft Mayoral Declaration' 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.

**CARRIED**

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**RESOLUTION CL22-2.3**

Moved: Cr R Joyce

Seconded: Cr M Murray-Benge

**PART 2**

3. That Council approves in-principle the draft Communities 4 Local Democracy Draft Mayoral Declaration included as **Attachment 1** to this report.

**CARRIED**

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**RESOLUTION CL22-2.4**

Moved: Cr M Grainger

Seconded: Cr R Joyce

**PART 3**

4. That Council approves, in principle, membership of Communities 4 Local Democracy, subject to due diligence by staff to clarify conditions of membership, future financial commitments, future plans and any queries with governance arrangements.

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**CARRIED**

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## 8.2 APPOINTMENT OF LOCAL RECOVERY MANAGER

The Committee considered a report dated 14 December 2022 from the Executive Assistant Infrastructure Group. The report was taken as read.

### RESOLUTION CL22-2.5

Moved: Cr M Grainger

Seconded: Cr A Sole

1. That the Executive Assistant Infrastructure Group's report dated 14 December 2022 titled 'Appointment of Local Recovery Manager' 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, in accordance with the Civil Defence Emergency Management Act 2002, and the Bay of Plenty Emergency Management Group Policy for selection and appointment of Local Recovery Managers, Western Bay of Plenty District Council:
  - a) Acknowledges the resignation of Anita Brown's position as Local Recovery Manager and recommends that her appointment to the position of Local Recovery Manager be rescinded; and
  - b) Recommends to the Bay of Plenty Joint Civil Defence and Emergency Management Committee that Rod Barnett be appointed as Local Recovery Manager - Western Bay of Plenty District Council.

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**CARRIED**

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## 8.3 BAY OF PLENTY MAYORAL FORUM TRIENNIAL AGREEMENT 2022-2025

The Committee considered a report dated 14 December 2022 from the Governance Manager. The report was taken as read.

### RESOLUTION CL22-2.6

Moved: Cr A Sole

Seconded: Deputy Mayor J Scrimgeour

1. That the Governance Advisor's report dated 14 December 2022 titled 'Bay of Plenty Mayoral Forum Triennial Agreement 2022-2025' 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 notes the Local Government Act 2002 requires that, no later than 1 March in the year following each triennial election of members, all local authorities within each region enter into a Triennial Agreement covering the period until the next election.
  4. That Council endorses the draft Bay of Plenty Mayoral Forum Triennial Agreement 2022-2025 included as **Attachment 1**.

**CARRIED**

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#### **8.4 MAKING DISTRICT PLAN CHANGES 93 AND 94 OPERATIVE**

The Committee considered a report dated 14 December 2022 from the Policy Analyst Resource Management. The report was taken as read.

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##### **RESOLUTION CL22-2.7**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr D Thwaites

1. That the Policy Analyst Resource Management's report dated 14 December 2022 titled 'Making District Plan Changes 93 and 94 Operative' 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 relevant provisions of the Resource Management Act 1991:
  - a. Plan Changes 93 and 94 be approved.
  - b. Plan Changes 93 and 94 be made operative on 24 December 2022.
  - c. The public be notified of the operative date on 17 December 2022 (at least five working days before the date on which the Plan Changes will become operative).

**CARRIED**

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#### **8.5 CHIEF EXECUTIVE EMPLOYMENT SUBCOMMITTEE**

The Committee considered a report dated 14 December 2022 from the General Manager Corporate Services. The report was taken as read.

The Chairperson noted that in the 'Chief Executive Employment Subcommittee Terms of Reference 2022-2025, under 'Sub-Committees Membership', the quorum should be two because the total membership is four.

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**RESOLUTION CL22-2.8**

Moved: Cr M Murray-Benge

Seconded: Cr A Sole

1. That the General Manager Corporate Services report dated 14 December titled 'Chief Executive Employment Subcommittee' 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 the proposed terms of reference and delegations for the Chief Executive Employment subcommittee of Council as set out in **Attachment 1**.

**CARRIED**

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## **8.6 CONTRACT 20-1056 – ŌMOKOROA – PROLE ROAD URBANISATION TENDER ACCEPTANCE**

The Committee considered a report dated 14 December 2022 from the Engineering and Special Projects Manager. The report was taken as read.

The General Manager Infrastructure spoke to the report noting the following:

- Council had undertaken an extremely thorough audit process with the contract now being in the negotiation stage. The resolutions were now needed to continue with negotiations and in time to get started in February 2023.

Staff responded to questions as follows:

- The budgets as they were at the moment did not include any subsidies, but were sufficient to complete the project.
- Waka Kotahi had a clear process that Council needed to follow. Council staff had worked together with Waka Kotahi staff through a business case process with a focus on Prole Road.



**RESOLUTION CL22-2.9**

Moved: Cr M Grainger

Seconded: Cr A Henry

1. That the Engineering and Special Projects Manager's report dated 14 December 2022 titled 'Contract 20-1056 – Ōmokoroa – Prole Road Urbanisation Tender Acceptance' 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 tender from Higgins Contractors Limited for the 20-1056 Ōmokoroa, Prole Road Physical Works Contract for the sum of \$23,483,006.78 (excl. GST) be accepted, subject to further contract negotiation.
4. That Council notes that this paper is to seek agreement to award the contract to a value that includes the awarded contract value and variations up to 20% (in accordance with Council's procurement manual), and that variations, including dayworks, that constitute a change to the detailed design, must be ordered by the Engineer in writing and shall be valued according to the procedures outlined in section 9 of the General Conditions of Contract.
5. That the Deputy Chief Executive Officer/General Manager Infrastructure be authorised to complete the Contract negotiations and award the Contract, including variations up to 20% (in accordance with Council's Procurement Manual).

**CARRIED****9 INFORMATION FOR RECEIPT**

Nil

**10 RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION CL22-2.10**

Moved: Mayor J Denyer

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>10.1 - Proposed Land Purchase</b>	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
<b>10.2 - Appointment of Trustee to the Board of Tourism Bay of Plenty</b>	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

**CARRIED**

## ITEM TRANSFERRED TO OPEN SECTION

### 10.2 APPOINTMENT OF TRUSTEE TO THE BOARD OF TOURISM BAY OF PLENTY

#### RESOLUTION CL22-2.11

Moved: Cr D Thwaites

Seconded: Cr T Coxhead

1. That the Community and Strategic Relationship Manager's report dated 14 December 2022 titled 'Appointment of Trustee to the Board of Tourism Bay of Plenty' 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 the appointment of Charlie Rahiri as the mana whenua representative to the Tourism Bay of Plenty Board for a three-year term, commencing 8 December 2022 until 7 December 2025.

And

Notes that this appointment was approved by Tauranga City Council as joint shareholder of Tourism Bay of Plenty at its Council meeting on 28 November 2022.

4. That Council notes (in consideration of Section 80 of the Local Government Act 2002) that:
  - a) The appointment process is inconsistent with the process for the appointment of Trustees set out in Council's Appointment of Directors onto Council Organisations Policy,
  - b) The inconsistency is due to a discrepancy between the appointments process set out in the joint shareholder's policies and decisions (Tauranga City Council), Tourism Bay of Plenty's Trust Deed, and the process set out in Western Bay of Plenty District Council's Appointment of Directors onto Council Organisations Policy, and
  - c) There is no intention to amend any existing Council policies or plans to accommodate this decision.
5. That the recommendation be transferred to the open section of the meeting once the successful and unsuccessful applicants have been notified.

**CARRIED**

**The Meeting closed at 12.48**

**Confirmed as a true and correct record at the Council meeting held 8 February 2023.**

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Mayor J Denyer

**CHAIRPERSON / MAYOR**

**9.3 MINUTES OF THE COUNCIL MEETING HELD ON 22 DECEMBER 2022****File Number:** A5065036**Author:** Horowai Wi Repa, Governance Technical Support**Authoriser:** Greer Golding, Governance Manager**RECOMMENDATION**

That the Minutes of the Council Meeting held 22 December 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

**ATTACHMENTS**

1. **Minutes of the Council Meeting held 22 December 2022**  
2. **Minutes Attachments - Tabled Items - Council Meeting - 22 December 2022**  

Extraordinary Council Meeting Minutes

22 December 2022

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
EXTRAORDINARY COUNCIL MEETING NO. CL22-3  
HELD AT THE COUNCIL CHAMBERS, BARKES CORNER, 1484 CAMERON ROAD, TAURANGA  
ON THURSDAY, 22 DECEMBER 2022 AT 9.30AM**

**1 PRESENT**

Mayor J Denyer (Chairperson), Cr T Coxhead, Cr R Crawford, Cr G Dally, Cr M Grainger, Cr A Henry, Cr R Joyce, Cr M Murray-Benge, Cr A Sole, Cr D Thwaites and Cr A Wichers

**2 IN ATTENDANCE**

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/General Manager Infrastructure Group), R Davie (General Manager Strategy and Community), A Curtis (General Manager Regulatory Services), G Golding (Governance Manager), S Bedford (Financial Controller), H Wi Repa (Governance Technical Support) and P Osborne (Senior Governance Advisor – Board Secretary)

**VIA ZOOM**

A Henderson (General Manager Corporate Services)

**OTHERS IN ATTENDANCE**

Leon Pieterse (Audit New Zealand Representative)  
Ross Goudie (Chairperson Waihi Beach Community Board)  
John Clements (Chairperson Katikati Community Board)

**3 APOLOGIES****APOLOGY****RESOLUTION CL22-3.1**

Moved: Cr M Grainger

Seconded: Cr D Thwaites

That the apology for absence from Deputy Mayor John Scrimgeour, and the apology for lateness from Cr Andy Wichers, be accepted.

**CARRIED**

**4 CONSIDERATION OF LATE ITEMS**

Nil

**5 DECLARATIONS OF INTEREST**

Nil

Page 1

**6 PUBLIC EXCLUDED ITEMS**

Nil

**7 PUBLIC FORUM**

Nil

9.31am Cr A Wichers entered the meeting.

**MEETING BE ADJOURNED****RESOLUTION CL22-3.2**

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

That the meeting be adjourned at 9.32am.

**CARRIED**

The meeting reconvened at 10.17am.

**8 REPORTS****8.1 ANNUAL REPORT 2021-2022**

Council considered a report from the General Manager Corporate Services and dated 22 December 2022. The report was taken as read.

It was noted that the names of the Elected Members reflected in the Governance and Monitoring section did not accurately reflect the Elected Members within the 2019-2022 triennium. The Financial Controller noted that the documentation would be amended to reflect the required changes.

The Auditor noted that his audit opinion was unqualified and he was comfortable that the financial statements and statements of service performance accurately reflected the business of Council.









































































































































































































































































































































































































































































## 10 REPORTS

### 10.1 COMMUNITIES 4 LOCAL DEMOCRACY – DUE DILIGENCE FOR MEMBERSHIP

**File Number:** A5054864

**Author:** Rachael Davie, General Manager Strategy and Community

**Authoriser:** John Holyoake, Chief Executive Officer

#### EXECUTIVE SUMMARY

1. At its meeting on 14 December 2022, Council approved in principle the draft Communities 4 Local Democracy Mayoral Declaration. Council also approved, in principle, membership of Communities 4 Local Democracy (C4LD), subject to due diligence by staff to clarify conditions of membership, future financial commitments, future plans and any queries with governance arrangements.

2. This report outlines the due diligence undertaken.

C4LD is longer seeking Councils to become members. Discussions with its 31 member Councils following the 2022 local body elections confirmed a change of strategic direction for C4LD.

#### RECOMMENDATION

That the Group Manager Strategy and Community's report dated 8 February 2023 titled 'Communities 4 Local Democracy – Due Diligence for Membership' be received.

#### BACKGROUND

3. At the Council meeting on 14 December 2022 Council approved, in principle, membership of C4LD subject to due diligence by staff to clarify conditions of membership, future financial commitments, future plans and any queries with governance arrangements.

4. Discussions with Timaru District Council staff, as administering authority for C4LD, have confirmed that no formal constitution (or similar) exists for C4LD to enable the due diligence contemplated to be undertaken. Staff were referred to the Memorandum of Understanding that was circulated in November 2021 when C4LD was actively seeking Council membership.

5. In any event, direct discussion in early January with C4LD Chair and Mayor of Manawatu District Council, Helen Worboys, has confirmed that following the 2022 local body elections the 31 member Councils supported a change in strategic direction. The membership collectively felt that the election results across the country supported C4LD's work and advocacy on three waters. Accordingly, C4LD is now focused on advocating for opposition parties to commit to repealing the

legislation and working closely with local government to progress a reform proposal that can be more broadly supported.

6. Mayor Worboys also confirmed that the immediate emphasis for C4LD was on encouraging as many Mayors as possible, including those that are already members of C4LD, to sign the Communities 4 Local Democracy Mayoral Declaration. Staff were advised that 40 Mayors have already signed or are prepared to sign.
7. Mayor Denyer has signalled an intention to sign the Declaration and will do so once the final version has been received.

## 10.2 RESET PUKEHINA COASTAL PROTECTION RATE

**File Number:** A5002600

**Author:** Adele Henderson, General Manager Corporate Services

**Authoriser:** John Holyoake, Chief Executive Officer

### EXECUTIVE SUMMARY

1. The purpose of this report is to resolve a re-set in the Pukehina Coastal Protection Rate as notified by the Group Manager Corporate Service's report dated 8 December 2022 titled 'Pukehina Coastal Rate'.

### RECOMMENDATION

1. That the Group Manager Corporate Services report dated 8 February 2023 titled 'Reset Pukehina Coastal Protection Rate' 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 Pukehina Coastal Protection Rate of \$118.48, resolved under Section 119 of the Local Government (Rating) Act 2002, at a meeting titled setting of Rates for 2022-2023 financial year 1 July 2022 and ending on 30 June 2023, is to be rescinded.
4. That the Pukehina Coastal Protection Rate be set at \$47.53 for the 2022-2023 financial year, resolved under Section 119 of the Local Government (Rating) Act 2002.
5. That Council will refund any excess overpaid Pukehina Coastal Protection Rates for the 2022-2023 financial year, in accordance with Section 42 of the Local Government (Rating) Act 2002.

### BACKGROUND

2. Council resolved to set its rates for the 2022-2023 financial year on 29 June 2022. It did so by reference to its Funding Impact Statement (FIS) in the Annual Plan.
3. The 2022-2023 rates include a Pukehina Coastal Protection Rate: a differential targeted rate set as a fixed amount per rating unit and funding Pukehina beach protection activities. Under the FIS, the Pukehina Beach Protection Rate was to apply to all (rateable) rating units within the Pukehina area and was differentiated between coastal and inland rating units.
4. The revenue sought from coastal rating units was \$12,644, meaning that each rating unit should have been assessed \$47.53. However, due to a clerical error, the FIS provided that the revenue from coastal rating units was to be \$31,154, equating to a

fixed rate of \$118.48 per rating unit. The Council set and assessed the rate based on this incorrect amount in the FIS.

5. A report was presented to Council on 8 December 2022 titled Pukehina Coastal Rate which notified Council of the rates re-setting process.
6. On 16 December 2022, a letter was sent to affected rate payers advising them of the error and opportunity to request a refund should they be eligible.

### **SIGNIFICANCE AND ENGAGEMENT**

7. In terms of the Significance and Engagement Policy this decision is of low significance because while important to the community that rates are set correctly, that process has already been carried out. This recommendation will simply regularise a technical matter.

### **ENGAGEMENT, CONSULTATION AND COMMUNICATION**

8. Consultation on the rating policy was undertaken in the Long-Term Plan 2021-2031 process. Further consultation is not required to address this error. However, 14 days public notice is required prior to the rate being set again.
9. The recommendations in this report have a similar impact on Tangata Whenua to other members of the community. Although officers have not directly sought Tangata Whenua input it is reasonable to assume that Tangata Whenua would like the error to be corrected.
10. The persons who are affected by or interested in this matter are the ratepayers of the Pukehina District who pay the Pukehina Beach Protection Coastal rate. The effect will be to decrease their rates payable.
11. Individual letters were sent to relevant rate payers on 16 December 2022 to inform them of the issues.

### **ISSUES AND OPTIONS ASSESSMENT**

12. In setting the rates again the council must comply with section 119 of the LGRA. This requires that the Council give 14 days public notice of its intention to set the rates again;
13. And that the revocation and replacement of the resolution setting the rate must comply with Council's current Standing Orders adopted 8 December 2022 clause 24;
14. And that Council must comply with section 41 LGRA in relation to refund of rates.
15. The resolution is compliant with the above.

**STATUTORY COMPLIANCE**

16. In setting the rates again the Council must comply with section 119 of the LGRA. This requires that the Council give 14 days public notice of its intention to set the rates again;
17. And that the revocation and replacement of the resolution setting the rate must comply with Council's current Standing Orders adopted 8 December 2022 clause 24;
18. And that Council must comply with section 41 LGRA in relation to refund of rates.
19. The recommendation is compliant with the above.

**FUNDING/BUDGET IMPLICATIONS**

20. Revenue sought for the Pukehina Coastal Protection Rate will be less by \$18,510.00 the difference between \$31,154 and \$12,644, however this will be offset by the actual expenditure that will not occur.

**10.3 RIGHT OF WAY, RIGHT TO CONVEY WATER, RIGHT TO DRAIN SEWAGE, RIGHT TO CONVEY ELECTRICITY, TELECOMMUNICATION AND COMPUTER MEDIA OVER PART OF MANGAWHAI ESTUARY ESPLANADE RESERVE (LOT 819 DP 503209) IN FAVOUR OF SECTION 2 SO 551407**

**File Number:** A5023775

**Author:** Peter Watson, Reserves and Facilities Manager

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

**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 right of way, right to convey water, right to drain sewage, right to convey electricity, telecommunication and computer media easements over part of Mangawhai Estuary Esplanade Reserve (Lot 819 DP 503209) in favour of Section 2 SO 551407.

On the basis of Council's existing Policy on Private Access over Reserve land, it is recommended that the easements detailed above, pursuant to Section 48 of the Reserves Act 1977, be granted subject to all statutory requirements being met.

**RECOMMENDATION**

1. That the Manager Reserves and Facilities' report dated 8 February 2023 titled 'Right of Way, Right to Convey Water, Right to Drain Sewage, Right to Convey Electricity, Telecommunication and Computer Media Over Part of Mangawhai Estuary Esplanade Reserve (Lot 819 DP 503209) in Favour of Section 2 SO 551407' 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 administrating authority, does not require public notification of its intention to grant the aforementioned easements 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 the aforementioned easements shown on the attached plan (**Attachment 1**) to provide access to and from Section 2 SO 551407 over Lot 819 DP 503209.

## BACKGROUND

There was a historical alluvial slip into the harbour, thereby creating some land. Council subsequently entered into an agreement with the adjoining landowner and the Crown agency LINZ on how an accretion claim for the land would be managed to create titles that would vest in the various parties involved.

There has been a significant amount of statutory process and cost involved to get to this point in the process. The land is also subject to several easements relating to alternative backup electricity supply to Omokoroa along with fibre.

Council is seeking a freehold title for an area of crown owned dry seabed "the avulsion land", being Sections 1 and 2 SO 551407, using the provisions of the Marine and Coastal Act 2011.

Section 1 will become esplanade reserve to be vested in Council for use as a cycleway/reserve, with the balance to be joined to the Goldstone property (Allotment 55) in fee simple.

With the creation of these lots, access to Section 1 and 2 will be required from Lynley Park Drive. A new Right of Way (ROW) easement is required over the already surveyed "F" easement area shown on Lot 819 DP 503029 that services the adjacent Allotment 55 (**Attachment 2**) to service Section 2.

As Council owns Lot 819 DP 503209 and will own the intended Section 1 SO 551407, there is no requirement to create a ROW easement in favour of Council for maintenance access; nor in gross for the cycleway users as the cycleway is not located on the intended easement area.

### **Easement:**

Easements are the preferred option to ensure ongoing access certainty. While it is unlikely that the status of the reserve land would change in the future, without an easement there is no legal access available for the owner of Section 2 SO 551407.

The existing survey plan showing easement Area "F" over Lot 819 DP 503209 that is currently used to notate the ROW, Right to Convey Water, Right to Drain Sewage, Right to Convey Electricity, Telecommunication and Computer Media in favour of Allotment 55 will be used to detail the proposed easement's location so a new survey will not be required. An application for permission from Council's environmental consents area for a ROW will be required pursuant to s348 Local Government Act 1974.

Council has an existing policy for private access over reserve land (see **Attachment 3**). Based on Council's existing policy, it is recommended that the easements, pursuant to Section 48 of the Reserves Act 1977, be granted subject to appropriate easement conditions being agreed and all statutory requirements being met.

The private access policy requires applications to be assessed by Council on a case-by-case basis, with the assistance of the following criteria:

**Is the accessway beneficial for reserve management and/or general public use purposes?**

Yes, as the accessway and easements allow for Council to gain reciprocal access down to its esplanade reserve and the Omokoroa to Tauranga Cycleway.

**Does the accessway generate adverse effects in relation to the reserve's natural character, ecological, wildlife, landscape, cultural heritage, recreational, or other values?**

The local purpose reserve is a stormwater retention area which is mown grass and has no significant natural character, ecological, wildlife, landscape, cultural heritage, recreational, or other values.

**Is alternative access available?**

No.

**Are there any particular exceptional reasons why the accessway should be approved?**

Yes, in order to complete the statutory process for claiming the accreted land from LINZ, the easements need to be in place in order to satisfy the issuing of land titles. The area also includes existing utility services e.g., PowerCo, fibre.

**Will approval have the potential to increase maintenance costs to Council over time?**

Council already incurs the maintenance costs associated with the existing local purpose reserve.

**Is approval likely to create a precedent or encourage other requests for private access over reserve land?**

Given the uniqueness of this situation with the accretion claim and other infrastructure services involved it is unlikely there would be a precedent set by approving the easements.

**Advertising:**

One point Council needs to consider under the statutory process is whether there is a need to publicly advertise the intention to grant easements as required under Section 48 (2) of the Reserves Act 1977.

Section 48 (2) does not apply in any case where:

- a. The reserve is vested in an administering body (Council) and is not likely to be materially altered or permanently damaged; and
- b. The rights of the public in respect of the reserve are not likely to be permanently affected.

As there is already an easement area surveyed to allow access to Allotment 55, the proposed easement will utilise the existing driveway that is formed within the Allotment 55's easement area. Given that the easement is using an existing surveyed easement area and that the cycleway over Lot 819 is formed adjacent to the ROW area, it is highly unlikely that the public's rights would be permanently affected.



A right of way easement is not an exclusive right, and Council, along with members of the public, would retain access rights. However, for safety an adjacent cycleway track has been formed. Council will use the existing driveway to access Section 1 SO 551407. On this basis, it is not deemed necessary to publicly advertise the proposed right of way easement in this instance.

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.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy, this decision is of low significance. There will be increased access opportunities to reserve land which are currently unavailable to the public but there will be no change to the existing environment that affects those reserve users. There is low community and financial impact as a result.

**ISSUES AND OPTIONS ASSESSMENT**

<b>Option A</b>	
<b>Recommendation</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 hereby consents to the creation of the aforementioned easements shown on the attached plan ( <b>Attachment 1</b> ) to provide access to and from Section 2 SO 551407 over Lot 819 DP 503209.	
<b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b>	This option is consistent with Council's Policy on this issue.
<ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	Staff assess applications on a case-by-case basis with the assistance of the criteria contained in the policy.  On this basis, staff consider that the establishment of Section 48 easements pursuant to the Reserves Act 1977 is the most practical option.  This option would require due statutory process to be followed.

<b>Costs (including present and future costs, direct, indirect and contingent costs).</b>	Costs for the creation of the easement will be borne by Council as this was agreed with the landowner as part of the project where Council receives the avulsion land (Section 2 SO 551407).  The easement Grantee will be required to pay for all maintenance costs.
<b>Option B</b>	
<b>Status Quo</b>	
<b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	This option is not in keeping with Council's policy on private access across reserve land and does assist with access to land that is currently has no formalised access.  To complete the statutory process for claiming the accreted land from LINZ, the easements need to be in place to satisfy the issuing of land titles. Not approving the easements would then not satisfy other statutory requirements associated with the process.
<b>Costs (including present and future costs, direct, indirect and contingent costs).</b>	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.

Permission from Council's environmental consents area for a ROW will be required pursuant to s348 Local Government Act 1974.

### FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	The easement costs will be covered within the project costs for Council to acquire the avulsion land to create a .1300ha estuary reserve.

### ATTACHMENTS

1. **Plan showing intended easement area outlined in blue**  
2. **Existing Easement Area "F" shown in DP 503029**  
3. **Policy - private access over reserve land**  







## 10.4 TOURISM BAY OF PLENTY ANNUAL REPORT 2021-2022 AND LETTER OF EXPECTATION 2023-2024.

**File Number:** A5030187

**Author:** Jodie Rickard, Community and Strategic Relationships Manager

**Authoriser:** Rachael Davie, General Manager Strategy and Community

### EXECUTIVE SUMMARY

1. The purpose of this report is for Council to:
  - Receive the Tourism Bay of Plenty (TBOP) Annual Report for the year 2021-2022,
  - Approve the areas of focus to be included in a Letter of Expectation for TBOP to be reflected in their Statement of Intent 2023-2024 to 2025-2026.
2. The purpose of a Letter of Expectation is to influence TBOP's work programme for the 2023/24 year, to be reflected in TBOP's Statement of Intent 2023-2024 to 2025-2026. The Letter of Expectation does not change levels of service or performance measures.
3. In accordance with the Local Government Act 2002, the TBOP Annual Report for the year 2021-2022 will be published on Council's website.

### RECOMMENDATION

1. That the Community and Strategic Relationships Manager's report dated 8 February 2023 titled 'Tourism Bay of Plenty Annual Report 2021-2022 and Letter of Expectation 2023-2024' 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 Annual Report for the year July 2021 to June 2022, included as **Attachment 1** to this report, to be published on Council's website.
4. That Council directs staff to prepare a Letter of Expectation for Tourism Bay of Plenty for the 2023-2024 year which covers the following areas of focus:
  - a. Regenerative tourism: a focus on tourism that has net benefits for the environment and local communities, in accordance with Tourism Bay of Plenty's Destination Management Plan;
  - b. Walkways and cycleways promotion as a key visitor attraction;
  - c. Input into the TECT Park Strategic Review;

- d. Growing the Flavours of Plenty festival within Western Bay of Plenty communities; and
  - e. Opportunities for Māori tourism in accordance with Tourism Bay of Plenty's Destination Management Plan.
5. That, in preparing the Letter of Expectation, it is clear that there is no change to agreed levels of service or performance measures.

## BACKGROUND

4. Tourism Bay of Plenty (TBOP) is a Trust that operates as a Council Controlled Organisation (CCO). Council is a joint shareholder with Tauranga City Council (TCC). The ownership structure is 70% TCC and 30% WBOPDC.

### Annual Report

5. It is requirement of the Local Government Act 2002 that TBOP provide its annual report to Council. Council must publish the report on its website.

### Letter of Expectation and Statement of Intent

6. It is a requirement of the Local Government Act 2002 that TBOP prepare a Statement of Intent annually. The purpose of a Statement of Intent is to state publicly the activities and intentions of the CCO for the year, and the objectives to which those activities will contribute.
7. A Statement of Intent also provides shareholders with an opportunity to influence the direction of a CCO. Preparing a Letter of Expectation as recommended by this report is not mandatory, but it provides a good basis for input into the Statement of Intent.
8. Following receipt of the Letter of Expectation, TBOP will draft its Statement of Intent for the period 2023-2024 to 2025-2026. The draft must be delivered to Council by 1 March 2023.
9. Council will have a further opportunity to comment on the draft Statement of Intent. TBOP must consider comments on the draft Statement of Intent, before delivering the completed Statement of Intent to shareholders (Council) before 1 July 2023.

### Areas of Focus in the Letter of Expectation

6. Staff have met with TBOP to discuss work programmes for the 2023-2024 year. The following areas of focus are priorities for Council:
  - a. Regenerative Tourism: TBOP's Destination Management Plan is founded in regenerative tourism – tourism that has net benefits for the environment as well as local communities. This aligns with Council's adopted community outcomes – that we have a thriving economy along with a clean, green valued environment.

- b. Walkways and Cycleways promotion – Council has invested in walkways and cycleways across the district. It has previously collaborated with TBOP on cycleway promotion. Both parties have found this successful and seek to continue this in the next year.
- c. Input into the TECT Park Strategic Review – TECT Park is a significant community asset that has won numerous national and international awards, recognising the wide range of recreational experiences it provides. The TECT Park Strategic Review provides an opportunity to consider ways to boost TECT Park as a visitor attraction. TBOP's input can guide consideration of this opportunity.
- d. The Flavours of Plenty festival is an event first held in early 2022. It celebrates local producers and local produce. The second event will be held from 24 March to 2 April 2023. As there are many local producers/suppliers based in the Western Bay of Plenty, the festival provides an opportunity to support those businesses and build a visitor attraction. There are currently over 50 suppliers that are Western Bay-based, with the opportunity for this to grow.

### **SIGNIFICANCE AND ENGAGEMENT**

10. 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.
11. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
12. In terms of the Significance and Engagement Policy this decision is considered to be of low significance, because the decisions are in accordance with statutory requirements for Council for its Council Controlled Organisations and align with the previously adopted Statement of Expectations for Tourism Bay of Plenty. The decision has no financial implications.

### **ENGAGEMENT, CONSULTATION AND COMMUNICATION**

13. Staff have met with Tourism Bay of Plenty staff to discuss the work programme for 2023-2024 and the proposed areas of focus.
14. The areas of focus add value to Council's work programme and align with the current strategic direction of both Council and Tourism BOP.

### **ISSUES AND OPTIONS ASSESSMENT**

Council has the opportunity through this report to amend the following areas of focus:



- a. Regenerative tourism: a focus on tourism that has net benefits for the environment and local communities, in accordance with Tourism Bay of Plenty's Destination Management Plan.
- b. Walkways and cycleways promotion as a key visitor attraction
- c. Input into the TECT Park Strategic Review
- d. Growing the Flavours of Plenty festival within Western Bay of Plenty communities
- e. Opportunities for Māori tourism in accordance with Tourism Bay of Plenty's Destination Management Plan.

It is important to note that the Letter of Expectation does not envisage any changes to levels of service or performance measures. Changes to levels of service or performance measures would be considered through a Long Term Plan process. The Letter of Expectation is prepared to guide the work programme.

### STATUTORY COMPLIANCE

15. The recommendations in this report align with Council's strategic direction and identifies areas of focus relevant for both Council and TBOP.

### FUNDING/BUDGET IMPLICATIONS

16. There are no funding or budget implications associated with this report.

### ATTACHMENTS

1. **Tourism Bay of Plenty Annual Report June 2021 to July 2022**  





















































































**10.5 MAYOR'S REPORT TO COUNCIL****File Number:** A5048245**Author:** Charlene Page, Senior Executive Assistant Mayor/CEO**Authoriser:** James Denyer, Mayor**EXECUTIVE SUMMARY**

The purpose of this report is for the Mayor to provide updates to Council on the below items.

**RECOMMENDATION**

That the Mayor's report dated 8 February 2023 titled 'Mayor's Report to Council' be received.

**BACKGROUND**

Following the resolutions in the Council meeting of 14 December, I wrote to Mayor Worboys (Manawatū District Council) signalling our approval of the draft Mayoral Declaration on Three Waters reform. (See **Attachment 1**). The draft declaration has subsequently undergone some revision and is expected to be publicly announced presently.

External functions and meetings attended by me between 29 November 2022 and 25 January 2023 include:

Waiāri catch up workshop	29 November
Kōhanga opening, Aongatete	30 November
Ōmokoroa sign reveal	30 November
Port of Tauranga reception	30 November
HMNZS Te Mana reception	1 December
Mat Delaney, BOP Area Operations Mgr, St Johns	2 December
Tauranga Business Awards	2 December
Te Puke Christmas Parade	3 December
Katikati Christmas Parade	3 December
Scott Campbell	5 December
Katikati College Senior Prizegiving	6 December
Civil Defence Emergency Management induction	7 December
LGNZ RM Reform zoom	7 December
LGNZ Leaders zoom	8 December
Bruce Farthing, Binnie Brown, Heritage Strategy	9 December
Newstalk ZB interview	12 December



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He Ara Ākonga rangatahi graduation, Te Puke	12 December
Waiāri workshop	13 December
Mayor/Chair/CE catch up	13 December
Tuia briefing	14 December
Future for Local Government meeting	15 December
Mayors' Taskforce for Jobs briefing	19 December
Todd Muller, MP	19 December
Katikati Rotary, speaker	19 December
Katrina Ramage, Making Rail Work	10 January
Kaharoa Avenue residents, Ōmokoroa	13 January
Katikati Avocado Food & Wine Festival	14 January

### ATTACHMENTS

**1. Three Waters Mayoral Declaration** 



## 11 INFORMATION FOR RECEIPT

### 11.1 CHIEF EXECUTIVE OFFICER'S EXTRAORDINARY REPORT – FOR INFORMATION

**File Number:** A5062754

**Author:** Charlene Page, Senior Executive Assistant Mayor/CEO

**Authoriser:** John Holyoake, Chief Executive Officer

#### EXECUTIVE SUMMARY

The purpose of this report is to provide information on the Chief Executive Officer's meetings as attended on behalf of Council including any attended with His Worship the Mayor.

#### ITEMS

##### **Booked Engagements and meetings attended by Chief Executive Officer, John Holyoake**

20 Jan 2023	On site meeting with Hineira Hamiora regarding Heron Crescent
19 Jan 2023	Making Rail Work – Priority One
13 Dec 2022	Darren Toy – Kainga Ora
12 Dec 2022	TECT/Bay Trust/Acorn/Abbeyfield & WBOPDC Meeting
30 Dec 2022	Meet & Greet Audit New Zealand
28 Nov 2022	Kelvin French – CoLab (Teams)
23 Nov 2022	Helen Biel – Tapuika Iwi Authority
22 Nov 2022	Te Puna Industrial Park – Property Owners
21 Nov 2022	Chief Executive Advisory Group (CEAG) Going forward (Teams)

##### **Booked Engagements and meetings attended by Chief Executive Officer, John Holyoake, with His Worship the Mayor**

15 Dec 2022	Greg Tims – CEO review process
13 Dec 2022	Commissioner/Chair/Mayor/CE's Catch up (TCC/WBOPDC/BOPRC)
28 Nov 2022	SmartGrowth Leadership Group Meeting
22 Nov 2022	Informal Get together – Bay of Plenty Mayoral Forum

## 12 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
<b>12.1 - Confidential Minutes of the Council Meeting held on 14 December 2022</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons  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
<b>12.2 - Chief Executive Officer's Report - Request for Execution of Documents under Seal of Council</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><b>12.3 - Requests For Further Water Leak Remissions</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>