

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. C21-2
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
ON THURSDAY, 25 FEBRUARY 2021 AT 9.30AM**

1 PRESENT

Mayor G Webber (Chairperson), Deputy Mayor J Scrimgeour, Cr G Dally, Cr M Dean, Cr J Denyer, Cr M Grainger, Cr M Gray, Cr A Henry, Cr K Marsh, Cr M Murray-Benge and Cr D Thwaites.

2 IN ATTENDANCE

M Taris (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), J Pedersen (Group Manager People and Customer Services), K Perumal (Group Manager Finance and Technology Services), R Davie (Group Manager Policy Planning and Regulatory Services), E Watton (Policy and Planning Manager), D Jensen (Senior Financial Planner), G Payne (Strategic Advisor), J Rickard (Senior Policy Analyst), T Miller (Senior Policy Analyst Resource Management), P Martelli (Resource Management Manager), R Woodward (Communications Specialist) and C Irvin (Senior Governance Advisor).

OTHERS IN ATTENDANCEBay of Plenty Regional Council (BOPRC)

Fiona McTavish (CEO), Cr Jane Nees, Cr Norm Bruning, Cr Stacey Rose, and N Poutasi (General Manager Strategy and Science)

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM**PUBLIC FORUM ADJOURN MEETING**

RESOLUTION C21-2.1

Moved: Cr M Grainger

Seconded: Cr K Marsh

That the meeting adjourn for the purpose of holding a public forum.

CARRIED

A. Bay of Plenty Regional Council (BOPRC) – Long Term Plan Presentation

Cr Nees, Cr Bruning and Fiona McTavish spoke to the power point presentation and summarised the following points:

- BOPRC was operating in a period of massive change especially given the circumstances of COVID-19, and was developing a Long Term Plan to try to cope with these changes.
- The strategic priorities included in the plan were:
 - Regulatory reform;
 - Regional recovery;
 - Climate change;
 - Land use and transport;
 - Partnerships with Māori;
 - Making the best use of our resources;
 - Sub-regional and regional view; and
 - Community participation and constructive relationships.
- The focus was on how BOPRC could help cover the region effectively and provide multiple benefits to the community.

PUBLIC FORUM MEETING RECONVENED

RESOLUTION C21-2.2

Moved: Cr A Henry

Seconded: Cr M Gray

That the meeting reconvene in formal session.

CARRIED

8 COMMUNITY BOARD MINUTES FOR RECEIPT**8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 3 FEBRUARY 2021**

RESOLUTION C21-2.3

Moved: Cr J Denyer

Seconded: Cr A Henry

1. That the Minutes of the Katikati Community Board Meeting held on 3 February 2021 be received.

CARRIED

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION**9.1 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 24 AUGUST 2020**

RESOLUTION C21-2.4

Moved: Cr M Dean

Seconded: Cr M Murray-Benge

That the Minutes of the District Plan Committee meeting held on 24 August 2020 are confirmed as a true and correct record and the recommendations therein are adopted.

CARRIED

9.2 MINUTES OF THE KATIKATI - WAIHI BEACH WARD FORUM MEETING HELD ON 3 DECEMBER 2020

RESOLUTION C21-2.5

Moved: Cr A Henry
Seconded: Cr J Denyer

That the Minutes of the Katikati - Waihi Beach Ward Forum Meeting held on 3 December 2020 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.3 MINUTES OF THE KAIMAI WARD FORUM MEETING HELD ON 10 DECEMBER 2020

RESOLUTION C21-2.6

Moved: Cr D Thwaites
Seconded: Cr M Murray-Benge

That the Minutes of the Kaimai Ward Forum Meeting held on 10 December 2020 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.4 MINUTES OF THE MAKETU - TE PUKE WARD FORUM MEETING HELD ON 15 DECEMBER 2020

RESOLUTION C21-2.7

Moved: Cr K Marsh
Seconded: Cr M Gray

That the Minutes of the Maketu - Te Puke Ward Forum Meeting held on 15 December 2020 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.5 MINUTES OF THE COUNCIL MEETING HELD ON 17 DECEMBER 2020

RESOLUTION C21-2.8

Moved: Cr M Grainger
Seconded: Cr M Dean

That the Minutes of the Council Meeting held on 17 December 2020 are confirmed as a true and correct record and the recommendations therein are adopted.

CARRIED

9.6 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 17 DECEMBER 2020

RESOLUTION C21-2.9

Moved: Cr J Denyer

Seconded: Deputy Mayor J Scrimgeour

That the Minutes of the Audit and Risk Committee Meeting held on 17 December 2020 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.7 MINUTES OF THE PERFORMANCE AND MONITORING MEETING HELD ON 2 FEBRUARY 2021

RESOLUTION C21-2.10

Moved: Cr D Thwaites

Seconded: Cr A Henry

That the Minutes of the Performance and Monitoring Meeting held on 2 February 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.8 MINUTES OF THE COUNCIL MEETING HELD ON 9 FEBRUARY 2021

RESOLUTION C21-2.11

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

That the Minutes of the Council Meeting held on 9 February 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10 REPORTS

10.1 RECOMMENDATORY REPORT FROM AUDIT AND RISK COMMITTEE - REVIEW OF TREASURY POLICY

The Committee considered a report dated 25 February 2021 from the Group Manager Finance and Technology Services. The report was taken as read.

RESOLUTION C21-2.12

Moved: Cr M Grainger

Seconded: Cr J Denyer

1. That Council adopt the revised 'Treasury Policy' as presented at the Audit and Risk Committee meeting on 17 December 2020 (**attachment 1**).
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.

CARRIED

10.2 RECOMMENDATORY REPORT FROM PERFORMANCE AND MONITORING COMMITTEE - WAIHI BEACH ROCK REVETMENT - COUNCIL LANDOWNER CONSENTED COASTAL PROTECTION WORKS

The Committee considered a report dated 25 February 2021 from the Utilities Manager. The report was taken as read.

RESOLUTION C21-2.13

Moved: Cr D Thwaites

Seconded: Cr G Dally

1. That Council approves the private construction of consented coastal works on Council reserve, Lot 125 DP35465 Waihi Beach, subject to the conditions, including:
 - A resource consent being granted by Bay of Plenty Regional Council;
 - Consent and construction fully funded by owners;
 - Agreement with Council on operational cost and responsibilities; and
 - Council funding construction, but not design, and consenting costs for the Elizabeth Street Reserve section.
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

10.3 RECOMMENDATORY REPORT FROM PERFORMANCE AND MONITORING COMMITTEE - TE REREATUKAHIA WASTEWATER SCHEME CONNECTION COSTS

The Committee considered a report dated 25 February 2021 from the Asset and Capital Manager. The report was taken as read.

RESOLUTION C21-2.14

Moved: Cr A Henry

Seconded: Cr M Dean

1. That Council approve that no connection charge is to be applied to the Te Rereatukahia Wastewater Scheme.
2. That Council notes the cost of connection is not being sought from individual property owners in this instance. Forgoing this revenue is recognised as Council's financial contribution to the project, given that the capital costs are met from external funding (Three Water's review CIP funding in this instance). The scale and proportion of the external funding has been a determining factor for this decision. Connection for Marae and Community Halls (Whare Kai, Whare Paku etc.) do not incur a connection fee, as this recognises the value of these facilities to community wellbeing.
3. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.

CARRIED

10.4 LOCAL GOVERNMENT FUNDING AGENCY LIMITED'S 2020 ANNUAL GENERAL MEETING OUTCOME

The Committee considered a report dated 25 February 2021 from Group Manager Finance and Technology Services. The report was taken as read.

RESOLUTION C21-2.15

Moved: Cr J Denyer

Seconded: Cr G Dally

That the Group Manager Finance and Technology Services' report dated 25 February 2021 titled 'Local Government Funding Agency Limited's 2020 Annual General Meeting Outcome' be received.

CARRIED

10.5 MAYOR'S REPORT TO COUNCIL 25 FEBRUARY 2021

The Committee considered a report dated 25 February 2021 from Executive Assistant Mayor/CEO. The Mayor spoke to the report noting the following updates:

- Tauranga City Council (TCC)
New Commissioners had been appointed and it was encouraging to hear their comments and the questions they were asking.
 - SmartGrowth
There was now a vacancy for an independent Chairperson. It was necessary for SmartGrowth to implement change and to accomplish what had been put in the Long Term Plan.
 - Three Waters
The CEO thanked staff for work done to date as it hadn't been an easy task gathering data for the Request for Further Information (RFI) from the Department of Internal Affairs (DIA). Elected members were encouraged to attend the 'Zone Two' meeting to be held on 26 March 2021 in Hamilton where there would be a DIA status update.
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- Boundary Change in Belk Road, Keenan Road and Tara Road Areas
These changes had now been completed. There had been approaches from Tauriko Business Estate regarding further extension.
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RESOLUTION C21-2.16

Moved: Mayor G Webber

Seconded: Cr M Dean

That the Senior Executive Assistant - Mayor/CEO's report dated 25 February 2021 titled 'Mayor's Report to Council 25 February 2021' be received.

CARRIED

10.6 AUDIT AND RISK COMMITTEE MEMBERSHIP - REAPPOINTMENT OF CHAIRPERSON AND DEPUTY CHAIRPERSON

The Committee considered a report dated 25 February 2021 from the Senior Governance Advisor. The report was taken as read.

RESOLUTION C21-2.17

Moved: Cr A Henry

Seconded: Deputy Mayor J Scrimgeour

1. That Mayor Webber's report dated 25 February 2021 titled 'Audit and Risk Committee – Reappointment of Chairperson and Deputy Chairperson' 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 the Chairperson of the Audit and Risk Committee, Mayor Webber, wishes to vacate the position, and hereby appoints Councillor James Denyer as Chairperson of the Audit and Risk Committee, pursuant to Section 41A(3)(c) of the Local Government Act 2002.
4. That Council appoints the following person as Deputy Chairperson of the Audit and Risk Committee:
 - Councillor Murray Grainger.
5. That Council accepts a recommendation from the Audit and Risk Committee to undertake a process to appoint an Independent Subject Matter Expert to the Audit and Risk Committee.

CARRIED

10.7 ŌMOKOROA SETTLERS HALL LEASE 2020 TO 2050

The Committee considered a report dated 25 February 2021 from the Legal Property Officer Reserves and Facilities. The report was taken as read.

RESOLUTION C21-2.18

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

1. That the Legal Property Officer's report dated 25 February 2021 titled 'Omokoroa Settlers Hall Lease 2020-2050' 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. The Council, in its capacity as administrating body of Part Allotment 247 SO 24060 Te Puna Parish, grants Omokoroa Settlers Hall Society a lease of approximately 506m² for the purpose of a Community Hall from 1 December 2020 to 30 November 2025 with the ability to renew the lease 5 more times for a period of 5 years each.

CARRIED

10.8 ŌMOKOROA PLAN CHANGE PROCESS

The Committee considered a report dated 25 February 2021 from the Senior Policy Analyst Resource Management. The report was taken as read.

RESOLUTION C21-2.19

Moved: Cr M Grainger

Seconded: Cr A Henry

1. That the Senior Policy Analyst's report dated 25 February 2021 titled 'Ōmokoroa Plan Change Process' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That staff continue to prepare an application to use the Streamlined Planning Process and report back to Council for confirmation prior to lodging the application.

CARRIED

10.9 CHIEF EXECUTIVE INFORMATION REPORT

The Committee considered a report dated 25 February 2021 from the Executive Assistant Mayor/CEO. The report was taken as read.

RESOLUTION C21-2.20

Moved: Mayor G Webber

Seconded: Cr J Denyer

That the Executive Assistant Mayor/CEO's report dated 25 February 2021 titled 'Chief Executive Information Report' be received.

CARRIED

11 INFORMATION FOR RECEIPT

Nil

12 RESOLUTION TO EXCLUDE THE PUBLIC**RESOLUTION C21-2.21**

Moved: Cr M Gray

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 17 December 2020	<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)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>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>
12.2 - Confidential Minutes of the Audit and Risk Committee Meeting held on 17 December 2020	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the</p>

	<p>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)(g) - the withholding of the information is necessary to maintain legal professional privilege</p>	<p>disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>12.3 - Confidential Minutes of the Council Meeting held on 9 February 2021</p>	<p>s7(2)(b)(i) - the withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>12.4 - Statute Barred Rates</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>12.5 - Application for Rates Remission on Omokoroa Slip Affected Properties</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)(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>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>12.6 - Mayor's Confidential Report to Council - 25 February 2021</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</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>

	information would be likely otherwise to damage the public interest	
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CARRIED

The Meeting closed at 10.35am.

The minutes of this meeting were confirmed at the Council Meeting held on 8 April 2021.

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Mayor G Webber

CHAIRPERSON / MAYOR