

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. C21-10
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
ON THURSDAY, 12 AUGUST 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

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/Group Manager Infrastructure Services), R Davie (Group Manager Policy Planning and Regulatory Services), J Pedersen (Group Manager People and Customer Services), K Perumal (Group Manager Finance and Technology Services), G Payne (Strategic Advisor), C Nepia (Māori Relationships and Engagement Advisor), D Jensen (Finance Manager), D Pearce (Community Manager), L Balvert (Communications Manager), L Mills (Senior Communications Specialist), P Osborne (Senior Governance Advisor – Community Boards), H Wi Repa (Governance Technical Support), J Osborne (Governance Support Administrator), and C Irvin (Senior Governance Advisor).

OTHER ATTENDEES

Media
K Gillespie

KARAKIA

The meeting was opened with a Karakia led by the Māori Relationships and Engagement Advisor.

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Members were advised that if they have an interest (actual, potential, perceived, pecuniary or non-pecuniary interest) in any item on the agenda, then they must declare this interest and refrain from discussing or voting on that item, and they were advised to withdraw from the meeting table for the item [As per the Local Authorities (Members' Interest) Act 1968].

- Councillor Gray advised that she had a declaration of interest regarding report number 10.2 of the open Agenda, 'Tourism Bay of Plenty Statement of Intent 2021/2022 to 2023/2024'.
- Councillor Dally advised that he had a declaration of interest regarding report number 10.3 of the open Agenda, '2021 Community Matching Fund'.

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

PUBLIC FORUM ADJOURN MEETING

RESOLUTION C21-10.1

Moved: Cr K Marsh

Seconded: Cr M Grainger

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

CARRIED

A. Christina Humphreys, Ted Mead, and Alison Badger - Katikati Waihi Beach Residents and Ratepayers Association

- Christina Humphreys and Ted Mead addressed the Committee saying that they had concerns around the proposed Three Waters Reform. They did not want the 'Three Waters' to be put into the hands of another entity, and felt that the reforms could result in another rates rise.

B. Bev Cain - Te Puna Residents

- Bev Cain addressed the Committee on behalf of Te Puna residents. She requested consideration be given for a rubbish pick-up along Te Puna Station Road, that the cycleway be looked at regarding improvements and safety, and for a public consultation/public meeting to take place to talk about different issues in the Te Puna community.

C. Tony Wihapi (Ngati Moko) and Manu Pene (Ngati Whakaue) - Te Arawa Kaumatua

- Tony Wihapi addressed the Committee, firstly in Te Reo Māori, and then in English. He said this was a significant day for Te Arawa that established a sacred relationship between the Hapū, Iwi and Whānau, and Western Bay of Plenty District Council. He wished to express his appreciation to the Elected Members who attended the Hui at the Marae the previous week.
- Manu Pene addressed the Committee saying that he had just come to just listen, and show his appreciation on behalf of the Hapū.

PUBLIC FORUM MEETING RECONVENED

RESOLUTION C21-10.2

Moved: Cr M Grainger

Seconded: Cr M Dean

That the meeting reconvene in formal session.

CARRIED

CHANGE TO ORDER OF BUSINESS

The Chairperson requested that the next item of business be open agenda item 10.5: 'Te Arawa Kawenata' in order for guest speakers to be released from the meeting.

RESOLUTION C21-10.3

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr A Henry

That open agenda item number 10.5: Te Arawa Kawenata, be the next item of business on the agenda in order for guest speakers to be released from the meeting.

CARRIED

8 REPORTS

8.1 TE ARAWA KAWENATA

The Committee considered a report dated 12 August 2021 from the Māori Relationships and Engagement Advisor. The report was taken as read, with the Group Manager Policy Planning and Regulatory Services noting the following:

- It was pleasing that the majority of Elected Members attended the Hui at the Marae where the foundation for the document was established.

Staff responded to a question as follows:

- It was important to remember that there were still details in the document to be tidied up and finalised. Recommendation four allowed for this.
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RESOLUTION C21-10.4

Moved: Cr M Gray

Seconded: Cr M Dean

1. That the Māori Relationships and Engagement Advisor's report dated 12 August 2021 titled 'Te Arawa Kawenata' 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 resolve to adopt the Te Arawa Kawenata, in principle, as the basis of its relationship with the Iwi and Hapū of Te Arawa ki Tai as outlined in the Te Arawa Kawenata, collectively known as 'Te Ihu o te Waka'.
4. That Council staff continue to work with representatives of Te Arawa ki Tai to address any operational issues arising from the Te Arawa Kawenata, including confirming an approach to ensure the correct iwi/hapū/marae delegates are engaged with by Council at the right time and in the right way for the particular kaupapa (matter) at hand.

CARRIED

9 COMMUNITY BOARD MINUTES FOR RECEIPT

9.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 21 JULY 2021

RESOLUTION C21-10.5

Moved: Cr D Thwaites

Seconded: Cr K Marsh

That the Minutes of the Katikati Community Board Meeting held on 21 July 2021 be received.

CARRIED

9.2 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 27 JULY 2021

RESOLUTION C21-10.6

Moved: Cr D Thwaites

Seconded: Cr K Marsh

That the Minutes of the Maketu Community Board Meeting held on 27 July 2021 be received.

CARRIED

9.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 29 JULY 2021

RESOLUTION C21-10.7

Moved: Cr D Thwaites

Seconded: Cr K Marsh

That the Minutes of the Te Puke Community Board Meeting held on 29 July 2021 be received.

CARRIED

9.4 MINUTES OF THE ŌMOKOROĀ COMMUNITY BOARD MEETING HELD ON 3 AUGUST 2021

RESOLUTION C21-10.8

Moved: Cr D Thwaites

Seconded: Cr K Marsh

That the Minutes of the Ōmokoroā Community Board Meeting held on 3 August 2021 be received.

CARRIED

10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION**10.1 MINUTES OF THE KATIKATI - WAIHĪ BEACH WARD FORUM MEETING HELD ON 22 JUNE 2021**

RESOLUTION C21-10.9

Moved: Cr J Denyer

Seconded: Cr A Henry

That the Minutes of the Katikati - Waihī Beach Ward Forum Meeting held on 22 June 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.2 MINUTES OF THE COUNCIL MEETING HELD ON 29 JUNE 2021

RESOLUTION C21-10.10

Moved: Deputy Mayor J Scrimgeour

Seconded: Mayor G Webber

That the Minutes of the Council Meeting held on 29 June 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.3 MINUTES OF THE KAIMAI WARD FORUM MEETING HELD ON 1 JULY 2021

RESOLUTION C21-10.11

Moved: Cr M Dean

Seconded: Cr M Murray-Benge

That the Minutes of the Kaimai Ward Forum Meeting held on 1 July 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.4 MINUTES OF THE MAKETU - TE PUKE WARD FORUM MEETING HELD ON 5 JULY 2021

RESOLUTION C21-10.12

Moved: Cr K Marsh

Seconded: Cr G Dally

That the Minutes of the Maketu - Te Puke Ward Forum Meeting held on 5 July 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.5 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 6 JULY 2021

RESOLUTION C21-10.13

Moved: Cr M Gray

Seconded: Cr A Henry

That the Minutes of the Policy Committee Meeting held on 6 July 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.6 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 6 JULY 2021

RESOLUTION C21-10.14

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr A Henry

That the Minutes of the District Plan Committee Meeting held on 6 July 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.7 MINUTES OF THE PERFORMANCE AND MONITORING COMMITTEE MEETING HELD ON 20 JULY 2021

RESOLUTION C21-10.15

Moved: Cr D Thwaites

Seconded: Cr M Grainger

That the Minutes of the Performance and Monitoring Committee Meeting held on 20 July 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

11 REPORTS**11.1 RECOMMENDATORY REPORT FROM TE PUKE COMMUNITY BOARD - EXPRESSION OF INTEREST SOUGHT FOR A NEW LESSEE OF THE OLD GIRL GUIDES HALL ON TE PUKE DOMAIN**

The Committee considered a report dated 12 August 2021 from the Senior Governance Advisor – Community Boards. The report was taken as read.

RESOLUTION C21-10.16

Moved: Cr G Dally

Seconded: Cr M Gray

1. That the Expression of Interest from The Te Puke MenzShed Trust for a new lessee of the old Girl Guides Hall on Te Puke Domain be accepted;
And
2. That Council exercise the powers conferred on it as the administering body of the Te Puke Domain Reserve by delegation from the Minister of Conservation under the Reserves Act 1977, and grant The Te Puke MenzShed Trust the right to lease up to 5 years, with provision for further rights of renewal, the 154m² building situated on Part Section 50 SO 51580, to allow for the operation of a MenzShed.

CARRIED

11.2 TOURISM BAY OF PLENTY STATEMENT OF INTENT 2021/2022 TO 2023/2024

The Committee considered a report dated 12 August 2021 from the Community Manager. The report was taken as read.

RESOLUTION C21-10.17

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

1. That the report from the Community Manager dated 12 August 2021 titled 'Tourism Bay of Plenty Statement of Intent 2021/2022 to 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 and approves the Tourism Bay of Plenty Statement of Intent 2021/2022 to 2023/2024 report.
4. That Council notes that, as joint shareholder of Tourism Bay of Plenty, Tauranga City Council will be asked to approve the Statement of Intent at their 2 August 2021 Council meeting.

CARRIED

11.3 2021 COMMUNITY MATCHING FUND

The Committee considered a report dated 12 August 2021 from the Community Manager. The report was taken as read.

- Cr Dally advised that he had omitted to declare a potential conflict of interest regarding Te Puke Memorial Hall at the beginning of the meeting.

Staff responded to a question as follows:

- The Community Manager advised that he would be happy to provide Elected Members with more information regarding the 2021 Community Matching Fund allocations.

RESOLUTION C21-10.18

Moved: Cr M Grainger

Seconded: Cr M Dean

1. That the Community Manager's report dated 12 August 2021 titled '2021 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 the 2021 Community Matching Fund allocations be received as follows:

Environmental Applications

Waihi Beach Environmental Society Dot Watch Project	\$4,620.00
Kotukutuku Gully Care Group	\$6,000.00
Maketu Ongatoro Wetland Society	\$8,700.00
New Zealand Landcare Trust	\$2,153.00
Wai Kokopu	\$9,734.00

Te Maru o Kaituna River Authority	\$8,700.00
Total	\$39,907.00

General Applications

Pacific Island Community Tauranga Trust	\$5,500.00
Waihī Beach Community Events and Promotions	\$5,000.00
Graeme Dingle Foundation	\$5,000.00
Waihī Beach Community Centre Society Incorporated	\$5,000.00
Pukehina Residents and Ratepayers Association	\$1,500.00
Loved 4 Life	\$1,000.00
The Old Library Ōmokoroa	\$2,000.00
The Te Puke Community MenzShed Trust	\$3,500.00
Te Puke Knit and Natter Group	\$500.00
People First NZ Inc	\$3,500.00
Katikati Community Centre	\$1,816.00
The Oropi Settlers Incorporated	\$3,780.00
Waihī Beach Primary School	\$5,000.00
Pukehina Community Charitable Trust	\$1,895.00
Te Puke Gymsport	\$2,455.00
Lions Club of Bethlehem / Te Puna	\$2,500.00
Te Puke War Memorial Hall Society Inc	\$1,500.00
Te Puna School Parent Teachers Association	\$5,000.00
Complex Chronic Illness Support Inc	\$2,000.00
Katikati Open Air Art	\$3,000.00
Te Ranga School / Te Ranga Public Hall	\$5,500.00
Western Bay Heritage Trust - Western Bay Museum	\$5,000.00
Ohauti Settlers Association Incorporated	\$3,744.00
The Tauranga Community Trust	\$5,000.00
Ōmokoroa Football Club	\$3,900.00
Friends of the Memorial Pool	\$3,000.00
Ōmokoroa Bowling Club Inc	\$5,000.00
The Te Puke Branch of the New Zealand's Genealogists Society	\$2,000.00
Katikati Horticultural Innovative Trust	\$5,500.00
Total	\$100,090.00

CARRIED

11.4 RESOURCE MANAGEMENT ACT 1991 DELEGATIONS

The Committee considered a report dated 12 August 2021 from the Legal Investigations Advisor. The report was taken as read.

Group Manager Policy, Planning and Regulatory Services responded to a question as follows:

- The recruitment of the new Chief Executive Officer and staff changes had provided an opportunity to review Resource Management Act delegations to roles within the Western Bay of Plenty District Council.

RESOLUTION C21-10.19

Moved: Cr M Grainger

Seconded: Cr M Dean

1. That the Legal Investigations Advisor's report dated 12 August 2021 titled 'Resource Management Act 1991 Delegations' 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 and clause 32 of Schedule 7 of the Local Government Act 2002, Council delegates those of its functions, powers and duties under the Resource Management Act 1991 to the positions ('Delegates') specified in **Attachment 1**.

CARRIED

11.5 CHIEF EXECUTIVE OFFICER'S EXTRAORDINARY REPORT

The Committee considered a report dated 12 August 2021 from the Executive Assistant Mayor/CEO. The report was taken as read.

RESOLUTION C21-10.20

Moved: Cr A Henry

Seconded: Cr A Sole

That the Executive Assistant Mayor/CEO's report dated 12 August 2021 titled 'Chief Executive Officer's Extraordinary Report' be received.

CARRIED

11.6 MAYOR'S REPORT TO COUNCIL - 12 AUGUST 2021

The Committee considered a report dated 12 August 2021 from the Executive Assistant Mayor/CEO. The Mayor spoke to the report noting the following:

Three Waters Reform

- Mayor Webber reiterated that this was a Central Government initiative about moving the management and administration of the 'Three Waters' (drinking water, wastewater, and storm water) away from Local Government to separate entities.
 - There was still a lot of work to be done around the reform. It was a very complex issue with a lot of consultation and explanation still needed, going forward.
 - The Government was also looking into reforms around the Resource Management Act, Fresh Water and the Environment.
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SmartGrowth

- The application for the 'Infrastructure Accessibility Fund' had been agreed between Western Bay of Plenty District Council and Tauranga City Council, at SmartGrowth level.
- Te Papa intensification was number one on the list, with Ōmokoroa interchange and the enabling of more housing at Ōmokoroa, number two on the list.
- Council would be submitting their proposal through the established process, but this could take a while to come through.
- It was recognised that the Ōmokoroa interchange was critical. The Transportation Minister would be attending the next Regional Land Transport Committee meeting where this would be discussed.

RESOLUTION C21-10.21

Moved: Mayor G Webber

Seconded: Cr J Denyer

That the Executive Assistant – Mayor/CEO's report dated 12 August 2021 titled 'Mayor's Report to Council – 12 August 2021' be received.

CARRIED

12 INFORMATION FOR RECEIPT

Nil

13 RESOLUTION TO EXCLUDE THE PUBLIC**RESOLUTION C21-10.22**

Moved: Cr M Dean

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:

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 29 June 2021	<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</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>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>12.2 - Confidential Minutes of the Performance and Monitoring Committee Meeting held on 20 July 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)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</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 - Chief Executive Officer's Report - Request For Execution of Documents Under Seal of Council</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</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>

	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	
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CARRIED

The Meeting closed at 10:30am.

The minutes of this meeting were confirmed at the Council Meeting held on 23 September 2021.

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Mayor G Webber
CHAIRPERSON / MAYOR