

Mā tō tātou takiwā  
**For our District**

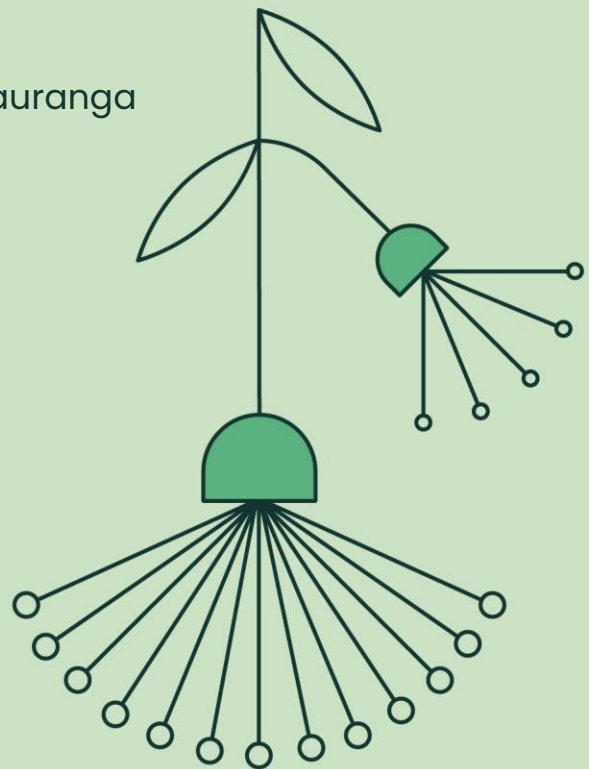
## Council

Te Kaunihera

CL23-12

Thursday, 20 July 2023, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



# Council

## Membership:

<b>Chairperson</b>	Mayor James Denyer
<b>Deputy Chairperson</b>	Deputy Mayor John Scrimgeour
<b>Members</b>	Cr Tracey Coxhead Cr Richard Crawford Cr Grant Dally Cr Murray Grainger Cr Anne Henry Cr Rodney Joyce Cr Margaret Murray-Benge Cr Allan Sole Cr Don Thwaites Cr Andy Wichers
<b>Quorum</b>	Six (6)
<b>Frequency</b>	Six weekly

## Role:

The Council is responsible for:

- Ensuring the effective and efficient governance and leadership of the District.
- Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

## Power to Act:

To exercise all non-delegable functions and powers of the Council including, but not limited to:

- The power to make a rate;
- The power to make a bylaw;
- The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan;
- The power to adopt a Long Term Plan, a Long Term Plan Amendment, Annual Plan or Annual Report and to receive any related audit report;
- The power to appoint a chief executive;
- The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Local Governance Statement;

- The power to adopt a remuneration and employment policy;
- The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991;
- The power to approve or amend the Council's Standing Orders;
- The power to approve or amend the Code of Conduct for Elected Members;
- The power to appoint and discharge members of committees;
- The power to establish a joint committee with another local authority or other public body;
- The power to make a final decision on a recommendation from the Parliamentary Ombudsman where it is proposed that Council not accept the recommendation.
- To exercise all functions, powers and duties of the Council that have not been delegated, including the power to compulsorily acquire land under the Public Works Act 1981.
- To make decisions which are required by legislation to be made by resolution of the local authority.
- To authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council, or included in Council's Long Term Plan or Annual Plan.
- To make appointments of members to Council Controlled Organisation Boards of Directors/ Trustees and representatives of Council to external organisations.
- To monitor the performance of and make decisions on any matters relating to Council Controlled Organisations (CCO), including recommendations for modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent), including as recommended by the Strategy and Policy Committee.
- To approve joint agreements and contractual arrangements between Western Bay of Plenty District Council and Tauranga City Council and/or any other local authority including the requirement to review the terms of any such agreements or contractual arrangements.
- To approve the triennial agreement.
- To approve the local governance statement required under the Local Government Act 2002.
- To approve a proposal to the Remuneration Authority for the remuneration of Elected Members.
- To approve any changes to the nature and delegations of Committees.

**Procedural matters:**

Approval of elected member training/conference attendance.

**Mayor's Delegation:**

Should there be insufficient time for Council to consider approval of elected member training/conference attendance, the Mayor (or Deputy Mayor in the Mayor's absence) is delegated authority to grant approval and report the decision back to the next scheduled meeting of Council.

**Power to sub-delegate:**

Council may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body, subject to the restrictions on its delegations and any limitation imposed by Council.

Notice is hereby given that a Meeting of Council will be held in the  
Council Chambers, 1484 Cameron Road, Tauranga on:  
Thursday, 20 July 2023 at 9.30am

## Order Of Business

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**1 KARAKIA**

Whakatau mai te wairua  
Whakawātea mai te hinengaro  
Whakarite mai te tinana  
Kia ea ai ngā mahi

Āe

Settle the spirit  
Clear the mind  
Prepare the body  
To achieve what needs to be  
achieved.  
Yes

**2 PRESENT**

**3 IN ATTENDANCE**

**4 APOLOGIES**

**5 CONSIDERATION OF LATE ITEMS**

**6 DECLARATIONS OF INTEREST**

**7 PUBLIC EXCLUDED ITEMS**

**8 PUBLIC FORUM**

## **9 COMMUNITY BOARD MINUTES FOR RECEIPT**

### **9.1 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 19 JUNE 2023**

**File Number:** A5531381

**Author:** Carolyn Irvin, Senior Governance Advisor

**Authoriser:** Greer Golding, Governance Manager

#### **RECOMMENDATION**

1. That the Minutes of the Waihī Beach Community Board Meeting held on 19 June 2023 be received.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

#### **ATTACHMENTS**

1. **Minutes of the Waihī Beach Community Board Meeting held on 19 June 2023**



**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
WAIHI BEACH COMMUNITY BOARD MEETING NO. WBC23-4  
HELD IN THE WAIHI BEACH COMMUNITY CENTRE, 106 BEACH ROAD, WAIHI BEACH  
ON MONDAY, 19 JUNE 2023 AT 6.30PM**

**1 PRESENT**

Chairperson R Goudie, Deputy A Kurtovich, Member H Guptill, Member D Simpson, and Cr A Henry.

**2 IN ATTENDANCE**

G Allis (Deputy Chief Executive Officer/General Manager Infrastructure), A Hall (Roading Engineer West) and C Irvin (Senior Governance Advisor).

**OTHERS IN ATTENDANCE**

Mayor J Denyer

Deputy Mayor J Scrimgeour

Councillor D Thwaites

Councillor R Joyce

One member of the press.

**3 APOLOGIES**

**APOLOGY**

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**RESOLUTION WBC23-4.1**

Moved: Chairperson R Goudie

Seconded: Member H Guptill

That the apology for absence from Cr Sole 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

##### A. Sue Hope - Waihi Beach Storm Water Action Team (SWAT)

- SWAT was an action team that focused on resolving storm water issues for Waihi Beach, and had been actively engaging with Council for some years.
- SWAT had delved deeply into these issues and had come up with projects and solutions that had been included in the 2015-2025 Long Term Plan (LTP).
- It appeared that some plan changes in the LTP had not been notified by Council as required.
- There had been three serious floods since February this year. There was depression, anger, and anxiety in the community. Waihi Beach was now a community that worried every time it rained, as there were at risk people such as the elderly, children and mobility impaired.
- It was very concerning that the residents of the pensioner flats had to flee the building, and residents of the Tasman Holiday Park had to be evacuated during the most recent flooding, with health risks rising and some people losing all their possessions.
- It was felt that, because Waihi Beach was built on a swamp area, and therefore vulnerable, it should have the best possible infrastructure in place.
- Managing the dam before and after storm events was critical.
- The history of flooding had been well documented at Waihi Beach. Measures needed to be implemented and SWAT urged Council to engage with Bay of Plenty Regional Council to explore options.

##### B. Michele Carmine - Resource Management Planner/Planning Consultancy Director

- Ms Carmine took her email that was distributed to the Board on 6 June 2023 as read.
- An audit was needed to confirm that storm water and flooding was being adequately addressed.
- It was felt that, as part of best practice in terms of complexity and sensitivity, all sub-catchments in the most sensitive areas should be peer reviewed by a qualified stormwater engineer.

- Any improvement in the standard of reporting and peer review inspections for developments should be communicated to the community and the consultants on what the level of expectation was.
- There needed to be a more integrated and holistic approach to the management of stormwater and its affects. The wider overarching aspects, such as non-tangibles (i.e., policies and education), were just as important.
- This was a large, complex issue where Council departments needed to work together and review their systems and processes to get this sorted for the future.
- Council needed to ensure that it put the reasons for deferring a project/works in the LTP.

### **C. Wendy A'Bear – Waihi Beach Resident**

- A subdivision had been created quite some time ago behind Ms A'Bear's property, after she had purchased the property, and the civil works were still not completed. The rezoning of the property meant it was now in a 'flood zone'.
- The land had now been filled with compacted rock to compact the water table, which had recontoured the land so that it now had no ability to soak in water, creating serious flooding problems. Water was also flooding onto neighbouring properties, killing native trees, amongst other things.
- Ms A'Bear queried what could be done in a situation like this. Why was development happening on known swamp land, especially without consideration of existing properties and because of the affect it was having on the Waihi Beach area?

### **D. Stuart Brown – Returned Servicemen's Association (RSA)**

- The RSA looked after the welfare of people, including providing approximately 1000 meals from Thursday to Sunday night. They were looking at running a soup kitchen one day a week through the winter for pensioners.
- It had been suggested that the RSA take over the pensioner flats and repair them from the flood damage. The first step was to put this proposal to the Board who could then put it forward to Council.

### **E. Mike Hickey – Waihi Beach Resident – Petition**

#### **PETITION – WAIHI BEACH FLOODING**

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- The ratepayers of Waihi Beach wanted their extreme concern regarding the stormwater flooding to be known.
  - Mr Hickey presented the petition, signed by 66 residents, to the Chairperson.
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#### **WAIHI BEACH FLOODING**

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That Council accepts the petition, as presented by Mr Hickey at the 19 June 2023 Waihi Beach Community Board meeting, for consideration.

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## **F. Mrs Jill Dell – Two Mile Creek – Tabled Item 1 – Signed Letter**

### **F.1 TWO MILE CREEK PROTECTION – WAIHI BEACH**

- Mrs Dell spoke on behalf of all the landowners upstream from the planned termination point of the rock revetment for Two Mile Creek.
  - Ms Dell Tabled Item 1, a letter signed by these landowners, proposing that the rock revetment works be extended immediately upstream from 47 Edinburgh Street and 34 Wilson Road, to continue on both sides of Two Mile Creek, and down to the walk bridge by the hotel.
  - Residents were becoming increasingly concerned due to the frequency of flooding, and the raging effects on water flows which caused increased bank erosion.
  - Completion of the rock revetment downstream would narrow the river, resulting in a build up of water which would create backwash and overflow on these properties.
  - It was felt this situation needed to be dealt with now as there was a risk of loss of residents land and homes.
- 

### **RECOMMENDATION**

That Council accepts the signed letter, as presented by Mrs Dell at the 19 June 2023 Waihi Beach Community Board meeting, for consideration.

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## **G. Keith Hay – Storm Water Correction**

- Mr Hay made the following correction to his comment made earlier in the afternoon:
  - Western Bay of Plenty District Council (WBOPDC) did not require attenuation for the seven four-storey residential apartments next to the church. The consent was granted without public notification.
- The wall along Two Mile Creek made neighbouring properties more vulnerable.

## **H. Robert Hope – Rock Revetment – Two Mile Creek**

- Mr Hope queried whether the walk bridge across to Edinburgh Street still going to be built?

The Chairperson advised the Board would be in a position to advise on this in approximately one months' time.

## I. Kane Titchener – Member Te Awamutu and Kihikihi Community Board (Waipa District Council) – Fluoridation

- Currently, there was no requirement for public consultation on fluoridation, but Mr Titchener believed there should be.
- On Monday 12 June 2023, legal proceedings were filed by New Health New Zealand against Ministry of Health directives to make local councils fluoridate their water supplies. WBOPDC could choose to join these proceedings to enforce an injunction on fluoridation starting.
- There were many researched findings on the adverse affects of fluoridation on the human body.

## 8 PRESENTATIONS

### 8.1 PRESENTATION ON THE TAURANGA MOANA FRESHWATER MANAGEMENT UNIT – KEN SHIRLEY – BAY OF PLENTY REGIONAL COUNCIL

The Board considered a presentation from Mr Shirley, who was in attendance on behalf of the Bay of Plenty Regional Council (BOPRC) to speak on the Fresh Water Reforms.

Key points:

- The reform was introduced by Central Government through the National Freshwater Policy Statement in 2020. This instructed regional councils across New Zealand (NZ) to undertake action to protect and restore freshwater in the country.
- Alongside this, the National Environment Standards for Freshwater was passed in 2022 by Central Government. This was tied in with 'Te Mana o te Wai', which referred to the vital importance of the health of NZ's freshwater, and the integration of management for freshwater across the country.
- BOPRC had divided the region from the East Cape through to Waihi Beach into 13 freshwater management units. One of which, included all sub-catchments (including the Wairoa River) that drained into the Tauranga Harbour.
- As part of the framework from Central Government, Regional Council's had been tasked with five key actions:
  - Protect existing inland and coastal wetlands.
  - Protect urban and rural streams from infilling.
  - Extensive connectivity of fish habitats.
  - Set minimum requirements for feedlots and other stock holding areas.
  - Improve all practices in terms of winter grazing and forage crops.
- BOPRC needed to update the Regional Policy Statement for water quality and land user chapters.
- There was clear instruction from Central Government to increase Tangata Whenua involvement within regional councils, which was to be notified by December 2024.

- Rivers, lakes, and streams within New Zealand were feeling the pressure of intensive farming, development, growing population, and land use changes. This was affecting fish and aquatic life, and how we used water.
  - National direction for freshwater management was for BOPRC to review and update the Bay of Plenty Natural Resources Regional Plan, which became operative in 2008. This would notify changes that implemented the National Policy Statement for Freshwater Management.
  - BOPRC had several drop-in sessions around the region in the past months, to provide information and answer public questions.
  - Formal submissions and hearings would start in 2024, noting that Tangata Whenua and the community would be involved throughout the whole process.
  - The issues that BOPRC had identified in the Tauranga/Western Bay management unit are: sedimentation, associated ecological decline (especially in estuaries), high-nutrient levels, localised swimming water quality decline caused by high bacterial loads, poor aquatic life, possible over-allocation into the Tuapiro sub-catchment, Boyd Stream, and Uretara Stream, and general sensitivity of Tauranga Harbour (in terms of kaimoana).
  - Per capita, the Tauranga Harbour was in a better state than many harbours in NZ, and there was a need to ensure it did not deteriorate.
  - A large contaminant load reduction was required, with a goal of reducing E. coli bacteria by 65% in waterways.
  - There would be changes occurring in terms of water quality, including: tighter restrictions on some land uses, a focus on catchments affecting estuaries or lakes, improved freshwater accounting, limits more rigorously applied, and better allocation of water.
  - Regional councils across NZ had concerns with the costs involved with the reforms, as the decision on whether to implement the reforms did not lie with them. Mr Shirley was of the belief that regional councils had better overview of what was needed for their area, and the direction from Central Government was a 'one size fits all' approach.
  - It was believed that the legislation could potentially impact community groups that were involved in environmental projects.
  - There were a number of regulations that were yet to be received by BOPRC, including Freshwater Farm Plan Regulations, Drinking Water Standards, National Environment Standards, and Regulations for Plantation Forestry.
  - The farming industry was concerned with the financial impact these reforms would have.
  - It was requested that there be some additional drop-in information sessions scheduled for the Katikati-Waihi Beach area. Mr Shirley noted that he would endeavour to schedule and facilitate these.
  - Some parts of NZ had soil types that eroded easier than others, and regulations for farmers was dependent on the region.
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- As the operative date for Freshwater Farm Plan Regulations was not until 2024, and the regulations were still under development, no specifics could be provided on how the regulation would be rolled out to farmers.

The presenter responded to questions as follows:

- Consultation processes needed to be reviewed and the community informed a lot earlier through briefings or other appropriate means.

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### RESOLUTION WBC23-4.2

Moved: Cr A Henry

Seconded: Member H Guptill

1. That the presentation from Ken Shirley on 19 June 2023 regarding 'The Tauranga Moana Freshwater Management Unit', be received.

**CARRIED**

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## 9 MINUTES FOR CONFIRMATION

### 9.1 MINUTES OF THE WAIHI BEACH COMMUNITY BOARD MEETING HELD ON 27 FEBRUARY 2023

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#### RESOLUTION WBC23-4.3

Moved: Deputy A Kurtovich

Seconded: Cr A Henry

1. That the Minutes of the Waihi Beach Community Board Meeting held on 27 February 2023 as circulated with the agenda be confirmed as a true and correct record.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**CARRIED**

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### 9.2 MINUTES OF THE WAIHI BEACH COMMUNITY BOARD MEETING HELD ON 24 APRIL 2023

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#### RESOLUTION WBC23-4.4

Moved: Member D Simpson

Seconded: Member H Guptill

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1. That the Minutes of the Waihi Beach Community Board Meeting held on 24 April 2023 as circulated with the agenda be confirmed as a true and correct record.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

**CARRIED**

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## 10 REPORTS

### 10.1 WAIHI BEACH COMMUNITY BOARD CHAIRPERSON'S REPORT – JUNE 2023

The Board considered a report from the Chairperson. The report was taken as read with further comments on the below:

The Deputy CEO/General Manager Infrastructure responded to questions as follows:

#### Two Mile Creek:

- There would be a shut down period between August and November 2023 for the fish passage. Council staff had queried if this shut down period could be relaxed.
- There was also the question of whether or not the consent could be extended further up the creek and what funding would be required to do this. This was a process that needed to be worked through.
- Work would nevertheless commence within the existing consent requirements.
- In terms of the four properties not signed up, two already had rock protection and the other two properties were likely to be okay. It would be possible to work past them. It would be necessary to have a design where the water flow down the creek did not affect other properties.

#### Stormwater:

- Staff would take all the feedback from tonight, and over the last three weeks, and use this to put a maintenance plan together, as well as carry out staff inspections with locals at various sites.
  - The forward works programme would be reviewed to see what could be changed in terms of timing. Some of this would depend on existing consents or if new consents were needed, and some would require more design assessment. Works could not be done in isolation, as everything that was done affected a neighbouring property.
  - Council staff would work together with SWAT to try and get these things done.
  - Council could do emergency responses under section 330 of the Resource Management Act 1991.
  - With reference to the pensioner housing, the cost of refurbishing them needed to be considered, as well as how much would be covered by insurance, what the likelihood of an event like this happening again would be and the risk to life, whether risks could be mitigated by doing stormwater works down past the pensioner
-



houses (without impacting other properties), and/or could the flats potentially be lifted, versus building new.

- The intention was to set up a list of maintenance projects, where progress or completed work information could be fed back to the community.

The Te Puke Community Board expressed their appreciation to the Deputy CEO/General Manager Infrastructure and his team for the stormwater information session held today, and for putting together a possible timeline and project that they would identify with various parties at Waihi Beach.

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### **RESOLUTION WBC23-4.5**

Moved: Chairperson R Goudie

Seconded: Member D Simpson

1. That the Chairperson's report dated 19 June 2023 titled 'Waihi Beach Community Board Chairperson's Report – June 2023' be received.
2. That the Waihi Beach Community Board approve \$49.00 for the Survey Monkey fee in relation to community feedback collected to inform Waihi Beach Community Board Annual Plan submission. This will be funded from the Waihi Beach Community Board Contingency Account.

**CARRIED**

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## **10.1.1 APPROVAL OF ANNUAL PLAN SUBMISSION**

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### **RESOLUTION WBC23-4.6**

Moved: Chairperson R Goudie

Seconded: Member D Simpson

2. That the Waihi Beach Community Board approve the Annual Plan submission as completed by the Community Board members on 4 May 2023.

**CARRIED**

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### 10.1.2 TIMELINE OF ISSUES AND PROJECTS

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- The Deputy CEO/General Manager Infrastructure was to meet with his team this week to work on their approach to the stormwater issues.
  - There would be a presentation at the next Projects and Monitoring Committee on 8 August 2023 regarding changes in the programmes and what the response/direction would be to prioritise stormwater issues.
  - There would be 30 to 40 different things to work on. The time frames for collating information and responses might be different depending on situations and individuals.
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#### RESOLUTION WBC23-4.7

Moved: Chairperson R Goudie

Seconded: Member H Guptill

That the Deputy CEO/General Manager Infrastructure puts together a possible timeline of existing issues and projects regarding stormwater and housing that they will identify with various parties at Waihi Beach

**CARRIED**

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### 10.2 WAIHI BEACH COMMUNITY BOARD COUNCILLOR'S REPORT - JUNE 2023

The Board considered a report from Councillor Henry, who spoke to her report, summarising the main points.

#### Coast Care Community Planting Days:

- Further dates had been struck for this year and were all on Sundays beginning at 10am.
  - These events were advertised on the Waihi Beach Community Facebook pages and Coast Care website.
- 

#### RESOLUTION WBC23-4.8

Moved: Cr A Henry

Seconded: Member D Simpson

1. That the Councillor's report dated 19 June 2023 titled 'Waihi Beach Community Board Councillor's Report – June 2023' be received.

**CARRIED**

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### 10.3 ADOPTION OF WAIHI BEACH COMMUNITY BOARD STANDING ORDERS FOR THE 2023-2025 TRIENNIUM

The Board considered a report from the Senior Governance Advisor. The report was taken as read.

#### RESOLUTION WBC23-4.9

Moved: Deputy A Kurtovich

Seconded: Member H Guptill

1. That the Senior Governance Advisor's report dated 19 June 2023 titled 'Adoption of Waihi Beach Community Board Standing Orders for the 2022-2025 Triennium' 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 Clause 27 of Schedule 7 of the Local Government Act 2002, the Waihi Beach Community Board adopts the Western Bay of Plenty District Council Community Board Standing Orders for the 2022-2025 triennium as per **Attachment 1** of this report by a vote in support of not less than 75% of members present and voting.

CARRIED

### 10.4 INFRASTRUCTURE GROUP REPORT - WAIHI BEACH COMMUNITY BOARD - JUNE 2023

The Board considered a report from the Executive Assistant, Infrastructure Group. The report was taken as read with further discussion on the below:

- At the upcoming workshop, senior Council staff would be present to discuss issues such as the town centre development, Two Mile Creek and Wilson Road. There would also be a site visit to the Wilson Road car park. The Board requested that Boffa Miskell be in attendance at this workshop to answer their questions.

#### RESOLUTION WBC23-4.10

Moved: Chairperson R Goudie

Seconded: Cr A Henry

That the Executive Assistant, Infrastructure Group's Report, dated 19 June 2023 titled 'Infrastructure Group Report - Waihi Beach Community Board - June 2023' be received.

CARRIED

**10.5 WAIHI BEACH COMMUNITY BOARD – FINANCIAL REPORT APRIL 2023**

The Board considered a report from the Financial Business Advisor. The report was taken as read.

Councillor Henry suggested that, at a future workshop, the Board should go through the financial report to ensure that it was understood by all members and look at any outstanding/longstanding items that could be deleted.

**RESOLUTION WBC23-4.11**

Moved: Chairperson R Goudie

Seconded: Cr A Henry

1. That the Financial Business Advisor's reports dated 19 June 2023 and titled 'Waihi Beach Community Board – Financial Report April 2023', be received.

**CARRIED**

**10.6 WAIHI BEACH COMMUNITY BOARD OPERATIONAL REPORT – JUNE 2023**

The Board considered a report from the Senior Governance Advisor. The report was taken as read.

**RESOLUTION WBC23-4.12**

Moved: Chairperson R Goudie

Seconded: Member D Simpson

1. That the Senior Governance Advisor's report dated 19 June 2023 titled 'Waihi Beach Community Board Operational Report – June 2023', be received.

**:CARRIED**

**The Meeting closed at 8.38pm.**

**Confirmed as a true and correct record at the Waihi Beach Community Board meeting held on 14 August 2023.**

.....  
Chairperson R Goudie

**CHAIRPERSON**

**10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION**

**10.1 MINUTES OF THE AUDIT, RISK AND FINANCE COMMITTEE MEETING HELD ON 23 MAY 2023**

**File Number:** A5527462

**Author:** Carolyn Irvin, Senior Governance Advisor

**Authoriser:** Greer Golding, Governance Manager

**RECOMMENDATION**

That the Minutes of the Audit, Risk and Finance Committee Meeting held on 23 May 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

**ATTACHMENTS**

- 1. Minutes of the Audit, Risk and Finance Committee Meeting held on 23 May 2023**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
AUDIT, RISK AND FINANCE COMMITTEE MEETING NO. ARF23-2  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON TUESDAY, 23 MAY 2023 AT 12.30PM**

## **1 PRESENT**

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

## **2 IN ATTENDANCE**

G Allis (Deputy CEO/General Manager Infrastructure Group), R Davies (General manager Strategy and Community), A Henderson (General Manager Corporate Services), G Golding (Governance Manager), A Ali (Chief Financial Officer), S Bedford (Finance Manager), E Bernard (Risk and Assurance Manager), J Jury (Financial Analyst), D Crowe (Head of People and Capability), C Boyle (Health Safety and Wellbeing Lead), R Gilligan (Technical Operations Team Lead), H Wi Repa (Governance Technical Support), J Osborne (Governance Administrator) and C Irvin (Senior Governance Advisor).

## **VIA ZOOM**

J Holyoake (Chief Executive Officer), A Curtis (General Manager Regulatory Services) and S Henderson (Independent Member Audit Risk and Finance Committee).

## **OTHERS IN ATTENDANCE**

Bancorp

Ross Woodfield (Client Advisor)

PWC

Phil Fisher (Partner, Financial Advisory Services)

## **3 APOLOGIES**

Nil

## **4 CONSIDERATION OF LATE ITEMS**

Nil

## **5 DECLARATIONS OF INTEREST**

## 6 PUBLIC EXCLUDED ITEMS

Nil

## 7 PUBLIC FORUM

Nil

## 8 PRESENTATIONS

### CHANGE TO ORDER OF BUSINESS

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The Chairperson requested that the next item of business be item: 9:2 'Tax Risk Governance Framework', to be followed with item: 8:1 'Bancorp Treasury Update and Presentation', in order for presenters to be released from the meeting.

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### RESOLUTION ARF23-2.1

Moved: Cr D Thwaites

Seconded: Deputy Mayor J Scrimgeour

That, in accordance with Standing Orders, the order of business be changed as follows in order for presenters to be released from the meeting:

1. Item 9:2 'Tax Risk Governance Framework'; and
2. Item 8:1 'Bancorp Treasury Update and Presentation'.

**CARRIED**

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### 8.1 TAX RISK GOVERNANCE FRAMEWORK

The Committee considered a report dated 23 May 2023 from the Chief Financial Officer who took the report as read.

Mr Phil Fisher (Partner, Financial Advisory Services, PwC) spoke to a PowerPoint presentation summarising the following points:

#### Western Bay of Plenty District Council (WBOPDC) Annual Tax Update:

- Introduction;
  - WBOPDC Tax Figures;
  - Proposed Tax Management Strategy;
  - Tax Advice Provided During the Strategy;
  - Recent Tax Developments Relevant to Council;
  - Tax Developments in the Local Government Sector;
  - Final Word; and
  - Appendix One: 'Inland Revenue is expecting more from your tax governance'.
-

The presenter and staff responded to questions as follows:

- The Mayoral Relief Fund was not confined to weather events but also covered funding that would fall within the parameters of what would be considered a charitable organisation/trust.
- As a general rule of thumb when gathering personal information for funding purposes, the information could only be obtained when needed and must then be destroyed.
- Wellness allowances were generally not done on a regular basis so were a risk in terms of being a 'one-off'. Increasingly, organisations were using this as a means to attract and keep staff.
- Contracts were difficult to manage at this time when resources were limited, and contracts kept getting rolled over. As such, the Finance Team needed to work closely with the People and Capability Team to ensure an overall understanding of contract tax regulations.
- There was currently an awareness around possible adverse tax consequences regarding the Three Waters transition. At this point, GST legislation had not been updated to reflect and/or clarify some of the GST taxation. However, it was felt there would not be any tax leakage or risk in this sense. There needed to be awareness around when a staff member moved from Council to a water entity, where there may be tax considerations to be dealt with.
- Pensioner housing GST was tricky because exemptions applied to different residential properties. It was important to choose the correct coding for any expenses incurred – whether it was activity or expense based, and to think about who was on the other side of the transaction – what the motivation was for the transaction and their GST status.
- Local Authorities often did transactions that were quite complicated compared to other private sector businesses whose transactions were more standard in terms of tax.

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### RESOLUTION ARF23-2.2

Moved: Cr A Henry

Seconded: Cr R Crawford

1. That the Chief Financial Officer's report dated 23 May 2023 titled 'Tax Risk Governance Framework' be received.
2. That the presentation from Pricewaterhouse Coopers (PwC) dated 23 May 2023 be received.

**CARRIED**



## 8.2 BANCORP TREASURY UPDATE AND PRESENTATION

The Committee considered a report dated 23 May 2023 from the Chief Financial Officer who introduced Ross Woodfield (Client Advisor, Bancorp) who spoke to a PowerPoint presentation summarising the following points:

### BANCORP Strategy Update:

- Global CPI Rates;
- New Zealand Inflation Breakdown;
- Risks for the New Zealand Economy;
- Bank Lending Growth flattens;
- Bank lending growth since the GFC – tilted to housing;
- Consumer indicators point to tough times;
- The local labour market remains strong;
- Future curves;
- BKBM forward curve;
- New Zealand Official Cash Rate, BKBM and Swap Rates;
- New Zealand Official Cash Rate, BKBM and Swap Rates – Long Term;
- Forward Swaps Grid;
- Forward Swaps Grid 24 February 2023 (last meeting); and
- Debt and cover.

The presenter responded to questions as follows:

- As the cash rate increased, more houses had fixed borrowing which produced more stress in the housing sector, resulting in mortgagee sales.
- More and more people were applying to use some of their Kiwisaver money. There would be less money available for investment in New Zealand if people were saving less.
- A 'normalized' interest rate would be a 'neutral' rate that was not 'stimulating' or 'contracting'.
- The unemployment rate did not cover people on the job seeker benefit. The employment rate was good for looking at trends over time.
- Rates arrears were an increasing concern for any council, however, not a huge problem just yet.
- The growth in debt had increased by \$211 billion since the global financial crisis. The economy had been fuelled with debt over the last 15 years since GST. Incomes had not risen at the same rate as house prices and land, making servicing rising mortgage rates very difficult. However, this had gone hand in hand with money printing.
- The debt rate recovery forecast had only just been updated and the information presented was received this week. A pragmatic approach had been taken to hedging.

- Bancorp had applied a 70% apportionment on capital delivery spend projections because experience across the sector showed that by and large councils across the country would model with 60, 80 or 90% swap.

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### RESOLUTION ARF23-2.3

Moved: Cr D Thwaites

Seconded: Cr A Sole

1. That the Chief Financial Officers report dated 23 May 2023 titled 'Bancorp Treasury Update and Presentation' be received.
2. That the presentation from Bancorp Treasury dated 23 May 2023 be received.

**CARRIED**

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10:53am The meeting adjourned

11:09am The meeting reconvened

## 9 REPORTS

### 9.1 FINANCIAL PERFORMANCE UPDATE AS AT 31 MARCH 2023

The Committee considered a report dated 23 May 2023 from the Finance Manger.

The Chief Financial Officer Tabled Item 1: 'Updated Q3 Financial Report' and, along with the Finance Manager, spoke to the report, summarising the main points.

The Finance Manager responded to questions as follows:

- Council's Transportation Manager worked closely with the Finance Team regarding claiming for subsidies and grants from Waka Kotahi and that the timing was correct before end of year. Timing was important when working with Managers leading up to the End of Financial Year. The Finance Team was working with People and Capability in terms of timing, variance to rates and forecasts to year end.
- The asset managers had forecast that the Ōmokoroa land purchase process would be underway and thought it would be something they could deliver on. Originally this would have been in the budget with the intention that there was something available, however, this was not the case.
- Legal expenses were delegated to the activity for which they were used. Each account was activity-based in all its costs.

**RESOLUTION ARF23-2.4**

Moved: Cr A Henry

Seconded: Cr T Coxhead

That the Finance Manager's report dated 23 May 2023 titled 'Financial Performance Update as at 31 March 2023' be received.

**CARRIED**

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**9.1.1 CURRENT ACCOUNT IN THE 2022 ANNUAL PLAN**

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**RECOMMENDATION**

That the Finance Team provide Elected Members with information on the Current Account as it stood in the Annual Report for 2022.

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**9.2 HEALTH AND SAFETY REPORT**

The Committee considered a report dated 23 May 2023 from the Health and Safety Wellbeing Lead who, along with the Head of People and Capability spoke to the report and responded to questions as follows:

- Staff were engaging more with contractors to build better relationships, create more transparency around how they operated and encourage more reporting from them.
  - Staff needed to be provided with all necessary information before entering into an unknown or known dangerous environment in order to be prepared for possible confrontational events.
  - As part of the contractor management strategy, a more risk-based approach was being taken in terms of on-boarding. Making sure contractors did the right thing by the community was important, especially in terms of Council's reputation.
  - Staff were working closely with the library teams in terms of their services and customers being visible to library staff when they were in the building. The library staff themselves were very proactive and very good at finding solutions for these matters.
  - A targeted approach was taken where known dog, and dog owners, were problematic. If it was felt the visit could be confrontational, police would be involved. These were difficult situations where Council staff were not wanted to be put in harms way.
  - There was no obvious spike or link to contractor events and the recent civil emergency weather events.
  - Council staff had a very good working relationship with the Te Puke Police and were working on establishing closer relationships with police in other Western Bay areas.
-

- All Council staff who served in public services areas had de-escalation training. This was a critical part of training to support their workplace safety.

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### RESOLUTION ARF23-2.5

Moved: Cr M Murray-Benge

Seconded: Cr A Sole

1. That the Health, Safety and Wellbeing Lead's report dated 23 May 2023 titled 'Health and Safety Report' be received.

**CARRIED**

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### 9.3 RISK AND ASSURANCE REPORT MAY 2023

The Committee considered a report dated 23 May 2023 from the Risk and Assurance Manager. The report was taken as read.

Cr Joyce:

- The risk matrix needed to be more conservative when dealing with catastrophic impact. The Risk and Assurance manager advised they would note this.

Cyber Security Report:

The Technical Operations Team Leader spoke to his report and responded to questions as follows:

- The Isolated Recovery (Vault) was constantly synchronising from Council. This was a secured copy of Council that could only be accessed through authorisation to the vendor from Councils' senior management. Should Council incur a cyber security compromise, data over a significant time frame could be recovered.
- Council's policy reviews were a 'revolving program'. The last review time frames were currently being looked.
- Council had cyber security which was reviewed in terms of effectiveness annually.
- Council was focused on what could be coming in terms of Three Waters and awaiting updates through legislative changes. A lot of work had been undertaken in supplying information to the Department of Internal Affairs. This was the biggest risk adjuster that councils were looking to manage. It was on the audit plan and would be peer reviewed by external auditors.
- The IT team provided six monthly/yearly sub security training for staff. Real time training was now provided through the 'Phriendly Phishing' tool. When staff were on-boarded, they signed initial paperwork regarding risks to Council in terms of cyber security.

**RESOLUTION ARF23-2.6**

Moved: Cr M Murray-Benge

Seconded: Mayor J Denyer

1. That the Risk and Assurance Manager's report dated 23 May 2023 titled 'Risk and Assurance Report May 2023' received.
2. That the Audit, Risk and Finance Committee recommend that Council approve the draft 'Risk Management Framework'.
3. That the Audit, Risk and Finance Committee recommend that Council approve the updated Western Bay of Plenty District Council Strategic Risks.

**CARRIED**

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**9.4 BAY OF PLENTY LOCAL AUTHORITY SHARED SERVICES LIMITED (BOPLASS) HALF YEARLY REPORT**

The Committee considered a report dated 23 May 2023 from the Financial Business Advisor. The report was taken as read.

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**RESOLUTION ARF23-2.7**

Moved: Cr R Joyce

Seconded: Mayor J Denyer

1. That the Financial Business Advisor's report dated 23 May 2023 titled 'Bay of Plenty Local Authority Shared Services Limited (BOPLASS) Half Yearly Report' be received.

**CARRIED**

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**9.5 COLAB HALF YEARLY REPORT 1 JULY 2022 TO 31 DECEMBER 2022**

The Committee considered a report dated 23 May 2023 from the Financial Business Advisor. The report was taken as read.

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**RESOLUTION ARF23-2.8**

Moved: Cr M Grainger

Seconded: Deputy Mayor J Scrimgeour

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1. That the Finance Manager's report dated 23 May 2023 titled 'CoLab Half Yearly Report 1 July 2022 to 31 December 2022' be received.
2. That the CoLab Half Yearly Report 1 July 2022 to 31 December 2022 relates to issues that are considered to be of low significance in terms of Council's Significance and Engagement Policy.

**CARRIED**

## 10 INFORMATION FOR RECEIPT

Nil

## 11 RESOLUTION TO EXCLUDE THE PUBLIC

### RESOLUTION TO EXCLUDE THE PUBLIC

#### RESOLUTION ARF23-2.9

Moved: Cr A Henry

Seconded: Cr T Coxhead

That the public be excluded from the following parts of the proceedings of this meeting.

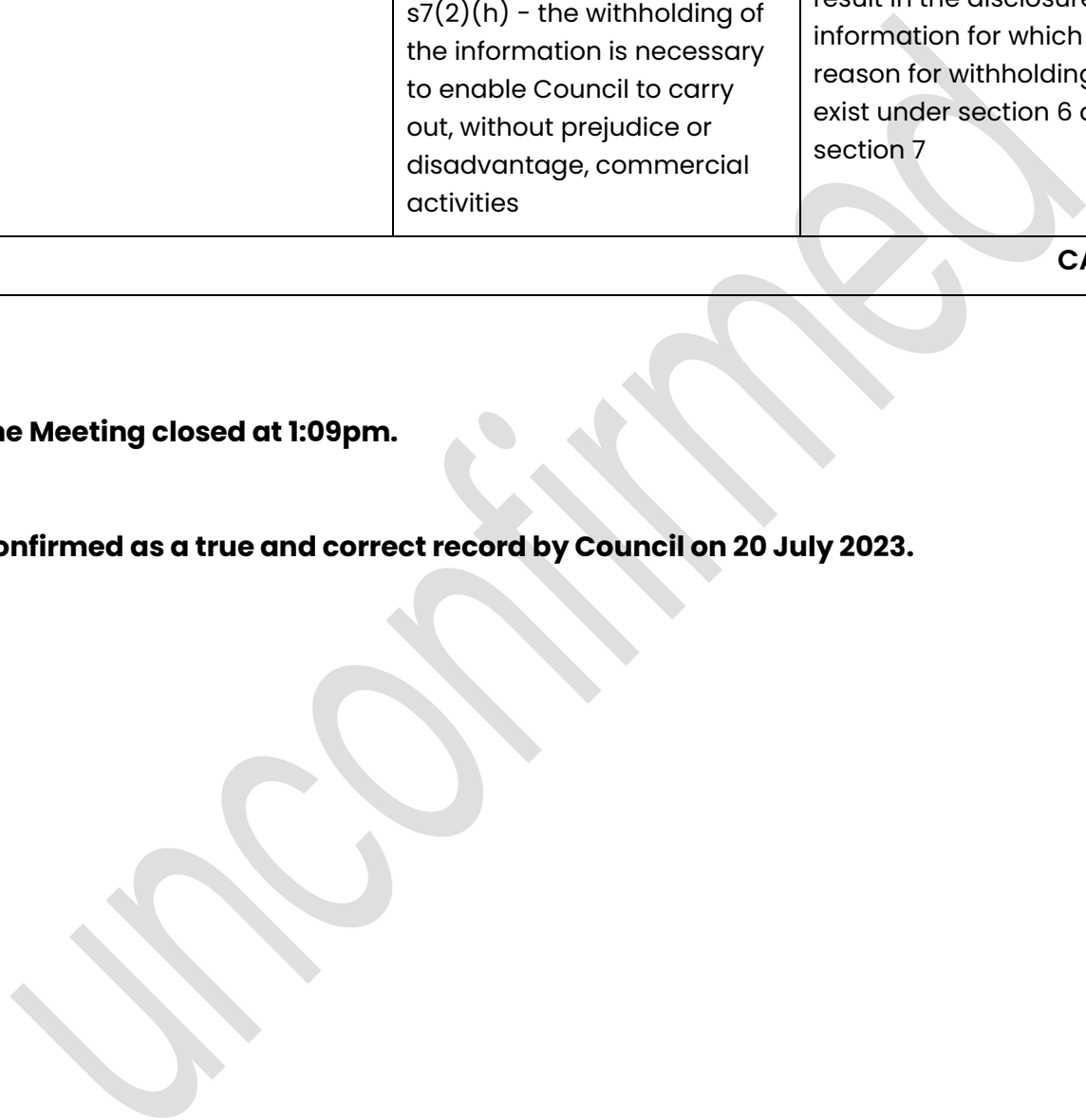
The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are 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
<b>11.1 - Confidential Risk and Assurance Report May 2023</b>	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
<b>11.2 - Outstanding Recommendations Register May 2023</b>	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege. s7(2)(h) - the withholding of the information is necessary	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

	to enable Council to carry out, without prejudice or disadvantage, commercial activities	exist under section 6 or section 7
<b>11.3 - Litigation Update and Issues Watch Register May 2023</b>	<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>	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
<b>CARRIED</b>		

**The Meeting closed at 1:09pm.**

**Confirmed as a true and correct record by Council on 20 July 2023.**



**10.2 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 14 JUNE 2023**

**File Number:** A5552032

**Author:** Pernille Osborne, Senior Governance Advisor

**Authoriser:** Greer Golding, Governance Manager

**RECOMMENDATION**

That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 14 June 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

**ATTACHMENTS**

- 1. Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 14 June 2023**



**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING NO. APLTP23-4  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON WEDNESDAY, 14 JUNE 2023 AT 9.30AM**

## 1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

## 2 PRESENT

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

## 3 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/General Manager Infrastructure Group), R Davie (General Manager Strategy and Community), A Curtis (General Manager Regulatory Services), A Henderson (General Manager Corporate Services), E Watton (Strategic Policy and Planning Programme Director), A Ali (Chief Financial Officer), L Balvert (Communications Manager), M Leighton (Policy and Planning Manager), R Gallagher (Senior Policy Analyst), P Osborne (Senior Governance Advisor), and H Wi Repa (Governance Systems Advisor)

1 member of the press – A Evans (SunLive)

## VIA ZOOM

K Little (Operations Manager) and C Steiner (Senior Policy Analyst)

W Clarke – Director at Utility NZ

#### 4 APOLOGIES

Nil

#### 5 CONSIDERATION OF LATE ITEMS

Nil

#### 6 DECLARATIONS OF INTEREST

Nil

#### 7 PUBLIC EXCLUDED ITEMS

Nil

#### 8 PUBLIC FORUM

##### **Ross Goudie – Waihi Beach Community Board Chairperson**

Mr Goudie was in attendance to speak to the Committee regarding the Long Term Plan (LTP) Stormwater Account. The below points were noted:

- He was of the belief that \$776,000 had been removed from the LTP Stormwater Account within the Annual Plan.
- Due to recent weather events, there was concern that removing these funds was not wise, as stormwater issues within Waihi Beach needed to be addressed.
- It was noted that stormwater related projects still sat within the LTP however, if these issues were to be addressed with urgency then they needed to have the funds available to do so.
- The Committee was shown a series of photos that reflected the affects the recent storm had on parts of the Waihi Beach community.

Mr Goudie responded to pātai (questions) as follows:

- He was aware of nine elderly housing residents who were affected by the weather event that took place 29 May 2023.
- The houses that had been lifted were not affected by the recent flooding events.

The Deputy CEO/General Manager Infrastructure Group noted that the Stormwater funding was still available, however, depending on the ability to achieve the projects in regard to resources and consenting, this funding could get shifted around when considering the Annual Plan and/or Long Term Plan. It was clarified that the projects within the LTP remained unless Council resolved otherwise.

**Heather Guptill – Waihi Beach Community Board Member**

Ms Guptill was in attendance to speak on behalf of the Waihi Beach community. Ms Guptill spoke to the Committee regarding the Elderly Housing that was affected as a result of the recent weather events. The below points were noted:

- The community saw benefit in encouraging elderly to stay within the Waihi Beach community due to their positive impact.
- These issues had existed for some time now, and the community and residents wanted to know what Council could do to prevent this from happening in the future.
- It was noted that the drain needed to be regularly maintained and cleared.
- There were two suggestions posed by members of the Waihi Beach community:
  1. That Council land be used to provide long term housing for those affected while work on the existing Elder Housing took place, for example lifting the units; or
  2. That a Trust be set up under the umbrella of the Waihi Beach Returned Services Association (RSA) who could maintain, raise and rebuild the Elder Housing units. This would also require long term housing while the work was undertaken.

Ms Guptill responded to pātai as follows:

- It was proposed that the RSA took over the ownership and ongoing maintenance of the Waihi Beach Elderly Housing Units.
- It was felt that if the RSA took over ownership of these units, they would have the ability to support and care for residents in future emergency events.

The Deputy CEO/General Manager Infrastructure Group noted that the insurance covered the recent damage, with a \$25,000 excess. Council was investigating the possibility of these units being lifted, noting that the outcome of the investigation would come back to the Council for direction and decision.

The Committee requested a report to Councillors on the process of this particular issue and what was planned to support and address this in the short term, appreciating that the investigations currently taking place would take time.

**9 PRESENTATIONS**

Nil

**10 REPORTS**

The Committee was provided with a brief update from the Deputy CEO/General Manager Infrastructure Group, on No.1 Road. The below points were noted:

- Rehabilitation was planned to take place in 2024; and

- The funding model was being worked through, however, it was noted that funding for the rehabilitation work would be done through existing budgets.

## 10.1 ANNUAL PLAN 2023/24 AND SCHEDULE OF FEES AND CHARGES 2023/24 - DELIBERATIONS

The Committee considered a report dated 14 June 2023 from the Senior Policy Analyst.

The Senior Policy Analyst introduced the item and provided a brief outline of the report presented to the Committee, noting the following points:

- 17 Issues and Options were presented to the Committee on issues that had been raised as a result of the consultation that took place between 30 March 2023-30 April 2023.
- There was a delay in adopting the Annual Plan due to further consultation on the proposed Financial Contributions (FINCOs) 2023/24 (report within this agenda), as well as delays in receiving the revaluations.

Staff responded to pātai as follows:

- Staff acknowledged the importance of ensuring that information provided to residents, regarding particular issues/topics, should be distributed to all Councillors as well.

The Chairperson advised that the resolutions would be taken in parts as follows:

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### RESOLUTION APLTP23-4.1

Moved: Mayor J Denyer

Seconded: Cr G Dally

#### PART 1

1. That the Senior Policy Analyst's report dated 14 June 2023 titled 'Annual Plan 2023/24 and Schedule of Fees and Charges 2023/24 – Deliberations' 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 all written and verbal feedback be received, from the consultation process 30 March to 30 April 2023, as set out in the document titled 'Annual Plan 2023/24 – Submissions Pack' and contained in **Attachment B**.

**CARRIED**

**ISSUE 4A      TE PUKE WAR MEMORIAL HALL**

The Committee considered the two options provided to them in relation to the Te Puke War Memorial Hall.

Staff responded to pātai as follows:

- The Operations Manager managed the relationships, which included any potential conflicts, with Hall Committees within the Western Bay district.
- Te Puke Memorial Hall Society Incorporated were raising some of their own funds towards the upgrades.
- It was noted that the request relating to the carpark was not achievable in the next year due to land availability.
- The requested loan extension also provided a nine year extension in relation to the timeframe.

Reasons for decision:

- Te Puke War Memorial Hall would be in better condition and therefore ongoing maintenance would cost less.
- It generated positive community interest towards the Hall.
- It enhanced the positive relationship between Council and Te Puke War Memorial Hall Society Incorporated.

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**RESOLUTION APLTP23-4.2**

Moved:            Cr M Grainger

Seconded:       Cr A Wichers

**PART 2**

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

a. *Te Puke War Memorial Hall*

i. Option 1

That Council approves extending the term of the current load balance and extra loan funding of \$300,000 funded over 10 years for upgrades to the Te Puke War Memorial Hall while retaining the hall rate at \$32.64 per property.

**CARRIED**

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**ISSUE 4B      TE PUNA MEMORIAL HALL**

The Committee considered the three options provided to them in relation to the Te Puna Memorial Hall.

Reasons for decision:

- Reflected the actual costs of operation of the Te Puna Memorial Hall able to be funded from the targeted rate.
- Provided funding to assist with the Te Puna Community Centre demolition, temporary facility and operations.
- Recognised that direction on future facility provision, including whether a replacement Te Puna Community Centre was required, would be determined through the LTP and the targeted rates reviewed at this time to align with decisions made.
- No changes to the total targeted rate amount consulted on through the draft 2023/24 Annual Plan.

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**RESOLUTION APLTP23-4.3**

Moved:            Cr M Murray-Benge

Seconded:       Cr R Crawford

**PART 3**

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

b. *Te Puna Memorial Hall*

i. Option 2

That Council **adjusts** the targeted rate **allocation only** (with the total targeted rate unchanged) for the Te Puna Memorial Hall and Te Puna Community Centre in the 2023/2024 Annual Plan.

This means that:

- The Te Puna Memorial Hall rate revenue will increase from \$9,510 to \$11,765 in 2023/2024.
- The Te Puna Community Centre rate revenue will decrease from \$64,988 to \$62,733 in 2023/2024, and any additional funding required will need to be debt funded with rates impacts in the following year.

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The total rates revenue will remain the same (\$74,498).

That the Te Puna Community Hall targeted rate amount and allocation be reviewed in the 2024-2034 LTP to reflect outcomes of the Te Puna community facilities assessment.

**CARRIED**

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#### **ISSUE 4C      RESERVE PROJECTS**

The Committee considered the two options provided to them in relation to the Reserve Projects. The below points were noted:

- A number of these projects had been referred to the LTP or alternative appropriate processes.
- It was noted that Option 1 was the preferred option.

Staff responded to pātai as follows:

- There were multiple funding streams in relation to the Reserves, noting that financial contributions could not be shifted, and shift funds could not be shifted between funding streams.
- There was a stormwater uniform targeted rate which covered the district in two proportions: growth communities and small communities.
- It was clarified that FINCOs were external, whereas the asset replacement reserve was rates, which funded the depreciation prior to it being pulled out of the depreciation account.

The Committee noted the below:

- There was concern around delaying certain projects, particularly in relation to Waihi Beach, following the affects of recent weather events.

Reasons for decision:

- Did not require any additional budgets in the 2023/24 financial year.
- Enabled projects or additional budgets to be considered in the wider context of the LTP and prioritised alongside other planned projects/budgets.
- Ensured the views and requests of submitters were acknowledged and responded to.

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#### **RESOLUTION APLTP23-4.4**

Moved: Mayor J Denyer

Seconded: Cr A Henry

#### **PART 4**

Annual Plan 2023/24

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4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

c. *Reserve Projects*

i. Option 1

That Council acknowledges the submissions received relating to reserves and responds as follows:

1. That project 151102 relating to the implementation of the concept plan for Midway Park, Pukehina remains in the budget for the 2023/24 year.
2. That costs for the development of an asphalt pump track at Midway Park, Pukehina are referred to the 2024-34 Long Term Plan.
3. That project 354301 relating to the implementation of the Waitekohekohe Reserve Concept Plan remains in the budget for 2023/24 year.
4. That submission points relating to the development of dog exercise areas be referred to the wider engagement process for this project.
5. The project 322101 relating to the implementation of the concept plan for Wilson Park, Waihi Beach remains in the budget for 2023/24 year.
6. That funding for District wide acquisition funding, dog parks capital development and TECT Park projects remain in the budget for 2023/24 year.
7. That the following projects are referred for consideration through the 2024-2034 Long Term Planning process –
  - a) Pongakawa Heritage House
  - b) Maketu projects including Maketu Monument
  - c) Katikati projects
  - d) Waihi Beach projects
  - e) Hakao Stream Catchment Project
  - f) Clarke Road, Te Puna
  - g) Paengaroa Sports fields
  - h) Environmental initiatives
  - i) Coast Care
  - j) Tahawai Reserve/Te Poho Pa Reserve concept plan implementation costs
8. That the following projects are considered in the scope of the review of the Kaimai Ward Reserve Management Plan scheduled to begin in 2024.
  - a) Hakao Stream Catchment Project
  - b) Clarke Road, Te Puna



- 
9. That the following matters are referred to the relevant Council team due to being operation in nature.
- a) Te Puke Projects
  - b) Maketu Projects
  - c) Tanners Point Boat Ramp
  - d) Waihi Beach Projects
  - e) Reserves Maintenance

**CARRIED**

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#### **ISSUE 4D BEACH ROAD BOAT RAMP**

The Committee considered the two options provided to them in relation to the Beach Road Boat Ramp.

Staff responded to pātai as follows:

- The funding for this project would come from the concept plan budget that was already in place. The proposal was to undertake the concept plan only, within the 2023/24 financial year.
- The cost of any further development would need to be brought to Elected Members for a decision.

Reasons for decision:

- Responded to the submissions supporting the development of the site.
  - Provided certainty for the project and gave the Katikati community and key stakeholders opportunity to be engaged in this project.
  - Would enable future decisions to be made on the development of the boat ramp and surrounding areas.
  - A clear concept plan may enable external funding opportunities to be sought and clear shared goals for Council and stakeholders.
- 

#### **RESOLUTION APLTP23-4.5**

Moved: Cr M Grainger

Seconded: Cr D Thwaites

#### **PART 5**

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

- d. *Beach Road Boat Ramp*
    - i. Option 1
-

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That Council recommence the concept planning process and for implementation costs arising from this process to be referred to Councils 2024-34 Long Term Plan process.

**CARRIED**

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#### **ISSUE 4E          CYCLEWAYS AND WALKWAYS**

The Committee considered the two options provided to them in relation to the Cycleways and Walkways projects.

Staff responded to pātai as follows:

- It was clarified that 'Cycleways and Walkways' funding came from the Rooding rates due to the nature of users.
- On certain projects Council would receive funding from Waka Kotahi, which was funded through users.
- Waka Kotahi had a focus on urban walking and cycling tracks due to their model.
- In relation to repairing the roads, it was clarified that the current subsidy was 91% with confirmation on future subsidy still to come.
- The net cost to Council for the storm repairs in 2023 was around \$5-6 Million.
- There were still investigations taking place regarding the re-opening of Te Puna Station Road.
- It was clarified that the removal of \$800,000 would lower rates by 1%.
- There was a mix of feelings around the table regarding the advantages and disadvantages of the posed amendment to remove \$870,000 from the Walking and Cycling Project forecast budgets for the 2023/2024.

Reasons for decision:

- No change to the current work programme.
- Maintained funding relationships with third party funders.

**Moved:** Mayor J Denyer

**Seconded:** Cr D Thwaites

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

e. *Cycleways and Walkways*

i. Option 1

That Council maintain the Walking and Cycling Project forecast budgets for the 2023/2024 Annual Plan, with no change.

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**AMENDMENT**

Moved: Cr M Murray-Benge

Seconded: Cr R Joyce

That Option 1 be amended as below:

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

e. *Cycleways and Walkways*

i. Option 1

That Council removes \$870,000 from the Walking and Cycling Project forecast budgets for the 2023/2024 Annual Plan to help address the rates increase.

A division was called as follows:

In Favour: Crs R Joyce, T Coxhead, M Murray-Benge and A Sole

Against: Crs J Denyer, R Crawford, G Dally, M Grainger, A Henry, J Scrimgeour, D Thwaites and A Wichers

**LOST 4/8**

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**RESOLUTION APLTP23-4.6**

Moved: Mayor J Denyer

Seconded: Cr D Thwaites

**PART 6**

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

e. *Cycleways and Walkways*

i. Option 1

That Council maintain the Walking and Cycling Project forecast budgets for the 2023/2024 Annual Plan, with no change.

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**CARRIED**

A division was called as follows:

In Favour: Crs J Denyer, R Crawford, G Dally, M Grainger, A Henry, J Scrimgeour, D Thwaites and A Wichers

Against: Crs R Joyce, T Coxhead, M Murray-Benge and A Sole

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**CARRIED 8/4**

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**ISSUE 4F WAIHĪ BEACH LIBRARY AND COMMUNITY CENTRE**

The Committee considered the three options provided to them in relation to the Waihī Beach Library and Community Centre. The below points were noted:

- Council was progressing the work to rescope the concept design.
- There was concern that with all that was happening in Waihī Beach following the recent storm, some felt it was not a “good look” to be spending these funds for this project.
- It was clarified that this project was not rate funded, and it showed Council progressing on a project that was heavily consulted on.

Reasons for decision:

- The financial implications of the increased budget could be addressed within the LTP.
- The design and engineering costs could be completed in sufficient time to allow a detailed estimate for consideration in the LTP.
- The design was committed through this decision.

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**RESOLUTION APLTP23-4.7**

Moved: Cr A Henry

Seconded: Cr R Joyce

**PART 7**

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

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f. *Waihi Beach Library and Community Centre*

i. Option 1

- 1.1 That Council agree to proceed in accordance with Resolution C22-5.22 with the design, through to building consent, of the Waihi Beach Library and Community Hub Project.
- 1.2 That a review of the design, building size and external funding be undertaken as part of the process.
- 1.3 That the budget and construction timing of the project be considered as part of the 2024/34 Long Term Plan.

**CARRIED**

Councillor Sole voted against the motion and requested that his vote be recorded.

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**ISSUE 4G          DAVE HUME POOL**

The Committee considered the two options provided to them in relation to the Dave Hume Pool project.

Staff responded to pātai as follows:

- Clarification was provided that this option incorporated both of the initial Dave Hume Pool projects.

Reasons for decision:

- Responded to the significant amount of support received to cover the Dave Hume Pool.
  - Was consistent with the previous decision taken by Council to fund the upgrade and covering of the Dave Hume Pool through the 2021-31 Long Term Plan process.
  - Generated positive community interest towards facilities and their development.
  - Supported community aspirations and sense of ownership of the facility.
  - Continued the positive relationship between Council and Dave Hume Pool Trust.
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**RESOLUTION APLTP23-4.8**

Moved:            Cr M Grainger

Seconded:       Cr A Henry

**PART 8**

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further
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consultation in relation to amended financial contributions, subject to the following decisions:

g. *Dave Hume Pool*

i. Option 1

1. That the projects AP24-7 & 258204 relating to the upgrades and covering of Dave Hume Pool in Katikati remain in the budget for the 2023/24 year.
2. That staff will continue to work with the Dave Hume Trust around the upgrades to the pool and the fundraising of their share of the overall cost of the upgrade.

**CARRIED**

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#### **ISSUE 4H      ROADING AND TRANSPORTATION**

The Committee considered the two options provided to them in relation to Roading and Transportation projects.

The below points were noted:

- Although recognised as an operational matter, it was requested that the vegetation throughout Te Puke be maintained to a level that addressed the visibility issues vocalised within the community. Maketu-Te Puke Ward Councillor Crawford advised the Committee that feedback from the community had a 50/50 response regarding the visibility issues, as it forced drivers to slow down through the main centre.
- A further request was made for the Speed Management Plan maps.

Reasons for decision:

- Did not require any additional budgets in the 2023/24 financial year.
  - Enabled projects or additional budgets to be considered in the wider context of the LTP and prioritised alongside other planned projects/budgets.
  - Ensured the views and requests of submitters were acknowledged and responded to.
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#### **RESOLUTION APLTP23-4.9**

Moved:            Cr R Crawford

Seconded:       Cr M Murray-Benge

#### **PART 9**

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further
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consultation in relation to amended financial contributions, subject to the following decisions:

*h. Roding and Transportation*

*i. Option 1*

That Council acknowledges the submissions received relating to roading and transportation and responds as follows:

1. That the following issues are referred to Councils 2024-34 Long Term Plan process for consideration:
  - (a) Sealing of reserve car parks at Pukehina Beach
  - (b) Maketu roading matters
  - (c) Transportation Funding
  - (d) Paengaroa roading matters
2. That submissions relating to speed limits are referred to Councils speed management planning process.
3. That Council continues to advocate for a Katikati bypass and safety improvements along SH2 to Waka Kotahi.
4. That Council continue its investigations and traffic modelling for Te Puke to address congestion in the area.
5. That the operational matters (including vegetation maintenance and roundabout slip lane) relating to roading in Te Puke be referred to the relevant Council Team to address alongside the Te Puke Community Board.
6. That the operational matters relating to roading in Maketu be referred to the relevant Council Team to address alongside the Maketu Community Board.
7. That operation matters relating to roading in Waihi Beach be referred to the relevant Council team to address alongside the Waihi Beach Community Board.
8. That any requests for road widening be made in line with Councils operational road widening policy.
9. That Council continue to work alongside funders to progress the intersection at SH2/Ōmokoroa Road intersection.
10. That the requests relating to street trees and the stocktake of significant trees in Te Puke be captured within the scope of the Street Tree Policy when developed.

**CARRIED**

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**ISSUE 4I      FLUORIDATION**

The Committee considered the two options provided to them in relation to Fluoridation.

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Staff responded to pātai as below:

- There were nine water treatment plants across the district (known as a distributed network), of which there were four different bores, or treatment areas, that related to Waihi Beach/Katikati.
- It was understood that the Ministry of Health (MoH) determined the Councils that were being required to progress fluoridation in water, through their health statistics and data.
- There was concern relating to the Hazardous Substances and New Organisms Act 1996 and how Council would be ensuring they complied with this Act through the proposed changes.
- As part of the implementation, Council was required to have a testing regime in place to show that the appropriate concentration was within the network.
- It was clarified that no consultation had been undertaken by Council in relation to this project, however it was understood that the MOH would have been required to undertake consultation/engagement due to the direction coming from them.
- Council had applied for funding through the MOH for the Athenree and Wharawhara water treatment plants. Council was yet to receive confirmation regarding whether the additional two plants within the western supply zone would also be required to have fluoride added to them.
- Due to Athenree and Wharawhara having to fulfil the requirement of having fluoride added by June 2025, Council's strategy was to put the contract in place by May 2024, to ensure that the timeframe could be met. If the additional plants required fluoridation, then the implementation would be pushed out to 2026.
- Rates would not be affected for the 2023/24 financial year in relation to this project.
- In regards to the proposed submission to the MOH, staff would seek direction on this process and feed back to Elected Members.

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### RESOLUTION APLTP23-4.10

Moved: Cr T Coxhead

Seconded: Cr A Henry

### PART 10

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

i. *Fluoridation*

i. Option 3

a) That Western Bay of Plenty District Council seeks an exemption from the requirements to add fluoride to the Athenree and Wharawhara

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drinking water supply and prepares a submission to the Ministry of Health as such.

- b) That the Ministry of Health be invited to speak to Council regarding requirements to add fluoride to drinking water.
- c) That Council progress with the funding application in relation to the water fluoridation process with the Ministry of Health.

**CARRIED**

A division was called as follows:

In Favour: Crs J Denyer, R Joyce, T Coxhead, R Crawford, G Dally, M Grainger, A Henry, M Murray-Benge, A Sole and A Wichers

Against: Crs J Scrimgeour and D Thwaites

**CARRIED 10/2**

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11:59am, Cr R Crawford withdrew from the meeting.

#### **ISSUE 4J COMMUNITY PROJECTS**

The Committee considered the two options provided to them in relation to Community Projects. The below points were noted:

- The Issues and Options paper presented broadly related to requests for projects within Councils group of community buildings (as an activity).
- Notably, most of the Community Board submissions were included within this paper.

Reasons for decision:

- Did not require any additional budgets in the 2023/24 financial year.
- Enabled projects or additional budgets to be considered in the wider context of the LTP and prioritised alongside other planned projects / budgets.
- Ensured the views and requests of submitters were acknowledged and responded to.

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#### **RESOLUTION APLTP23-4.11**

Moved: Cr M Grainger

Seconded: Cr M Murray-Benge

#### **PART II**

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further
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consultation in relation to amended financial contributions, subject to the following decisions:

*j. Community Projects*

*i. Option 1*

That Council acknowledges the submissions received requesting community projects and community planning support, and responds as follows:

1. That overall funding for community groups via grants and donations is a core activity under the Communities Group of Activities, with contracts in place that ensure value for money and contribute to the good of the District. Budgets are reviewed through the Long Term Plan process.
2. That Council confirms the priority for community planning for 2023/24 is the Te Puke community planning exercise. Ongoing work in Te Puna on community facilities is a key deliverable of the Te Puna Community Plan, which can then inform a future refresh and update of that Community Plan. The Waihi Beach Town Centre Plan 2008 can be considered for review once key projects from that plan are advanced.
- 3.a. That the request from Maketu Community Board for development of a community hub is acknowledged and referred to the LTP 2024-34 for consideration.
- 3.b. That the request from Katikati Community Board supporting development of the market square is acknowledged, and work on this is progressing in the 2023/24 financial year.
- 4.a. That as per the service delivery contract with Te Puke EDG Council will be a category sponsor for the Te Puke Business Excellence Awards 2023.
- 4.b. That the request from Te Puke Community Board for additional community development support in Te Puke is acknowledged, and any future requirements for additional support can be considered through the Long Term Plan process.
- 4.c. That council acknowledges the submitter's support for the Community Matching Fund, and will continue to support COLAB and The Daily with the operation of the homework hub through existing arrangements.

**CARRIED**

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**ISSUE 4K ELDER HOUSING**

The Committee considered the two options provided to them in relation to Elder Housing. The below points were noted:

- The Issues and Options paper reflected varied submissions on the broad topic of Elder Housing.
- It was noted that point 3 in the agenda should contain an additional 0 within the project number, being 280001.
- The comments made in public forum relating to the Waihi Beach Elder Housing units were acknowledged, noting that consideration on the future of those units could be given through the Long Term Plan (LTP).

Reasons for decision:

- Aligned with the purpose of the elder housing activity and acknowledged the performance monitoring and audit processes completed through the Annual Report and Long Term Plan process.
- Ensured projects could continue for minor upgrades to existing units, as budgeted for.

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**RESOLUTION APLTP23-4.12**

Moved: Cr A Henry

Seconded: Cr R Joyce

**PART 12**

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

k. *Elder Housing*

i. Option 1

1. That the submissions relating to the future of the seven units removed from Heron Crescent are acknowledged, and submitters are informed that the units are currently in storage and remain in council ownership as staff work with Te Rereatukahia Marae on future use options. A council decision in relation to the use of the units will be sought in due course.
2. That the elder housing activity will continue to have its financial performance assessed and audited through both the Annual Report and LTP process, with any decisions on redevelopment confirming the projects are in accordance with Council policy.

3. That project 280001 for elder housing annual refurbishment will remain in the budget for the 2023/24 year.
4. That staff will continue to meet with tenants in Elder Housing villages to discuss any issues that may arise. Future expenditure will be considered through the Long Term Plan process.

**CARRIED**

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#### **ISSUE 4L      OTHER TOPICS**

The Committee considered the two options provided to them in relation to Other Topics. The below points were noted:

- This Issues and Options Paper was a 'catch-all' that dealt with submissions that were more appropriately dealt with through alternative processes.
- Regarding Two Mile Creek (point 10) a comment would be added to reflect the information session scheduled for 19 June 2023.

Reasons for decision:

- Ensured the views and requests of submitters were acknowledged and responded to.
  - Did not require any additional budgets in the 2023/24 financial year.
  - Enabled wider consideration of the issues within the context of the Long Term Plan or other Council processes.
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#### **RESOLUTION APLTP23-4.13**

Moved:            Cr M Grainger

Seconded:       Deputy Mayor J Scrimgeour

#### **PART 13**

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

- l. Other Topics*

- i. Option 1*

That Council acknowledges the submissions received and responds as follows:

1. Economic development submission points referred to the review of the economic development plan review.
-

2. Waste/recycling submission points referred to the review of the Waste Minimisation and Management Plan.
3. Staff costs submission points are acknowledged.
4. Representation/Governance submission points to be referred internally and to the Representative Review.
5. Pukehina Development Rate submission points to be considered through the Long Term Plan
6. Annual Plan consultation submission points to be acknowledged.
7. Animal Services submission points to be referred for consideration through the Long Term Plan as part of a level of service consideration.
8. District Plan and Papakāinga submission points are referred to the District Plan review and the Kaupapa Māori team as part of the first tranche “Better Off Funding” allocation to progress development planning on whenua Māori.
9. CCTV submissions points to be referred to the CCTV Fund application for 2023.
10. Two Mile Creek submission points to be accepted, noting that an information session was scheduled for 19 June 2023.
11. Service Request submission points to be acknowledged.

**CARRIED**

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#### **ISSUE 4M CAPITAL PROGRAMME AND STRUCTURE PLAN CHANGES**

The Committee considered the two options provided to them in relation to Capital Programme and Structure Plan Changes. The below points were noted:

- Following Public Forum discussions, the Deputy CEO/General Manager Infrastructure Group suggested an addition to the resolution that noted priority be given to Waihi Beach Stormwater projects and No. 1 Road.

Staff responded to pātai as follows:

- Project 226358: ‘Stormwater – Waihi Beach 2 Mile Creek Upper Catchment Attenuation’, required consenting and land purchase which made it difficult to progress in one financial year. Staff were investigating ways to accelerate this project.
- It was clarified that funding could be brought forward if this project progressed faster than anticipated.
- Project 331601: ‘Stormwater – Te Puke Ohineangaanga Stream’, related to an investigation to install a “debris catcher” structure upstream of the culverts. This was being reviewed to ensure it would still be affective.

- The roading damage was separate to this project.

Reasons for decision:

- Aligned the Structure Plan projects to the Structure Plan schedules.
- Reflected changes and timing to Project Plan deliverables.
- Ensured projects could be delivered as financially forecasted.

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## RESOLUTION APLTP23-4.14

Moved: Cr R Joyce

Seconded: Cr A Sole

## PART 14

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

*m. Capital Programme and Structure Plan Changes*

*i. Option 1*

That Council approves the 2024 Project Plan adjustments as outlined in Appendix A, noting that priority be given to Waihi Beach Stormwater projects and No. 1 Road.

**CARRIED**

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## ISSUE 4N RANGIURU BUSINESS PARK

The Committee considered the three options provided to them in relation to Rangioru Business Park.

Staff responded to pātai as follows:

- The majority of Rangioru Business Park was owned by Quayside Holdings which was a subsidiary of Bay of Plenty Regional Council.
  - There was high interest from companies wanting to buy into the Rangioru Business Park.
  - In regard to the resolutions presented: The first was in relation to the Financial Contribution Schedule, which had been agreed on with the Business Park, and would be a requirement for anyone else buying into the park. The second was for Council to consider acting as Financier and how that would work in relation to the Water Services Reform.
  - In relation to funding, Councils security was through the FINCOs model which specified that debt would be repaid as the land was developed. This was done through a charge over the land through the resource consent process.
-

- Council had been an advocate for the Rangiora Business Park for many years, and it was essential for core infrastructure to be in place in order for development to progress.
- The development of the Rangiora Business Park was consistent with the SmartGrowth strategy and Council's view on Economic Development.
- In relation to funding security, this project aligned with every other development throughout the district.
- Further work had to be undertaken to assess the implications of Council acting as Financier, which was why the recommendation was only for Council to consider this.
- The importance of receiving confirmation from the Department of Internal Affairs, in relation to the debt transfer to Entity Bay of Plenty, was highlighted. It was noted that if the debt did not transfer with the asset, Council would have no ability to charge and recover the debt.

Reasons for decision:

- Aligned the Structure Plan projects to the Structure Plan schedules.
- Reflected changes and timing to Project Plan deliverables.
- Ensured projects could be delivered as financially forecasted.
- Supported economic development.
- Was funded from financial contributions.

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### RESOLUTION APLTP23-4.15

Moved: Cr M Murray-Benge

Seconded: Mayor J Denyer

### PART 15

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:
  - n. *Rangiora Business Park*
    - i. Option 1 and 2
      1. That Council approve the Quayside Properties Ltd supplied detailed Rangiora Business Park Financial Contribution Schedule be included as supporting documentation for the 2024 Annual Plan Budget  
  
AND
      2. That Council considers that Western Bay of Plenty District Council act as Financier for Quayside Properties Ltd for a further amount of \$10 million dollars approximately in regard to Quaysides Properties

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Ltd's. Rangioru Business Park Development contribution to the new Te Puke Wastewater Treatment Plant to be repaid through collection of future Rangioru Business Park Financial Contributions

- Subject to confirmation from DIA that the debt will transfer to Entity BOP.
- Subject to final approval by Council of the financing agreement.

**CARRIED**

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#### **ISSUE 40      KATIKATI INDUSTRIAL PARK**

The Committee considered the two options provided to them in relation to the Katikati Industrial Park.

Staff responded to pātai as follows:

- This followed the exact same model as Rangioru Business Park in relation to the FINCOs model used.

Reasons for decision:

- Supported the development of the Katikati Industrial land.
  - Supported economic development.
- 

#### **RESOLUTION APLTP23-4.16**

Moved:            Cr A Henry

Seconded:       Cr M Grainger

#### **PART 16**

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

*o. Katikati Industrial Park*

*i. Option 1*

That Council considers changing the financing model for the Katikati Industrial land from developer financed to Council financed subject to

- DIA approval regarding the potential 3 Waters debt change
- Council approval of the full structure plan funding model

**CARRIED**

Councillor Thwaites voted against the motion and requested that his vote be recorded.

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**ISSUE 4P RATES INCREASE AND THE USE OF THE GENERAL RATE RESERVE**

The Committee considered the multiple options provided to them in relation to the Rates Increase and the Use of the General Rate Reserve. The Chairperson requested for this to be done in two parts, beginning with Options 2.1 and 2.2, noting the below:

- Options 2.1 and 2.2 were provided as additions to the Committee following a request at a previous Annual Plan workshop. It was requested that the Chief Executive Officer (CEO) sought further budget savings. Option 2.1 was the result of this request.

Staff responded to pātai as follows:

- There was clarification provided regarding the reduction of the Library Book Renewals Budget, noting that the current budget was sufficient.
- The Committee was advised that the further budget saving option of \$104,800, was in relation to the progression of the next stage of the strategic case for Te Kāinga, as staff felt they could fund this from an existing budget.
- It was clarified that the reduction in funding towards SmartGrowth would not effect any operational work being undertaken, as it was additional funding budgeted for to cover potential rising costs. As SmartGrowth were yet to set their budgets, Council would not be funding anymore than what was already specified within the current Long Term Plan (LTP).

The Committee then considered Options 1.1, 1.2, 1.3 and 1.4 to sit along Option 2.1. There was a discussion around whether enough reductions were being made to address the proposed rates increase, whilst also considering the impacts that reductions would have on future years.

Staff responded to pātai as follows:

- Elected Members were assured that there was significant budget to progress the District Plan Review without the planned/proposed reduction. The work programme prioritised the progression of the Te Puke Spatial Plan and Papakāinga however, there was sufficient budget above those two priority projects to progress further engagement regarding the District Plan Review, noting the uncertainty of the environment that we were working in at the moment.
- The removal of project 'Resource Management – District Plan Review: \$211,387' would require staff to seek Council decisions on what could no longer be undertaken in this space.

Reasons for decision:

- Reduced rates increase.
- Combined with option 1.1 results in an average rate increase of 7.04%.
- Reduction of the General Rate average increase by 1.66%, to a 7.41% increase.

- Using funds that had been collected as rates in the past therefore reducing the impact on the ratepayer.
  - No financial impact for future years.
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### RESOLUTION APLTP23-4.17

Moved: Cr M Grainger

Seconded: Cr R Joyce

### PART 17

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

*p. Rates Increase and the Use of the General Rate Reserve*

*i. Option 2.1*

That the Committee approves the following:

1. Reduce Library Book renewals budget by \$183,971 which equates to approximately 50%.
2. Remove \$104,800 of funding towards Business Case Development for Urban Growth Areas (project number 354901)
3. Remove \$54,588 of funding towards SmartGrowth (project number 252208)

(Alone results in an average rates increase of 8.7%).

**CARRIED**

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### RESOLUTION APLTP23-4.18

Moved: Deputy Mayor J Scrimgeour

Seconded: Mayor J Denyer

### PART 18

Annual Plan 2023/24

4. That the Committee recommend to Council adoption of the Annual Plan 2023/24, following completion of the district revaluations process and the further consultation in relation to amended financial contributions, subject to the following decisions:

*p. Rates Increase and the Use of the General Rate Reserve*

*ii. Option 1.1*

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That Council approves the one-off use of the General Rate Reserve for \$1,662,472 to fund the following projects:

- Waihi Beach Library Building: \$434,920
- Centennial Park sports fields renovation and drainage: \$490,674
- Te Puke new indoor swimming pool facility: \$131,461
- Reserves – Waitekohekohe Reserve concept plan implementation: \$111,311
- Pools – Katikati Dave Hume Pool covering: \$280,892
- Pools – Katikati Dave Hume Pool liner and Bulkhead: \$178,630
- Arawa Road Concept Plan: \$34,584

(Alone results in an average rate increase of 7.41%. Combined with option 2.1 results in an average rate increase of 7.04%)

**CARRIED**

A division was called as follows:

In Favour: Crs J Denyer, G Dally, M Grainger, A Henry, J Scrimgeour, D Thwaites and A Wichers

Against: Crs R Joyce, T Coxhead, M Murray-Benge and A Sole

**CARRIED 7/4**

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### **FEES AND CHARGES 2023/24**

The Committee considered the three options provided to them in relation to the Schedule of Fees and Charges 2023/24.

Staff responded to pātai as follows:

- The Committee was informed that the LGOIMA request charge had only been implemented twice in the last five years. It was also noted that this charge had previously existed and there was no proposed increase to the current charge.

Reasons for decision:

- The community would feel that their feedback had been reviewed and resulted in action.
- Acknowledged that there was an element of public good in reducing the fee for people obtaining consents to retrofit insulation for un-insulated dwellings.

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### **RESOLUTION APLTP23-4.19**

Moved: Mayor J Denyer

Seconded: Cr T Coxhead

### PART 19

2. Fees and Charges 2023/24

5. That the Committee recommend to Council the adoption of the Schedule of Fees and Charges 2023/24 (excluding indicative financial contributions) subject to the following decisions:

*i.* Option 2

That the Committee accepts the proposed fees and charges as contained in **Attachment C** with the following amendments:

a) Introduce a new fee for retrofitting insulation (request for exemption) at \$162.25.

**CARRIED**

Councillor Joyce abstained from voting on the motion.

Councillor Murray-Benge and Councillor Grainger voted against the motion, and requested that their vote be recorded.

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## ANNUAL PLAN 2023/24

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### RESOLUTION APLTP23-4.20

Moved: Cr M Grainger

Seconded: Cr A Henry

### PART 19

6. That the Committee notes a decision document will be prepared as the formal response to those who provided feedback, for adoption by Council alongside the Annual Plan 2023/24, and that the decision document will be in general accordance with the Long Term and Annual Plan Committee resolutions contained in the minutes of APLTP23-4 dated 14 June 2023.

**CARRIED**

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## 10.2 FURTHER CONSULTATION ON PROPOSED FINANCIAL CONTRIBUTIONS 2023/24

The Committee considered a report dated 14 June 2023 from the Strategic Policy and Planning Programme Director. The General Manager Corporate Services provided the Committee with a brief overview of the background to this report.

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Mr Walter Clarke, from Utility New Zealand (Utility NZ), was in attendance via zoom to answer queries from Committee members.

Staff responded to pātai as follows:

- The FINCOs models had been in place since 2012, and the review by Utility NZ had identified that the financial contribution calculation model needed to be improved to address issues that had been occurring for a number of years.
- The anticipated revenue for financial contributions had been considered within the Annual Plan for 2023/24, and the changes did not affect the current overall forecast.
- The new rules relating to Medium Density Residential Standards (MDRS) had not been implemented, and therefore were not included in the calculations in relation to the Margaret Place Extension project and the Access to Ōmokoroa Developments Limited (formerly Fiducia area) project.
- The disclosure tables were included in the consultation document.

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### RESOLUTION APLTP23-4.21

Moved: Cr M Murray-Benge

Seconded: Cr G Dally

1. That the Strategic Policy and Planning Programme Director's report dated 14 June 2023 titled 'Further consultation on proposed financial contributions 2023/24' 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 Committee receives the advice note from Utility NZ, set out in **Attachment 1** to this report.
4. That the Committee adopts the draft statement of proposal proposing the updated financial contributions together with the supporting disclosure tables (set out in **Attachment 2** of this report) as the basis for further consultation on the proposed financial contributions for 2023/24, to be undertaken in accordance with section 82 of the Local Government Act 2002 from 19 June 2023 to 9 July 2023.
5. That the Chief Executive be authorised to make any editorial changes required prior to the commencement of the consultation period.

**CARRIED**

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### 11 INFORMATION FOR RECEIPT

Nil.

**The Meeting closed at 1.57pm.**

**Confirmed as a true and correct record by Council on 20 July 2023.**

.....

Deputy Mayor J Scrimgeour

**CHAIRPERSON**

Unconfirmed

**10.3 MINUTES OF THE COUNCIL MEETING HELD ON 27 JUNE 2023**

**File Number:** A5564100

**Author:** Carolyn Irvin, Senior Governance Advisor

**Authoriser:** Greer Golding, Governance Manager

**RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 27 June 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.

**ATTACHMENTS**

1. Minutes of the Council Meeting held on 27 June 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
COUNCIL MEETING NO. CL23-10  
HELD IN THE BAY OF PLENTY REGIONAL COUNCIL CHAMBERS, 1 ELIZABETH STREET,  
TAURANGA ON TUESDAY, 27 JUNE 2023 AT ON CONCLUSION OF THE BAY OF PLENTY  
REGIONAL COUNCIL MEETING STARTING 3.16PM**

## 1 PRESENT

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

## 2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/General Manager Infrastructure), G Golding (Governance Manager) and C Irvin (Senior Governance Advisor).

### OTHERS IN ATTENDANCE

#### Tauranga City Council

A Tolley (Commissioner)

Elected Members

Staff

#### Bay of Plenty Regional Council

Elected Members

Staff

Members of SmartGrowth

## 3 APOLOGIES

### APOLOGY

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### RESOLUTION CL23-10.20

Moved: Cr M Murray-Benge

Seconded: Cr R Crawford

That the apology for absence from Councillor Coxhead, Councillor Joyce and Councillor Sole 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

Nil

#### 8 REPORTS

##### 8.1 WAKA KOTAHI (NZ TRANSPORT AGENCY) TAURIKO STATE HIGHWAY 29 NETWORK CONNECTIONS

The Committee considered a report dated 27 June 2023 from the Deputy CEO/General Manager Infrastructure who took the report as read and provided the following information:

- Resolution 2.2 of the report was slightly different for Western Bay of Plenty District Council because Ōmokoroa had been designated a growth area under SmartGrowth in the early 2000's. Since that time, Council had been working to achieve that housing growth. Takitumu North, Stages 1 and 2, supported that growth.
- The funding commitment for Takitumu North was previously committed by the New Zealand Transport Association, and the project was to have been finished by 2015.
- At the moment, Stage 1 was underway, however Council and Ōmokoroa still needed Stage 2, which supported housing growth in Ōmokoroa now, which also supported improved commuting and public transport (once in place) to and from Tauranga.

The Chairperson advised the recommendations would be taken in two parts as follows:

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#### RESOLUTION CL23-10.21

##### PART 1

Moved: Cr A Henry

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Seconded: Mayor J Denyer

1. That the Deputy Chief Executive & General Manager Infrastructure Group report dated 27 June 2023 titled 'Waka Kotahi (NZ Transport Agency) Tauriko State Highway 29 Network Connections' be received.
2. That Council:
  - i. Agrees that a delegation of Mayor, Chairs and a Tangata Whenua representative meet with Ministers to discuss priority projects for the sub-region:
    - Takitimu North Link - Stage 2;
    - Tauriko Network Connections; and
    - Connecting Mount Maunganui (Hewletts, Hull, Totara).
  - ii. Endorses the Tauriko Network Connections Business case being submitted to Waka Kotahi for its approval, noting that the Takitimu North Link - Stage 2 is of equal priority for the sub-region, and noting the urgency of the Ōmokoroa /SH2 interchange in particular.

**CARRIED**

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## RESOLUTION CL23-10.22

### PART 2

Moved: Cr A Henry

Seconded: Mayor J Denyer

3. That Council:
    - III. Support Tauranga City Council's position that there is a strong preference and need for the State Highway 29 project to be delivered in a single stage within a decade (by 2034) as opposed to the proposed staged delivery over many years potentially extending until 2050 given the significance of the corridor locally and nationally.
    - IV. Recommends to Waka Kotahi that the next stage of the Business case delivery, including Detailed Design development, identify solutions to improve the performance of identified future 'pinch points' at Cameron Road / Barks corner and Takitimu Drive/SH29/SH29a/SH36 to ensure satisfactory Levels of Service and futureproofing.
    - V. Recommends to Waka Kotahi that a 4-lane bridge over the Omanawa stream is constructed in Stage 2, rather than the proposed 2-lane replacement bridge, to integrate with 4-lane
-

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sections of state highway to be constructed either side of the bridge and to support the function of this inter-regional freight route.

**CARRIED**

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**9 INFORMATION FOR RECEIPT**

Nil

**10 RESOLUTION TO EXCLUDE THE PUBLIC**

Nil

**The Meeting closed at 3:38pm.**

**Confirmed as a true and correct record at the Council meeting held 20 July 2023.**

.....

Mayor J Denyer

**CHAIRPERSON / MAYOR**

Unconfirmed

**10.4 MINUTES OF THE COUNCIL MEETING HELD ON 29 JUNE 2023**

**File Number:** A5564102

**Author:** Carolyn Irvin, Senior Governance Advisor

**Authoriser:** Greer Golding, Governance Manager

**RECOMMENDATION**

1. That the Minutes of the Council Meeting held on 29 June 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.

**ATTACHMENTS**

1. Minutes of the Council Meeting held on 29 June 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
COUNCIL MEETING NO. CL23-11  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON THURSDAY, 29 JUNE 2023 AT 9.30AM**

## 1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

## 2 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 D Thwaites and Cr A Wichers.

## 3 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy Chief Executive Officer/General Manager Infrastructure), R Davie (General Manager Strategy and Community), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), G Golding (Governance Manager), C Nepia (Strategic Kaupapa Māori Manager), D Elvin (Compliance and Monitoring Manager), M Leighton (Policy and Planning Manager), R Gallagher (Senior Policy Analyst), H Wi Repa (Governance Systems Advisor) and C Irvin (Senior Governance Advisor).

## VIA ZOOM

K Little (Operations Manager)

## 4 APOLOGIES

### APOLOGY

### RESOLUTION CL23-11.1

Moved: Cr R Joyce

Seconded: Cr D Thwaites

That the apology for absence from Cr Sole be accepted.

**CARRIED**

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## **5 CONSIDERATION OF LATE ITEMS**

The Chairperson advised there were two late items for Council to consider for inclusion in the open section of the agenda, being:

1. Final Bay of Plenty Local Authority Shared Services Limited Statement of Intent for 2023–2026; and
2. Final CoLAB Limited Statement of Intent for Year End 30 June 2024.

The reason these items were not included in the agenda was that the reports (i.e., Statements of Intent) were received after the publication date of the agenda, and could not be delayed to the next scheduled Council meeting because the Statements of Intent for both entities had to be received by Council by 30 June 2023.

### **CONSIDERATION OF LATE ITEMS**

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#### **RESOLUTION CL23-11.2**

Moved: Cr M Grainger

Seconded: Cr A Henry

That, in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the following items be considered as a late items of open business:

1. Final Bay of Plenty Local Authority Shared Services Limited Statement of Intent for 2023–2026; and
2. Final CoLAB Limited Statement of Intent for Year End 30 June 2024.

**CARRIED**

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## **6 DECLARATIONS OF INTEREST**

Nil

## **7 PUBLIC EXCLUDED ITEMS**

Nil

**8 PUBLIC FORUM**

Nil

**9 COMMUNITY BOARD MINUTES FOR RECEIPT****9.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 31 MAY 2023**

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**RESOLUTION CL23-11.3**

Moved: Cr R Joyce

Seconded: Cr T Coxhead

That the Minutes of the Katikati Community Board Meeting held on 31 May 2023 be received.

**CARRIED**

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**9.2 MINUTES OF THE ŌMOKOROĀ COMMUNITY BOARD MEETING HELD ON 6 JUNE 2023**

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**RESOLUTION CL23-11.4**

Moved: Cr M Grainger

Seconded: Cr D Thwaites

That the Minutes of the Ōmokoroā Community Board Meeting held on 6 June 2023 be received.

**CARRIED**

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**9.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 8 JUNE 2023**

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**RESOLUTION CL23-11.5**

Moved: Cr G Dally

Seconded: Cr A Wichers

That the Minutes of the Te Puke Community Board Meeting held on 8 June 2023 be received.

**CARRIED**

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**9.4 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 13 JUNE 2023**

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**RESOLUTION CL23-11.6**

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr R Crawford

That the Minutes of the Maketu Community Board Meeting held on 13 June 2023 be received.

**CARRIED**

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**10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION****10.1 MINUTES OF THE COUNCIL MEETING HELD ON 16 MAY 2023**

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**RESOLUTION CL23-11.7**

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

1. That the Minutes of the Council Meeting held on 16 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**

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**10.2 MINUTES OF THE PROJECTS AND MONITORING COMMITTEE MEETING HELD ON 16 MAY 2023**

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**RESOLUTION CL23-11.8**

Moved: Cr D Thwaites

Seconded: Cr A Henry

That the Minutes of the Projects and Monitoring Committee Meeting held on 16 May 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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**10.3 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 25 MAY 2023**

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**RESOLUTION CL23-11.9**

Moved: Mayor J Denyer

Seconded: Cr A Henry

That the Minutes of the Strategy and Policy Committee Meeting held on 25 May 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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**10.4 MINUTES OF THE COUNCIL MEETING HELD ON 6 JUNE 2023**

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**RESOLUTION CL23-11.10**

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 6 June 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**

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**11 COUNCIL AND COMMITTEE MINUTES FOR RECEIPT****11.1 MINUTES OF THE TE IHU O TE WAKA O TE ARAWA MEETING HELD ON 10 MAY 2023**

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**RESOLUTION CL23-11.11**

Moved: Cr R Crawford

Seconded: Cr G Dally

That the Minutes of the Te Ihu o te Waka o Te Arawa Meeting held on 10 May 2023 be received.

**CARRIED**

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**12 REPORTS****12.1 ESTABLISHMENT OF CCTV WORKING PARTY AND DELEGATIONS FOR THE 2023-2024 YEAR**

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The Committee considered a report dated 29 June 2023 from the Operations Manager. The report was taken as read.

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### **RESOLUTION CL23-11.12**

Moved: Cr A Henry

Seconded: Cr T Coxhead

1. That the Operations Manager's report dated 29 June 2023 titled 'Establishment of CCTV Working Party and Delegations for the 2023-2024 Year' 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 it be recommended to Council:
  - a. That a CCTV Working Party be established comprising of:
    - i. Katikati-Waihī Beach Ward 1 Councillor
    - ii. Kaimai Ward 1 Councillor
    - iii. Maketu-Te Puke Ward 1 Councillor
    - iv. Operations Manager 1 Staff Member
    - v. New Zealand Police 1 Representative
  - b. That the CCTV Working Party be delegated authority to:
    - i. Advertise for applications to install CCTV cameras;
    - ii. To evaluate the applications against the CCTV Management Plan Criteria; and
    - iii. To allocate the annual funding of \$50,000.
  - c. That the following Councillors be appointed to the CCTV Working Party for the 2022-2024 year:
    - i. Katikati-Waihī Beach - Cr Rodney Joyce
    - ii. Kaimai Ward - Cr Margaret Murray-Benge
    - iii. Maketu-Te Puke Ward - Cr Richard Crawford

**CARRIED**

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## **12.2 DISTRICT LICENSING COMMITTEE - PROCESS FOR THE APPOINTMENT OF COMMISSIONERS AND MEMBERS**

The Committee considered a report dated 29 June 2023 from the Compliance and Monitoring Manager. The report was taken as read.

Staff responded to questions as follows:

- It would make sense to consider staggering the membership of the Board, by appointing some commissioners for a shorter period of time, to allow for better continuity.
  - Generally, commissioners were appointed, as opposed to chairpersons. Commissioners had usually spent most of their career in the alcohol arena (i.e., working as licencing inspectors or for the Police) and as such brought a wealth of experience to the table, as well as having in-depth legal knowledge, which was required.
  - The bulk of applications received were for licence renewals. A high level of vetting from Police and Council was involved.
  - Council compliance staff were working on the concept of informing communities through social media as part of the public notification process for liquor licences.
- 

### **RESOLUTION CL23-11.13**

Moved: Cr D Thwaites

Seconded: Cr A Henry

1. That the Compliance and Monitoring Manager's report dated 29 June 2023 titled 'District Licensing Committee – Process for the Appointment of Commissioners and Members' 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 will advertise for expressions of interest in membership for the District Licensing Committee.
4. That the Mayor will establish a panel consisting of staff, an elected member/s and a Tangata Whenua representative, to review applications and make recommendations to Council for approval.

**CARRIED**

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### **12.3 SMARTGROWTH LEADERSHIP GROUP (JOINT COMMITTEE) MEMBERSHIP AND TERMS OF REFERENCE**

The Committee considered a report dated 29 June 2023 from the General Manager Strategy and Community. The report was taken as read.

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Staff responded to questions as follows:

- The 'Regional Spatial Framework' was one of the fundamental foundations of the new Resource Management system. What it largely contemplated was what was done at a SmartGrowth level, that would become/transition to a regional function.
  - Currently, SmartGrowth processes for appointing Tangata Whenua to SmartGrowth Leadership were recorded as by iwi nomination, however this was not correct. Tangata Whenua representatives would like the agreement changed to reflect the correct process.
  - The refresh around SmartGrowth arrangements was to ensure that it was operating as efficiently as it could.
- 

### RESOLUTION CL23-11.14

Moved: Mayor J Denyer

Seconded: Cr A Henry

1. That the General Manager Strategy and Community's report dated 29 June 2023 titled 'SmartGrowth Leadership Group (Joint Committee) Membership and Terms of Reference' 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 the SmartGrowth Leadership Group (Joint Committee) Agreement 2023 and SmartGrowth Leadership Group Committee Terms of Reference (**Attachment 1** of this report).
4. That it is noted that the recruitment process for the Independent Chair position is underway.
5. That the process for appointing Tangata Whenua representatives be reviewed as part of the development of the SmartGrowth strategy.

**CARRIED**

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### 12.4 ANNUAL PLAN 2023/2024 UPDATE AND ADOPTION OF THE SCHEDULE OF FEES AND CHARGES 2023/2024

Councillor Joyce declared an interest in this item and abstained from any discussion and voting.

The Committee considered a report dated 29 June 2023 from the Senior Policy Analyst. The report was taken as read.

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### RESOLUTION CL23-11.15

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr T Coxhead

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1. That the Senior Policy Analyst's report dated 29 June 2023 titled 'Annual Plan 2023/2024 update and adoption of the schedule of fees and charges 2023/2024' 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 adopt the schedule of fees and charges 2023/2024 (excluding indicative financial contributions) as contained in **Attachment 1** of this report, and as recommended by the Annual Plan and Long Term Plan Committee resolutions contained in the minutes of APLTP23-4.19.
4. That Council commence the following projects contained in the draft annual plan 2023/2024 from 1 July 2023:
  - Dave Hume pool liner, bulkhead, and roof projects.
5. That the Chief Executive Officer be delegated the authority to make such minor editorial changes to the schedule of fees and charges 2023/2024 as may be required

**CARRIED**

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### **13 LATE ITEMS**

#### **13.1 FINAL BAY OF PLENTY LOCAL AUTHORITY SHARED SERVICES LIMITED STATEMENT OF INTENT FOR 2023-2026**

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The Committee considered a report dated 29 June 2023 from the Chief Financial Officer. The report was taken as read.

The Chief Executive Officer responded to a question as follows:

- Bay of Plenty Local Authority Shared Services (BOPLASS) had been very clear about its strategic direction, which was to enhance procurement efficiencies. Council also wanted them to focus on other efficiencies across Council matters, such as shared services.
  - Council had joined CoLAB because it focused on information technology (IT), resources, and other big projects.
- 

#### **RESOLUTION CL23-11.16**

Moved: Cr M Murray-Benge

Seconded: Cr R Crawford

That the Chief Financial Officer's report dated 29 June 2023 titled 'Final Bay of Plenty Local Authority Shared Services Limited Statement of Intent for 2023-2026' be received.

**CARRIED**

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**13.2 FINAL COLAB LIMITED STATEMENT OF INTENT FOR YEAR END 30 JUNE 2024**

The Committee considered a report dated 29 June 2023 from the Chief Financial Officer. The report was taken as read.

**RESOLUTION CL23-11.17**

Moved: Cr A Henry

Seconded: Cr M Grainger

That the Chief Financial Officers report dated 29 June 2023 titled 'Final CoLAB Limited Statement of Intent for Year End 30 June 2024' be received.

**CARRIED**

**14 INFORMATION FOR RECEIPT**

Nil

**15 RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION CL23-11.18**

Moved: Cr M Grainger

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:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>14.1 - Confidential Minutes of the Projects and Monitoring Committee Meeting held on 16 May 2023</b>	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)	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><b>14.2 - Confidential Minutes of the Council Meeting held on 6 June 2023</b></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>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><b>14.3 - Chief Executive 2023/2024 Key Performance Indicators (KPIs)</b></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>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>

**CARRIED**

**The Meeting closed at 11:46am.**

**Confirmed as a true and correct record at the Council meeting held 20 July 2023.**

.....

Mayor J Denyer

**CHAIRPERSON / MAYOR**

**10.5 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 6 JULY 2023**

**File Number:** A5572576

**Author:** Pernille Osborne, Senior Governance Advisor

**Authoriser:** Greer Golding, Governance Manager

**RECOMMENDATION**

That the Minutes of the Strategy and Policy Committee Meeting held on 6 July 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

**ATTACHMENTS**

- 1. Minutes of the Strategy and Policy Committee Meeting held on 6 July 2023**



**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
STRATEGY AND POLICY COMMITTEE MEETING NO. SPC23-4  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON THURSDAY, 6 JULY 2023 AT 9.30AM**

## 1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

## 2 PRESENT

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

## 3 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/General Manager Infrastructure Group), A Henderson (General Manager Corporate Services), E Watton (Strategic Policy and Planning Programme Director), N Rutland (Environmental Planning Manager), G Golding (Governance Manager), M Leighton (Policy and Planning Manager), T Miller (Strategic Advisor Resource Management), M Va'ai Matatia (Senior Environmental Planner), J Osborne (Governance Advisor) and P Osborne (Senior Governance Advisor).

## VIA ZOOM

C Steiner (Senior Policy Analyst), C Nepia (Planning Coordinator) and G Benn (Research and Monitoring Analyst).

## 4 APOLOGIES

### APOLOGY

### RESOLUTION SPC23-4.1

Moved: Cr A Henry

Seconded: Cr M Grainger

That the apology for absence from Cr A Sole, Cr T Coxhead and Cr D Thwaites be accepted.

**CARRIED**

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## 5 CONSIDERATION OF LATE ITEMS

Nil

## 6 DECLARATIONS OF INTEREST

Nil

## 7 PUBLIC EXCLUDED ITEMS

Nil

## 8 PUBLIC FORUM

Nil

## 9 PRESENTATIONS

Nil

## 10 REPORTS

### 10.1 SUBMISSION ON 'STRENGTHENING NATIONAL DIRECTION ON RENEWABLE ENERGY ELECTRICITY GENERATION AND ELECTRICITY TRANSMISSION'

The Committee considered a report dated 6 July 2023 from the Senior Environmental Planner. The report was taken as read.

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### RESOLUTION SPC23-4.2

Moved: Cr A Henry

Seconded: Cr G Dally

1. That the Senior Environmental Planner report dated 6 July 2023 titled 'Submission on 'Strengthening National Direction on Renewable Energy Electricity Generation and Electricity Transmission'', be received.
2. That the submission, shown as **Attachment 1** to this report, be received by the Strategy and Policy Committee and the information noted.

**CARRIED**

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## **11 INFORMATION FOR RECEIPT**

**The Meeting closed at 9.35am.**

**Confirmed as a true and correct record by Council on 20 July 2023.**

Unconfirmed

## 11 REPORTS

### 11.1 ELECTORAL SYSTEM DECISION 2025 AND 2028 TRIENNIUMS

**File Number:** A5487983

**Author:** Katy McGinity, Senior Policy Analyst

**Authoriser:** Rachael Davie, General Manager Strategy and Community

#### EXECUTIVE SUMMARY

1. A resolution from Council on the electoral system to be used is required to be made no later than 12 September 2023. This resolution will take effect for both the 2025 and 2028 elections.

#### RECOMMENDATION

1. That the Senior Policy Analyst report dated 20 July 2023 titled 'Electoral System Decision 2025 & 2028 Trienniums' 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 27 of the Local Electoral Act 2001 for Council to resolve for the 2025 and 2028 Western Bay of Plenty District Council triennial elections to:

Either

retain the First Past the Post electoral system;

*or*

change to the Single Transferable Voting electoral system;

*or*

undertake a poll of electors on the electoral system to be used for the 2025 and 2028 elections; and

4. That public notice be given by 19 September 2023 of the decision of Council and the right of electors to demand a poll on the electoral system to be used.

#### BACKGROUND

2. Section 27 of the Local Electoral Act 2002 (LEA) requires that Council make a resolution on the electoral system to be used no later than 12 September 2023. This resolution will take effect for both the 2025 and 2028 elections.
3. This decision and consideration of the establishment of Māori wards will also be made prior to Council representation review proper which is scheduled for 2024.

**ELECTORAL SYSTEMS**

4. The Local Electoral Act 2001 provides for local authorities and their communities to choose either the First Past the Post (FPP) or Single Transferable Vote (STV) electoral system for local elections.
5. Council has historically used the FPP electoral system. FPP is familiar to voters using it, and it is simple to use – you place ticks in the boxes of candidates up to the number of positions available, and the candidates with the most votes win.
6. The use of the STV electoral system requires voters to rank the candidates. This results in a better reflection of the preferences of more voters by ensuring fewer votes are ‘wasted’ and can provide proportional representation for the significant communities of interest in the area.
7. A comparison of the two voting systems is set out in the below tables:

**HOW DO THE TWO ELECTORAL SYSTEMS WORK?**

<b>FPP</b>	<b>STV</b>
<p><b>FPP: casting a vote</b></p> <p>You place ticks equal to the number of vacancies next to the candidate(s) you wish to vote for.</p> <p>In multi-member wards/constituencies you cast one vote for each vacancy to be filled, as above.</p> <p>In single-member wards/constituencies you cast a single vote by ranking as few or as many candidates as you wish.</p>	<p><b>STV: casting a vote</b></p> <p>You cast a single vote regardless of the number of vacancies. You cast this single vote by consecutively “ranking” your preferred candidates beginning with your most preferred candidate (‘1’) your next preferred candidate (‘2’) and so on.</p> <p>In multi-member wards/ constituencies you cast a single vote by ranking as few or as many candidates as you wish, as above. In single-member wards/ constituencies you cast one vote</p>
<p><b>FPP: counting votes</b></p> <p>The candidate(s) with the most votes win(s). A winning candidate might not have a majority of votes, just the largest number of votes cast.</p>	<p><b>STV: counting votes</b></p> <p>The candidate(s) are elected by reaching the “quota” (the number of votes required to be elected).</p> <p>Vote counting is carried out by computer. First preference votes (‘1s’) are counted. Candidates who reach the quota are</p>

	<p>“elected”. The “surplus” votes for elected candidates are transferred according to voters’ second preferences. Candidates who reach the quota by including second preferences are “elected”. This process repeats until the required number of candidates is elected.</p>
	<p>In multi-member constituencies, despite voters casting only a single vote, a voter may influence the election of more than one representative (if part of their vote is transferred to another candidate according to the voter’s preferences).</p>
<p><b>FPP: announcing results</b></p> <p>FPP preliminary results can usually be announced soon after voting ends.</p> <p>Official results are announced and published showing the total votes received by each candidate.</p>	<p><b>STV: announcing results</b></p> <p>Because all votes must be processed before counting can begin, STV results might take longer to announce.</p> <p>Official results are announced and published showing elected candidates in the order they reached the quota and unsuccessful candidates in the order they were excluded.</p>

**What are the Advantages and Disadvantages of Each System?**

<b>FPP</b>	<b>STV</b>
<p>FPP: casting votes FPP is a straightforward system of voting. FPP is familiar to most people.</p> <p>“Tactical” voting is possible; votes can be used with a view to preventing a candidate from winning in certain circumstances</p>	<p>STV: casting votes STV is a less straightforward system of voting. There is a need for more information for people to understand the STV ranking system of candidates.</p> <p>It is virtually impossible to cast a “tactical” vote under STV. As a result, voters are encouraged to express their true preferences.</p>

<p><b>FPP: counting votes</b></p> <p>FPP is a straightforward system for counting votes. Votes can be counted in different locations and then aggregated. Election results are usually announced soon after voting ends.</p>	<p><b>STV: counting votes</b></p> <p>STV vote counting requires a computer program (the STV calculator). Votes must be aggregated first and then counted in one location. Election results will usually take a little longer to produce.</p>
<p><b>FPP: election results</b></p> <p>Official results show exactly how many people voted for which candidates.</p> <p>A “block” of like-minded voters can determine the election of multiple candidates in multimember wards/constituencies, without having a majority of the votes, thereby ‘overrepresenting’ themselves.</p> <p>The overall election results might not be proportional to voters’ wishes, and might not reflect the electoral wishes of the majority of voters, only the largest group of voters who may not be the majority.</p> <p>In single-member elections, the winner does not need to have the majority of votes, just the largest group of votes.</p> <p>There might be more “wasted” votes (votes that do not contribute to the election of a candidate).</p>	<p><b>STV: election results</b></p> <p>Official results will identify which candidates have been elected and which have not and in which order. They do not show how many votes candidates got overall, as all successful candidates will have the same proportion of the vote (the quota). This information, at stages of the count, can still be requested.</p> <p>Results are easy to understand. Results can be easy to understand if presented appropriately.</p> <p>STV moderates “block” voting as each voter casts only one single vote, even in multimember wards/constituencies.</p> <p>The overall election results are likely to reflect the wishes of the majority of voters in proportion to their support for a variety of candidates.</p> <p>In single-member wards/constituencies, the winner will have the majority of votes (preferences).</p> <p>Every vote is as effective as possible (depending on the number of preferences indicated) meaning there are likely to be fewer “wasted” votes (votes that do not contribute to the election of a candidate).</p>

## CHANGING THE ELECTORAL SYSTEM

8. A change of electoral system can be achieved in the following ways:

### Council resolution

9. Under section 27 of the LEA the local authority can resolve to change the electoral system. Following this resolution, Council must give public notice no later than 19 September 2023 of the right for electors to demand an electoral system poll, and that notice must include a statement that a poll is required to countermand any local authority resolution made on the electoral system.

### Electors right to demand a poll

10. Under section 29 of the LEA a poll may be demanded by 5% of the electors enrolled at the previous triennial election. This is a binding poll to be held on which electoral system is to be used for the next two triennial elections. The poll demand must be made in writing to the Chief Executive by a number of electors equal to or greater than 5% of the electors and can be made anytime, but to be effective for the 2025 elections, must be made by 21 February 2024.

11. If a valid demand for a poll is received after 21 February 2024, a poll must be held after 21 May 2024 the outcome effective for the 2028 and 2031 elections

### Council can decide to hold a poll of electors

12. Under section 31 of the LEA Council can decide to hold a poll of electors at any time. To be effective for the 2025 elections, this must be done no later than 21 February 2024. Public notice of the poll must be given as soon as practicable after the resolution and the poll itself must be completed by 21 May 2024 (to be effective for the 2025 elections).

13. It is anticipated that this option would result in costs to Council.

## REPRESENTATION REVIEW PROPER

14. Under section 19H of the LEA, Council is required to review its representation arrangements at least once every six years. Council last reviewed its representation before the 2019 triennial election so is therefore required to undertake a review in 2024. This will be undertaken following the decisions on electoral systems and establishment of Māori wards.

## SIGNIFICANCE AND ENGAGEMENT

15. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.



16. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
17. In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because it affects the whole of the district and there is a possibility for a binding poll to be requested by electors which could result in significant cost to Council.

### ENGAGEMENT, CONSULTATION AND COMMUNICATION

18. There is no requirement under the LEA for Council to consult on the electoral system it uses. It is required to give public notice of the decision once taken and it is the right of electors to demand a poll on the electoral system to be used.

### ISSUES AND OPTIONS ASSESSMENT

19. The below table sets out the consideration of options.

<b>Option A</b>	
<b>Resolve to retain the First Past the Post Electoral system AND give public notice by 19 September 2023 of the decision and the right of electors to demand a poll on the electoral system to be used.</b>	
<b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b>	<u>Advantages</u> <ul style="list-style-type: none"> <li>• Electors are familiar with this system.</li> <li>• This system is relatively straight forward with each voter casting one vote for each vacancy.</li> <li>• No further education will be required around the use of this electoral system.</li> <li>• There are no additional costs associated with this option.</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs).</b>	There are no additional costs associated with this option.
<b>Other implications and any assumptions that relate to this option.</b>	Section 29 of the LEA allows 5% of the electors enrolled at the previous triennial election to demand a binding poll be held on which electoral system is to be used for the next two triennial elections.
<b>Option B</b>	

<p><b>Resolve to change to the Single Transferable Voting electoral system AND give public notice by 19 September 2023 of the decision and the right of electors to demand a poll on the electoral system to be used.</b></p>	
<p><b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b></p> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	<p><u>Advantages</u></p> <ul style="list-style-type: none"> <li>• The results garnered from this system provide a better reflection of the preferences of more voters by ensuring fewer votes are ‘wasted’</li> <li>• Can result in more proportional representation for the significant communities of interest in the area.</li> </ul> <p><u>Disadvantages</u></p> <ul style="list-style-type: none"> <li>• Electors are unfamiliar with this electoral system and education around the use of it may be required.</li> <li>• There is currently limited feedback from the community that a change in electoral system is required.</li> <li>• Potential cost to Council to provide education around use of this new electoral system.</li> </ul>
<p><b>Costs (including present and future costs, direct, indirect and contingent costs).</b></p>	<p>There may be some potential costs associated with educating electors around use of this new system.</p>
<p><b>Other implications and any assumptions that relate to this option</b></p>	<p>Section 29 of the LEA allows 5% of the electors enrolled at the previous triennial election to demand a binding poll be held on which electoral system is to be used for the next two triennial elections.</p>
<p><b>Option C</b></p>	

<b>Resolve to undertake a poll of electors on the electoral system to be used for the 2025 and 2028 elections</b>	
<b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	<u>Disadvantages</u> <ul style="list-style-type: none"> <li>• Significant cost to Council.</li> <li>• There is currently limited feedback from the community that a change in electoral system is required.</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs).</b>	Previous estimates have the cost of a stand-alone poll at approximately \$70,000.
<b>Other implications and any assumptions that relate to this option</b>	

#### **STATUTORY COMPLIANCE**

20. A Council resolution on which electoral system to use for the 2025 and 2028 Western Bay of Plenty District Council triennial elections is consistent with section 27 of the Local Electoral Act 2001.

#### **FUNDING/BUDGET IMPLICATIONS**

21. There are no funding or budget implications associated with this report's recommendations.

## **11.2 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONERS FOR TINEX GROUP LTD – NOTIFIED CONSENT PROCESS**

**File Number:** A5505907

**Author:** Natasha Ryburn, Environmental Consents Manager

**Authoriser:** Alison Curtis, General Manager Regulatory Services

### **EXECUTIVE SUMMARY**

1. The purpose of this report is for Council to establish an Independent Hearings Panel and approve the appointment of Independent Hearings Commissioners.
2. An Independent Hearings Panel is required to hear and determine resource consent application RC13924L for Tinex Group Limited.

### **RECOMMENDATION**

1. That the Environmental Consents Manager's report dated 19 June 2023 titled 'Appointment of Independent Hearings Commissioners for Tinex Group Ltd - Notified Consent Process' be received.
2. That the report relates to an issue considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council establishes an Independent Hearings Panel and delegates the necessary functions to conduct a hearing and determine Resource Consent application RC13924L for Tinex Group Limited.
4. That Council appoints the accredited Commissioners to the Independent Hearings Panel to consider and determine the Resource Consent application RC13924L for Tinex Group Limited:
  - a. Rob Van Voorthuysen
  - b. James Whetu.

### **BACKGROUND**

1. RC 13924L has been publicly notified as requested by the applicant. There is a high level of public interest anticipated and due to the nature of the proposal staff consider it appropriate to establish a hearing panel consisting of two independent commissioners to hear and decide the application.
2. Council's register of commissioners has been used to inform the selection of appropriate commissioners to the panel. Other commissioners with the relevant expertise who are appropriately accredited have been needed as there was

insufficient availability from others on the register with the specific technical expertise required.

3. Staff have confirmed with Rob Van Voorthuysen and James Whetu that they are available to consider and determine the application as Independent Hearings Commissioners. Following appointment of the commissioners, staff will undertake the necessary preparations.
4. Rob Van Voorthuysen is a highly experienced Hearing panel chair and planning expert. Rob primarily acts as an Independent Hearings Commissioner nationwide, having served on over 390 hearings and acted as chairperson for more than 290 of them. He first completed the MfE's Making Good Decisions training in 2005 and renewed his Chair's endorsement in 2022.
5. James Whetu has expertise in planning and policy development, Māori participation and perspective in Resource Management matters, and Te Ao Māori. He is of Raukawa, Waikato and Ngāti Tūwharetoa descent. James has been an independent commissioner for Auckland Council, Hamilton City Council and Palmerston North City Council. James has a current Making Good Decisions certificate.
6. Details of the application are included below:

Applicant: Tinex Group Ltd

Location: 245 Te Puna Station Road, Te Puna, Western Bay District.

Application: RC13924L – For the operation of Industrial Activities (outdoor storage and depots) within the Te Puna Business Park Structure Plan Area prior to completion of prerequisite structure plan development works and infrastructure upgrades.

Application Process: The application is being processed on a publicly notified basis.

Reporting Planner: Heather Perring, Senior Consultant Planner on behalf of Western Bay of Plenty District Council

## **SIGNIFICANCE AND ENGAGEMENT**

7. The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. Council has undertaken a statutory public participation process. In making this formal assessment there is no further intention to assess the importance of this item to individuals, groups, or agencies within the community beyond the statutory process under the Resource Management Act 1991.
8. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

9. While there is strong community and iwi interest in the activities within the Te Puna Business Park generally, this decision to approve the appointment of Independent Commissioners for the Tinex Group Ltd application is considered of low significance because the hearing and decision-making steps for this consent application are prescribed by the Resource Management Act 1991, and the Act allows local authorities to delegate their powers and functions.

### ENGAGEMENT, CONSULTATION AND COMMUNICATION

10. The Resource Management Act prescribes the legislative process for publicly notifying resource consent applications. The Act requires notices are served to individuals and groups either electronically (default) or in hardcopy, and that a public notice is published. The Act requires the individual / group and public notices must contain sufficient information for parties to understand the nature of the application and whether it will affect them or not.
11. For RC13924L, individuals or groups were notified either via email or hardcopy letters. A public notice was published on Councils website and in two newspapers (Weekend Sun and Bay of Plenty Times). Additionally, hardcopies of the resource consent application have been made available at Councils main service centres.
12. RC13924L was publicly notified on 23 June 2023 and submissions close 24 July 2023.
13. Table 1 summarises the public notification of RC13924L:

**Table 1: Public notification of RC13924L (23 June 2023)**

Interested party	Communication
Tangata whenua including: Pirirakau Tribal Committee Ngati Ranginui Iwi Incorporation Ngaiterangi Iwi Incorporation Ngati Taka	Email notification
Immediate landowners to the Te Puna Business Park (approx. 100)	Email notification or letter
Te Puna School	Email notification
Tauranga Environment Centre	Email notification
Fish and Game NZ	Email notification
Department of Conservation	Email notification
Kiwi rail	Email notification
Waka Kotahi	Email notification

Compass Pools	Email notification
A J Demolition	Email notification
Earthmover Tyre Services Ltd	Email notification
Total Relocation Limited	Email notification
Heritage NZ	Email notification
Waipuna Hospice	Email notification
Priority Te Puna	Email notification
General Public	Notice on Western Bay of Plenty District Council website, Newspaper advertisements, Hardcopies of applications at all Western Bay Service centres

### ISSUES AND OPTIONS ASSESSMENT

<b>That Council appoint Independent Hearings Commissioners, as per the above resolution.</b>	
<b>Reasons why no options are available Section 79 (2) (c) and (3) Local Government Act 2002</b>	<b>Legislative or other reference</b>
In accordance with the Policy, as the application has been publicly notified and given the likely high level of public interest and nature of the proposal, the appointment of an Independent Hearings Commissioners is sought to consider and determine the resource consent application.	Council's 'Appointment of Independent Commissioners' Policy at Section 4.1.

### STATUTORY COMPLIANCE

14. The ability for Territorial Authorities to delegate its powers and functions to other persons is prescribed under section 34A (1) of the Resource Management Act 1991. Accordingly, recommendations 3 & 4 relating to the appointment of 2 independent commissioners to consider and determine land use consent RC13924L (Tinex Group Ltd) is considered statutorily compliant.

**FUNDING/BUDGET IMPLICATIONS**

<b>Budget Funding Information</b>	<b>Relevant Detail</b>
<p>Independent Hearings Commissioner Charges</p>	<p>In accordance with Section 6.1 of the Independent Hearings Commissioners Policy:</p> <p><i>“The costs of an Independent Hearings Commissioner, as negotiated at the time of appointment, will be funded by the applicant in accordance with Council’s schedule of Fees and Charges”.</i></p>



**11.3 CHIEF EXECUTIVE OFFICER'S MEETING REPORT****File Number:** A5506461**Author:** Charlene Page, Senior Executive Assistant Mayor/CEO**Authoriser:** John Holyoake, Chief Executive Officer**EXECUTIVE SUMMARY**

The purpose of this report is to provide information on the Chief Executive Officer's meetings attended on behalf of Council including any attended with the Mayor.

**RECOMMENDATION**

That the Senior Executive Assistant Mayor/CEO's report dated 20 July 2023 titled 'Chief Executive Officer's Meeting Report' be received.

**BACKGROUND****Booked engagements and meetings attended by Chief Executive Officer, John Holyoake**

- 19 May Housing Action Plan Working Group Meeting
- 19 May Meeting with Ngai Tamawhariua
- 22 May Urban Taskforce meeting (Scott Adams/Aaron Collier/John Holyoake)
- 24 May SmartGrowth Implementation Group Meeting
- 25 May He Rauru introduction filming
- 26 May Racing Working Group Meeting
- 29 May CoLab meeting - Kelvin French, Don McLeod (MPDC), John Holyoake (WBoP)
- 31 May Katikati Community Board
- 01 June Brian Donnelly and Brad Ward – Te Kainga Business case
- 12 June Meet new Chair Pukehina Ratepayers and Residents Association Stu Mallasch
- 13 June SmartGrowth Leadership Group Meeting
- 13 June SmartGrowth Implementation Group Strategy Workshop
- 26 June Tawhitinui Marae / Papakainga Trust meeting

**Booked engagements and meetings attended by Chief Executive Officer,  
John Holyoake and Mayor James Denyer**

09 June Kainga Ora Board Visit

30 May Heron Crescent Elder Housing Redevelopment Information Session

## 11.4 MAYOR'S REPORT TO COUNCIL

**File Number:** A5526294

**Author:** Charlene Page, Senior Executive Assistant Mayor/CEO

**Authoriser:** James Denyer, Mayor

### EXECUTIVE SUMMARY

The purpose of this report is for the Mayor to provide an update to Council on the below subjects.

#### RECOMMENDATION

That the Senior Executive Assistant to Mayor/CEO's report dated 20 July 2023 titled 'Mayor's Report to Council' be received.

### BACKGROUND

#### 1. SmartGrowth

On 27 June 2023, consecutive meetings of TCC, BOPRC, WBOPDC and SmartGrowth were held, with each meeting resolving to support the detailed business case for the SH29 Network Connections project. Support was also expressed for the importance of TNL stage 2 and the Ōmokoroa interchange in particular. A delegation is to go to Wellington on 1 August to discuss priority transport projects with ministers.

#### 2. Mayors' Taskforce for Jobs (MTFJ)

Council has received confirmation of \$140k of funding for the 2023-24 year to continue the MTFJ programme, which seeks to place youth into employment in the Te Puke area.

#### 3. Bay of Plenty Civil Defence Emergency Management Group Cyclone Gabrielle Disaster Relief Fund

Having allocated the \$100k initially voted to our district through BOPCEMGJC, the significant further need in our communities is apparent. Council has therefore applied for the remaining \$100k that was allocated to the Bay of Plenty region.

#### 4. Local Government New Zealand (LGNZ) Conference

The LGNZ Conference takes place in Christchurch from 26 – 28 July 2023. Council will be represented by our Mayor and Deputy Mayor. The next President of LGNZ will be voted on, as well as a number of remits.

#### 5. Meetings

External functions and meetings attended by the Mayor between 15 May 2023 and 27 June 2023 include:

Te Puna residents, Te Puna	15 May
Katikati Community Centre 30-year celebration, Katikati	20 May
Mayors Taskforce for Jobs tracking meeting, Teams	22 May
SH29 safety meeting, Kaimai School	23 May
Waihi Beach, post-flood visit	29 May
Media interviews x6 re Waihi Beach	29 May
Heron Crescent redevelopment community engagement	29 May
Waihi Beach, post-flood visit	30 May
Radio Moana interview	31 May
SmartGrowth Ministerial meeting, Minister Woods, Zoom	1 June
Community Connect Initiative (PT), Minister Wood, Zoom	1 June
Legion of Frontiersmen conference, Katikati	3 June
Festival of Cultures, Katikati	3 June
Festival for the Future, Wellington	7 – 8 June
Mayoral Forum workshop, Zoom	7 June
Kāinga Ora board visit, Tauranga	9 June
Te Puna / Minden Tō Wāhi engagement	10 June
Her Excellency Jane Connolly, Irish Ambassador, Katikati	12 June
TCC/WBOPDC/BOPRC/Kāinga Ora/Waka Kotahi briefing	12 June
SmartGrowth pre-meeting, Tauranga	13 June
Waihi Beach stormwater briefing	15 June
Angie Warren-Clark, MP, Tauranga	16 June
SmartGrowth Independent Chair interview, Tauranga	16 June
Waihi Beach Volunteer Fire Brigade honours night	17 June

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Stormwater Action Team, public meeting, Waihi Beach	18 June
Mayoral disaster relief fund distribution meeting	19 June
Cyclone Gabrielle response review interview	19 June
CEO KPI subcommittee workshop	19 June
Waihi Beach stormwater public information session, Waihi Beach	19 June
Future for Local Government briefing, Zoom	20 June
SmartGrowth Independent Chair interview, Tauranga	20 June
Te Ranga commemoration, Tauranga	21 June
Te Ao Māori (Tikanga Māori) workshop, Waihi Beach	21 June
TIDE meeting, Waihi Beach	21 June
Te Ao Māori (Te Tiriti o Waitangi) workshop, Tauranga	22 June
Local Government New Zealand (LGNZ) Leaders' Zoom	22 June
Tauranga Green Drinks	22 June
SmartGrowth Independent Chair discussion, Teams	23 June
NextGen Leader graduation, Tauranga	25 June
Future for Local Government media interview	26 June

**12 INFORMATION FOR RECEIPT**

Nil

**13 RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

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:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>13.1 - Confidential Minutes of the Audit, Risk and Finance Committee Meeting held on 23 May 2023</b>	<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)(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>	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
<b>13.2 - Confidential Minutes of the Council Meeting held on 29 June 2023</b>	<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)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or</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

	disadvantage, negotiations (including commercial and industrial negotiations)	
<b>13.3 - Application for Rates Remission</b>	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
<b>13.4 - Requests For Further Water Leak Remission</b>	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