

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
POLICY COMMITTEE MEETING NO. PP21-6  
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA AND VIA ZOOM  
(AUDIO / VISUAL LINK) UNDER COVID-19 ALERT LEVEL 2 AND LIVESTREAMED  
ON TUESDAY, 19 OCTOBER 2021 ON CONCLUSION OF THE  
COUNCIL MEETING - COMMENCED AT 10.00AM**

## **1 PRESENT**

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

Cr M Gray ([via Zoom](#))

## **2 IN ATTENDANCE**

J Holyoake (Chief Executive Officer), R Davie (Group Manager Policy Planning and Regulatory Services), G Allis (Deputy CEO/Group Manager Infrastructure Services), J Pedersen (Group Manager People and Customer Services), K Perumal (Group Manager Finance and Technology Services), E Watton (Policy and Planning Manager), P Martelli (Resource Management Manager), A Price (Senior Consents Planner), M Leighton (Senior Policy Analyst), T Rutherford (Policy Analyst), and B Clarke (Senior Governance Advisor)

I Kruis (Resource Recovery and Waste Team Leader) ([via Zoom](#))

## **COMMUNITY BOARDS**

Nil.

## **OTHERS**

One Member of the Press (BOP Times), and as listed in the minutes.

## **3 APOLOGIES**

### **APOLOGY**

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#### **RESOLUTION PP21-6.1**

Moved: Cr M Grainger

Seconded: Cr M Dean

That the apology for absence from Cr Marsh be accepted.

**CARRIED**

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## **4 CONSIDERATION OF LATE ITEMS**

Nil.

## **5 DECLARATIONS OF INTEREST**

Nil.

## **6 PUBLIC EXCLUDED ITEMS**

Nil.

## 7 PUBLIC FORUM

### PUBLIC FORUM ADJOURN MEETING

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#### RESOLUTION PP21-6.2

Moved: Cr A Henry

Seconded: Cr M Murray-Benge

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

**CARRIED**

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#### A. Te Puna Springs - Proposed Private Plan Change

Annaliese Michel, CEO of Supermac Holdings Ltd, (Applicant) was in attendance. The Applicant was represented by Aaron Collier of Collier Consultants Ltd., and Neill Raynor of Aurecon Group, who both spoke to Powerpoint Presentation (A), highlighting key points.

##### Scope of Presentation:

- Background / site location & history / existing Commercial zone;
- Proposed Plan Change / Structure Plan;
- Masterplan / Urban Design Concept;
- Boundary treatments.

Ms Michel and Mr Collier responded to questions as follows:

- The comment proposing to relocate the spring had arisen out of a request from Pirirākau, who would like them to divert water from the spring, through to the village green to use as a community water point. This was similar to the water collection point at the top of the Kaimai's. The spring was actually staying where it was.
- The site would be completely redeveloped as a commercial hub, and would, effectively be known as Te Puna Village.
- Everything that was currently on the site would be gone, and it would be developed in its entirety, in order to create something the people of Te Puna would be proud of.
- The Applicant was looking to expand the existing zone. There were some site specific provisions relating to landscaping, but not in terms of an industrial component.

Mr Collier noted the Private Plan Change had been the vision of Rex McIntyre, who was the founder of Supermac Holdings Ltd. Mr McIntyre's contribution was acknowledged, and condolences expressed at his passing.

#### B. Washer Road Business Park - Proposed Private Plan Change (Rural to Industrial)

Vincent Murphy of Momentum Planning & Design was in attendance representing David Marshall (Applicant). Mr Murphy spoke to PowerPoint Presentation (B) highlighting key points.

##### Scope of Presentation:

- Site location, 66 Washer Road, Te Puke;
- Reasons for Plan Change;
- Constraints;
- Structure Plan.

Mr Murphy responded to questions as follows:

- A pedestrian bridge was proposed over Station Road, and a permanent roundabout was proposed at Cameron Road and Jellicoe Street, Te Puke.
- The land to the west dropped away from the road, and the industrial land was higher. Inherent difficulties arose due to the amount of fill required to bring the 'lower lying' part of the land to a flat level.
- Stormwater from the entire site would flow into a purpose-built pre-treatment area with plantings, through the wetlands before it got to the stream. At this stage, the wetlands would be relied upon to treat the water. Structure Plan rules were proposed for certain activities, including stormwater treatment, before reaching the stream system. A resource consent process would allow for conditions of consent.
- The proposed roundabout development, and overbridge, had been agreed through Council's officers, who had advised what needed to be done to achieve this.
- In terms of consideration of a roundabout at the Collins Lane intersection with Te Puke Highway, the Applicant had recently received a comprehensive set of comments from Council's Traffic team. There would be further opportunities for discussion on Plan Change details with Council Officers.

## **PUBLIC FORUM MEETING RECONVENED**

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### **RESOLUTION PP21-6.3**

Moved: Cr D Thwaites

Seconded: Cr A Sole

That the meeting reconvene in formal session at 10.30am.

**CARRIED**

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## **8 PRESENTATIONS**

Nil.

## **9 REPORTS**

### **9.1 NOTIFICATION OF PRIVATE PLAN CHANGES - TE PUNA SPRINGS AND WASHER ROAD BUSINESS PARK**

The Senior Consents Planner requested that the report be taken as read. She noted that the Resource Management Manager had the delegation to approve these Private Plan Changes for public notification, and the report had been provided as information for receipt.

In response to a question, she advised that timing of Council's District Plan Review was further away than the Resource Management Act 1991 statutory time frame required to process the Private Plan Changes.

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**RESOLUTION PP21-6.4**

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

That the Senior Consents Planner's report dated 19 October 2021, titled 'Notification of Private Plan Changes – Te Puna Springs and Washer Road Business Park' be received and the information noted.

**CARRIED**

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**9.2 DRAFT WASTE MANAGEMENT AND MINIMISATION BYLAW**

The Policy Analyst introduced the report, and requested that it be taken as read.

Councillors requested the following draft Bylaw minor amendments prior to public consultation:

- Page 438 – Definition of public places had disappeared; to be included;
- Page 440 – Definition of waste and disposal services; amend first line to read “of waste”, not “or waste”;
- Page 444 – Waste operator licenses issued by Council; amend to “if they do not hold such a licence”.
- Page 445 – A clause repeated the introduction paragraph, and another paragraph had been repeated; capture all in one.

The Policy Analyst thanked Councillors and noted that the above amendments would be actioned prior to public consultation commencing.

Staff responded to questions as follows:

- The rationale behind the proposed reduction in quantum for licensed waste operators from 100 tonnes to 30 tonnes of waste related to the draft waste model bylaw Council had been using, which had come from the Waste Liaison Group. That Group recommended 30 tonnes as the quantum for Council to use, to keep consistency across all Territorial Authorities around the region. This also aligned with Council's approach to reducing unnecessary waste in the District, and holding accountable those involved in the removal and disposal of waste.
  - Establishing a transfer station within the Kaimai area did not directly relate to the purpose of this bylaw review.
  - In relation to battery recycling, this service was currently undertaken by Council, and was not 'cost-neutral'. Customers could bring batteries, (including car batteries), to Council's recycling centres. Council was due to undertake engagement in the lower Kaimai area, to find out where residents would like a recycling service.
  - The issue of Council residents not being able to put compost in their own containers, was not relevant in terms of what the bylaw was trying to enforce, as the compost was not being collected by a Council-operated service, or by a licensed waste operator.
  - To clarify on the burning of rubbish on private properties, staff had updated the draft bylaw to state that the activity had to be in accordance with BOP Regional Council provisions, and Fire and Emergency NZ requirements.
  - Council was aware that more work needed to be done, sub-regionally, to identify appropriate facilities for construction and demolition waste.
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**RESOLUTION PP21-6.5**

Moved: Cr A Sole

Seconded: Cr A Henry

1. That the Policy Analyst's report dated 19 October 2021, titled 'Draft Waste Management and Minimisation Bylaw', 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 pursuant to section 155 of the Local Government Act 2002, the draft bylaw is the most appropriate way of addressing the perceived problems, is the most appropriate form of bylaw, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
4. That the proposed draft Waste Management and Minimisation Bylaw, (and associated draft Statement of Proposal and draft Submission Form), is adopted for public consultation in accordance with section 156(1)(b) of the Local Government Act 2002, from 26 October to 26 November 2021.

**CARRIED**

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### 9.3 ADOPTION OF THE DRAFT LOCAL ALCOHOL POLICY FOR PUBLIC CONSULTATION

The Senior Policy Analyst's report was taken as read.

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#### RESOLUTION PP21-6.6

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

1. That the Senior Policy Analyst's report dated 19 October 2021, titled 'Adoption of the Draft Local Alcohol Policy for Public Consultation', 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 the Local Alcohol Policy Review Research Report be received.
4. That, in considering the options set out in Attachment 5 of the agenda report, the Policy Committee approves that the following changes be included in the draft Local Alcohol Policy:
  - a) That the draft Local Alcohol Policy be developed specifically for the Western Bay of Plenty District and not jointly with Tauranga City Council.
  - b) That the draft Local Alcohol Policy introduces a new section to cover club licences, to provide further clarity for the community and applicants.
  - c) That the draft Local Alcohol Policy changes the off licence maximum hours to 7.00am - 9.00pm.
  - d) That the draft Local Alcohol Policy introduces a new clause to prevent the establishment of any further bottle stores in the Te Puke - Maketu Ward.
5. That, in considering the options set out in Attachment 5 of the agenda report, alcohol harm be further considered through other processes, outside of the Local Alcohol Policy.
6. That the draft Local Alcohol Policy, and accompanying Statement of Proposal, and Submission Form, as per attachments 1,2 and 3, be adopted for public consultation between 5 November 2021 and 6 December 2021.
7. That Confidential Attachment 6 of the agenda report, being Police Intelligence Reports and Data, be retained in confidence.

**CARRIED**

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### 9.4 ADOPTION OF THE DRAFT ALCOHOL CONTROL BYLAW FOR PUBLIC CONSULTATION

The Senior Policy Analyst's report was taken as read.

In response to a question, staff advised that the boundaries were currently based on the BOP Regional Council Urban Limits, but could be extended in Council's bylaw if that was the preference of Councillors.

Following discussion, Councillors indicated that they wished the boundaries to be extended in the draft bylaw, as discussed, prior to public consultation. The motion was then put with the addition of No.11.

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**RESOLUTION PP21-6.7**

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

1. That the Senior Policy Analyst's report dated 19 October 2021, titled 'Adoption of the Draft Alcohol Control Bylaw for Public Consultation', 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, in considering the options set out in Attachment 5 of the agenda report, the Committee approves the following change to be included in the draft Alcohol Control Bylaw for consultation:
  - That the Alcohol Control Area currently in place for Te Puke be expanded to cover the entire urban area of Te Puke, as shown on the map on page 15 of Attachment 1 of the agenda report.
4. That, in considering the options set out in Attachment 5 of the agenda report, alcohol harm be further considered through other processes, outside of the Alcohol Control Bylaw.
5. That, pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied, in relation to the alcohol ban proposed in Te Puke in the draft Alcohol Control Bylaw 2022, that there is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime and disorder, that can be shown to have been caused or been made worse by alcohol consumption in the area.
6. That, pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied, in relation to the alcohol bans proposed in Katikati and Waihi Beach in the draft Alcohol Control Bylaw 2022, that a high level of crime and disorder (caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply, if the bylaw is not made.
7. That, pursuant to s147A and s147B of the Local Government Act 2002, Council is satisfied that the draft Alcohol Bylaw 2022 can be justified as a reasonable limitation on people's rights and freedoms, and that the draft bylaw is appropriate and proportionate in light of the crime and disorder.
8. That, pursuant to s155 of the Local Government Act 2002, Council confirms that a bylaw is the most appropriate way of addressing the perceived problems, the draft bylaw is the most appropriate form of bylaw, and that the draft bylaw does not give rise to any implications under the New Zealand Bill of Rights 1990.
9. That the draft Alcohol Control Bylaw and accompanying Statement of Proposal and submission form, as per attachments 1, 2 and 3 of the agenda report, be adopted for public consultation between 5 November 2021 and 6 December 2021.
10. That Confidential Attachment 6 of the agenda report, being Police Intelligence Reports and Data, be retained in confidence.
11. That the proposed boundaries be extended for the Alcohol Control Area in Te Puke, to cover the Te Ara Kahikatea Pathway, Dudley Vercoe Drive (including the Te Puke Cemetery), and the Ronald Lane/Collins Lane area.

**CARRIED**

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**9.5 WESTERN BAY OF PLENTY DISTRICT COUNCIL SUBMISSION - CHANGES TO MĀORI WARD AND CONSTITUENCY PROCESSES**

The Policy Analyst's report was taken as read.

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**RESOLUTION PP21-6.8**

Moved: Cr M Grainger

Seconded: Cr M Dean

1. That the Policy Analyst's report dated 19 October 2021, titled 'Western Bay of Plenty District Council Submission – Changes to Māori Ward and Constituency Processes' be received.
2. That the following submission, shown as Attachment 1 of the agenda report, is received by the Policy Committee and the information noted:
  - Western Bay of Plenty District Council submission to Changes to Māori Ward and Constituency Processes – Department of Internal Affairs, dated 26 August 2021.

**CARRIED**

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**10 INFORMATION FOR RECEIPT**

Nil.

**The meeting was declared closed at 10.55am.**

**Confirmed as a true and correct record at the Council meeting held 4 November 2021.**