

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. CL23-9
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON TUESDAY, 6 JUNE 2023 AT 9.30AM**

1 PRESENT

Mayor J Denyer (Chairperson), Deputy Mayor J Scrimgeour, Cr T Coxhead, Cr R Crawford, Cr G Dally, Cr M Grainger, Cr A Henry, Cr R Joyce, Cr M Murray-Benge, Cr A Sole, Cr D Thwaites and Cr A Wichers.

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), A Henderson (General Manager Corporate Services), G Golding (Governance Manager), S Bedford (Finance Manager), P Watson (Reserves and Facilities Manager), N Rutland (Environmental Planning Manager), B Wheeler (TECT All Terrain Park Manager Operations), H Wi Repa (Governance Systems Advisor) and C Irvin (Senior Governance Advisor).

VIA ZOOM

A Ali (Chief Financial Officer).

OTHERS IN ATTENDANCE

Ngāti Te Wai

Riki Nelson

Blue Light Ventures

Rod Bell (CEO)

One member of the press

3 APOLOGIES

APOLOGY

RESOLUTION CL23-9.1

Moved: Cr M Murray-Benge

Seconded: Cr T Coxhead

That the apology for lateness from Cr Sole be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 COMMUNITY BOARD MINUTES FOR RECEIPT**8.1 MINUTES OF THE ŌMOKOROĀ COMMUNITY BOARD MEETING HELD ON 11 APRIL 2023**

RESOLUTION CL23-9.2

Moved: Cr D Thwaites

Seconded: Cr M Grainger

That the Minutes of the Ōmokoroā Community Board Meeting held on 11 April 2023 be received.

CARRIED

8.2 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 13 APRIL 2023

RESOLUTION CL23-9.3

Moved: Cr G Dally

Seconded: Cr A Wichers

1. That the Minutes of the Te Puke Community Board Meeting held on 13 April 2023 be received.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

8.3 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 18 APRIL 2023

RESOLUTION CL23-9.4

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr R Crawford

1. That the Minutes of the Maketu Community Board Meeting held on 18 April 2023 be received.
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2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

8.4 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 24 APRIL 2023

RESOLUTION CL23-9.5

Moved: Cr A Henry

Seconded: Cr T Coxhead

1. That the Minutes of the Waihī Beach Community Board Meeting held on 24 April 2023 be received.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

9.1 MINUTES OF THE COUNCIL MEETING HELD ON 13 APRIL 2023

RESOLUTION CL23-9.6

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

That the Minutes of the Council Meeting held on 13 April 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.2 MINUTES OF THE COUNCIL MEETING HELD ON 27 APRIL 2023

RESOLUTION CL23-9.7

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes and Minute Attachment of the Council meeting held on 27 April 2023 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

9.33am Cr Sole entered the meeting

9.3 MINUTES OF THE COMMUNITY COMMITTEE MEETING HELD ON 4 MAY 2023

RESOLUTION CL23-9.8

Moved: Cr M Murray-Benge

Seconded: Cr T Coxhead

1. That the Minutes of the Community Committee Meeting held on 4 May 2023 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

9.4 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 9 MAY 2023

RESOLUTION CL23-9.9

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Murray-Benge

That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 9 May 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10 COUNCIL AND COMMITTEE MINUTES FOR RECEIPT

10.1 MINUTES OF THE TE KĀHUI MANA WHENUA O TAURANGA MOANA MEETING HELD ON 3 MAY 2023

RESOLUTION CL23-9.10

Moved: Mayor J Denyer

Seconded: Cr A Henry

That the Minutes of the Te Kāhui Mana Whenua o Tauranga Moana Meeting held on 3 May 2023 be received.

CARRIED

11 REPORTS

11.1 PROPOSAL – LICENCE TO OCCUPY TAHAWAI RESERVE FOR A KAURI TREE NURSERY

The Committee considered a report dated 6 June 2023 from the Reserves and Facilities Manager. The report was taken as read.

The Reserves and Facilities Manager responded to questions as follows:

- There was no rental differential between leases and licenses, however, further investigation was needed to understand the commercial nature of the project.
- It was acknowledged that the shape of the area to be occupied was unusual. There had been negotiations with Waka Kotahi regarding the State Highway 2 upgrades.
- Should the proposal be adopted today, public consultation for a one month period (as required under the Reserves Act 1977) would go out within the next two weeks. Anyone who wished to make a submission could do so.
- Council staff would act as an administrator of the site to ensure compliance with the Licence conditions but would not be involved in the operations of the tree nursery.

9.28am:

- Matua Riki Nelson (of Ngāti Te Wai) entered the meeting and responded to questions as follows:
- Ngāti Te Wai were currently in discussion with Waka Kotahi seeking an agreement to utilise part of the State Highway land.
- There were issues with Kauri (and other native tree species) around pest management and Kauri Dieback disease, which had been discontinued last year, creating a major issue around protecting the Kauri trees.
- Ngāti Te Wai had partnered with Project Parore which had many advantages, one of which was to perhaps get another nursery up and running to focus on other tree species.
- There was a draft concept plan for Tahawai Reserve. Council had now purchased 16 Tanners Point Road. Any access into the site would likely come up through the existing Tahawai Reserve driveway.
- Ngāti Te Wai was looking to employ people with expertise in the area of horticulture.
- A Memorandum of Understanding had been signed with Bay of Plenty Regional Council about month and half ago. Its scope had been kept quite broad to allow the relationship to grow.

- Ngāti Te Wai was working together with the Tanners Point Residents and Ratepayers Association whose aspirations very closely aligned with what Ngāti Te Wai was trying to achieve.

The Reserves and Facilities Manager advised he would provide Elected Members with a copy of Council's standard Licence to Occupy template if they wished to view it.

RESOLUTION CL23-9.11

Moved: Cr A Sole

Seconded: Cr A Henry

1. That the Reserves and Facilities Manager's report dated 6 June 2023 titled 'Proposal – Licence to Occupy Tahawai Reserve for a Kauri Tree Nursery' 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 approves in principle the request by Ngāti Te Wai or a nominated entity, to enter into a licence to occupy with Council for an area of approximately 2119m² on part of Tahawai Reserve, being Allotment 1860 SO 56580, to locate and operate a Native Tree Nursery.
4. That, if approval in principle is given, staff be directed to publicly notify the proposal in terms of Section 119 of the Reserves Act 1977.

CARRIED

11.2 LICENCE TO OCCUPY

LICENCE TO OCCUPY

That the Reserves and Facilities Manager provide Elected Members with a copy of Council's standard Licence to Occupy template.

11.3 TECT PARK – BLUE LIGHT VENTURES INCORPORATED LICENCE 2021-2036

The Committee considered a report dated 6 June 2023 from the TECT All Terrain Park Manager Operations who took the report as read and introduced himself and Mr Rod Bell (CEO Blue Light Ventures Incorporated).

The Reserves and Facilities Manger and Mr Bell responded to questions as follows:

It was thought there would be no 'reverse sensitivity' issues in providing Blue Light Ventures Incorporated with a licence to set up a camp within TECT park. Mr Bell had provided the TECT Park User Group Forum with a presentation. There were some initial concerns around the shooting range amongst other things, however, it was recognised

that this was a great opportunity for co-existing use of the park and that everyone had their own activity area.

The intention was for the existing mountain bike trails within the proposed camp site be a conduit out into the existing mountain bike tracks.

The site was not an active logging area at the moment, although it had been logged in the past.

Blue Light Ventures Incorporated was a charity that worked with police, providing mainly adventure based activities that a lot of young people would normally never get the opportunity to do. It had a Memorandum of Understanding with every school in New Zealand to enable them to deliver educational outcomes. The main focus group was usually intermediate to year ten. Western Bay of Plenty was the strongest Blue Light Venture area in New Zealand.

Ideally, Blue Light Venture Incorporated would like a longer lease which would help with funding, and they were confident that it would show a definite need for children in the community.

A licence was required as opposed to a lease because Blue Light Ventures Incorporated was a charitable organisation.

The importance of having full accessibility for everyone was recognised and seen as extremely important.

Blue Light Ventures Incorporated had built relationships with other users of the park through the TECT Park user group. It was thought that other organisations could use the camp site.

RESOLUTION CL23-9.12

Moved: Cr R Joyce

Seconded: Cr A Henry

1. That the TECT All Terrain Park Manager Operations' report, dated 6 June 2023 titled TECT Park – Blue Light Ventures Incorporated Licence 2021-2036 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. Western Bay of Plenty District Council is the registered proprietor of TECT All Terrain Park, jointly with Tauranga City Council and is authorised to be the acting Licensor and to sign all agreements and Licenses held within the Park.
 4. That Council in its capacity as administering body (behalf of itself and Tauranga City Council) of TECT All Terrain Park, being part of Part Section 2 Block XV Otanewainuku Survey District and Part Section 4 Block XV Otanewainuku Survey District, grants Blue Light Ventures Incorporated a licence of approximately 24.4 hectares² for the purpose of a residential youth development camp from 1 July 2023 to 30 June 2038 with a right of renewal for a further ten (10) years.
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CARRIED

11.4 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONERS – JUNE 2023

The Committee considered a report dated 6 June 2023 from the Environmental Planning Manager who took the report as read and outlined the main points.

The Environmental Planning Manager responded to questions as follows:

- Staff were still awaiting an approval letter from Minister Parker for an extension of the timetable to make decisions under the Intensification Streamline Planning Process (ISPP) from 20 August 2023 to 1 March 2024.
- A notice of requirement process had consultation and engagement up until the point when it was notified where all affected landowners were provided with the opportunity to make a submission.
- The Infrastructure Team and a Planning Consultant were managing providing landowners with process explanations and timelines as set out in the Resource Management Act 1991.
- Lisa Mein (of Urban Design and Planning Limited) was a qualified urban designer and planner working mainly in Auckland. It had been considered necessary to appoint someone with these qualifications due to the submissions received.

RESOLUTION CL23-9.13

Moved: Cr R Crawford

Seconded: Deputy Mayor J Scrimgeour

1. That the Environmental Planning Manager's report, dated 6 June 2023, titled 'Appointment of Independent Hearings Commissioners – June 2023' 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 establishes an Independent Hearings Panel and delegate the necessary functions to conduct a hearing and make recommendations to Council on Plan Change 92 Ōmokoroa and Te Puke Enabling Housing Supply and other supporting matters, and the Notice of Requirement for Active Reserve, Ōmokoroa.
4. That Council appoints the following accredited Commissioners to the Independent Hearings Panel to consider and make recommendations to Council on Plan Change 92 Ōmokoroa and Te Puke Enabling Housing Supply and other supporting matters, and the Notice of Requirement for Active Reserve, Ōmokoroa:
 - a. Commissioner Greg Carlyon, The Catalyst Group, as the Independent Hearings Panel Chair
 - b. Commissioner Alan Withy, Alandale Associates
 - c. Commissioner Lisa Mein, Mein Urban Design and Planning Ltd
 - d. Commissioner Pia Bennett

CARRIED

11.5 CHIEF EXECUTIVE OFFICER'S MEETING REPORT

The Committee considered a report dated 6 June 2023 from the Senior Executive Assistant Mayor/CEO. The report was taken as read.

RESOLUTION CL23-9.14

Moved: Mayor J Denyer

Seconded: Cr A Sole

That the Senior Executive Assistant Mayor/CEO's report dated 6 June 2023 titled 'Chief Executive Officer's meeting report' be received.

CARRIED

11.6 MAYOR'S REPORT TO COUNCIL - 06 JUNE 2023

The Committee considered a report dated 6 June 2023 from the Senior Executive Assistant Mayor/CEO. The report was taken as read.

Mayor Denyer responded to questions as follows:

- Mayor Denyer had been taken on a site tour by residents of Waihi Beach and shown areas where stormwater attention/work was needed. It had been useful to see this in person.
 - The meeting 'Communities for Local Democracy' was attended by all the mayors who were members of this group as well as Christopher Luxon and Simon Watts. Mayor Denyer sought clarification on how the Three Waters model proposed by National would work and how financial sustainability would be achieved, in particular, how funding could be provided and councils still maintaining control.
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RESOLUTION CL23-9.15

Moved: Cr M Grainger

Seconded: Cr A Henry

That the Senior Executive Assistant report dated 06 June 2023 titled 'Mayor's Report' be received.

CARRIED

12 INFORMATION FOR RECEIPT

Nil

13 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CL23-9.16

Moved: Cr T Coxhead

Seconded: Cr A Sole

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>13.1 - Confidential Minutes of the Council Meeting held on 27 April 2023</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)(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</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>otherwise to damage the public interest.</p> <p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege.</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>13.2 - Chief Executive Officer's Report - Request for Execution of Documents Under Seal of Council</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)(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</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>

	enactment, where the making available of the information would be likely otherwise to damage the public interest	
13.3 - Application for Rates Remission	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	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 10:45am.

Confirmed as a true and correct record at the Council meeting held 29 June 2023.

James Denyer.

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Mayor J Denyer

CHAIRPERSON / MAYOR