

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. CL23-5**

**HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, 1484 CAMERON ROAD, TAURANGA
ON THURSDAY, 16 MARCH 2023 AT 10.30AM**

1 PRESENT

Mayor J Denyer (Chairperson), Deputy Mayor J Scrimgeour, 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), A Henderson (General Manager Corporate Services), L Balvert (Communications Manager), J Rickard (Community and Strategic Relationships Manager), S Wilburn (Community Outcomes), L McEwan (Privacy and Official Information Advisor / Executive Assistant), H Wi Repa (Governance Technical Support), P Osbourne (Senior Governance Advisor – Board Secretary) and G Golding (Governance Manager).

OTHERS IN ATTENDANCE

G Crowther (Sustainable Bay of Plenty)
J Willis (Trustee - Sustainable Bay of Plenty)

3 APOLOGIES

APOLOGY

RESOLUTION CL23-5.1

Moved: Cr A Henry
Seconded: Cr M Grainger

That the apology for absence from Cr Coxhead be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

7.1 GLEN CROWTHER – SUSTAINABLE BAY OF PLENTY TRUST (POWERPOINT PRESENTATION)

Glen Crowther and Jo Willis of Sustainable Bay of Plenty Trust (SBOPT) spoke to a Powerpoint presentation, summarising the following points:

- Mission, vision and trustees;
- Helping to shape a sustainable Bay of Plenty;
- Our funders;
- Our staff;
- Collaboration;
- Our collective challenge:
- Topic du jour – climate change;
- Change in net emissions since 1990 among annex 1 countries;
- Climate change;
- Fact v fiction: Cameron Road project;
- A key issue: Tauranga/WBOP's unsustainable growth;
- Other key issues – lack of consultation;
- Empower communities to make sustainable decisions; and
- Making the Bay a sustainable, equitable region.

Further points:

- SBOPT was about evidence-based sustainability and was concerned about the lack of evidence included in discussions about climate change.
- There was concern about a number of projects that were under the Smartgrowth umbrella, in particular at a subregional level, where they are noted as low carbon but were actually high carbon. SBOPT queried how could an evidence based outcome be obtained.

The presenters responded to questions as follows:

- Sustainable BOP was well aware of the trade offs and costs involved with water in general. Carbon should not be reduced at the expense of clean water or having adequate water infrastructure in place, these went 'hand in hand'. Hopefully there would be a way to do both.
- A lot of money was being channelled into cutting emissions, however the full amount of the proceeds from the emissions trading scheme was not being invested to reduce carbon emissions. This meant that money was being diverted to other things other than reducing carbon emissions.
- The big challenge was how could public transport networks be improved for the Western Bay of Plenty District. On demand public transport was an interesting and perhaps better option but realistically 'park and ride' was a more cost-effective option to achieve desired outcomes.
- At this point in time, the district was choked and clogged. It was very difficult to move and get to where we needed to go. This adversely affected mental and physical wellbeing by creating pollution, increasing costs and disconnections. Vulnerable people were the most impacted because they had no choice but to use public transport.
- The question was where should we put our focus? The system was broken, however, SBOPT was trying to support decision makers.
- SBOPT was working with Whakatane District Council looking at climate change and getting the community involved in discussions around trade-offs. Similar conversations were also planned with Trevelyans, focusing on the horticulture sector. Transport was another big area that needed more support.

8 COMMUNITY BOARD MINUTES FOR RECEIPT

8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 8 FEBRUARY 2023

RESOLUTION CL23-5.2

Moved: Cr G Dally

Seconded: Cr A Henry

That the Minutes of the Katikati Community Board Meeting held on 8 February 2023 be received.

CARRIED

8.2 MINUTES OF THE ŌMOKOROĀ COMMUNITY BOARD MEETING HELD ON 14 FEBRUARY 2023

RESOLUTION CL23-5.3

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

That the Minutes of the Ōmokoroā Community Board Meeting held on 14 February 2023 be received.

CARRIED

8.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 16 FEBRUARY 2023

It was noted that the minutes would be amended to accurately reflect the grant amount of \$500 for Tautoko Mai Sexual Harm Support Services Trust. This is to be confirmed at the next Te Puke Community Board meeting.

RESOLUTION CL23-5.4

Moved: Cr G Dally

Seconded: Cr A Wichers

That the Minutes of the Te Puke Community Board Meeting held on 16 February 2023 be received.

CARRIED

8.4 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 21 FEBRUARY 2023

RESOLUTION CL23-5.5

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr R Crawford

That the Minutes of the Maketu Community Board Meeting held on 21 February 2023 be received.

CARRIED

8.5 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 27 FEBRUARY 2023

RESOLUTION CL23-5.6

Moved: Cr A Sole

Seconded: Cr A Henry

That the Minutes of the Waihī Beach Community Board Meeting held on 27 February 2023 be received.

CARRIED

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

9.1 MINUTES OF THE COUNCIL MEETING HELD ON 8 FEBRUARY 2023

RESOLUTION CL23-5.7

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

That the Minutes of the Council Meeting held on 8 February 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.2 MINUTES OF THE PROJECTS AND MONITORING COMMITTEE MEETING HELD ON 22 FEBRUARY 2023

RESOLUTION CL23-5.8

Moved: Cr D Thwaites

Seconded: Cr A Sole

1. That the Minutes of the Projects and Monitoring Committee Meeting held on 22 February 2023 be confirmed as a true and correct record and the recommendations therein be adopted following minor editorial amendments.
2. That Council delegates to the Governance Manager the authority to make minor editorial amendments to the Minutes of the Projects and Monitoring Committee Meeting held on 22 February 2023.

CARRIED

10 COUNCIL AND COMMITTEE MINUTES FOR RECEIPT

10.1 MINUTES OF THE TE KĀHUI MANA WHENUA O TAURANGA MOANA MEETING HELD ON 9 FEBRUARY 2023

RESOLUTION CL23-5.9

Moved: Cr M Grainger

Seconded: Cr A Henry

That the Minutes of the Te Kāhui Mana Whenua o Tauranga Moana Meeting held on 9 February 2023 be received.

CARRIED

11 REPORTS

11.1 DELEGATIONS - RESOURCE MANAGEMENT ACT 1991 AND LOCAL GOVERNMENT (RATING) ACT 2002

The Committee considered a report dated 16 March 2023 from the Privacy and Official Information Advisor. The report was taken as read.

Staff responded to questions as follows:

- Hearing decisions were made by qualified Resource Management Act 1991 hearings commissioners.

RESOLUTION CL23-5.10

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

1. That the Privacy and Official Information Advisor's report dated 16 March 2023 titled 'Delegations - Resource Management Act 1991 and Local Government (Rating) Act 2002' 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 section 34A of the Resource Management Act 1991 (RMA), and section 132 of the Local Government (Rating) Act 2002, Council delegates those of its functions, powers and duties to the positions ('Delegates') specified in **Attachment 1**.

CARRIED

11.2 DELEGATION OF DECISION MAKING FOR 2023 COMMUNITY MATCHING FUND

The Committee considered a report dated 16 March 2023 from the Community and Strategic Relationships Manager. The report was taken as read.

RESOLUTION CL23-5.11

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

1. That the Community Outcomes Advisor's report dated 16 March 2023 titled 'Delegation of Decision Making for 2023 Community Matching Fund' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of council's significance and engagement policy.
3. That pursuant to clause 32 schedule 7 of the Local Government Act 2002, Council delegates to Deputy Mayor John Scrimgeour, Cr Murray Grainger and Cr Alan Sole, together with the Chief Executive Officer, or his nominee(s), to be known as the Community Matching Fund Working Party, the power to make decisions in respect of applications to the Community Matching Fund 2023, including but not limited to the following powers:
 - a) To award grants according to the purposes and guidelines of the Community Matching Fund 2023, within the allocated budget of \$160,000.
And
 - b) To make payments to grant recipients as soon as practicable after the award decisions have been made.
4. That recommendations 3a and 3b will form the terms of reference for the Community Matching Fund working party.

CARRIED

11.3 APPOINTMENT OF TANGATA WHENUA REPRESENTATIVES TO SMARTGROWTH LEADERSHIP GROUP

The Committee considered a report dated 16 March 2023 from the General Manager Strategy and Community. The report was taken as read.

RESOLUTION CL23-5.12

Moved: Cr M Grainger

Seconded: Mayor J Denyer

1. That the General Manager Strategy and Community report dated 16 March 2023 be received.
 2. That the report relates to an issue that is considered to be of low significance in
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terms of Council's Significance and Engagement Policy.

3. That Council notes the recommendation of Te Rangapū Mana Whenua o Tauranga Moana for the appointment of Whitiora McLeod as a Tangata Whenua representative to the SmartGrowth Leadership Group.
4. That Council endorses the recommendation of Te Kāhui Mana Whenua o Tauranga Moana for the appointment of Riki Nelson as a Tangata Whenua representative to the SmartGrowth Leadership Group.

CARRIED

11.4 APPOINTMENT OF LOCAL CONTROLLER

The Committee considered a report dated 16 March 2023 from the Executive Assistant, Infrastructure Group. The report was taken as read with the following noted by the Deputy CEO/General Manager Infrastructure:

- Each Council was required to resource its emergency operating centre which included having controllers who had a set of powers in a declared emergency.
- Council needed to have a deep pool of trained resources to be able to respond adequately, particularly in an on-going event. Council also received requests to provide personnel to assist in other areas.

The Deputy CEO/General Manager Infrastructure responded to a question as follows:

- Council had two Emergency Management staff that spoke to/educated groups and communities. Particular emphasis was placed on educating people on how the system worked and the preparedness that people needed to undertake for themselves and their communities in terms of being ready for an event.
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RESOLUTION CL23-5.13

Moved: Cr M Murray-Benge

Seconded: Cr R Joyce

1. That the Executive Assistant Infrastructure Group's report dated 7 March 2023 titled 'Appointment of Local Controller' 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 Controllers and Local Recovery Managers, Western Bay of Plenty District Council:
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- a) Recommends to the Bay of Plenty Joint Civil Defence and Emergency Management Committee that Adele Henderson be appointed as Local Controller – Western Bay of Plenty District Council.

CARRIED

11.5 ELECTED MEMBERS REPRESENTATION AT ANZAC DAY 2023 COMMEMORATIONS

The Committee considered a report dated 16 March 2023 from the Governance Support Administrator. The report was taken as read.

RESOLUTION CL23-5.14

Moved: Cr M Murray-Benge

Seconded: Cr R Crawford

1. That the Governance Support Administrator's report dated 16 March 2023 titled 'Elected Members Representation at ANZAC Day 2023 Commemorations' be received.
2. That Waihi Beach Councillors attend the Waihi Beach ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
3. That Te Puke Councillors attend the Te Puke ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
4. That Maketu Councillors attend the Maketu ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
5. That Katikati Councillors attend the Katikati ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
6. That Ōmokoroa Councillors attend the Ōmokoroa ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.
7. That Mayor James Denyer will attend the Tauranga ANZAC Day Service and lay a wreath on behalf of the Western Bay of Plenty District Council.

CARRIED

11.6 MAYOR'S REPORT TO COUNCIL

The Mayor provided the following updates:

- At the Rural Provincial meeting of 2 and 3 March 2023 there was a lot of discussion around resilience and Council's recent, and not so recent, experiences of disasters. There was a launch of a free counselling services for Elected Members, and a presentation from Katikati based Tiny House builders.

- Government minister Hon Kieran McNulty (MP for Wairarapa/Labour Party) provided a presentation and gave assurance that there was an amended Three Waters plan coming soon. He was seeking a balance between financial sustainability and increasing the link between communities and water service entities.

RESOLUTION CL23-5.15

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

That the Executive Assistant to Mayor/CEO's report dated 16 March 2023 titled 'Mayor's Report to Council' be received.

CARRIED

12 INFORMATION FOR RECEIPT

12.1 CHIEF EXECUTIVE OFFICER'S MEETING REPORT

The Committee considered a report dated 16 March 2023 from the Senior Executive Assistant Mayor/CEO. The report was taken as read.

13 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CL23-5.16

Moved: Cr M Grainger

Seconded: Cr R Crawford

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
13.1 - Confidential Minutes of the Council Meeting held on 8 February 2023	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural	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

	<p>persons</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>information for which good reason for withholding would exist under section 6 or section 7</p>
<p>13.2 - Chief Executive Officer's Report - Request for Execution of Documents under Seal of Council</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

	<p>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>	
CARRIED		

The Meeting closed at 11:26am.

Confirmed as a true and correct record at the Council meeting held 27 April 2023.

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Mayor J Denyer
CHAIRPERSON / MAYOR