

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. C21-11
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
AND VIA ZOOM (AUDIO / VISUAL LINK) UNDER COVID-19 LEVEL 2 LOCKDOWN
ON THURSDAY, 23 SEPTEMBER 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 A Henry, Cr K Marsh, Cr M Murray-Benge, Cr A Sole and Cr D Thwaites

VIA ZOOM

Cr M Gray

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), K Perumal (Group Manager Finance and Technology Services), G Payne (Strategic Advisor), D Jensen (Finance Manager), H Wi Repa (Governance Technical Support), J Osborne (Governance Support Administration), P Osborne (Senior Governance Advisor – Community Boards) and C Irvin (Senior Governance Advisor).

VIA ZOOM

G Allis (Deputy CEO), B Williams (Strategic Property Manager), J Paterson (Transportation Manager), P Watson (Reserves and Facilities Manager), T Abraham (Senior Assurance and Risk Specialist).

Te Puke Community Board

R Crawford (Chairperson)

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 C21-11.1

Moved: Cr A Henry

Seconded: Cr D Thwaites

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

CARRIED

A. Bruce McCabe – Chairperson, Ōmokoroa Residents and Ratepayers Association

- Mr McCabe spoke to a power point presentation Tabled Item (1) on the Three Waters Reform summarising the following points:

Council Impact Assessment: Four Perspectives:

1. Service: no service delivery improvement in the Three Water services from the Reforms for the district.
2. Finance and Funding: no improvement from the Reforms
3. Social, Community and Economic Wellbeing: negative effect on local economy, development, growth and community self determination.
4. Workforce delivery and capability: negative impacts on District workforce and supply chain procurement.

Conclusion: The Reform is expected to result in adverse outcomes for the District. Data presented makes a strong case for opting out of the Reform.

B. Wayne Wright – Ōmokoroa Resident

- Mr Wright spoke to a presentation Tabled Item (2).
- Mr Wright stated that he felt the position to 'opt in' to the Reform was premature, and that the local community had not been appropriately consulted.
- He objected to a 50/50 split of responsibility with Māori who only represented 16% of the community.
- Mr Wright supported full community consultation.

C. Keith Hay – Secretary, Katikati Waihi Beach Residents and Ratepayers Association

- Mr Hay stated that it appeared Council would like to 'opt in' to the proposal.
- There needed to be full community consultation on the proposed Reform.
- Mr Hay asked that the word 'generally' be removed from resolution three of the Council Agenda report 'Three Waters Reform: Feedback from Western Bay of Plenty District Council to Government on Reform Direction', and all of resolution four removed.

D. Christina Humphries – Katikati Waihi Beach Residents and Ratepayers Association

- The Three Waters Reform was a major issue.
- It was concerning that Elected Members were considering giving away one of Council's major assets.
- There had been little or no consultation with the ratepayers, many of whom were against the proposal.

E. Ross Goudie – Chairperson, Waihi Beach Community Board

- The Waihi Beach Community Board had a workshop last week. It was expressed that the Council had not consulted with the community enough on the proposed Reform.
- The biggest issue for most people was the loss of control over a major asset.
- The Waihi Beach Community Board (excluding Elected Members) could not support the Reform or to 'opt in'.

10:15am The CEO entered the meeting

- There had been a lack of information provided.
- When full details became available, a full consultation process with the community was requested.

F. Ewen Luskie – Katikati Resident

- Mr Luskie stated that it did not appear that any consultation had taken place with the community on the proposed Reform.
- The water was not broken – it did not need ‘fixing’.
- It was felt that opting into the Reform would, in turn, become an additional cost to ratepayers.

G. Norm Mayo – Katikati Resident

- Mr Mayo stated that expert analysis had shown that between 8 and 10 percent in the dollar would be paid for in compensation.
- In support of democracy, there must a binding referendum, funded by councils.
- It was requested that Elected Members publicly clarify their views.
- Ratepayers were very concerned on how the Reform could impact them, their costs and their rates.

The Chairperson thanked the Public Forum speakers for their comments.

PUBLIC FORUM MEETING RECONVENED

RESOLUTION C21-11.2

Moved: Cr A Sole

Seconded: Cr D Thwaites

That the meeting reconvene in formal session.

CARRIED

CHANGE TO ORDER OF BUSINESS

RESOLUTION C21-11.3

Moved: Cr M Murray-Benge

Seconded: Mayor G Webber

The Chairperson requested that the next item of business be open Agenda item 10.6: Three Waters Reform: Feedback from Western Bay of Plenty District Council to Government on Reform Direction’ to allow for attendees to be released from the meeting.

CARRIED

8.1 THREE WATERS REFORM: FEEDBACK FROM WESTERN BAY OF PLENTY DISTRICT COUNCIL TO GOVERNMENT ON REFORM DIRECTION

The Committee considered a report dated 23 September 2021 from the Strategic Advisor. The report was taken as read.

Staff responded to questions as follows:

- The CEO advised that Council was in the early stages of creating a communication strategy, with the aim of making it far-reaching to access people from all parts of the community.
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RECOMMENDATION

1. That the Strategic Advisor's report dated 23 September 2021 titled 'Three Waters Reform: Feedback from Western Bay of Plenty District Council to Government on Reform Direction' 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 Council approves the feedback generally as drafted in **Attachment 2** (or as amended in this meeting) for submission to Department of Internal Affairs by 30 September 2021.
4. That the Chief Executive Officer be delegated power to make editorial changes to Attachment 2 and incorporate any late additions that may result from collaboration with other local authorities in Entity B and Mana Whenua.

MOTION

1. That the Strategic Advisor's report dated 23 September 2021 titled 'Three Waters Reform: Feedback from Western Bay of Plenty District Council to Government on Reform Direction' be received.
2. That the report relates to an issue that is considered to be of medium importance in terms of Council's Significance and Engagement Policy.

AMENDMENT

That No. 1 remains the same.

That No. 2 be amended as follows:

2. That the report relates to an issue that is considered to be of **high** importance in terms of Council's Significance and Engagement Policy.

The amendment was put. A division was called and recorded as follows:

In Favour: Crs G Webber, J Scrimgeour, G Dally, J Denyer, M Grainger, M Gray, A Henry, K Marsh, M Murray-Benge, A Sole and D Thwaites

Against: Cr M Dean

CARRIED 11/1

SUBSTANTIVE MOTION

RESOLUTION C21-11.4 - PART 1

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

2. That the report relates to an issue that is considered to be of high importance in terms of Council's Significance and Engagement Policy.

CARRIED

MOTION

The Mayor accepted a request for a motion from the floor. The motion was moved and seconded.

The Mayor put the following motion:

Moved: Cr Murray-Benge
Seconded: Cr Marsh

- That Council write to the Government opposing the Three Waters Proposal.

The motion was put. A division was called and recorded as follows:

In Favour: Crs A Henry, K Marsh and M Murray-Benge

Against: Crs G Webber, J Scrimgeour, G Dally, M Dean, J Denyer, M Grainger, M Gray, A Sole and D Thwaites

LOST 3/9

The motion was declared lost.

11:00am The meeting adjourned.

11.16am The meeting reconvened.

SUSPENSION OF STANDING ORDERS

RESOLUTION C21-11.5

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

The Chairperson requested that Standing Orders be suspended at 11.20am to allow for Elected Members to further discuss Agenda report 10.6: 'Three Waters Reform: Feedback from Western Bay of Plenty District Council to Government on Reform Direction'.

CARRIED

RESUMPTION OF STANDING ORDERS

RESOLUTION C21-11.6

Moved: Cr M Grainger
Seconded: Cr M Dean

The Chairperson requested that Standing Orders be resumed at 12.00pm.

CARRIED

8.1 THREE WATERS REFORM: FEEDBACK FROM WESTERN BAY OF PLENTY DISTRICT COUNCIL TO GOVERNMENT ON REFORM DIRECTION - CONTINUED

RESOLUTION C21-11.7 - PART 2

Moved: Mayor G Webber
Seconded: Cr A Henry

3. That Council approves the feedback generally as drafted in Attachment 2 of the Agenda report (and as amended in this meeting) for submission to the Minister of Internal Affairs and Local Government New Zealand by 30 September 2021.

CARRIED

RESOLUTION C21-11.8 - PART 3

Moved: Cr J Denyer
Seconded: Cr G Dally

4. That the Chief Executive Officer be delegated power to make editorial changes to Attachment 2 of the Agenda report and incorporate any late additions that may result from collaboration with other local authorities in Entity B and Mana Whenua.

The following amendment was put and carried at the Council Meeting on 4 November 2021 (Resolution C21-13.10):

- That the draft will be circulated to all Councillors for approval before the Chief Executive Officer sends it to those in recommendation three.

CARRIED

RESOLUTION C21-11.9 - PART 4

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

5. That it is this Council's intention to take any final proposal to its community for consultation.

CARRIED

9 COMMUNITY BOARD MINUTES FOR RECEIPT**9.1 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 9 AUGUST 2021**

RESOLUTION C21-11.10

Moved: Cr J Denyer
Seconded: Cr A Henry

That the Minutes of the Waihī Beach Community Board Meeting held on 9 August 2021, be received.

CARRIED

10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

10.1 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 27 JULY 2021

RESOLUTION C21-11.11

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

That the Minutes of the Policy Committee Meeting held on 27 July 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 12 AUGUST 2021

RESOLUTION C21-11.12

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

That the Minutes of the Council Meeting held on 12 August 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.3 MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 12 AUGUST 2021

RESOLUTION C21-11.13

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

That the Minutes of the Audit and Risk Committee Meeting held on 12 August 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.4 MINUTES OF THE PERFORMANCE AND MONITORING COMMITTEE MEETING HELD ON 31 AUGUST 2021

RESOLUTION C21-11.14

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

That the Minutes of the Performance and Monitoring Committee Meeting held on 31 August 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 7 SEPTEMBER 2021

RESOLUTION C21-11.15

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

That the Minutes of the Policy Committee Meeting held on 7 September 2021 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

11 REPORTS**11.1 RECOMMENDATORY REPORT FROM POLICY COMMITTEE - DELEGATIONS TO CEO TO IMPLEMENT ELDER HOUSING OPERATIONAL POLICY**

The Committee considered a report dated 23 September 2021 from the Senior Governance Advisor. The report was taken as read.

RESOLUTION C21-11.16

Moved: Cr A Henry

Seconded: Cr M Dean

That, in order to implement the Elder Housing Operational Policy, Council delegates Application Criteria guidelines for Elder Housing to the Chief Executive Officer, including:

- a) The ability to suspend some of the eligibility criteria where an individual's circumstances may warrant it;
 - b) The ability to negotiate tenancies with community housing providers, where an individual's circumstances may warrant it;
- and
- c) The ability to negotiate rental increases with individual tenants, where an individual's circumstances may warrant it.

CARRIED

11.2 GREATER TAURANGA TRAVEL PLEDGE

The Committee considered a report dated 23 September 2021 from the Sustainability and Energy Specialist. The report was taken as read.

RESOLUTION C21-11.17

Moved: Mayor G Webber

Seconded: Cr M Grainger

1. That the Sustainability and Energy Specialist's report dated 23 September 2021 titled 'Greater Tauranga Travel Pledge' be received.

CARRIED

11.3 THE SALE OF MIDDLEBROOK DRIVE LAND TO KĀINGA ORA

The Committee considered a report dated 23 September 2021 from the Strategic Property Manager. The report was taken as read.

Staff responded to questions as follows:

- The intended number of dwellings was between 20 and 30, and these would vary in terms of typology.
 - There would be between two, three and maybe four bedroom homes, which would be tenanted or owned.
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RESOLUTION C21-11.18

Moved: Cr J Denyer

Seconded: Cr A Sole

1. That the Strategic Property Manager's report dated 23 September 2021 titled 'The Sale of Middlebrook Drive land to Kāinga Ora' 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 notes the process of selling land to Kāinga Ora does not follow its usual process of offering land for sale on a contestable basis for the following reasons:
 - (a) A registered valuation has been received from the purchaser, and the purchaser has offered the amount of the valuation.
 - (b) The sale facilitates implementation of Council's Housing Action Plan.
4. That Council proceed to survey the recreational portion of the property off the parent lot and amalgamate this with Moore Park Reserve.

And
5. That Council approve the sale of 6068m² more or less of Lot 2 DP 390751 for \$1.750 million plus GST if any, subject to survey, to Kāinga Ora.

And
6. That Council staff approve the look and feel of the development from an aesthetic perspective. Such approval is not to be unreasonably withheld.

And
7. That the Purchase and Sale Agreement include a clause wherein Council is offered back the land if the development of affordable housing does not proceed within 2 years from date of the Agreement.

CARRIED

11.4 PAENGAROA DOMAIN - NEW LAND LEASE FOR EASTERN DISTRICTS RUGBY CLUB 2021

The Committee considered a report dated 23 September 2021 from the Reserves and Facilities Manager. The report was taken as read.

RESOLUTION C21-11.19

Moved: Cr M Murray-Benge

Seconded: Cr K Marsh

1. That the Reserves and Facilities Manager's report dated 23 September 2021 titled 'Paengaroa Domain – New Land Lease for Eastern Districts Rugby Club 2021' 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 exercise its powers conferred on it as the administering body of the reserve by delegation from the Minister of Conservation under the Reserves Act 1977 and grant Eastern Districts Rugby Club the right to lease for up to 33 years 940m² of land being part of Lot 2 DPS 51736 and Section 101 SO 51273 to allow for sport clubrooms situated on Paengaroa Domain.

CARRIED

11.5 UTILITY SERVICE EASEMENTS OVER PART OF ŌMOKOROA BEACH GROVE RESERVE IN FAVOUR OF 59A ŌMOKOROA ROAD

The Committee considered a report dated 23 September 2021 from the Reserves and Facilities Manager. The report was taken as read.

RESOLUTION C21-11.20

Moved: Cr M Murray-Benge

Seconded: Cr M Grainger

1. That the Reserves and Facilities Manager's report dated 23 September 2021 titled 'Utility Service Easements Over Part of Ōmokoroa Beach Grove Reserve in Favour of 59a Ōmokoroa Road' 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 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 a storm water/water/electricity/telecommunications and wastewater easements as shown on the attached plan (Attachment 1) on favour of 59a Ōmokoroa Road (Lot 1 DPS 25830) over Section 1 SO 330241.

CARRIED

11.6 MAYOR'S REPORT TO COUNCIL

The Committee considered a report dated 23 September 2021 from the Executive Assistant Mayor/CEO that contained the following:

1. Forestry letter to all Council's from Wairoa District Council and Tararua District Council; and
2. Waiāri Kaitiaki Advisory Group – Updated Terms of Reference.

The report was taken as read.

RESOLUTION C21-11.21

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

1. That the Executive Assistant to Mayor/CEO's report dated 23 September 2021 titled 'Mayor's Report to Council' be received.

And

2. That Western Bay of Plenty District Council takes part in an initiative by Wairoa District Council and Tararua District Council on the impact of forestry plantings, and in doing so, pays the required contribution of \$5000.

CARRIED**RESOLUTION C21-11.22**

Moved: Mayor G Webber

Seconded: Deputy Mayor J Scrimgeour

3. That Council ratify the Waiāri Kaitiaki Advisory Group Terms of Reference.

CARRIED**RESOLUTION C21-11.23**

Moved: Mayor G Webber

Seconded: Deputy Mayor J Scrimgeour

4. That Council approve the appointment of Shadrach Rolleston as Co-Chairperson for the Waiāri Kaitiaki Advisory Group.

CARRIED**12 INFORMATION FOR RECEIPT**

Nil

13 RESOLUTION TO EXCLUDE THE PUBLIC**RESOLUTION C21-11.24**

Moved: Cr A Sole

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 12 August 2021	s7(2)(a) - the withholding of the information is necessary to protect the privacy of 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 information for

	<p>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)(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>which good reason for withholding would exist under section 6 or section 7</p>
<p>12.2 - Confidential Minutes of the Audit and Risk Committee Meeting held on 12 August 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>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 Committee Meeting held on 31 August 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</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</p>

	<p>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>	withholding would exist under section 6 or section 7
12.4 - 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
12.5 - Proposed Purchase of Land at 304 Sharp Road Aongatete	<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)(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

CARRIED

The Meeting closed at 12.30pm.

The minutes of this meeting were confirmed at the Council Meeting held on 4 November 2021.

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Mayor G Webber
CHAIRPERSON / MAYOR