

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. C21-9
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
ON TUESDAY, 29 JUNE 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, Cr A Sole 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 (Finance Manager), G Payne (Strategic Advisor), M Rencher (Document Specialist) L Balvert (Communications Manager), C Nepia (Māori Relationships and Engagement Advisor), P Martelli (Resource Management Manager), L Mills (Senior Communications Specialist), J Rickard (Senior Policy Analyst) and C Irvin (Senior Governance Advisor).

OTHER ATTENDEES

Audit New Zealand

C Susan (Appointed Auditor)

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 C21-9.1

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

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

CARRIED

A. Mr Ricki Nelson – Tauranga Moana Western Bay – Tangata Whenua Forum

- The Tauranga Moana Partnership Forum met formally last week and was notified by Western Bay of Plenty District Council (WBOPDC) that the process to propose a Māori Ward in the Western Bay of Plenty needed to be made by 21 May 2021.
- It was felt that WBOPDC had neglected its responsibilities by not informing Mana Whenua of the process to establish a Māori Ward or the deadline for doing so.
- Tauranga Moana Mana Whenua representatives would like answers and/or clarification as to why WBOPDC did not consult, engage or notify Mana Whenua in the District that there was a deadline to progress the establishment of a Māori ward.

The Chairperson thank Mr Nelson for his contribution to Public Forum.

PUBLIC FORUM MEETING RECONVENED**RESOLUTION C21-9.2**

Moved: Cr K Marsh

Seconded: Cr M Grainger

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 26 MAY 2021****RESOLUTION C21-9.3**

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Minutes of the Katikati Community Board Meeting held on 26 May 2021 be received.

CARRIED

8.2 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 1 JUNE 2021**RESOLUTION C21-9.4**

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Minutes of the Maketu Community Board Meeting held on 1 June 2021 be received.

CARRIED

8.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 3 JUNE 2021

RESOLUTION C21-9.5

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Minutes of the Te Puke Community Board Meeting held on 3 June 2021 be received.

CARRIED

8.4 MINUTES OF THE ŌMOKOROĀ COMMUNITY BOARD MEETING HELD ON 8 JUNE 2021

RESOLUTION C21-9.6

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Minutes of the Ōmokoroā Community Board Meeting held on 8 June 2021 be received.

CARRIED

8.5 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 14 JUNE 2021

RESOLUTION C21-9.7

Moved: Cr J Denyer

Seconded: Cr A Sole

That the Minutes of the Waihi Beach Community Board Meeting held on 14 June 2021 be received.

CARRIED

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION**9.1 MINUTES OF THE COUNCIL MEETING HELD ON 20 MAY 2021**

RESOLUTION C21-9.8

Moved: Cr A Henry

Seconded: Deputy Mayor J Scrimgeour

That the Minutes of the Council Meeting held on 20 May 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.2 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 20 MAY 2021

RESOLUTION C21-9.9

Moved: Cr J Denyer
Seconded: Cr M Grainger

That the Minutes of the Audit and Risk Committee Meeting held on 20 May 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.3 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 31 MAY 2021

RESOLUTION C21-9.10

Moved: Cr J Denyer
Seconded: Cr M Grainger

That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 31 May 2021 be confirmed as a true and correct record and the recommendations therein be adopted, noting that Resolution APLTP21-3.7 titled 'Key Proposal – Internal Submission – Community Building: CCTV – Provision of Operational Funding' No.2 be amended to read 'between 2022 and 2028'.

CARRIED

9.4 MINUTES OF THE PERFORMANCE AND MONITORING MEETING HELD ON 8 JUNE 2021

RESOLUTION C21-9.11

Moved: Cr D Thwaites
Seconded: Cr M Grainger

That the Minutes of the Performance and Monitoring Meeting held on 8 June 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10 REPORTS**10.1 RECOMMENDATION TO ADOPT THE LONG TERM PLAN 2021-2031, SCHEDULE OF FEES AND CHARGES 2021-2022 AND RELATED MATTERS**

The Committee considered a report dated 29 June 2021 from the Chief Executive Officer. Clarence Susan of Audit New Zealand spoke to the Audit Opinion noting the following key points:

- The audit opinion was an 'unqualified' one and had one emphasis of matter which was around the uncertainty of the Three Waters Reform. This was because guidance from the finance sector was to include the Three Waters Reform throughout the LTP as details of the reform were not yet known.

Clarence Susan responded to a question as follows:

- There had been some very interesting audit opinions around the country, with 'Emphasis of Matter' being used quite significantly.
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Comments:

- The Chairperson thanked staff for their hard work during the lengthy LTP process, which had culminated in a great result for Council. He also thanked Clarence Susan and his team and acknowledged the good relationship between Council and Audit New Zealand.
- Deputy Mayor Scrimgeour commented that, given the huge changes in the world since work on the LTP began, staff had worked very hard to bring Council to a responsible position, given issues, such as Covid-19, that had arisen. There had been huge escalations in insurance and road maintenance costs, as well as implementing the new Kerbside Collection. He felt that they had achieved a very appropriate plan.
- Cr Murray-Benge said she felt Council had been very well lead by Miriam Taris and that the quality of work produced should not be underestimated.
- The Chief Executive Officer thanked Clarence Susan and Audit New Zealand for their work during the LTP process. She felt that, between Council and Audit New Zealand, there was a great working relationship and a clear understanding of each others roles. She thanked both Councillors and staff for their work over the last 18 months, recognising the challenges during difficult and changing times.

RESOLUTION C21-9.12**PART 1**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr A Sole

1. That the Chief Executive Officer's report dated 29 June 2021 titled 'Recommendation to Adopt the Long Term Plan 2021-2031, Schedule of Fees and Charges 2021-2022 and Related Matters' be received.
2. That the report relates to an issue that is considered to be of high significance in terms of Council's Significance and Engagement Policy.
3. That Council approve the draft Long Term Plan 2021-2031 as set out in [Attachment 1](#) and as amended in accordance with the Long Term Plan and Annual Plan Committee resolutions contained in the minutes of APLTP21-3 dated 31 May 2021 and 3 June 2021.
4. That Council resolves that the budget for the 2030/31 financial year is not a balanced budget due to unfunded elements of transportation depreciation.
5. That Council resolves that setting an unbalanced budget for 2030/31 is financially prudent having regard to the matters in section 100(2) of the Local Government Act 2002.

CARRIED

RESOLUTION C21-9.13**PART 2**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Grainger

6. That the Audit Report from Audit New Zealand regarding the Long Term Plan 2021-2031 be received.

CARRIED

RESOLUTION C21-9.14**PART 3**

Moved: Cr J Denyer

Seconded: Deputy Mayor J Scrimgeour

7. That in accordance with Sections 102 and 103 of the Local Government Act 2002, the final Revenue and Financing Policy (as set out in pages 391-426 of [Attachment 1](#)) be adopted for inclusion in the final Long Term Plan 2021-2031.
8. That in accordance with Section 93 of the Local Government Act 2002, the audited Long Term Plan 2021-2031 set out in [Attachment 1](#) be adopted.
9. That in accordance with section 150 of the Local Government Act 2002, the Schedule of Fees and Charges 2021-2022 (excluding Dog Control) be adopted as set out in [Attachment 2](#) and as amended in accordance with the Long Term and Annual Plan Committee resolutions contained in the minutes of APLTP21-3 dated 31 May 2021 and 3 June 2021.
10. That in accordance with Sections 102(3) and 109 of the Local Government Act, Council adopts the final Multiple Pan Wastewater Remission Policy and the final Water Rates Remission Policy set out in [Attachment 3](#), and as amended in accordance with the Long Term Plan and Annual Plan Committee resolutions contained in the minutes of APLTP21-3 dated 31 May 2021 and 3 June 2021.
11. That as the formal response to submitters, Council approves the decision document set out in [Attachment 4](#) for all submitters, and the individual comment responses set out in [Attachment 5](#) for the respective individual submitters, for dissemination as soon as practicable, following the adoption of the Long Term Plan 2021-2031.
12. That the Chief Executive Officer be delegated authority to make such minor editorial changes to the Long Term Plan 2021-2031, Schedule of Fees and Charges 2021/2022, decision document and comment responses as may be required prior to printing.

CARRIED

10.2 SETTING OF RATES FOR 2021-2022 FINANCIAL YEAR

The Committee considered a report dated 29 June 2021 from the Finance Manager. The report was taken as read.

RESOLUTION C21-9.15

Moved: Cr K Marsh

Seconded: Cr M Dean

THAT:

1. The Finance Manager's report dated 29 June 2021 titled 'Setting of Rates for 2021-2022 Financial Year' be received.
 2. The report relates to an issue that is considered to be of high significance in terms of Council's Significance and Engagement Policy.
 3. Western Bay of Plenty District Council notes that the rates to be set are expressed exclusive of the Council's GST obligations but that the amount of the rate assessed and invoiced will include GST at the prevailing rate at the time of supply.
 4. The Western Bay of Plenty District Council sets the rates as attached (**Attachment 1**) under section 23 of the Local Government (Rating) Act 2002, on rating units in the District for the financial year commencing on 1 July 2021 and ending on 30 June 2022.
 5. In accordance with its Rates Postponement for Homeowners Aged Over 65 years Policy, the Western Bay of Plenty District Council sets the following fees under section 88 of the Local Government (Rating) Act 2002 for the financial year commencing on 1 July 2021 and ending on 30 June 2022:
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(i) Application Fee - \$50

A fee of \$50 will be added to the rates when Council offers postponement. This fee is non-refundable and covers the administration costs associated with processing the application.

(ii) Counselling Fee - \$300

A fee of up to \$300 may be charged once professional counselling has commenced. This fee is to fund the cost of professional counselling so that an informed decision can be made by an applicant on whether or not to proceed with their application to join the scheme.

(iii) Other Fees

Such other incidental fees as may be necessary to process the application. Any fees charged under this heading will be third party fees and would change from time to time. Any fees charged under this heading will be discussed with any prospective applicant at the time of making their application.

Interest is at wholesale bank rate plus bank margin negotiated, plus applicable bank administration costs (bank rate and margin are exempt from GST). This interest is the interest charged by the bank from time to time and is made up of the bank wholesale rate at the time of each penalty date, plus an additional 25 basis points, and represents the interest rate payable by the applicant, on rates postponed.

In addition, Council will charge 1.25% excluding GST for on-going administration and reserve fund fees.

6. The Western Bay of Plenty District Council sets the due dates for payment of rates, except water consumption rates set under section 19 of the Local Government (Rating) Act, for the financial year commencing 1 July 2021 and ending on 30 June 2022 as follows:

(i) All rates will be payable in two equal instalments:

- The due date for instalment 1 will be 24 September 2021; and
- The due date for instalment 2 will be 25 February 2022.

7. The Western Bay of Plenty District Council sets that the water consumption rates (set under section 19 of the Local Government (Rating) Act) for the financial year, commencing 1 July 2021 and ending on 30 June 2022, will be invoiced twice during the year and the due dates for payment will be 30 days from the date of each invoice being issued.

8. Under sections 57 and 58 of the Local Government (Rating) Act 2002, the following penalties be applied to unpaid rates, except water consumption rates (set under section 19 of the Local Government (Rating) Act):

(i) A charge of 10 percent on so much of any instalment that has been assessed after 1 July 2021 and which remains unpaid after the relevant due date stated above, to be added on 23 October 2021 for instalment one and 26 March 2022 for instalment two.

(ii) A charge of 10 percent on so much of any rates assessed before 1 July 2021, which remains unpaid on 6 July 2021, will be added on that date.

(iii) A further charge of 10 per cent on any rates to which a penalty has been added under (ii) above, that remain unpaid, to be added on 6 January 2022.

9. Where all outstanding rates and the rates for the 2021-2022 year are paid by close of business 24 September 2021, under section 55 of the Local Government (Rating) Act 2002, a discount of 3% on current rates be allowed, with the exception of metered water consumption charges which do not qualify for discount.

10. Rates shall be payable by any of the following methods:

(i) Online;

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- (ii) Direct Debit (annually, invoice due date or monthly payments);
 - (iii) Automatic payment;
 - (iv) Internet/telephone banking; and
 - (v) EFTPOS or cash at Council's office, libraries and service centres – between the hours of 8.00 am and 5.00 pm, Monday to Friday.
- 11 Council will continue to collect rates on behalf of the Bay of Plenty Regional Council. The rates collected will be as specified in the rates resolution of the Bay of Plenty Regional Council.

CARRIED

10.3 MAKING PLAN CHANGE 81 (ŌMOKOROA INDUSTRIAL ZONE REVIEW) OPERATIVE

The Committee considered a report dated 29 June 2021 from the Resource Management Manager. The report was taken as read.

RESOLUTION C21-9.16

Moved: Cr M Grainger

Seconded: Cr M Murray-Benge

1. That the Resource Management Manager's report dated 29 June 2021 titled 'Making Plan Change 81 (Ōmokoroa Industrial Zone Review) 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:
 - Plan Change 81 be approved.
 - Plan Change 81 be made operative on 10 July 2021.
 - The public be notified of the operative date on 3 July 2021 (at least five working days before the date on which the Plan Change will become operative).

CARRIED

10.4 RECOMMENDATORY REPORT FROM ŌMOKOROA COMMUNITY BOARD - EXPRESSION OF INTEREST FOR THE OLD PAVILION - ŌMOKOROA MENZSHED

The Committee considered a report dated 29 June 2021 from the Senior Governance Advisor – Community Boards. The report was taken as read.

Staff responded to a question as follows:

- There was still space for the tennis court extension and for car parking on the reserve. The pavilion would be relocated to the corner by the road, and there would still be car parking available along the road side.
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RESOLUTION C21-9.17

Moved: Cr M Grainger

Seconded: Cr D Thwaites

1. That the Expression of Interest from the Ōmokoroa MenzShed for use of the Old Sports Pavilion be declined.
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2. That Council request staff work with MenzShed to attempt to facilitate alternative accommodation for a MenzShed on the Ōmokoroa Peninsula.
 3. That the Old Sports Pavilion be relocated to the Western Avenue location initially proposed by Council, generally as shown on Plan A (**Attachment 1**).
 4. 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

10.5 CHIEF EXECUTIVE OFFICER DELEGATIONS AND APPOINTMENTS

The Committee considered a report dated 29 June 2021 from the Customer Services and Governance Manager. The report was taken as read.

Staff responded to questions as follows:

- The Chairperson confirmed that the delegations being transferred were the same delegations that the current Chief Executive Officer had now, and were part of Council policy.
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RESOLUTION C21-9.18

Moved: Mayor G Webber

Seconded: Cr A Henry

1. That the Customer Services and Governance Manager's report dated 29 June 2021 titled 'Chief Executive Officer Delegations and Appointments' 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 delegates to the Chief Executive Officer all of its responsibilities, duties and powers which are legally capable of being delegated, to act on any matter, including but not limited to those specific powers expressly referred to in the Acts, Regulations and Bylaws listed in the Delegations Manual as may be amended from time to time, but subject to the Exclusions and Conditions set out in the attachment A 'Chief Executive Officer Delegations 2021.'
4. That Council approve the appointment of the incoming Chief Executive Officer, John Holyoake, as Council's representative to Bay of Plenty Local Authority Shared Services Limited.
5. That Council approve the appointment of the incoming Chief Executive Officer, John Holyoake, as an Executive Board Member of Priority One.
6. That Council resolve that Miriam Taris cease being Council's representative of Bay of Plenty Local Authority Shared Services Limited and Executive Board Member of Priority One, effective 19 July 2021.

CARRIED

11 INFORMATION FOR RECEIPT

Nil

12 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION C21-9.19

Moved: Cr G Dally

Seconded: Cr K Marsh

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
<p>12.1 - Confidential Minutes of the Audit and Risk Committee Meeting held on 20 May 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>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>12.2 - Confidential Minutes of the Council Meeting held on 20 May 2021</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(i) - the withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>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>

<p>12.3 - Confidential Minutes of the Performance and Monitoring Meeting held on 8 June 2021</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)(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>
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CARRIED

The Meeting closed at 10am.

The minutes of this meeting were confirmed at the Council Meeting held on 12 August 2021.

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 Mayor G Webber
CHAIRPERSON / MAYOR