

MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL**COUNCIL MEETING NO. CL23-4**

**HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, , 1484 CAMERON ROAD, TAURANGA
ON WEDNESDAY, 8 FEBRUARY 2023 AT 10.00AM**

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, Cr D Thwaites and Cr A Wichers

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 Curtis (General Manager Regulatory Services), G Golding (Governance Manager), L Balvert (Communications Manager), K Little (Operations Manager), J Rickard (Community and Strategic Relationships Manager), A Ali (Chief Financial Officer), S Bedford (Financial Controller), M Dowd (Chief Information Officer), J Paterson (Transportation Manager), H Wi Repa (Governance Technical Support), J Osborne (Governance Support Administrator) and C Irvin (Senior Governance Advisor)

VIA ZOOM

S Henderson (Independent Subject Matter Expert – Audit Risk and Finance Committee)

OTHERS IN ATTENDANCE

Waihi Beach Community Board

R Goudie (Chairperson)

WestLink

P Anderson

3 APOLOGIES**APOLOGY**

RESOLUTION CL23-4.1

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

That the apology for lateness from Cr Henry be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

A. Mr Ben Muir, Mr George Muir and Mr Alexander Muir – Residents of No. 4 Road Te Puke

- During the weather event, the bridge on No. 4 Road in Te Puke had been washed away and there was concern that emergency services could not get through in the event that they were needed.
- This was a major health and safety issue for residents on the road. There was a need to address how this could be improved for the whole community.
- Emails to Council's emergency account did not seem to have gone through.
- There was no civil emergency declared but it was felt there should have been as this would have meant there would have been more services available.
- There were a lot of slips and washouts a long the road and approximately two kilometres of road did not seem to have any traffic management when it was felt this was necessary.
- The bridge needed to be replaced as soon as possible otherwise residents could be stuck for a long time.

Mayor Denyer:

- During an emergency such as this communication was all important. Council's Communications Team had continuously put out messages to the district, including No. 4 Road in Te Puke.
- Specialised roading staff knew more about the situation on No. 4 Road and were forwarded all emails when they were received.
- A No. 4 Road residents meeting was being arranged (to be confirmed for Friday 10 February). Residents could be assured that this issue was at the top of Council's priority.
- He thanked the speakers for their attendance.

10:14 Cr Henry entered the meeting

8 COMMUNITY BOARD MINUTES FOR RECEIPT

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

RESOLUTION CL23-4.2

Moved: Cr A Sole
Seconded: Cr M Murray-Benge

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

CARRIED

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

9.1 MINUTES OF THE COUNCIL MEETING HELD ON 8 DECEMBER 2022

RESOLUTION CL23-4.3

Moved: Mayor J Denyer
Seconded: Cr M Grainger

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.

CARRIED

9.2 MINUTES OF THE COUNCIL MEETING HELD ON 14 DECEMBER 2022

RESOLUTION CL23-4.4

Moved: Mayor J Denyer
Seconded: Deputy Mayor J Scrimgeour

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.

CARRIED

9.3 MINUTES OF THE COUNCIL MEETING HELD ON 22 DECEMBER 2022

RESOLUTION CL23-4.5

Moved: Mayor J Denyer
Seconded: Cr R Joyce

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.

CARRIED

10 REPORTS

10.1 COMMUNITIES 4 LOCAL DEMOCRACY - DUE DILIGENCE FOR MEMBERSHIP

The Committee considered a report dated 8 February 2023 from the Group Manager Strategy and Community who took the report as read.

The Group Manager Strategy and Community responded to a question as follows:

- Although 'Communities for Local Democracy' were not accepting new memberships and were focusing on the draft Mayoral Declaration, Council had resolved to endorse Mayoral support at the 14 December 2022 Council meeting. Mayor Denyer advised Elected Members that he had conveyed to Helen Worboys (Mayor of Manawatu District Council) Council's support for the draft mayoral declaration following consideration of the matter at the 14 December 2022 meeting.
- In response to a question Mayor Denyer reiterated that the draft mayoral declaration was now the focus for Communities 4 Local Democracy and expected that the final version of the mayoral declaration would be circulated imminently.

RESOLUTION CL23-4.6

Moved: Cr M Grainger

Seconded: Cr D Thwaites

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

CARRIED

10.2 RESET PUKEHINA COASTAL PROTECTION RATE

The Committee considered a report dated 8 February 2023 from the Group Manager Corporate Services. The report was taken as read.

RESOLUTION CL23-4.7

Moved: Cr G Dally

Seconded: Deputy Mayor J Scrimgeour

1. That the Group Manager Corporate Services report dated 8 February 2023 titled 'Reset Pukehina Coastal Protection 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 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.

CARRIED

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

The Committee considered a report dated 8 February 2023 from the Reserves and Facilities Manager. The report was taken as read.

The Group Manager Infrastructure responded to questions as follows:

- This had been a lengthy process from when Council sought to acquire the accretion and had negotiated with Mr Goldstone. There was a right of way over the Goldstone property, but access to the reserve was where the cycleway was.
- The easement also included rights for PowerCo so it protected public and services access.

RESOLUTION CL23-4.8

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

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.
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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, having considered the provisions of Section 48 (3) of the Reserves Act 1977, Council, in its capacity as administering authority, does not require public notification of its intention to grant 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.

CARRIED

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

The Committee considered a report dated 8 February 2023 from the Community and Strategic Relationships Manager. The report was taken as read.

RESOLUTION CL23-4.9

Moved: Cr A Sole

Seconded: Mayor J Denyer

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

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- 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.

CARRIED

10.5 MAYOR'S REPORT TO COUNCIL

The Committee considered a report dated 8 February 2023 from the Mayor. The report was taken as read.

RESOLUTION CL23-4.10

Moved: Mayor J Denyer

Seconded: Cr A Henry

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

CARRIED

11 INFORMATION FOR RECEIPT

11.1 CHIEF EXECUTIVE OFFICER'S EXTRAORDINARY REPORT - FOR INFORMATION

The Committee considered a report dated 8 February 2023 from the Chief Executive Officer. The report was taken as read.

12 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CL23-4.11

Moved: Cr R Crawford

Seconded: Cr A Henry

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
12.1 - Confidential Minutes of the Council Meeting held on 14 December 2022	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
12.2 - Chief Executive Officer's Report - Request for Execution of Documents under Seal of Council	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
12.3 - Requests For Further Water Leak Remissions	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to

	that of deceased natural persons	result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
CARRIED		

The Meeting closed at 11:02am.

Confirmed as a true and correct record at the Council meeting held 16 March 2023.

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Mayor J Denyer
CHAIRPERSON / MAYOR

Unconfirmed