

Mā tō tātou takiwā
For our District

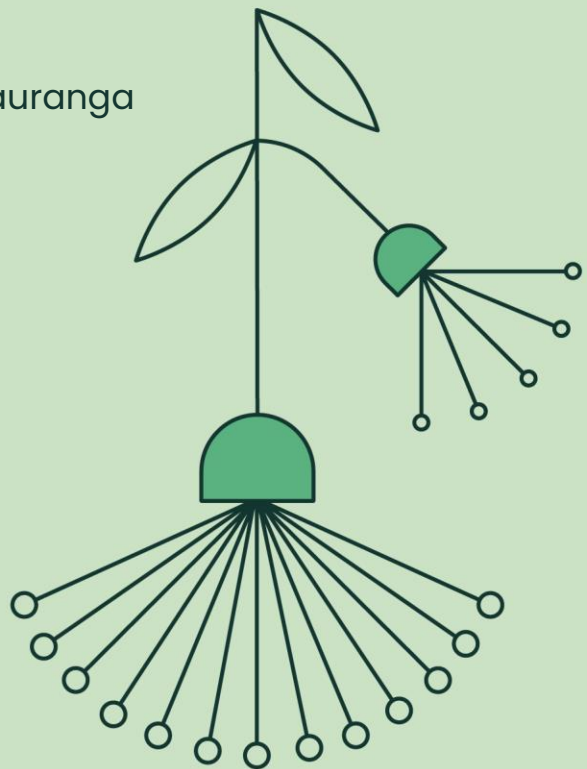
Council

Te Kaunihera

CL24-4

Thursday, 23 May 2024, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



Council

Membership:

Chairperson	Mayor James Denyer
Deputy Chairperson	Deputy Mayor John Scrimgeour
Members	Cr Tracey Coxhead TBC 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
Quorum	Six (6)
Frequency	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, 23 May 2024 at 9.30am

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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 KATIKATI COMMUNITY BOARD MEETING HELD ON 3 APRIL 2024

File Number: A6137215

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Katikati Community Board Meeting held on 3 April 2024 be received.

ATTACHMENTS

1. Minutes of the Katikati Community Board Meeting held on 3 April 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KATIKATI COMMUNITY BOARD MEETING NO. KKC24-2
HELD IN THE CENTRE – PĀTUKI MANAWA, 21 MAIN ROAD, KATIKATI
ON WEDNESDAY, 3 APRIL 2024 AT 6.30PM**

1 PRESENT

Chairperson J Clements, Member N Mayo, Member A Earl, Member T Sage, Cr A Henry and Cr R Joyce.

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer) and G Golding (Governance Manager).

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

7.1 KEITH HAY – BUILDING CONSENTS AND FINANCIAL CONTRIBUTIONS

Mr Hay, Chair of the Katikati-Waihi Beach Ratepayers Association was in attendance to discuss building consents and financial contributions.

- Mr Hay was concerned about building consents and financial contributions. Staff advised there was no correlation between the amount of building consents processed and financial contributions. Staff requested Mr Hay put his concerns and questions in writing to Council.
- Mr Hay claimed that developers were getting rebates on financial contributions that they should not have received.

7.2 ROSS GOUDIE – THREE WATERS

Chairperson of the Waihi Beach Community Board Ross Goudie was in attendance to discuss Three Waters reform.

- Regardless of who owned the Three Waters assets, funding for maintenance and investment would come from residents.
 - Central Government had not yet outlined a process for the Three Waters reform, however, community consultation would likely form part of the process.
-

7.3 JACQUI KNIGHT – VARIOUS ITEMS

Ms Knight, Town Promotions Manager Katch Katikati was in attendance to discuss the upgrades to the Arts Junction toilets and removal of the canopy walkway.

- Council had agreed to fund one third of the cost (\$12,000) towards the upgrade of the toilets. This was the minimum required to apply for a lottery grant.
- Ms Knight had met with Acumen Construction to discuss options to improve the look and make the outside toilets disability accessible. This included replacing the aluminium doors, installing a timer and painting the walls.
- The toilets were cleaned twice a day, however, there were still issues with hygiene.
- Ms Knight requested funding from the Community Board towards the Arts Junction toilet upgrades (Tabled Item 1).
- There were issues with mold in the façade and foyer of the Arts Junction. Due to ongoing safety and maintenance issues with the canopy, Council suggested that the canopy walkway be removed and not replaced.
- Ms Knight requested the Community Board fund the installation of a bus shelter to provide some shelter outside the Arts Junction.

Tabled Item 1: The Arts Junction Toilets Upgrade Proposal.

7.4 PAULA GAELIC – FOOD BOWL OF PLENTY EXHIBITION

Ms Gaelic, Western Bay Museum was attendance to provide an update on the Food Bowl of Plenty Exhibition.

- The Flavours of Plenty festival and exhibition had received great media coverage on tv, print and radio.
 - Ms Gaelic attended an online conference and presented to 193 other museums in New Zealand on Te Tiriti o Waitangi in the workplace.
-

- Museums Aotearoa was running a campaign to raise awareness on the funding constraints that museums and galleries face in New Zealand. Museums and galleries across New Zealand will turn their lights off all night on 16 April 2024.

8 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 7 FEBRUARY 2024

RESOLUTION KKC24-2.1

Moved: Member T Sage

Seconded: Cr R Joyce

1. That the Minutes of the Katikati Community Board Meeting held on 7 February 2024 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

9 REPORTS

9.1 KATIKATI COMMUNITY BOARD - WORKSHOP NOTES - 13 MARCH 2024

The workshop notes were taken as read and no discussion was held.

9.2 CHAIRPERSON'S REPORT - APRIL 2024

The Board considered a report dated 3 April 2024 titled 'Chairperson's Report – April 2024', the report was taken as read. The following comments were made:

- The Board requested a decision report from staff about the Arts Junction toilet upgrade before the Community Board allocates funding to the project.

RESOLUTION KKC24-2.2

Moved: Member N Mayo

Seconded: Member A Earl

1. That the Chairperson's Report dated 3 April 2024 titled 'Chairperson's Report – April 2024' be received.

CARRIED

9.3 COUNCILLOR'S REPORT – APRIL 2024

The Board considered a report dated 3 April 2024 titled 'Councillor's Report – April 2024', the report was taken as read. The following comments were made:

- The role of the Community Boards was being considered under the Representation Review.
- There were staff costs involved with Community Boards. Community Boards were an investment, which needed to deliver for the ratepayers.

RESOLUTION KKC24-2.3

Moved: Member T Sage

Seconded: Cr A Henry

1. That the Councillor's report dated 3 April 2024 titled 'Councillor's Report – April 2024' be received.

CARRIED

9.4 KATIKATI COMMUNITY BOARD – ANZAC DAY COMMEMORATION 2024

The Board considered a report dated 3 April 2024 titled the Katikati Community Board – ANZAC Day Commemoration 2024. The report was taken as read.

- Members would liaise closer to the date as to who would be available to attend the ANZAC Day commemoration on behalf of the Community Board.

RESOLUTION KKC24-2.4

Moved: Member N Mayo

Seconded: Member A Earl

1. That the Governance Advisor's report dated 3 April 2024, titled 'Katikati Community Board – ANZAC Day Commemoration 2024', be received.

CARRIED

RESOLUTION KKC24-2.5

Moved: Cr R Joyce

Seconded: Member N Mayo

2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Katikati Community Board provide a wreath for the ANZAC Day Service, to be paid from the Katikati Community Board Contingency Account (up to the value of \$350).

CARRIED

9.5 PROJECTS AND OPERATIONS REPORT – APRIL 2024

The Board considered a report dated 3 April 2024 titled the Projects and Operations Report – April 2024. The report was taken as read.

- It was not clear what would happen with Kotahi Lane in the future, it was suggested that the less expensive option for the carpark seal extension project be funded.

RESOLUTION KKC24-2.6

Moved: Cr A Henry

Seconded: Member N Mayo

1. That the Governance Advisor's report dated 3 April 2024 titled 'Projects and Operations Report – April 2024' be received.
2. That the Katikati Community Board revoke resolution KKC23-4.10 (Priority Projects List).
3. That the Katikati Community Board increase the funding for the Removal of the Kotahi Lane Cherry Trees project (KKC24-1.6) to \$15,600 to come from the Katikati Community Board Roothing Account.

CARRIED

RESOLUTION KKC24-2.7

Moved: Cr A Henry

Seconded: Cr R Joyce

4. That the Katikati Community Board increase the funding for the Kotahi Lane Upper Carpark Seal Extension project (KKC24-1.7) to \$28,600 for costs relating to hard standing parking (using millings) to come from the Katikati Community Board Roothing Account.

CARRIED

RESOLUTION KKC24-2.8

Moved: Member A Earl

Seconded: Cr R Joyce

5. That the Katikati Community Board approve funding from the Katikati Community Board Roothing Account of up to \$11,050 towards costs relating to the Kotahi Lane footpath extension.
-

CARRIED

9.6 KATIKATI FINANCIAL REPORT – FEBRUARY 2024

The Board considered a report dated 3 April 2024 titled the Katikati Financial Report – February 2024. The report was taken as read.

RESOLUTION KKC24-2.9

Moved: Member T Sage

Seconded: Member N Mayo

That the Financial Business Advisor's report dated 3 April, titled 'Financial Report Katikati – February 2024', be received.

CARRIED

The Meeting closed at 7.53pm.

Confirmed as a true and correct record at the Katikati Community Board meeting held on 29 May 2024.

.....
Chairperson J Clements

CHAIRPERSON

9.2 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 9 APRIL 2024

File Number: A6180767

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Ōmokoroa Community Board Meeting held on 9 April 2024 be received.

ATTACHMENTS

1. Minutes of the Ōmokoroa Community Board Meeting held on 9 April 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
ŌMOKOROA COMMUNITY BOARD MEETING NO. OMC24-2
HELD IN THE ŌMOKOROA LIBRARY & SERVICE CENTRE, WESTERN AVENUE, ŌMOKOROA
ON TUESDAY, 9 APRIL 2024 AT 7.00PM**

The Chairperson opened the hui and asked for a minute silence to acknowledge the passing of Councillor Richard Crawford (Te Puke Maketu Ward Councillor).

1 PRESENT

Deputy A Hughes (Acting Chairperson), Member B Bell, Cr M Grainger and Cr D Thwaites

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer) and P Osborne (Senior Governance Advisor)

6 members of the public

3 APOLOGIES

APOLOGY

RESOLUTION OMC24-2.1

Moved: Cr D Thwaites

Seconded: Member B Bell

That the apology for absence from Member Presland be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Alison Henderson and Ashley Grant – Grant Application

Ms Henderson and Mr Grant were in attendance to speak to their grant application that was included in the agenda for the Boards consideration. The below points were noted:

- The Public Art Incorporated Society commissioned the projects, however Council took over the asset following completion.
- It was clarified that the work needed was in relation to the creative aspect of the art piece, which the Society looked after, noting that this was in line with the arrangement the Society had with Council.
- The structure needed further work to ensure that it could withstand stronger winds.
- The funds required for the repair work did not qualify for Council to make an insurance claim.

Trish Clokie and Corinne Payne – Grant Application

Ms Clokie and Ms Payne were in attendance to speak to their grant application that was included in the agenda for the Boards consideration. The below points were noted:

- There was a large amount of work being undertaken at the Ōmokoroa Settlers Hall.
- It had been identified that there was an opportunity for an outside space to be created, by expanding on the current deck.
- The amount requested was minus \$10k due to additional grants and budget already provided for.
- The hall rate take was \$76k, noting that majority of those funds went into the maintenance of the hall. There was a query around whether the hall rate could be increased to help with the renovation work.

Ms Payne was asked a question in relation to the lighting currently at the Ōmokoroa Boat Club, noting that this was a luxe light that turned on and off at specified times.

Chris Dever – Various Items

Mr Dever was in attendance to speak to the recommendations in relation to the Boat Club lighting, which the Board would consider through the Projects and Operations Report on the agenda. He noted the below points:

- Mr Dever requested the Board look at the wider needs of the community in the area of discussion, rather than just considering one request. He felt there was a real opportunity to look at the bigger picture for the re-design work with consideration of future needs.

8 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 13 FEBRUARY 2024

RESOLUTION OMC24-2.2

Moved: Member B Bell

Seconded: Cr D Thwaites

1. That the Minutes of the Ōmokoroa Community Board Meeting held on 13 February 2024 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

9 REPORTS

9.1 ŌMOKOROA COMMUNITY BOARD WORKSHOP NOTES - JANUARY AND MARCH 2024

The workshop notes were received and no further discussion was held.

9.2 ŌMOKOROA COMMUNITY BOARD - CHAIRPERSON'S REPORT - APRIL 2024

The Board considered a report from the Chairperson. The report was taken as read, with further discussion on the below items.

RESOLUTION OMC24-2.3

Moved: Deputy A Hughes

Seconded: Member B Bell

That the Chairperson's report dated 9 April 2024 titled 'Ōmokoroa Community Board – Chairperson's Report – April 2024' be received.

CARRIED

9.2.1 ADDITIONAL TENNIS/MULTI USE COURTS AT WESTERN AVENUE

Further clarification was sought regarding the additional tennis court impacting the availability for off-street carparking, as it was understood that the concept plan included, provided alternative carparking, which was now in place.

The Board requested an update on the timing for the proposed active reserve on the corner of Ōmokoroa and Prole Road, as staff had noted a hardcourt may be considered for this reserve.

9.3 ŌMOKOROA COMMUNITY BOARD – COUNCILLOR'S REPORT – APRIL 2024

The Board considered a report from Councillor Grainger. The report was taken as read, with further discussion on the below items.

- The passing of Councillor Richard Crawford was acknowledged, noting that it was a tribute to Cr Crawford that there were a number of ex-staff who attended the funeral. Thoughts were with Richard's family at this time.
- The Representation Review was underway, however following the latest letter from the Minister of Local Government this process would require further work and consideration.

RESOLUTION OMC24-2.4

Moved: Cr M Grainger

Seconded: Cr D Thwaites

That Councillor Grainger's report dated 9 April 2024 titled 'Ōmokoroa Community Board – Councillor's Report – April 2024' be received.

CARRIED

9.4 ŌMOKOROA COMMUNITY BOARD GRANT APPLICATIONS – APRIL 2024

The Board considered a report from the Senior Governance Advisor. There were two grant applications presented, and the following discussion took place.

Due to the funding requested from the Ōmokoroa Settlers Hall, it was suggested that this funding came from the Ōmokoroa Community Board Reserve Account rather than the Grant Account.

The Board was advised that decisions of this nature and sum, should be dealt with through a full decision report. This would allow the Board to turn their minds to all aspects of the decision, including the life expectancy of the asset they were investing in. The Board was also advised that making a decision on a grant application that was not being considered as a grant did not demonstrate good decision-making process.

The Board had a discussion regarding the risk of the decision, as they felt the information provided with the grant application was thorough enough to make a decision to grant the funds. They also expressed concern that renovation work at the Ōmokoroa Settlers Hall was already taking place and therefore they did not want to hold up the process by not being able to make a decision until the next scheduled Ōmokoroa Community Board on 4 June 2024.

RESOLUTION OMC24-2.5

Moved: Cr D Thwaites

Seconded: Member B Bell

1. That the Senior Governance Advisor's report dated 9 April 2024 titled 'Ōmokoroa Community Board Grant Applications – April 2024' be received.

CARRIED

RESOLUTION OMC24-2.6

Moved: Member B Bell

Seconded: Cr D Thwaites

2. That the Ōmokoroa Community Board approve the grant application from Public Art Ōmokoroa Incorporated for \$3,630 to contribute towards the re-design and repair work to the Kinetic Godwits Sculpture and Whakawhanungatanga and Community awareness initiatives. This grant will be funded from the Ōmokoroa Community Board Grants Account, subject to all accountabilities being met.

CARRIED

RESOLUTION OMC24-2.7

Moved: Cr M Grainger

Seconded: Member B Bell

3. That the Ōmokoroa Community Board approve the grant application from the Ōmokoroa Settlers Hall Incorporated for \$40,650 to contribute to the building of a large deck area at the back of the hall. This grant will be funded from the Ōmokoroa Community Board Reserves Account, subject to all accountabilities being met.

CARRIED

9.5 ŌMOKOROA COMMUNITY BOARD – PROJECTS AND OPERATIONS REPORT – APRIL 2024

The Board considered a report from the Senior Governance Advisor. The report was taken as read, and the following discussion took place.

RESOLUTION OMC24-2.8

Moved: Cr M Grainger

Seconded: Member B Bell

1. That the Senior Governance Advisor's report dated 9 April 2024 titled 'Ōmokoroa Projects and Operations Report – April 2024' be received.

CARRIED

9.5.1 BOAT CLUB ADDITIONAL STREET LIGHTING

The Board sought further information in relation to the recommendations for additional streetlighting outside the Boat Club. There was an expectation that there would be a plan from the lighting engineer regarding the lighting required in this area. It was felt that the information provided was not enough for the Board to make a decision on. It was therefore agreed that the decision would remain on the table until further information was sought.

RESOLUTION OMC24-2.9

Moved: Cr M Grainger

Seconded: Member B Bell

2. That recommendations 2 and 3 remain on the table until further information could be provided through a full decision report.

CARRIED

9.6 ŌMOKOROA COMMUNITY BOARD FINANCIAL REPORT – FEBRUARY 2024

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

RESOLUTION OMC24-2.10

Moved: Cr M Grainger

Seconded: Member B Bell

That the Financial Business Advisor's report dated 9 April 2024 titled 'Financial Report Ōmokoroa – February 2024' be received.

CARRIED

The Meeting closed at 7.58pm.

Confirmed as a true and correct record at the Ōmokoroa Community Board meeting held on 4 June 2024.

.....
Chairperson P Presland

CHAIRPERSON

9.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 11 APRIL 2024

File Number: A6243937

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Te Puke Community Board Meeting held on 11 April 2024 be received.

ATTACHMENTS

1. Minutes of the Te Puke Community Board Meeting held on 11 April 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
TE PUKE COMMUNITY BOARD MEETING NO. TPC24-2
HELD IN THE TE PUKE LIBRARY AND SERVICE CENTRE, 130 JELLCOE STREET, TE PUKE
ON THURSDAY, 11 APRIL 2024 AT 7.00PM**

The Chairperson opened the hui and asked for a minute silence to acknowledge the passing of Councillor Richard Crawford (Te Puke – Maketu Ward Councillor).

1 PRESENT

Chairperson K Ellis, Member N Chauhan, Deputy Chairperson D Snell, Member K Summerhays, Cr G Dally, and Cr A Wichers.

2 IN ATTENDANCE

C Crow (General Manager Infrastructure Group), E Logan (Governance Advisor) and G Golding (Governance Manager).

13 members of the public.

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

4.1 CONSIDERATION OF LATE ITEM

There was one late item for the Board to consider for inclusion of the agenda, being 'Update on Empowering People in Change (EPIC) Board Meeting'

RESOLUTION TPC24-2.1

Moved: Member K Summerhays

Seconded: Chairperson K Ellis

CARRIED

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

10 members of the public – Kainga Ora Housing

Members of the community raised their concerns regarding the Kainga Ora Housing development at 182-184 Boucher Avenue, Te Puke. The below points were noted:

- Concern and frustration was raised in regard to the lack of public consultation from Kainga Ora and Council prior to work commencing.
- Cr A Wichers would look into why the process was not a notified consent and would feed this information back to the relevant personal.

Vanessa Mackay – Street sweeper on Slater Place

Ms Mackay was in attendance to raise concern about street sweepers at Slater Place. The below points were noted:

- The street sweepers were not sweeping the leaves outside of 1 Slater Place. The issue had previously been brought up but was not resolved.
- Residents of Slater Place were clearing the leaves themselves regularly.
- 1 Slater place had been added to the street sweeper schedule by the General Manager Infrastructure Group.

Samuel Edwards – Disc Golf at Donovan Park

Mr Edwards was in attendance to speak to the Board about installing a Disc Golf course at Donovan Park. The below points were noted:

- The installation of a disc golf course would have a low impact on the park itself.
- The sport was easily accessible to the public, inclusive of all ages, family friendly, and affordable to play.
- Council had previously provided Mr Edwards permission to run a pop up disc golf course for all of April and May 2024.
- Mr Edwards had requested a quote from New Zealand Disc Shop for a course design that was specific to Donovan Park. The course design would be presented to both the Board and the Councils Reserves Team when available.
- The project and design costs were estimated to be \$22,000. Mr Edwards was not seeking this money solely from the Board. Independent sponsors were identified to contribute to the funding of the course.
- Mr Edwards was planning on applying for a grant in the future to cover the costs of the course design.

Joan Dugmore – Te Puke Event Centre

Mrs Dugmore was in attendance to enquire about the possibility of building an Event Centre in Te Puke. The below points were noted:

- Mrs Dugmore wanted an Event Centre to be built in Te Puke to host large sports activities and events such as pickle ball.
- The General Manager Infrastructure Group encouraged Mrs Dugmore to participate in the Te Puke Spatial Plan consultation (20 May–30 June 2024) and Long Term Plan consultation (17 May–17 June 2024).

8 MINUTES FOR CONFIRMATION**8.1 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 15 FEBRUARY 2024****RESOLUTION TPC24-2.2**

Moved: Member N Chauhan

Seconded: Cr A Wichers

1. That the Minutes of the Te Puke Community Board Meeting held on 15 February 2024 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

9 REPORTS**9.1 TE PUKE COMMUNITY BOARD WORKSHOP NOTES – MARCH 2024**

The workshop notes were received with the below point noted:

- The financial update on the Te Puke portion of the Town Centre Development Fund and the Heritage Plaza was to be incorporated into the financial report in the upcoming Board meeting on the 6 June 2024.

9.2 TE PUKE COMMUNITY BOARD – CHAIRPERSON'S REPORT – APRIL 2024

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

- The Board raised concerns and reluctance regarding the proposed additional \$300 of funding on top of the existing \$2,300 that was previously committed for the

Rangiuru Sports Club Mural. The \$300 for the concept design of the mural was to be taken out of the \$2,300 that had already been committed to by the Board.

- Senior Environmental Planner: Urban Design would send Heritage Plaza concept designs to all Board members by the end of April 2024.
- The Board made minor amendments to **Tabled item 1**.

RESOLUTION TPC24-2.3

Moved: Member K Summerhays

Seconded: Chairperson K Ellis

1. That the Chairperson's report dated 11 April 2024 titled 'Te Puke Community Board – Chairperson's Report – April 2024' be received.
2. That the Te Puke Community Board endorses the submission to the pre-engagement phase of the Representation Review (**Tabled item 1**).

CARRIED

9.3 TE PUKE COMMUNITY BOARD – COUNCILLOR'S REPORT – APRIL 2024

The Board considered a report from Councillor Dally. The report was taken as read, with further discussion on the below items.

- The uncertainty regarding the situation around Māori wards was acknowledged.

RESOLUTION TPC24-2.4

Moved: Cr G Dally

Seconded: Cr A Wichers

That Councillor Dally's report dated 11 April 2024 titled 'Te Puke Community Board – Councillor's Report – April 2024' be received.

CARRIED

9.4 TE PUKE COMMUNITY BOARD – PROJECTS AND OPERATIONS REPORT – APRIL 2024

The Board considered a report from the Governance Advisor. The report was taken as read, and the following discussion took place.

- The Board received a quote of \$8,000 from Energy Services Tauranga LTD (ESS) for resources needed for the Christmas Tree powered site. The General Manager Infrastructure Group would engage with ESS to begin the project.
 - General Manager Infrastructure Group would follow up on an alternative to glyphosate to use when spraying, and investigate whether contractors were putting signs up when spraying.
-

- The General Manager Infrastructure Group provided an update on the UV upgrade at the Muttons water treatment plant.
- The following updates were made to the report in the 'matters arising section':
 - The contractors had sprayed the grass area in front of Queen Street.
 - The invoice from Dashmesh had been received.
 - The Christmas dinner was to be removed.

RESOLUTION TPC24-2.5

Moved: Chairperson K Ellis

Seconded: Member K Summerhays

That the Governance Advisor's report dated 11 April 2024 titled 'Te Puke Community board – Projects and Operations Report – April 2024' be received.

CARRIED

9.5 TE PUKE COMMUNITY BOARD – FINANCIAL REPORT FEBRUARY 2024

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

RESOLUTION TPC24-2.6

Moved: Member D Snell

Seconded: Chairperson K Ellis

The Financial Business Advisor's report dated 11 April 2024 titled 'Te Puke Community Board – Financial Report February 2024' be received.

CARRIED

9.6 LATE ITEM – EMPOWERING PEOPLE IN CHANGE (EPIC) BOARD MEETING

The Board considered a verbal update from Councillor Wichers, with further discussion on the below.

- The EPIC Community Calendar app was functioning.
- The Town Crier uniform needed to be resized. A quote would be brought to the Board at the next meeting on the 6 June 2024.

RESOLUTION TPC24-2.7

Moved: Member K Summerhays

Seconded: Chairperson K Ellis

That the late item update from Councillor Wichers dated 11 April 2024 titled “Empowering People in Change (EPIC) Board Meeting” be received.

CARRIED

The Meeting closed at 8.52pm.

Confirmed as a true and correct record at the Te Puke Community Board meeting held on 6 June 2024.

.....
Chairperson K Ellis

CHAIRPERSON

9.4 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 16 APRIL 2024

File Number: A6243915

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Maketu Community Board Meeting held on 16 April 2024 be received.

ATTACHMENTS

1. Minutes of the Maketu Community Board Meeting held on 16 April 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
MAKETU COMMUNITY BOARD MEETING NO. MKC24-2
HELD IN THE MAKETU COMMUNITY CENTRE, WILSON ROAD, MAKETU
ON TUESDAY, 16 APRIL 2024 AT 7.00PM**

The Chairperson opened the hui and asked for a moment of silence to acknowledge the passing of Councillor Richard Crawford (Te Puke – Maketu Ward Councillor).

1 PRESENT

Chairperson L Rae, Deputy R Corbett, Member T Hopping, Member D Walters and Deputy Mayor J Scrimgeour.

2 IN ATTENDANCE

C Crow (General Manager Infrastructure Group), G Golding (Governance Manager), and E Logan (Governance Advisor).

2 members of the public.

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Larissa Wharepourī and Hariata Rewi – Various Items

Ms Wharepourī and Ms Rewi were in attendance to request updates on the Urupā and to discuss various other issues. The below points were noted:

- Ms Wharepouri stated that a letter had been sent to the Reserves Manager outlining the problems that needed to be fixed. The General Manager Infrastructure Group committed to providing a response to Ms Wharepouri's letter.
- The Urupā did not have proper handrailing, drainage or maintenance which was seen by the community as a breach of the Burial and Cremation Act 1964 by Council.
- Staff advised that the handrailing installation at the Urupā was to begin within two weeks following the Board meeting.
- It was requested in the letter sent to the Reserves Manager, that a blessing take place when removing headstones from the Urupā.
- It was the community's view that the main cause of flooding was the poor drainage. It was requested that the drainage be fixed before the handrailing was installed.
- The General Manager Infrastructure Group would have two onsite hui. The first hui would be to discuss concerns and ways forward, including timeframes. The second hui would be with the whānau impacted. The blessing would take place during this hui.
- Concern was raised around the amount of soil that would be added onto the Urupā. The General Manager Infrastructure Group would provide feedback on the rationale for the amount of soil that was expected to be needed.

The Chairperson provided the following updates on Wilson Road:

- The speed limit would be changed from 70km to 50km along a section of Wilson Road.
- The rehabilitation of Wilson Road would happen within the next two years (by 2026). The drainage issues would be addressed in the rehabilitation of the road. This work would be finalised with the contractors, and the final work plan would be fed through the Board prior to the project beginning.
- Ms Rewi raised concern about the mowing done by contractors across Maketu.

The Chairperson and the General Manager Infrastructure Group provided the following comments:

- A Service Request was raised regarding the issue of mowing. Staff spoke with contractors and carried out an audit to ensure the contractors had met the mowing requirements.
- The contractors would be contacted to discuss quality control.

8 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 20 FEBRUARY 2024

RESOLUTION MKC24-2.1

Moved: Deputy Mayor J Scrimgeour

Seconded: Member T Hopping

1. That the Minutes of the Maketu Community Board Meeting held on 20 February 2024 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

9 THIS REPORTS

9.1 MAKETU COMMUNITY BOARD WORKSHOP NOTES – 26 MARCH 2024

The workshop notes were received, and no further discussion was held.

9.2 MAKETU COMMUNITY BOARD – CHAIRPERSON'S REPORT – APRIL 2024

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

- The mural artist had received the first instalment and had begun prepping the wall.
 - In response to questions, the following matters were noted:
 - Staff provided an update on the next steps of the Representation Review.
-

RESOLUTION MKC24-2.2

Moved: Member T Hopping

Seconded: Member D Walters

1. That the Chairperson's report dated 16 April 2024 titled 'Maketu Community Board – Chairperson's Report – April 2024' be received.

CARRIED

9.3 MAKETU COMMUNITY BOARD COUNCILLOR'S REPORT – APRIL 2024

The Board considered a report from the Deputy Mayor Scrimgeour. The report was taken as read with further discussion on the below:

- A flying fox would be installed at the Kio Kio Reserve as part of the Long Term Plan.
- There was uncertainty around the future of Māori wards within the District.

RESOLUTION MKC24-2.3

Moved: Deputy Mayor J Scrimgeour

Seconded: Chairperson L Rae

That Deputy Mayor's report dated 16 April 2024 titled 'Maketu Community Board Councillor's Report – April 2024' be received.

CARRIED

9.4 MAKETU COMMUNITY BOARD GRANT APPLICATIONS – APRIL 2024

The Board considered a report dated 16 April 2024 from the Governance Advisor. The report was taken as read.

RESOLUTION MKC24-2.4

Moved: Member D Walters

Seconded: Member T Hopping

1. That the Governance Advisor's report dated 16 April 2024 titled 'Maketu Community Board Grant Applications – April 2024' be received.
2. That the Maketu Community Board approve the grant application from Maketu ANZAC Committee for \$1,000 to contribute towards the Maketu ANZAC dawn commemorations 2024. This grant will be funded from the Maketu Community Board Grants Account, subject to all accountabilities being met.

CARRIED

9.5 MAKETU COMMUNITY BOARD – PROJECTS AND OPERATIONS REPORT – APRIL 2024

The Board considered a report dated 16 April 2024 from the Governance Advisor. The report was taken as read, with further discussion on the below:

- Staff explained that the Wilson Road North project was temporarily on hold due to the change in contractors used by Council.
- There was discussion about the installation of a Rubbish Bin at Arawa Avenue. The General Manager Infrastructure Group would discuss potential alternative options with the Solid Waste Manager.
- The Board had been experiencing issues with Service Requests. The Governance Manager had contacted the Customer Services Manager to manage this issue.

RESOLUTION MKC24-2.5

Moved: Member T Hopping

Seconded: Member D Walters

That the Governance Advisor's report dated 16 April 2024 titled 'Maketu Community Board – Projects and Operations Report – April 2024' be received.

CARRIED

9.6 MAKETU COMMUNITY BOARD – FINANCIAL REPORT FEBRUARY 2024

The Board considered a report dated 16 April 2024 from the Financial Business Advisor. The report was taken as read.

RESOLUTION MKC24-2.6

Moved: Deputy Mayor J Scrimgeour

Seconded: Member T Hopping

1. That the Financial Business Advisor's report dated 16 April 2024 titled 'Maketu Community Board – Financial Report February 2024' be received.
2. That the Maketu Community Board approve for the remaining funds from the below resolution, to be released back into the Contingency Account:
 - a. MKC23-5.5 with remaining funds of \$600.00

CARRIED

The Meeting closed at 8.20pm.

Confirmed as a true and correct record at the Maketu Community Board meeting held on 11 June 2024.

.....
Chairperson L Rae

CHAIRPERSON

9.5 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 22 APRIL 2024

File Number: A6208407

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Waihi Beach Community Board Meeting held on 22 April 2024 be received.

ATTACHMENTS

1. Minutes of the Waihi Beach Community Board Meeting held on 22 April 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
WAIHĪ BEACH COMMUNITY BOARD MEETING NO. WBC24-2
HELD IN THE WAIHĪ BEACH COMMUNITY CENTRE, 106 BEACH ROAD, WAIHĪ BEACH
ON MONDAY, 22 APRIL 2024 AT 5.30PM**

1 PRESENT

Chairperson R Goudie, Member H Guptill, Deputy Chair D Simpson, Member W Stevenson, Cr A Henry and Cr A Sole.

2 IN ATTENDANCE

A Henderson (General Manager Corporate Services), S Elvin (Project Manager), and R Leahy (Governance Advisor).

23 Members of the Public, including:

Mayor James Denyer

Councillor Rodney Joyce

Katikati Community Board Chairperson J Clements

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

7.1 MIKE PRESTON – CARPARKING OUTSIDE WAIHĪ BEACH CHEMIST (WILSON ROAD)

Mr Preston, owner of Waihi Beach Chemist was in attendance to discuss the lack of parking outside his premises. Mr Preston outlined his concerns (Tabled Item 1) and

presented concept designs (Tabled Item 2) to the Board, the following points were noted:

- There was a scarcity of parking on Wilson Road and no available parking outside the Chemist. The lack of parking has led to people parking illegally in the middle of the street, which is a hazard to other drivers.
 - The maturing garden beds adjacent to the Waihi Beach Chemist limited the visibility for drivers and could be used as a parking area instead.
 - Due to the services that the Chemist provide such as vaccinations, customers required at least 30 minute parking spots.
 - Mr Preston provided two concept designs that showed moving the pedestrian crossing, as well as the removal of the garden beds which would be replaced with carparks.
 - The Board requested the proposal be sent to the Transportation Team for consideration with any recommendations be reported back to the Board.
-

7.2 JIM COWERN – TWO MILE CREEK SAND DISPOSAL

Mr Cowern, a resident of Waihi Beach, was in attendance to discuss issues with the disposal of sand from the Two Mile Creek Stream Protection project. He noted the below points:

- Following the works on Two Mile Creek, sand taken from the creek had been dumped on the beach.
 - Mr Cowern was of the belief that the Regional Council's resource consent for the project required the sand from Two Mile Creek be shifted back on to the dunes.
 - The Board requested information on how the sand from Two Mile Creek should be disposed of under the resource consent to be reported back to the Board.
-

7.3 DENNIS HENDERSON – ATHENREE ROAD WORKS

Mr Henderson, from the Athenree Action Group, was in attendance to discuss the road works on Athenree Road. He noted the below points:

- Road works were currently being completed on Athenree Road, which was disruptive to residents.
- Residents were concerned with the lack of communication from Council on the works. Residents had received a notification from the contractor but not Council about the works.

- The Board requested a schedule of the road works in Waihi Beach, Athenree and Bowentown area.
-

7.4 TRISHA COATES – ELDERLY HOUSING

Ms Coates, a resident of Waihi Beach was in attendance to discuss the establishment of an Elderly Housing Trust in Waihi Beach. She noted the below points:

- A group of residents were concerned that Council would not be replacing the elderly housing flats that were removed following the flooding event in May 2023. In response to this issue, they were forming a Trust for elderly housing Waihi Beach.
 - Ms Coates requested assistance from Council to establish an area where elderly housing could be built.
 - Ms Coates was of the belief that around 200 elderly residents may require housing in the future.
 - The group was investigating whether the Returned Services Association could be involved in the Trust or if it would be stand alone.
-

7.5 IAN LOCKE – JENKINSON STREET ACCESSWAY

Mr Locke, a resident of Waihi Beach was in attendance and requested an update on his proposal for an accessway between Jenkinson Street and Beach Road. The below points were noted:

- The Board had submitted the proposal to Council staff, who considered the request.
 - Staff advised that the area where the elderly housing units were demolished would be open space. A formal accessway would not be built there, however there would be no barrier to prevent members of the public walking through.
 - A concern was raised about the lack of privacy for residents in the elderly housing units if there was an increase in people using the area as an accessway.
-

7.6 REON TUANAU – TE WHĀNAU A TAUWHAO KI OTAWHIWHI

Mr Tuanau was in attendance to provide the Board with the below updates:

- There was a focus on the taiao, work on the Hapū Management Plan for the vision for the next 25 years was progressing.
 - The Hapū was involved with a new project called eDNA which used DNA sampling technology for research.
-

- There had been some positive outcomes from pest control and trapping, which included the return of Kākā to the area.
 - The 2024 Matariki event would be held on the beach by Brighton Reserve.
-

8 PRESENTATIONS

8.1 BAY OF PLENTY REGIONAL COUNCIL – CAULERPA

Representatives from Bay of Plenty Regional Council were unable to attend the meeting.

8.2 PROPOSED WAIHĪ BEACH LIBRARY DESIGN – COMMUNITY CONSULTATION

The Project Manager was in attendance and presented a PowerPoint presentation on the Waihi Beach Library Design (Tabled Item 3). She responded to the following pātai:

- Staff would consult with the community and Hall Committee on the design for the project.
 - There was no covered walkway between the hall and library in the design. However, there would be a connection with paths and landscaping.
 - There would be pedestrian access from Beach Road to the library.
 - The net total of carparks lost from the project would be 19-20. There was currently no plan or budget to have additional carparks out the back, however, staff would take direction from the Councillors on this.
 - Staff would discuss with the Reserves and Facilities Team about removing the designated freedom camping carparks to gain more carparking for the library and hall.
 - It was expected that the staffing needs of the new library would require two full-time and one part-time staff.
 - The new library would be 100 per cent loan funded. Community affordability had been considered for this project.
-

9 MINUTES FOR CONFIRMATION

9.1 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 26 FEBRUARY 2024

RESOLUTION WBC24-2.1

Moved: Cr A Henry

Seconded: Member H Guptill

1. That the Minutes of the Waihi Beach Community Board Meeting held on 26 February 2024 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

10 REPORTS**10.1 WAIHI BEACH COMMUNITY BOARD - WORKSHOP NOTES - 25 MARCH 2024**

The workshop notes were taken as read and no further discussion was held.

10.2 WAIHI BEACH COMMUNITY BOARD CHAIRPERSON'S REPORT - APRIL 2024

The report was taken as read, with further discussion on the below items:

- The Board raised concerns about the length of time it had taken for the entranceway signs project progress. The Board requested cost estimates for the signs for consideration at a future workshop.
 - The Board was advised that a legal agreement between Council and the landowner where the entranceway signs would be placed may be required.
 - The Board queried whether the town centre development fund for Waihi Beach could be used for some of their projects.
-

RESOLUTION WBC24-2.2

Moved: Chairperson R Goudie

Seconded: Cr A Sole

That the Chairperson's report dated 22 April 2024 titled 'Waihi Beach Community Board Chairperson's Report - April 2024' be received.

CARRIED

10.3 WAIHI BEACH COMMUNITY BOARD COUNCILLOR'S REPORT – APRIL 2024

The report was taken as read, with further discussion on the below items:

- Cr Anne Henry acknowledged the passing of Cr Richard Crawford and reiterated he was driven and worked hard for his community.
- It was clarified that the extension for the Long Term Plan was due to the legislative changes to the three waters reform.
- It was clarified that no decision on workshop notes being included on Council and Committee agendas had been made yet.

RESOLUTION WBC24-2.3

Moved: Cr A Henry

Seconded: Cr A Sole

1. That the Councillor's report dated 22 April 2024 titled 'Waihi Beach Community Board Councillor's Report' be received.

CARRIED

10.4 WAIHI BEACH PROJECTS AND OPERATIONS REPORT – APRIL 2024

The report was taken as read, with further discussion on the below items:

- The Board would workshop their existing roading projects and prioritise them with consideration to their budget.
- The Board raised concerns about the progress of getting the Athenree-Waihi Beach crossing project to resource consent stage. It was felt the project was vital to connect Athenree to Waihi Beach.
- Some Members felt that it was not a good use of Reserves Budget to fund an Archaeological Authority application report for the Albacore Reserve shared path as there may not be enough budget to undertake the project.
- The Board may consider funding an Archaeological Authority application and Albacore Reserve shared path closer to when the Athenree-Waihi Beach crossing would be built.
- The Chairperson had received compliments from members of the public about the installation of the Tuna Avenue outdoor shower.

RESOLUTION WBC24-2.4

Moved: Chairperson R Goudie

Seconded: Member W Stevenson

1. That the Governance Advisor's report dated 22 April 2024 titled 'Waihi Beach Projects and Operations Report – April 2024' be received.

CARRIED

RESOLUTION WBC24-2.5

Moved: Deputy Chair D Simpson

Seconded: Member H Guptill

2. That the Waihi Beach Community Board approve up to \$15,000 from the Waihi Beach Roading Account for costs relating to the footpath extension and removal of two carparks at the entrance of Wilson Road carpark (behind the porch).

CARRIED

10.5 WAIHI BEACH COMMUNITY BOARD – FINANCIAL REPORT FEBRUARY 2024

The Board considered a report from the Financial Business Advisor. The report was taken as read and no discussion was held.

RESOLUTION WBC24-2.6

Moved: Member W Stevenson

Seconded: Cr A Henry

1. That the Financial Business Advisor's report dated 22 April 2024 and titled 'Waihi Beach Community Board – Financial Report February 2024', be received.

CARRIED

The Meeting closed at 8.00pm.

Confirmed as a true and correct record at the Waihi Beach Community Board meeting held on 17 June 2024.

.....
Chairperson R Goudie

CHAIRPERSON

10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION**10.1 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 6 MARCH 2024**

File Number: A6119523

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Extraordinary Council Meeting held on 6 March 2024 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 Extraordinary Council Meeting held on 6 March 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
EXTRAORDINARY COUNCIL MEETING NO. CL24-2
HELD AT THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON WEDNESDAY, 6 MARCH 2024 AT 1.00PM**

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

Mayor J Denyer, 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), R Davie (Deputy CEO/General Manager Strategy and Community), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), C Crow (General Manager Infrastructure Group), E Watton (Strategic Policy and Planning Programme Director), N Rutland (Environmental Planning Manager), G Golding (Governance Manager), T Clow (Principal Policy Lead: Environmental Planning), G Allis (Senior Manager), L Balvert (Communications Manager), J Duncan (Governance Support Administrator), H Wi Repa (Governance Systems Advisor) and P Osborne (Senior Governance Advisor)

1 member of the Media

4 APOLOGIES

APOLOGY

RESOLUTION CL24-2.1

Moved: Cr A Henry

Seconded: Cr M Grainger

That the apology for absence from Cr A Sole be accepted.

CARRIED

5 CONSIDERATION OF LATE ITEMS

Nil

6 DECLARATIONS OF INTEREST

Nil

7 PUBLIC EXCLUDED ITEMS

Nil

8 PUBLIC FORUM

Nil

9 REPORTS

9.1 RECOMMENDATIONS BY THE INDEPENDENT HEARINGS PANEL FOR PLAN CHANGE 92 AND THE NOTICE OF REQUIREMENT FOR ŌMOKOROA ACTIVE RESERVE

Council considered a report dated 6 March 2024 from the Environmental Planning Manager. The report was taken as read, with the below points noted:

- The report contained the information received from Council's Independent Hearings Panel for Plan Change 92, and the Notice of Requirement for Ōmokoroa Active Reserve.
 - The Panels recommendations were brought to the Council hui held 22 February 2024 for decision, noting that the recommendation of staff was to accept the recommendations of the panel.
 - Upon receiving the comments and the concerns raised at the hui, it was Councils decision to let the report lie on the table.
 - Staff had since provided further detail and analysis to address the concerns raised, and had taken advice on alternatives to accepting the recommendations, in particular the implications and risks associated with rejecting the panels recommendations outright or in part.
 - A workshop was held with Council on Friday 1 March, noting that the notes from the workshop had been attached to the report.
 - At the workshop, staff went through the issues raised and the risk of Councils current and future position, should the recommendations be rejected, or should
-

the Plan Change be accepted only over greenfield portions over both Ōmokoroa and Te Puke.

- Staff provided advice that not accepting the Plan Change or only applying the Plan Change over portions would present considerable risk to Council.
- With that information in hand, the workshop concluded in providing direction to staff on those recommendations from the panel that Council was not in agreement with. These were recommendations the panel made in respect to;
 - Provisions for Vibration Standards;
 - For reverting a portion of Francis Road back to Future Urban zoning; and
 - For a portion of land (Brunning Land) currently proposed as Natural Open Space, to be revert back to Future Urban zoning.
- The report had sought to reflect the views and direction provided. Staff have recommended that the recommendations from the Independent Hearings Panel be accepted, except for the provisions set out in Table 1 relating to the above matters.
- Table 1 also included alternative options and reasons for the decisions to reject the recommendations, noting that these were the matters that would be passed to the Minister for the Environment for a decision.
- The remainder of the accepted recommendations will become legally operative within the District Plan, subject to the decisions made at the meeting.
- The report included an additional recommendation that would allow staff to address any minor editing or subsequential changes to rules required to fully reflect the recommendations Council may wish to reject. Staff sought to identify those subsequential changes within the table, however note that there may be a provision that required adjusting accordingly. The proposed recommendation was added to provide practical means to address that.
- With respect to the Notice of Requirement for the Ōmokoroa Active Reserve the recommendation to accept the Independent Hearings Panel's position, which was to confirm the Notice of Requirement with modified conditions, remained unchanged.
- As signalled at the Council hui held 22 February 2024, these plan making processes, in particular Plan Change 92, were a critical step to unlocking urban land to enable greater housing supply in the district.
- While Central Government continued to set its own direction on addressing the housing crisis, including the recently released information regarding the 'Going for Housing Growth' Policy, the legal requirements to deliver on the plan change remained.

- Central Government had signalled that MDRS would continue to be a housing option for councils in the future. Conversely, it may be an option that councils could move away from, however Government signalling ahead of having a policy in place, indicated that this would only apply to councils who could demonstrate it had at least 30 years of development capacity for housing available, to which Western Bay of Plenty District Council did not have.
- As it stood, both the Plan Change and the Notice of Requirement had been through a thorough legislative process with public involvement. The commissioners appointed to the Independent Hearings Process were qualified and experienced across a range of components of the plan change.
- For the most part, commissioners had upheld staff advice across the majority of their recommendations, many of which were subject to negotiations between different submitters.
- There had been a significant investment to date in progressing this work, which was both complex in its nature and process.
- Not only did the plan change re-zone existing residentially zoned land for medium density scaled development, but it also provided for the re-zoning of greenfield in Te Puke and future urban stage 3 land in Ōmokoroa. It was this stage 3 land that unlocked over 2,600 new homes, as well as associated roading and infrastructure networks.
- Critically the plan change was a necessary deliverable to fund the much needed and long signalled infrastructure projects, namely the State Highway / Ōmokoroa Road roundabout.
- It was staffs intention that the information provided since the Council hui held 22 February 2024, addressed concerns and reconfirmed the position Council was in, particularly drawing attention to the risks and implications held.
- Further to this, it had been staffs intention to better reflect Councils preferred position in the recommendation, which set out the matters Council may have wished to reject.

Staff responded to pātai as below:

- The Medium Density Residential Standards (MDRS) was notified as part of Plan Change 92 in August 2022, at which time the nine density standards took immediate legal affect. This meant that if developers complied with the nine density standards, they were considered a permitted activity.
- Council was required, through legislation to give effect to the MDRS rules through Plan Change 92.
- The rationale for both Ōmokoroa and Te Puke being included was dictated through the Resource Management Act (RMA). This stated that relevant

residential zones were areas predominately urban in character that had populations of 5,000 or more people at the 2018 Census or that were intended by Council to grow to at least 10,000 people.

- This plan change enabled Council to have better control over developments as it provided more certainty and better urban design outcomes, such as: controls over enabling different types of housing; better interface between private and public areas; better connections; requirements around outdoor living; and increasing privacy.
- There was no current practical opportunity to only apply the Plan Change to Ōmokoroa Stage 3, due to the high risk or how this would be legally interpreted.
- Central Government had signalled a potential for the MDRS rules to become optional for urban areas in time, however until a formal policy was created it was unclear how this would be implemented.
- A Plan Change could take around two years to be implemented.
- Council was aware of the application to the Infrastructure Acceleration Fund (IAF), noting that the fundamental government premise behind that fund was to enable infrastructure for the purpose of unlocking land for housing. This was the rationale for Kāinga Ora administering the fund.
- Council secured the IAF for Stage 3 Ōmokoroa which was developer-led housing.
- Central Government provided additional funding toward infrastructure to Kāinga Ora to support their efforts to free up housing nationally. Kāinga Ora was a conjugate for a national bid process where they had \$1 Billion to allocate for infrastructure to free up housing. This was due to identifying infrastructure as a barrier to developing housing/affordable housing. Council applied to the IAF and were awarded one of the bigger allocations.
- Kāinga Ora had signalled that they would object to the additional housing in Ōmokoroa if the Ōmokoroa intersection issues were not resolved, however did not have the funds to apply to the roundabout themselves at that stage.
- The Ōmokoroa interim roundabout, deemed to have a 10-15year life, was to provide safety and capacity improvements required to unlock the housing as part of the Ōmokoroa Stage 3 project. The work required as part of the Tauranga Northern Link (TNL) Stage 2, meant that this work could take 6 years at a minimum to be enabled.
- The Ōmokoroa Roundabout would be unlikely to be funded from a different funding source under the new government, unless specifically noted under the GPS.
- A large part of the funding of the roundabout was in relation to Council infrastructure that Council would own in the future.

- As the premise of the IAF funding was to enable housing, the application outlined the work Council had undertaken with SmartGrowth regarding the unlocking of Ōmokoroa Stage 1 and 2 as well as the Plans for Stage 3.
- The total funding from Kāinga Ora was \$38 Million, noting that the total funding package, including Councils contribution (land and dollars), as well as Waka Kotahi's contribution was \$46 Million.
- There were several components that made up the total package for the interim roundabout. The first component (the round about with four-laning to Francis Road) was estimated at \$10 Million. The second component of the project was four-laning from Francis Road to Prole Road was estimated at \$12 Million. On top of those works there would be costs for: professional fees; land acquisition; service relocation; and park and ride investigations. The current total costs for the project sat just under the allocated funding.
- The work being undertaken by PowerCo was in relation to the relocation of powerlines to overhead or underground. There were also investigations into supplying land to PowerCo for a new substation in Ōmokoroa.
- Local developers provided what they knew the market wanted, noting that dwellings with a garage of some sort were most attractive in the market. For this reason the current market offerings across the western bay continued to include, for the most part, a garage.
- As part of the planning for developments, Councils land engineers work closely with the developer engineers to ensure accessibility for services, such as Fire and Emergency New Zealand and Refuse trucks are able to navigate the streets. It was noted that private roads could have there own rules in relation to this.
- Stage 3 Ōmokoroa contemplated a variety of densities in relation to dwellings.

The Mayor went through the alternative recommendations to determine a sense of comfort from Councillors.

Alternative Recommendation A

All Councillors in attendance expressed a level of comfort with this alternative recommendation.

Alternative Recommendation B

All Councillors in attendance expressed a level of comfort with this alternative recommendation, following the removal of the 'coolstore' provision which was currently included.

Alternative Recommendation C

Following discussions there was a level of discomfort with this alternative recommendation, due to the designation process that Waka Kotahi would be undertaking and how the re-zoning may affect that.

Alternative Recommendation D (Tabled Item 1)

All Councillors in attendance expressed a level of comfort with this alternative recommendation.

RESOLUTION CL24-2.2

Moved: Cr M Grainger

Seconded: Cr R Joyce

That the Environmental Planning Manager's report dated 6 March 2024 titled 'Recommendations by the Independent Hearings Panel for Plan Change 92 and the Notice of Requirement for Ōmokoroa Active Reserve' be received.

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

CARRIED

RESOLUTION CL24-2.3

Moved: Mayor J Denyer

Seconded: Cr A Henry

That Council accepts the recommendations of the Independent Hearings Panel for Plan Change 92 in accordance with clause 104 of Schedule 1 of the Resource Management Act 1991 (RMA), with the exception of the following Independent Hearings Panel recommendations identified in Table 1 below, with reasons for doing so, and any alternative recommendations in accordance with clause 102 (1)(b) and (c):

Table 1. Rejected Independent Hearings Panel Recommendations

	Recommendation rejected	Alternative recommendation (if any)
A	Introduction of new indoor railway vibration rules for Ōmokoroa and Te Puke in Section 4C – Amenity (sub-section 4C.1 – Noise and Vibration) of the District Plan. Specifically Rule 4C.1.3.6 (indoor railway vibration standards)	Delete Rules 4C.1.3.6 (indoor railway vibration standards) and 4C.1.4.4 (matters of discretion for

	and Rule 4C.1.4.4 (matters of discretion for indoor railway vibration) ¹ .	indoor railway vibration).
	<p>Reason</p> <p>The vibration rules are overly onerous and time-consuming to implement and present a significant or even unbearable cost to landowners. Based on KiwiRail's own evidence, this includes for a single dwelling, the need for a vibration expert to carry out an assessment (\$3-4k), the likelihood of needing to find an expert outside of the region due to the limited number of experts, a railway vibration assessment (\$5-8k), the possibility of needing to isolate the building from the ground vibration (\$100k + GST) or a heavy masonry construction ("high risk" and "high cost") or for landowners to abandon a project due to cost. These are over and above the normal building costs. These measures seem unreasonable to impose on individual landowners simply to avoid KiwiRail's perceived concerns regarding possible reserve sensitivity. Council is not aware of any complaints about vibration from those already living within 60m of rail corridors in the District nor was evidence of complaints provided by KiwiRail.</p>	
B	Recommendation rejected	Alternative recommendation (if any)
	<p>Proposed industrial zone to the west of the existing Francis Rd intersection with State Highway 2 being retained as Future Urban².</p> <p>51 Francis Rd (Lot 2 DPS 76152) 21 Francis Rd (Lot 3 DPS 76152) 1362 SH2 (Lot 1 DPS 5073) 1 Francis Rd (Lot 2 DPS 5073)</p>	<p>Rezone the land to Industrial Zone on the District Plan Maps, as proposed by Plan Change 92.</p>

¹ References:

IHP Recommendations Report – paragraphs 3.140 – 3.145.

IHP Recommendations Report Attachment B – Summary of Recommendations – Section 4C – Amenity – Topic 2 (page 15).

IHP Recommendations Report Attachment C – District Plan Provisions – pages 60-61.

KiwiRail submission points: 30.4 & 30.5.

² References:

IHP Recommendations Report – paragraphs 3.214 and 3.289 – 3.321.

IHP Recommendations Report Attachment B – Summary of Recommendations – Ōmokoroa Zoning Maps – Topic 5 (page 8).

IHP Recommendations Report Attachment D – District Plan Maps – “Ōmokoroa Plan Change 92 Zoning Map – January 2024”). See area of land shown as “Future Urban” at Francis Rd.

As a consequential change, amend the proposed Ōmokoroa Structure Plan Stage 3 Road and Walkway/Cycleway map in Appendix 7 – Structure Plans of the District Plan as recommended in Council's right of reply (29 September 2023). This includes deleting the industrial zone access and roundabout from the far western end of this land and changing it to a right hand turn only, and adding a new east to west structure plan road.

As a consequential change, amend the proposed Ōmokoroa Structure Plan Stage 3 map in Appendix 7 – Structure Plans of the District Plan to show that the "Francis Road structure plan area typical 25m cross section" shall also apply to the existing Francis Road where it adjoins the land Plan Change 92 proposed to be rezoned as Industrial. This is the cross section recommended to be added as part 4.8 of Appendix 7 – Structure

		<p>Plans. Also make associated changes in proposed Rule 12.4.11.8 (b).</p> <p>As a consequential change, delete the following wording from proposed Rule 12.4.11.8 which was recommended by the IHP in support of their recommendation:</p> <p>Alternatively, prior to this intersection being closed, access into the Industrial Zone from Francis Road at or beyond it's intersection with State Highway 2 shall be prevented by way of an appropriate legal mechanism to Council's satisfaction.</p> <p>Add the words "Light Industrial" over the proposed Industrial Zone on the District Plan Maps so that this land becomes subject to existing rules for the Ōmokoroa Light Industrial Zone in Section 21 – Industrial of the District Plan.</p>	
	<p>Reason</p> <p>Ōmokoroa has approximately 18ha of existing Industrial Zoned land on the south-eastern side of Ōmokoroa Rd (the only land currently available for industrial use). Plan Change 92 proposed to rezone a further 10ha of Industrial land (from its current Future Urban Zoning) on</p>		

the south-eastern side of Ōmokoroa Rd and to the west and east of the existing Francis Rd intersection with State Highway 2. These additional areas are required to meet the demand for Industrial land in the western part of the District and to provide employment for those living in the area. This meets SmartGrowth's objective to provide employment opportunities within growth areas and aligns with its vision for the Western Bay sub-region to be a great place to live, learn, work and play. These additional areas are also required because an existing Industrial Zone further north on Ōmokoroa Rd has been developed for housing under the Housing Accords and Special Housing Areas Act 2013 and is therefore no longer available for industrial use. Further, the location of the additional areas would provide a buffer between the Stage Highway and properties being rezoned to Medium Density.

A number of submitters living in the Francis Road area opposed the Industrial Zone at Francis Rd due to concerns such as noise, traffic and effects on the natural environment. There are existing provisions in the District Plan in Sections 4C – Amenity and Section 21 – Industrial which manage effects relating to noise, setbacks, screening and urban design e.g. avoiding large blank walls through use of glazing, varied materials and use of vegetation. In response to submissions, Council reporting officers also recommended a rule to ensure that Francis Road would need to be closed before industrial development could occur, and a 25m Francis road reserve (including noise bund) be completed between the proposed Industrial Zones and Medium Density Zones. Despite these measures, the IHP recommended that the proposed Industrial Zone to the west of the existing Francis Radd intersection with State Highway 2 be retained as Future Urban. The IHP's remaining concern being that the definition of "industry" in the District Plan is "very coarse" and "effectively allows for a range of industrial use from heavy industrial through to activities that are likely to be compatible with the Ōmokoroa community.

As an alternative, proceeding with rezoning the land to Industrial but marking it as "Light Industrial" on the District Plan Maps would allow existing Light Industrial rules to apply. These rules prevent "industry" (manufacturing, processing, packaging, dismantling activities and engineering workshops) and "storage, warehousing, coolstores and packhouses" from being permitted and make them non-complying along with waste management activities specifically. The rules would only permit activities such as commercial services (e.g. banks, post offices and laundromats etc), takeaway outlets, service stations,

	<p>medical facilities, veterinary clinics and emergency services etc. The rules would also reduce the height limit from 20m to 9m and provide stricter noise requirements than the general Industrial Zone. This is an existing method within the District Plan in response to similar issues and is considered to resolve the remaining concern of the IHP.</p>	
C	Recommendation rejected	Alternative recommendation (if any)
	<p>Proposed Natural Open Space Zone (as modified by Council officer recommendations) on Bruning land (Lot 3 DPS 28670) being retained as Future Urban³.</p>	<p>Rezone the land to Natural Open Space Zone on the District Plan Maps, as proposed by Plan Change 92 and as modified by Council officer recommendations.</p> <p>For clarity, this is the part of the property shown as Future Urban on the following map:</p> <p>IHP Recommendations Report Attachment D – District Plan Maps – “Ōmokoroa Plan</p>

³ References:

IHP Recommendations Report – paragraphs 3.334 – 3.363.

IHP Recommendations Report Attachment B – Summary of Recommendations – Ōmokoroa Zoning Maps – Topic 6 (page 11).

IHP Recommendations Report Attachment D – District Plan Maps – “Ōmokoroa Plan Change 92 Zoning Map – January 2024”. See area of land shown as “Future Urban” on the eastern side of Ōmokoroa Road and adjoining State Highway 2.

Bruning submission point: 31.3.

		<p>Change 92 Zoning Map – January 2024)”. As a consequential amendment, show a landscape strip on the Industrial Zoned land where it adjoins the land requested to be rezoned to Natural Open Space.</p>	
	<p>Reason</p> <p>Plan Change 92 proposed for an area of this property to be rezoned from Future Urban to Natural Open Space due to having one or more characteristics that aligned with the purpose of such a zoning. The purpose of the zone being to identify land generally unsuitable for development which instead has ecological, cultural, recreation or amenity values and provides for the likes of open space, maintenance and restoration of natural character, green corridor links and visual separation between areas planned to be urbanised.</p> <p>The Council officer (in a Section 42A Report) recommended changes to the proposed boundary of the Natural Open Space Zone on this property following an additional site visit. The Council officer then confirmed their view (in rebuttal evidence) that a Natural Open Space Zoning was most appropriate for this particular property “from a planning perspective”. However, the Council officer also offered the IHP an alternative option of retaining this part of the land as Future Urban given “unique and exceptional circumstances” relating to the property. This being an existing State Highway designation (D181) over part of the property and plans by Waka Kotahi to alter this designation and expand it further into the property. The reason given for this option was “for simplicity the option to retain the operative zoning could be followed with consequential rezoning as may be appropriate once the designation process is complete and there is more certainty around residual property boundaries and the like”.</p> <p>Waka Kotahi’s submission sought for the proposed Natural Open Space Zone within the footprint of designation D181 be removed (and revert to Rural Zone) as Natural Open Space Zoning is incompatible with the urban infrastructure of a grade-separated interchange and may hinder Waka Kotahi in its ability to construct the intersection.</p>		

	<p>Bay of Plenty Regional Council sought for the land to be retained for Natural Open Space due to the need to protect streams, wetlands and freshwater ecosystems for the purpose of the Plan Change and the National Policy Statement for Freshwater Management.</p> <p>Council agree that the land in question, being a wetland, has characteristics which make it most suitable for a Natural Open Space Zoning. The land is not suitable for urban purposes (residential, industrial and commercial) and should not be a Future Urban Zone.</p>	
D	Recommendation rejected	Alternative recommendation
	<p>Introduction of new indoor noise level rules for Ōmokoroa and Te Puke in Section 4C – Amenity (sub-section 4C.1 – Noise and Vibration) of the District Plan. Specifically Rule 4C.1.3.2.c.iii (indoor railway noise standards).</p>	<p>Amend Rule 4C.1.3.2.c.iii (noise sensitivity) to reduce the applicable area of the requirements from 100m to 50m as follows:</p> <p>“In Ōmokoroa and Te Puke, any new building or addition to an existing building located within <u>50m</u> 100m of the railway track designation boundary, which contains a dwelling, accommodation facility, education facility, place of worship or marae, or medical or scientific facility, shall meet the following requirements:”.</p>
	<p>Reason</p> <p>The applicable area of the noise rules (100m from a railway designation boundary) is potentially much wider than required to manage the actual effects of railway noise on buildings (holding noise sensitive activities). The acoustic evidence from Kāinga Ora</p>	

considers that the 100m area is too large, will apply controls to land that is not affected by noise to the degree that rules are necessary, and ignores a range of factors that may lead to a smaller applicable area such as railway cuttings, train speed and screening by topography and buildings. Kāinga Ora recommended using computer noise modelling now to significantly reduce the spatial extent of the controls overall, which would have been especially likely where there is more complex topography and screening effects. In Kāinga Ora's view, such modelling would have been relatively straightforward given the easily accessed and reliable LIDAR terrain and other digital spatial data. The IHP did not accept this option and retained the applicable area as 100m. We recognise that it would not be practicable to revisit the option of doing computer modelling now to spatially identify the applicable area before the rule becomes operative. However, it seems clear from Kāinga Ora's evidence that the 100m area is over-conservative, would create an unnecessary burden on many landowners and should be reduced in size. On that basis, we request that the applicable area be reduced in size from 100m to 50m. This will avoid the need for landowners to pay for acoustic assessments unnecessarily.

That by rejecting the Independent Hearings Panel's recommendations identified in [Table 1](#) above, that these matters will be referred to the relevant Minister for a decision in accordance with clause 101(2) and 105 of Schedule 1 to the Resource Management Act.

That the public be notified of the decisions by Council in accordance with clause 102 of Schedule 1 of the Resource Management Act by 13 March 2024 including the recommendations of the Independent Hearings Panel that it rejects and the reasons for doing so and any alternative recommendation that it has provided for a rejected recommendation.

That staff be delegated the authority to make minor editorial changes and consequential changes (if any) to the recommended decision of the Council in consultation with the District Plan Committee Chairperson.

That Council accepts the recommendations of the Independent Hearings Panel for the Ōmokoroa Active Reserve and confirms the Notice of Requirement with modifications in accordance with section 168A of the Resource Management Act.

A division was called and recorded as follows:

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

Against: Crs M Murray-Benge and T Coxhead

CARRIED 9/2

The Meeting closed at 3.11pm.

Confirmed as a true and correct record at the Council meeting held 4 April 2024.

.....
Mayor J Denyer
CHAIRPERSON / MAYOR

10.2 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 28 MARCH 2024

File Number: A6128296

Author: Rosa Leahy, Governance Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Strategy and Policy Committee Meeting held on 28 March 2024 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 28 March 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
STRATEGY AND POLICY COMMITTEE MEETING NO. SPC24-2
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON THURSDAY, 28 MARCH 2024 AT 9.30AM**

1 KARAKIA

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

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

Āe

Yes

2 PRESENT

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

3 IN ATTENDANCE

R Davie (Deputy CEO/General Manager Strategy and Community), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), C Crow (General Manager Infrastructure Group), E Watton (Strategic Policy and Planning Programme Director), M Leighton (Policy and Planning Manager), K Little (Operations Manager) K McGinity (Senior Policy Analyst), C McGirr (Policy Analyst), I Kruis (Resource Recovery and Waste Team Leader), H Wi Repa (Governance Systems Advisor), P Osborne (Senior Governance Advisor) and R Leahy (Governance Advisor).

4 APOLOGIES

APOLOGY

RESOLUTION SPC24-1.1

Moved: Cr M Murray-Benge

Seconded: Cr A Sole

That the apology for absence from Cr G Dally be accepted.

CARRIED

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 DELIBERATIONS AND ADOPTION OF THE WASTE MANAGEMENT AND MINIMISATION PLAN 2024

The Committee considered a report dated 28 March 2024 from the Policy Analyst. The report was taken as read.

Staff responded to pātai below:

- The Waste Minimisation Levy was population based. Council received approximately \$280,000 per quarter, noting that the amount varied each quarter.
 - A review of the Waste Minimisation Act was underway. Central Government was looking at Action and Investment Plans due to the increase in the waste levy.
 - It was currently not viable for Council alone to carry out composting. Council did not have the infrastructure in place to compost and would need to consider partnering with other agencies if it wanted to carry out this activity.
 - The PAYT rubbish tag system would be reviewed and Council would seek the community's views on the system to ensure it is the best option for the community.
-

- Work was being undertaken with Tauranga City Council and wider Bay of Plenty councils on what waste infrastructure was required in the region.
- The District's kerbside waste was currently transported over the Kaimai Ranges to be processed. With recent changes to the law, Council must comply with the standardisation for kerbside collection. The location of kerbside waste processing infrastructure was currently being considered.
- Greenwaste collection was included in the Waste Minimisation Plan despite it currently not a service that Council offers. In order to spend the Waste Minimisation Levy or apply to the contestable fund, the action must be included in Council's Waste Minimisation Plan.
- The District's food waste was currently being consolidated with Tauranga City Council's food waste and then transferred to Hampton Downs for processing. It was not yet clear how this process could change in the future.
- Te Puke and Katikati were identified as areas where Resource Recovery Centres could be established. A Resource Recovery Centre was currently being trialled in Katikati and Council was working with community groups in Te Puke to establish a centre there.
- The intent of community recycle centre projects was not to take away the work that community groups were already doing in that space, but to further reduce waste going to landfill.
- The Resource Recovery Centre trial in Katikati was for six months, after which it would be reviewed. If successful, a report would be brought back to Council for a decision on what model would be implemented.
- Central Government had not introduced a 'right of repair' legislation to improve the lifetime of goods. Council would advocate for this legislation to reduce landfill waste.
- Committee Members requested that the wording around implementing actions if viable be included in the Waste Minimisation Plan. Staff could make minor editorial changes under recommendation 6.

RESOLUTION SPC24-1.2

Moved: Cr R Joyce

Seconded: Cr M Grainger

1. That the Policy Analyst's report dated 28 March 2024 titled 'Deliberations and adoption of the Waste Management and Minimisation Plan 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 the Strategy and Policy Committee receives all feedback received through the consultation period, which ran from 10 November to 10 December 2023 and is set out in **Attachment A** to this report.
4. That the Strategy and Policy Committee adopts the Waste Management and Minimisation Plan, shown as **Attachment C** of this report and in relation to the following issues and options, the Committee adopts the following preferred options as part of the final Waste Management and Minimisation Plan.
 - a. Issue 1: Education actions [Option A]
 - b. Issue 2: Battery and e-waste recovery [Option A]
 - c. Issue 3: Localised foodwaste and greenwaste processing facility [Option A]
 - d. Issue 4: Greenwaste collection [Option A]
 - e. Issue 5: Inorganic waste collection [Option A]
 - f. Issue 6: Council's approach to public refuse and recycling bins [Option A]
 - g. Issue 7: Amend monitoring and reporting actions for clarity [Option A]
 - h. Issue 8: Construction and demolition waste [Option A]
 - i. Issue 9: Support for Marae [Option A]
 - j. Issue 10: Support for Matakana Island Recycling Centre [Option A]
 - k. Issue 11: Timing of actions [Option A]
5. That the Strategy and Policy Committee requests the Chief Executive to direct staff to prepare a Decision Story, in general accordance with the resolutions of this meeting and for approval by the Mayor, as the formal response to submitters and for dissemination to those that provided feedback as the response to their feedback, and to be published on the Council's website.
6. That the Chief Executive is authorised to make any required editorial changes to the final Waste Management and Minimisation Plan.

CARRIED

11 INFORMATION FOR RECEIPT

Nil.

The Meeting closed at 10.07am.

Confirmed as a true and correct record by Council on 23 May 2024.

10.3 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 19 MARCH 2024

File Number: A6129420

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 19 March 2024 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 19 March 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING NO. APLTP24-2
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON TUESDAY, 19 MARCH 2024 AT 9.30AM**

1 KARAKIA

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

Settle the spirit
Clear the mind
Prepare the body
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 M Grainger, Cr A Henry, Cr M Murray-Benge, Cr D Thwaites and Cr A Wichers.

VIA ZOOM

Cr G Dally and Cr A Sole.

3 IN ATTENDANCE

J Holyoake (Chief Executive Officer), R Davie (Deputy CEO/General Manager Strategy and Community), A Curtis (General Manager Regulatory Services), A Henderson (General Manager Corporate Services), C Crow (General Manager Infrastructure Group), G Golding (Governance Manager), E Watton (Strategic Policy and Planning Programme Director), S Bedford (Finance Manager), M Leighton (Policy and Planning Manager), R Gallagher (Senior Policy Analyst), P Buchanan (Governance Advisor), J Duncan (Governance Support Administrator) and P Osborne (Senior Governance Advisor).

VIA ZOOM

J Buckingham (Chief Finance Officer), K McGinity (Senior Policy Analyst), K Little (Operations Manager), N Rutland (Environmental Planning Manager), P Renouf (Commercial Business Analyst), P Watson (Reserves and Facilities Manager), C McGirr (Policy Analyst), N Patel (Corporate Performance Advisor), P Mickleson (Corporate

Performance Manager), C Thyne (Research and Monitoring Analyst), V Dekkerova (Systems Advisor – Policy and Planning), C McLean (Director Transportation), J Rickard (Community and Strategic Relationships Manager), L Coyle (Planning Coordinator)

4 APOLOGIES

APOLOGY

RESOLUTION APLTP24-2.2

Moved: Cr M Grainger

Seconded: Cr R Crawford

That the apology for lateness from Cr Murray-Benge be accepted.

CARRIED

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 REVENUE AND FINANCING POLICY REVIEW

The Committee considered a report dated 19 March 2024 from the Finance Manager. The report was taken as read with a brief overview and rationale for the recommendations provided.

9.37am Cr Murray-Benge entered the meeting.

Staff responded to pātai as follows:

- The proposed resolution regarding 'Separately Used or Inhabited Parts' suggested that Council would adopt the charging of these, rather than including them as part of consultation for the Long Term Plan 2024-2034. It was suggested that recommendation four be re-worded to state that the resolution was for the purposes of informing consultation for the Long Term Plan 2024-2034.
- The definition of a Separately Used or Inhabited Part (SUIP) needed to be clarified in advance of the consultation phase of the Long Term Plan.
- Work was being undertaken to provide more detail for ratepayers regarding what they were paying for in their rates. Options on how that information was provided would be presented to Councillors.
- Information on the increase in the roading rate on land value differential for Commercial/Industrial and Post-Harvest zoned properties would be provided to the public.

RESOLUTION APLTP24-2.3

Moved: Cr R Joyce

Seconded: Cr A Henry

1. That the Finance Manager report dated 19 March 2024 titled 'Revenue and Financing Policy Review' 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 resolves the following decisions for the purposes of informing the draft Long Term Plan 2024-2034 and for the purposes of informing consultation
 - a. The funding needs analysis contained in **Attachment 1**
 - b. The district-wide roading Uniform Targeted Rate, environment protection rate, library services rate and heritage museum targeted rate be amalgamated under the Uniform Annual General Charge.
 - c. To increase the roading rate on land value differential for Commercial/Industrial and Post-Harvest zoned properties to 4.0.
4. That the Committee resolves to levy rates against properties with 3 or more Separately Used or Inhabited Parts **Attachment 2** from the 2025/26 financial year – with the separate rates to be included as follows, for the purposes of informing consultation for the Long Term Plan 2024-2034;
 - a. Uniform Annual General Charge

-
- b. District wide roading rate (unless included in the UAGC)
 - c. Environment protection rate (unless included in the UAGC)
 - d. Library services (unless included in the UAGC)
 - e. Heritage museum (unless included in the UAGC)
 - f. Rural roading rate (where applicable)
 - g. Community Board targeted rate
 - h. Community Hall targeted rate
 - i. Promotion rate
 - j. Town centre development rate
 - k. Community development and grants

5. That the draft Revenue and Financing Policy contained in **Attachment 1** be endorsed for the purposes of developing the Long Term Plan, subject to amendments to reflect the above decisions.

CARRIED

10.2 ADOPTION OF INTEREST RATES AND INFLATION ASSUMPTIONS

The Committee considered a report dated 19 March 2024 from the Finance Manager. The report was taken as read with a brief overview and rationale for the recommendations provided.

Staff responded to pātai as follows:

- There was an increase in interest rates forecasted, which reflected the slight downgrade in the Standard and Poor's ratings released for Local Government.

RESOLUTION APLTP24-2.4

Moved: Cr M Murray-Benge

Seconded: Cr T Coxhead

1. That the Finance Manager's report dated 19 March 2024 titled 'Adoption of Interest Rate and Inflation Assumptions' be received.
 2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
 3. That the BERL economic inflation assumptions outlined in this report are adopted for the purposes of preparing the Long Term Plan 2024 – 2034.
-

-
4. That the interest rate assumptions outlined in this report are adopted for the purpose of preparing the Long Term Plan 2024 – 2034.

CARRIED

10.3 ADOPTION OF DRAFT ACTIVITY PLANS AS PART OF SUPPORTING INFORMATION FOR CONSULTATION ON THE LONG TERM PLAN 2024-2034

The Committee considered a report dated 19 March 2024 from the Policy and Planning Manager. The report was taken as read with a brief over and rationale of the recommendations provided.

RESOLUTION APLTP24-2.5

Moved: Cr M Grainger

Seconded: Cr T Coxhead

1. That the Policy and Planning Manager's report dated 19 March 2024 titled Adoption of draft activity plans as part of supporting information for consultation on the Long Term Plan 2024-34 be received.
 2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
 3. That the draft activity plans for the following activities (as set out in Attachment One) are adopted, in order to form part of the supporting information for consultation on the Long Term Plan 2024-2034:
 - a. Representation
 - b. Planning for the Future
 - c. Community Building
 - d. Libraries and Service Centres
 - e. Community Facilities
 - f. Recreation and Open Space
 - g. Regulatory Services
 - h. Transportation
 - i. Water Supply
 - j. Stormwater
 - k. Natural Environment and Sustainable Living
 - l. Wastewater
-

-
- m. Solid Waste
 - n. Economic Development
 - o. Support Services
4. That the Committee notes editorial amendments will be made to the activity plans to enable the inclusion of key projects by activity, and to outline the funding sources following completion of the revenue and financing process.

CARRIED

10.4 LONG TERM PLAN 2024-2034 – ISSUES AND OPTIONS PAPERS

The Committee considered a report dated 19 March 2024 from the Senior Policy Analyst.

The Policy and Planning Manager introduced the report and provided a brief outline of the report.

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

RESOLUTION APLTP24-2.6

Moved: Cr A Henry

Seconded: Deputy Mayor J Scrimgeour

1. That the Senior Policy Analyst's report dated 19 March 2024 titled 'Long Term Plan 2024-2034 Issues and Options Papers' be received.

CARRIED

RESOLUTION APLTP24-2.7

Moved: Cr A Henry

Seconded: Cr R Joyce

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.

CARRIED

Part 2A PLAYGROUND AT KIOKIO RESERVE

The Committee considered the two options provided to them in relation to the Playground at Kiokio Reserve. The below point was noted:

- These options had been factored into the proposed rate increase for the District.
-

Reasons for decision:

- Met the community wishes for a playground on Kiokio Reserve.
- Improved social and wellness options for children of Maketu.
- Provided space for physical activity, recreation, and play; helped to provide for a healthy and interactive community.
- Neighbourhood reserves (or a suitable equivalent experience e.g., sport and recreation parks) were located within 400 metres (5–10-minute walk) of urban/town residential properties.

RESOLUTION APLTP24-2.8

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr R Crawford

3. That the following decisions as discussed in **Attachment A** shall be reflected in the draft Long Term Plan 2024–2034:

a. Playground at Kiokio Reserve:

i. Option 1

Council approves \$10,000 funded by general rates for the design/consent stage in the 2025/26 LTP year AND Council approves \$170,000 funded by general rates for implementation of a new playground at Kiokio Reserve in Maketu AND \$9,000 per annum in operating costs to be funded by general rates.

CARRIED

Part 2B WAIHĪ BEACH LIBRARY AND COMMUNITY HUB

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

- Despite the changes in design and the lowered cost outlined in the Issues and Options paper, Council was still achieving the original goals of the project.
- The roof was oriented to the North to allow the potential for solar power in the future.

10.38am Meeting adjourned.

11.07am Meeting reconvened.

The Committee considered Tabled Item 1, being the Waihi Beach Library and Community Hub concept plan.

Reasons for decision:

- The project could be delivered within the original Long Term Plan (LTP) timeframes indicated.
- The construction estimate sat within the budgeted amount.
- Utilisation of the hall (cost effective provision of community hub).
- Community expectations demonstrated through the engagement process would be met.

RESOLUTION APLTP24-2.9

Moved: Cr R Joyce

Seconded: Cr M Murray-Benge

3. That the following decisions as discussed in **Attachment A** shall be reflected in the draft Long Term Plan 2024-2034:

b. Waihi Beach Library and Community Hub project:

i. Option 1

ArchiStudio Design:

That Council agree to proceed with the revised concept design by ArchiStudio. This includes the library building and community hub (within the community hall). It is noted that this will decrease the number of carparks at the community centre by 20.

That construction of the library proceeds in 2025/2026 year at a budget of \$4,939,000.

That construction of the community hub proceeds in 2025/2026 at a budget of \$576,000, noting that the budget assumes the majority of this will be externally funded.

That Council agrees to proceed immediately with the investigation works, funded from the 2023/2024 approved budget of \$500,000 and that any of this budget unspent at year end shall be re-budgeted into the 2024/2-25 financial year.

That Council seeks external funding to support the project, but the project shall be loan funded repaid by rates.

CARRIED

Part 2C TOURISM BAY OF PLENTY-LED LOCAL TOURISM SUPPORT WORK FOR WAIHĪ BEACH AND MAKETU

The Committee considered the two options provided to them in relation to the Tourism Bay of Plenty-led local tourism support work for Waihī Beach and Maketu. The below points were noted:

- Tourism Bay of Plenty had undertaken some excellent work recently in the communities of the Western Bay.
- Supporting tourism was important, as much of the economy relied on it, therefore it was felt that Council had to do its part to ensure the industry could thrive.

Reasons for decision:

- Aligned with Council's strategic priorities to empower communities. This aligned to Councils agreed way of working which was community-led and empowering communities to meet their own aspirations.
- Enabled implementation of a key action in the Waihī Beach Community Plan and Maketu Community Plan, and responded to the requests of the Waihī Beach Community Board and Maketu Community Board, and feedback received through the Tō Wāhi community led conversations.
- Actions should enable local hapū to advance their own aspirations for cultural tourism offerings.
- Continued the momentum created through the Tourism Opportunities Reports.
- Supported Councils partners who had specific expertise in tourism and promotion to use their skills to grow the capability and capacity of the local community.
- Supported Economic Development in the District.

RESOLUTION APLTP24-2.10

Moved: Cr A Henry

Seconded: Cr A Sole

3. That the following decisions as discussed in **Attachment A** shall be reflected in the draft Long Term Plan 2024-2034:

c. Tourism Bay of Plenty led local tourism support work across the District as follows:

i. Option 1a

Provide additional funding to Tourism Bay of Plenty of \$70,000 in year 2 of the LTP (2025/2026) funded from general rates via its Service Delivery Contract to progress the implementation of key short-term actions identified in the Waihī Beach Local Tourism Opportunities Report and Maketu Local Tourism Opportunities Report.

AND

ii. Option 1b

Provide additional funding to Tourism Bay of Plenty of \$45,000 per annum in years 3 to 10 of the LTP (2026/27 – 2033/34) funded from general rates via its Service Delivery Contract to progress local tourism opportunities across the wider district.

CARRIED

Part 2D KATIKATI OUTFALL

The Committee considered the two options provided to them in relation to the Katikati Outfall project. The below points were noted:

- The cost outlined in Option 1 was to address the failures in the 11km of pipeline that discharged the treated wastewater from the Katikati Wastewater Treatment Plant.
- Managing wastewater within the communities was one of Council's key functions, reinforced by Central Government's repeal of nationalising the three waters, therefore Council must act to ensure it met its obligations.
- Council had been considering the best management of wastewater in Katikati for many years. Approving the proposed funding to address the issues, was the most notable progress in that time.
- It was clarified that a proposed solution was not yet agreed, however this would allow planning and implementation of the solution.

Reasons for decision:

- Significantly reduce the risk of further breaks of the pipeline as well as the financial, environmental and health risks associated with the breaks.
 - Additional pumping capacity gained by a disposal method would reduce the risk of overflows at the treatment plant during peak flow periods.
 - Addressed the future disposal of treated wastewater for Katikati.
-

RESOLUTION APLTP24-2.11

Moved: Cr R Joyce

Seconded: Mayor J Denyer

3. That the following decisions as discussed in **Attachment A** shall be reflected in the draft Long Term Plan 2024-2034:
-

d. Katikati Outfall

i. Option 1a

Council approves \$68,062,500 funded by rates and financial contributions for the design, consent, and installation of new disposal options for the Katikati Wastewater Treatment Plant

AND

ii. Option 1b

Council approves \$400K per annum to allow for breaks in the outfall pipeline until a suitable disposal method can be built.

CARRIED

Part 3A TRANSPORTATION ACTIVITY PROPOSED LONG TERM PLAN 2024-2034 PROJECT CHANGES

The Committee considered the two options provided to them in relation to the Transportation Activity proposed Long Term Plan 2024-2034 project changes. The below points were noted:

- The proposed changes were discussed as part of Council's efforts to limit rate increases.
 - Many of the community roading funding projects did not attract subsidies from Waka Kotahi, therefore reducing/removing those funding amounts would see a greater percentage of projects pushed into a space where they attracted subsidies.
 - Concerns were raised that the proposed changes to the roading budgets for the five communities of Waihi Beach, Ōmokoroa, Katikati, Te Puke and Maketu, would adversely affect Community Boards, as this funding made up a large portion of the money they spent.
 - The removal of the Community Roding rate was premature as Council was currently undertaking a representation review that considered the future of Community Boards.
 - An amendment to the proposed changes was suggested which would see the community roading budget for Waihi Beach, Ōmokoroa, Katikati, Te Puke and Maketu reduced to \$0 for year one and revert to current funding arrangements from year two onwards, once the representation review and the future of Community Boards was known.
 - Community Boards would need to consider spending the reserves that they currently held from unspent budget for roading projects.
-

Reasons for decision:

- Reduced spend on identified projects.
- Enabled staff to focus on other Transportation projects.

MOTION

Moved: Cr Joyce

Seconded: Cr Murray-Benge

4. That the following decisions as discussed in **Attachment B** shall be reflected in the Consultation Document for the Long Term Plan 2024-2034:

- a. Transportation Activity Project Changes:

- i. Option 1

That Council vary Transportation projects as detailed below.

Project no.	Project description	Proposed change
283202	Rural Road	Reduce year one (2024/2025) budget to \$0.
282702	Waihi Beach Community Roding Funding	Remove all project lines and replace with a single project line with annual budget of \$200k per annum from 2025 to 2034.
282802	Katikati Community Roding Funding	
282902	Omokoroa Community Roding Funding	
283002	Te Puke Community Roding Funding	
283102	Maketu Community Roding Funding	
307601	Walking and cycling	Reduce the proposed budget for years 2025 to 2034 by 2/3 (66.7%).
353901	Public Transport Infrastructure (UFTI Commitment)	Reduce the proposed budget for year 2024/25 to \$0.

283408	Seal Extension	Reduce the proposed budget for years 2025 to 2034 by 1/4 (25.0%).
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AMENDMENT

Moved: Cr Grainger

Seconded: Cr Coxhead

4. That the following decisions as discussed in **Attachment B** shall be reflected in the Consultation Document for the Long Term Plan 2024-2034:

a. Transportation Activity Project Changes:

i. Option 1

That Council vary Transportation projects as detailed below.

Project no.	Project description	Proposed change
283202	Rural Road	Reduce year one (2024/2025) budget to \$0.
282702	Waihi Beach Community Roding Funding	Reduce year one (2024/2025) budgets to \$0 for all project lines and revert to current funding arrangement from year two onwards.
282802	Katikati Community Roding Funding	
282902	Ōmokoroa Community Roding Funding	
283002	Te Puke Community Roding Funding	
283102	Maketu Community Roding Funding	Reduce the proposed budget for years 2025 to 2034 by 2/3 (66.7%).
307601	Walking and cycling	
353901	Public Transport Infrastructure (UFTI Commitment)	Reduce the proposed budget for year 2024/25 to \$0.
283408	Seal Extension	Reduce the proposed budget for years 2025 to 2034 by 1/4 (25.0%).

A division was called as follows:

In favour: Cr Coxhead, Cr Crawford, Mayor Denyer, Cr Grainger, Cr Henry, Cr Joyce, Cr Wichers, Cr Sole, Cr Dally and Deputy Mayor Scrimgeour.

Against: Cr Murray-Benge and Cr Thwaites

The amendment was put and declared **carried** and became the substantive motion.

SUBSTANTIVE MOTION:

RESOLUTION APLTP24-2.12

Moved: Cr M Grainger

Seconded: Cr T Coxhead

4. That the following decisions as discussed in **Attachment B** shall be reflected in the Consultation Document for the Long Term Plan 2024-2034:

- a. Transportation Activity Project Changes:

- i. Option 1

That Council vary Transportation projects as detailed below.

Project no.	Project description	Proposed change
283202	Rural Road	Reduce year one (2024/2025) budget to \$0.
282702	Waihi Beach Community Roding Funding	Reduce year one (2024/2025) budgets to \$0 for all project lines and revert to current funding arrangement from year two onwards.
282802	Katikati Community Roding Funding	
282902	Ōmokoroa Community Roding Funding	
283002	Te Puke Community Roding Funding	
283102	Maketu Community Roding Funding	

307601	Walking and cycling	Reduce the proposed budget for years 2025 to 2034 by 2/3 (66.7%).
353901	Public Transport Infrastructure (UFTI Commitment)	Reduce the proposed budget for year 2024/25 to \$0.
283408	Seal Extension	Reduce the proposed budget for years 2025 to 2034 by 1/4 (25.0%).

CARRIED 10/2

1.00pm The hui adjourned.

1.30pm The hui reconvened.

1.30pm Cr Wichers left the hui.

1.30pm Cr Sole left the hui via Zoom.

Part 3B FUTURE COMMUNITY FACILITIES FUND

The Committee considered the three options provided to them in relation to the Future Community Facilities Fund.

Reasons for decision:

- Provided certainty to the community and funders that Council would be contributing funding toward community facilities.
- Signalled to the community the potential increased costs in the future.
- Allowed time to develop a robust investment framework with stakeholders.
- Would enable Council to leverage philanthropic funding more successfully.

RESOLUTION APLTP24-2.13

Moved: Cr M Grainger

Seconded: Deputy Mayor J Scrimgeour

4. That the following decisions as discussed in **Attachment B** shall be reflected in the Consultation Document for the Long Term Plan 2024-2034:

b. Future Community Facilities fund:

i. Option 1

Consult through the Long Term Plan 2024-2034 on introducing a fixed fee per rateable property as part of the Uniform Annual General

Charge in year 2 and develop and adopt criteria for allocation of the fund in 2024/2025.

The preferred option to be included for consultation is \$50.00 per property from year two (2025/26).

CARRIED

Part 3C FUTURE OF THE TOWN CENTRE DEVELOPMENT FUND

The Committee considered the four options provided to them in relation to the Future of the Town Centre Development Fund.

Reasons for decision:

- Integrated planning of town centre development into Councils work programme.
 - Provided transparency to ratepayers of what projects were being progressed and when.
 - Removal of the Town Centre rate reduced rates by approximately 0.2%, however this would likely be partially offset by the individual projects identified.
 - Could utilise existing Town Centre Plans.
 - Could be delivered in a timeframe that worked for Council and the community, did not need to wait for funds to accumulate or for it to be an individual Town Centre's turn.
 - Could be extended to smaller centres.
 - No rates impact due to using existing reserve funds.
-

RESOLUTION APLTP24-2.14

Moved: Cr M Grainger

Seconded: Deputy Mayor J Scrimgeour

4. That the following decisions as discussed in **Attachment B** shall be reflected in the Consultation Document for the Long Term Plan 2024-2034:

c. Town Centre Development fund:

i. Option 1

Discontinue the Town Centre Fund collection and replace with project specific funding.

CARRIED

Part 3D PUKEHINA DEVELOPMENT RATE – FUTURE OF THE RATE AND USE OF EXISTING RESERVES

The Committee considered the three options provided to them in relation to the Future of the Pukehina Development Rate, and four options provided to them in relation to the use of the Pukehina Development Rate Reserve.

Reasons for decisions:

- Provided clarity to the community and was legally compliant if Council was not planning to develop a wastewater scheme in Pukehina.
- More equitable, as residents no longer paid for a service they did not receive currently.
- Met the desire of some of the community.
- Allowed for beneficial use of the reserve in the area that contributed to it.
- Made use of the reserve, as there were no plans for a Pukehina wastewater system at this point.

RESOLUTION APLTP24-2.15

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr R Crawford

4. That the following decisions as discussed in **Attachment B** shall be reflected in the Consultation Document for the Long Term Plan 2024-2034:

d. Future of Pukehina Development Rate

i. Option 1

That the Pukehina Development Rate be stopped

Use of the Pukehina Development Rate Reserve

ii. Option 1

That the Committee repurpose the Pukehina Development Rate reserve for Pukehina Community projects.

CARRIED

Part 3E TE PUNA STATION ROAD

The Committee considered the three options provided to them in relation to Te Puna Station Road. The below points were noted:

- The Te Puna Station Road work would be covered by the Waka Kotahi subsidy, however capped at a certain amount.

- If Te Puna Station Road was re-opened, the road would always be at risk of further damage.
- Waipuna Hospice was concerned about the closure of Te Puna Station Road as the road could provide a potential exit route during a severe weather event. However it was noted that a severe weather event would likely see that part of the road closed anyway.
- Council could not prevent people from using Clarke Road to avoid traffic congestion on the State Highway, unless Clarke Road was stopped from connecting to Te Puna Station Road. Options for Clarke Road would be brought to a future Projects and Monitoring workshop, including consideration on activities happening at the carpark on Te Puna Station Road.

1.45pm Cr Grainger left the hui.

Reasons for decision:

- Likely to be supported by both Ngāti Taka and Pirirākau who had previously expressed support for leaving Te Puna Station Road closed to traffic.
- Road users would be less exposed to the risk of future slips or deterioration of existing slips.
- Lowest cost option.

RESOLUTION APLTP24-2.16

Moved: Cr D Thwaites

Seconded: Mayor J Denyer

4. That the following decisions as discussed in **Attachment B** shall be reflected in the Consultation Document for the Long Term Plan 2024-2034:

e. Te Puna Station Road

i. Option 1

That Council shall formally close the road section to vehicular traffic and relocate the shared path to the western side of the road carriageway.

A division was called and recorded as follows:

In Favour: Cr Thwaites, Mayor Denyer, Cr Joyce, Cr Crawford, Cr Henry and Deputy Mayor Scrimgeour

Against: Cr Coxhead, Cr Murray-Benge and Cr Dally

CARRIED 6/3

Part 4A CAPITAL AND OPERATIONAL PROJECT LIST FOR THE LONG TERM PLAN 2024-34

The Committee considered the three options provided to them in relation to the Capital and Operational Project List for the Long Term Plan 2024-34.

Reasons for decision:

- Programme of work had been considered from an all of Council deliverability.
 - Balanced between affordability, deliverability, and asset integrity.
 - Provided clear direction to inform the draft Long Term Plan.
 - Invited community input into the programme of work.
-

RESOLUTION APLTP24-2.17

Moved: Mayor J Denyer

Seconded: Cr R Crawford

5. That the following decisions as discussed in **Attachment C** inform the Long Term Plan 2024-34 and the Consultation Document:

a. Capital and Operational Project List for the Long Term Plan 2024-34

i. Option 1

For the purposes of informing the Consultation Document and supporting information Council approves the capital and operational project list as contained in Attachment 1 of Attachment C, subject to any consequential amendments made in resolutions 3 and 4.

CARRIED

RESOLUTION APLTP24-2.18

Moved: Cr R Joyce

Seconded: Cr M Murray-Benge

6. That the Annual Plan and Long Term Plan Committee requests the Chief Executive to direct staff to prepare a Consultation Document, in general accordance with the resolutions of this meeting, as the formal basis for consultation on the Long Term Plan 2024-34, to be approved by this committee.

CARRIED

11 INFORMATION FOR RECEIPT

11.1 LONG TERM PLAN WORKSHOP NOTES – 12,13,14,15 FEBRUARY 2024

The Committee considered a report dated 19 March 2024 from the Senior Governance Advisor. The report was taken as read, noting that the workshop notes had been provided as supporting information.

The Meeting closed at 2.06pm.

Confirmed as a true and correct record by Council on 23 May 2024.

10.4 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 2 APRIL 2024

File Number: A6129450

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 2 April 2024 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 2 April 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING NO. APLTP24-3
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON TUESDAY, 2 APRIL 2024 AT 9.30AM**

1 KARAKIA

The Strategic Kaupapa Māori Manager opened the hui with a karakia for Cr Richard Crawford, which was followed by a waiata.

The Mayor spoke a few words of acknowledgement to the passing of Cr Richard Crawford, followed by one minute of silence.

Deputy Mayor Scrimgeour said a prayer for Cr Richard Crawford and his family, which was followed by a waiata.

2 PRESENT

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

3 IN ATTENDANCE

J Holyoake (Chief Executive Officer), R Davie (Deputy CEO/General Manager Strategy and Community), A Curtis (General Manager Regulatory Services), A Henderson (General Manager Corporate Services), C Crow (General Manager Infrastructure Group), G Golding (Governance Manager), M Leighton (Policy and Planning Manager), S Bedford (Finance Manager), L Balvert (Communications Manager), N Ryburn (Environmental Consents Manager), H Wi Repa (Governance Systems Advisor), R Leahy (Governance Advisor) and P Osborne (Senior Governance Advisor).

38 additional staff were in attendance to pay their respects to Cr Richard Crawford.

4 APOLOGIES

APOLOGY

RESOLUTION APLTP24-3.1

Moved: Cr M Grainger

Seconded: Cr A Sole

That the apology absence from Cr Henry be accepted.

CARRIED

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 ADOPTION OF SCHEDULE OF FEES AND CHARGES FOR PUBLIC CONSULTATION

The Committee considered a report dated 2 April 2024 from the Finance Manager. The report was taken as read with a brief overview provided.

Staff responded to pātai as follows:

- The spelling error on Page 50 under 'Infrastructure Services Cemeteries' would be corrected prior to consultation.
 - Council had the ability to charge for Official Information Requests (LGOIMA), particularly in the case where there was significant time required in both research
-

and collation. It was noted that for the majority of the requests Council did not apply a charge, noting this was the same practice that other Councils undertook.

- The charge in relation to a building inspection cost was a set fee, with the proposal to go to a 'time cost charge'. This would allow Council to charge for additional time required on consents that were of higher complexity, particularly for commercial jobs.
- Council was required to find the balance between the feasibility of the Elder Housing portfolio and affordability for the tenant. The current policy noted that Council would not exceed the 35% of gross household income (the National Standard for affordability), of which Council was confident they could manage.

RESOLUTION APLTP24-3.2

Moved: Mayor J Denyer

Seconded: Cr M Grainger

1. That the Finance Manager's report dated 2 April 2024, titled 'Adoption of Schedule of Fees and Charges for public consultation', be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That in accordance with Sections 82 and 150 of the Local Government Act 2002, the Annual Plan Long Term Plan Committee adopt the draft Schedule of Fees and Charges 2024/25 (**Attachment 1** of this report) and the Statement of Proposal (**Attachment 2** of this report) for the purposes of public consultation from 15 April to 15 May 2024.
4. That the Chief Executive Officer be delegated authority to make minor editorial changes to the documents if required.

CARRIED

11 INFORMATION FOR RECEIPT

Nil.

The Meeting closed at 9.47am.

Confirmed as a true and correct record by Council on 23 May 2024.

10.5 MINUTES OF THE COMMUNITY COMMITTEE MEETING HELD ON 3 APRIL 2024

File Number: A6188960

Author: Ella Logan, Governance Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Community Committee Meeting held on 3 April 2024 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the Community Committee Meeting held on 3 April 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COMMUNITY COMMITTEE MEETING NO. CM24-1
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON WEDNESDAY, 3 APRIL 2024 AT 9.30AM**

1 KARAKIA

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

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

Āe

Yes

2 PRESENT

Cr M Murray-Benge (Chairperson), Cr G Dally (Deputy Chairperson), Cr T Coxhead, Mayor J Denyer, Cr M Grainger, Cr A Henry, Cr R Joyce, Deputy Mayor J Scrimgeour, Cr A Sole, Cr D Thwaites, Cr A Wichers, Katikati Community Board Chairperson J Clements, Maketu Community Board Chairperson L Rae, Ōmokoroa Community Board Chairperson P Presland, Te Puke Community Board Chairperson K Ellis, and Waihi Beach Community Board Chairperson R Goudie.

ZOOM

A Curtis (General Manager Regulatory Service).

3 IN ATTENDANCE

R Davie (General Manager Strategy and Community), J Rickard (Community and Strategic Relationships Manager), M Leighton (Policy and Planning Manager) S Cuers (Strategic Housing Programme Lead), J Everett (Corporate Energy and Carbon Analyst), L Carnie (Community Outcomes Advisor), S Wilburn (Community Advisor), M Wakefield (Climate Change Programme Lead), A Hall (Transportation Area Engineer), G Golding (Governance Manager), and E Logan (Governance Advisor).

OTHERS

B Bailey (Tū Mai Digital)

4 APOLOGIES

Nil

5 CONSIDERATION OF LATE ITEMS

6 DECLARATIONS OF INTEREST

7 PUBLIC EXCLUDED ITEMS

8 PUBLIC FORUM

9 REPORTS

9.1 COMMUNITY FORUMS OUTCOMES

The Committee considered a report dated 3 April 2024 from the Governance Manager. The report was taken as read with further discussion on the below:

Key points:

- The December Te Puke – Maketu Community Forum notes had not been made publicly available. The Governance Manager would publish notes on to Council's website and send the notes to the Te Puke-Maketu Assistant Cr A Wichers to distribute to relevant personal.

9.34am Cr A Henry entered the hui.

- An update was requested on the progress of a resolution made in the Committee meeting in October 2023 (CM23-2.4):

That the Community Committee request that the 70-metre paper road section of No 3 Road, as referenced on page 17 of the agenda, be assessed against Council's Policy for Council Maintenance of Previously Unmaintained Roads.

- Staff agreed to provide a progress update on this project in the Projects and Monitoring Committee meeting in June 2024.

9.36 am Member J Clements entered the hui.

The Community Forums were an opportunity to capture information that came directly from communities. They were worthwhile processes as the information could be taken and progressed by staff through Council Committees.

- It was suggested that Council explore alternative way of gaining relevant information prior to the forums. This would better enable Councillors and staff to provide helpful and constructive responses to queries.
- The drainage issue in Maketu was escalated to the General Manager Infrastructure Services and would be followed up through the Maketu Community Board. The

Governance Manager would bring the outcome of this issue back to a future Committee meeting.

- The following recommendation was suggested: That the Community Committee recommends a 'formal rotation schedule of locations' be established for the speed indications device camera, and that the schedule includes Pukehina, No.1 Road, Wilson Road South, and Paengaroa. The Committee agreed to address this suggestion through the Projects and Monitoring Committee meeting scheduled June 2024.
- Community Forums covered the entire district. It was up to the Convenors to decide where these forums were held each time.

RESOLUTION CM24-1.1

Moved: Cr M Murray-Benge

Seconded: Cr A Henry

1. That the Governance Manager's report dated 03 April 2024, titled 'Community Forum Outcomes', be received.

CARRIED

9.2 EMPOWERING COMMUNITIES - REPORT ON HOW TO POWER UP COMMUNITIES TO DELIVER LOCAL WELLBEING

The Committee considered a report dated 3 April 2024 from the Community and Strategic Relationships Manager, who provided a brief overview of the report. The below discussion followed:

- There was discussion on the importance of maintaining the longevity and sustainability of community organisations.
- Members raised concerns that volunteering opportunities were not inviting to young people. It was suggested that the Council looked at alternative avenues to encourage young people to volunteer.

Staff responded to pātai as below:

- The term 'structures' was used in the report to cover anchor organisations, trusts, and entities that operate in communities.
- The report needed endorsement for it to be recognised as a key foundational input into the next stages of delivering on the Councils strategic priority of 'Empowering Communities'.
- The integration of the four well-beings; social, environmental, economic was fundamental to how community organisations worked.

- Staff would workshop ideas from the report and feed the outcome of these workshops back through the Committee.

RESOLUTION CM24-1.2

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

1. That the Community and Strategic Relationships Manager's report dated 3 April 2024 titled 'Empowering Communities – Report on how to power up communities to deliver local wellbeing' 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 endorses the report titled "Powering Up Communities to Deliver Local Wellbeing, in particular Section 4: "Opportunities for Councils to Better Support Local Anchor Organisations" (Pages 20-28, attached as **Attachment 1**, as key matters for consideration in determining how council will deliver on its strategic priority "Empowering Communities".
4. That Council notes staff are preparing an implementation plan for the strategic priority "Empowering Communities", setting out what council will do to deliver on this priority and how it will monitor progress. This work will be brought back to the Community Committee in due course, to then engage with Community Boards, community groups, and other stakeholders.

CARRIED

9.3 WESTERN BAY OF PLENTY YOUTH PROFILE AND CLIMATE CHANGE INITIATIVES

The Committee considered a report dated 3 April 2024 from the Community and Strategic Relationships Manager, who was joined by the Corporate Energy and Carbon Analyst, and the Climate Change Programme Lead to provide a brief overview of the report.

Staff responded to pātai as below:

The programme was in the establishment phase of recruiting participants.

Responding to climate change was one of the Councils strategic priorities.

RESOLUTION CM24-1.3

Moved: Maketu Community Board Chairperson L Rae

Seconded: Cr A Henry

1. That the Community and Strategic Relationships Manager's report dated 3rd April 2024 titled Western Bay of Plenty Youth Profile and Climate Change Initiatives be received.
2. That the report relates to an issue that is considered to be of **low** significance in terms of Council's Significance and Engagement Policy.
3. That the Community Committee notes the youth profile, attached as **Attachment 1** to this report, will be used to inform Council's community development approach with youth and priorities for engagement with youth on climate change action.

CARRIED

9.4 DELEGATION OF DECISION MAKING FOR FACILITIES IN THE COMMUNITY FUND 2024

The Committee considered a report dated 3 April 2024 from the Policy and Planning Manager, who noted that the facilities in the Community Fund was now open.

The Chairperson called for nominations for the Facilities in the Community Fund Working Party, who would be delegated the below decision-making powers on behalf of the Community Committee.

RESOLUTION CM24-1.4

Moved: Cr M Grainger

Seconded: Cr A Sole

1. That the Senior Recreation Planner's report dated 3 April 2024 titled 'Delegation of Decision Making for Facilities in the Community Fund 2024' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Facilities in the Community Fund be advertised for applications between 15 April and 19 May.
4. That, pursuant to Clause 32 Schedule 7 of the Local Government Act 2002, Council delegates Councillor A Wichers (representing the Te Puke-Maketu Ward), Councillor D Thwaites (representing the Kaimai Ward) and Councillor A Henry (representing the Katikati-Waihi Beach Ward), the power to make decisions in respect of applications to the Facilities in the Community Fund 2024/25, including but not limited to grants according to the purposes and guidelines of the Facilities in the Community Fund 2024, within the allocated contestable budget of \$100,000; and
5. To make payments to grant recipients the following powers:

-
- a. To award as soon as practicable after the award decisions have been made.

CARRIED

10 INFORMATION FOR RECEIPT

10.1 DIGITAL INCLUSION INITIATIVES

The Community Advisor introduced the report. Mr Bailey (Tū Mai Digital Project Co-Ordinator) was in attendance to speak to Tabled Item 1, being a PowerPoint presentation.

The following tākupu were noted:

- Tū Mai Digital was a not-for-profit initiative that worked in collaboration with community organisations to help the most vulnerable connect and navigate the digital environment.
 - Tū Mai Digital was established because of the digital isolation within communities that was identified during COVID-19 Lockdown.
 - The value of the community working together helped the efficiency of this programme.
 - A community training session was held at Makahae Marae in Te Puke to teach members of the community how to be technologically literate.
 - Around 60 families within Te Puke had benefitted from Tū Mai Digital.
 - The programme partnered with Recycle a Device, who taught volunteer students to refurbish and clean computers, which would be repurposed back out into the community.
 - Tū Mai Digital intended to move further across the Western Bay District.
 - No further funding was requested through Council.
 - The Tū Mai Digital website can be found here: [home \(tumaidigital.org.nz\)](http://home(tumaidigital.org.nz)).
-

The Meeting closed at 12.15pm

Confirmed as a true and correct record by Council on 23 May 2024.

10.6 MINUTES OF THE COUNCIL MEETING HELD ON 4 APRIL 2024

File Number: A6141197

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Council Meeting held on 4 April 2024 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 4 April 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. CL24-3
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON THURSDAY, 4 APRIL 2024 AT 9.30AM**

1 KARAKIA

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

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

Āe

Yes

2 PRESENT

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

3 IN ATTENDANCE

J Holyoake (Chief Executive Officer), R Davie (Deputy CEO/General Manager Strategy and Community), A Curtis (General Manager Regulatory Services), A Henderson (General Manager Corporate Services), C Crow (General Manager Infrastructure Services), S Bedford (Finance Manager), G Golding (Governance Manager), J Rickard (Community and Strategic Relationships Manager), C McLean (Director Transportation), P Watson (Reserves and Facilities Manager), H Wi Repa (Governance Systems Advisor) and P Osborne (Senior Governance Advisor)

1 Member of the Media

VIA ZOOM

T Miller (Strategic Advisor Resource Management)

4 APOLOGIES

APOLOGY

RESOLUTION CL24-3.1

Moved: Cr A Sole

Seconded: Cr M Murray-Benge

That the apology for lateness from Cr A Henry be accepted.

CARRIED

5 CONSIDERATION OF LATE ITEMS**5.1 CONSIDERATION OF A LATE ITEM**

There was one late item for Council to consider for inclusion in the open section of the agenda, being 'Supplementary Report: Appointment of Electoral Officer'.

The reason that this item was not included on the agenda was that it was originally able to be considered at the next Council meeting, however due to extraordinary circumstances it was required to be presented earlier.

RESOLUTION CL24-3.2

Moved: Cr D Thwaites

Seconded: Cr M Grainger

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

- 14.1 Supplementary Report: Appointment of Electoral Officer

CARRIED

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 7 FEBRUARY 2024

RESOLUTION CL24-3.3

Moved: Cr R Joyce

Seconded: Mayor J Denyer

That the Minutes of the Katikati Community Board Meeting held on 7 February 2024 be received.

CARRIED

9.2 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 13 FEBRUARY 2024

RESOLUTION CL24-3.4

Moved: Cr D Thwaites

Seconded: Cr M Murray-Benge

That the Minutes of the Ōmokoroa Community Board Meeting held on 13 February 2024 be received.

CARRIED

9.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 15 FEBRUARY 2024

RESOLUTION CL24-3.5

Moved: Cr A Wichers

Seconded: Cr G Dally

That the Minutes of the Te Puke Community Board Meeting held on 15 February 2024 be received.

CARRIED

9.4 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 20 FEBRUARY 2024

RESOLUTION CL24-3.6

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr T Coxhead

That the Minutes of the Maketu Community Board Meeting held on 20 February 2024 be received.

CARRIED

9.5 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 26 FEBRUARY 2024

RESOLUTION CL24-3.7

Moved: Cr A Sole

Seconded: Mayor J Denyer

That the Minutes of the Waihi Beach Community Board Meeting held on 26 February 2024 be received.

CARRIED

10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

10.1 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 15 FEBRUARY 2024

RESOLUTION CL24-3.8

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

That the Minutes of the Strategy and Policy Committee Meeting held on 15 February 2024 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.2 MINUTES OF THE COUNCIL MEETING HELD ON 22 FEBRUARY 2024

RESOLUTION CL24-3.9

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 22 February 2024 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

10.3 MINUTES OF THE PROJECTS AND MONITORING COMMITTEE MEETING HELD ON 27 FEBRUARY 2024

RESOLUTION CL24-3.10

Moved: Cr D Thwaites

Seconded: Cr A Sole

That the Minutes of the Projects and Monitoring Committee Meeting held on 27 February 2024 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.4 MINUTES OF THE AUDIT, RISK AND FINANCE COMMITTEE MEETING HELD ON 27 FEBRUARY 2024

RESOLUTION CL24-3.11

Moved: Cr M Grainger

Seconded: Cr T Coxhead

That the Minutes of the Audit, Risk and Finance Committee Meeting held on 27 February 2024 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

11 REPORTS

11.1 TOURISM BAY OF PLENTY HALF-YEARLY REPORT TO 31 DECEMBER 2023 AND STATEMENT OF INTENT 2024-25 TO 2026-27

Council considered a report dated 4 April from the Community and Strategic Relationships Manager. The report was taken as read with a brief overview provided.

Presenters responded to pātai as follows:

- References to the local tourism opportunities in Maketu and Waihi Beach was removed from the Statement of Intent due to direction from Councillors to no longer fund this work in the first year of the Long Term Plan (LTP).

RESOLUTION CL24-3.12

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

- That the report from the Community and Strategic Relationships Manager dated 4 April 2024 titled 'Tourism Bay of Plenty Half Yearly Report to 31 December 2023 and Statement of Intent 2024-25 to 2026-27' be received.
- That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
- That Council receives Tourism Bay of Plenty's Half Yearly Report to 31 December 2023, included as **Attachment 1** to this report.
- That Council receives the Tourism Bay of Plenty Statement of Intent 2024-25 to 2026-27, included as **Attachment 2** to this report.
- That Council notes that Tauranga City Council, as joint shareholder, will receive the final Tourism Bay of Plenty Statement of Intent 2024/25 to 2026/27 at its Council meeting on 8 April 2024.

CARRIED

11.2 COLAB LTD DRAFT STATEMENT OF INTENT 2024-2027 AND HALF YEARLY REPORT AS AT 31 DECEMBER 2023

Council considered a report dated 4 April from the Finance Manager. The report was taken as read with a brief overview provided.

Staff responded to pātai as follows:

- CoLAB had a number of initiatives of which they invited the various Councils to be involved with as they saw fit. The 'Right People Right Place' project was one that

Council could get involved in to create savings as well as benefits to encourage staff retention.

RESOLUTION CL24-3.13

Moved: Cr M Grainger

Seconded: Cr M Murray-Benge

1. That the Finance Manager's report dated 4 April 2024 titled 'CoLAB Ltd Draft Statement of Intent 2024-2027 and Half Yearly Report as at 31 December 2023' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the CoLAB Limited's Half Year Report to Shareholders 31 December 2023 (Attachment 1) be received.
4. That the Draft CoLAB Statement of Intent for 2024-2027 (Attachment 2) be received.

CARRIED

CHANGE TO ORDER OF BUSINESS

The Mayor requested that the order of business be changed, in order to release staff from the meeting, as well as provide additional time for external submitters to arrive.

RESOLUTION CL24-3.14

Moved: Cr D Thwaites

Seconded: Mayor J Denyer

That in accordance with Standing Orders the order of business be changed to the below:

- 11.4 Local Government Funding Agency Draft Statement of Intent 2024-2027;
- 12.1 Bay of Plenty Local Authority Shared Services Limited Draft Statement of Intent for 2024-2028 and Half Yearly Report to 31 December 2023;
- 11.6 Adoption of Speed Management Plan;
- 11.3 Proposal to Enter into a Licence to Occupy - Ngāti Te Wai - Kauri Nursery - Tahawai Reserve - Tanners Point - Submission Period Closed;
- 11.5 Recommendatory Report from the Katikati Community Board - Market Square; and
- 11.7 Mayor's Report to Council.

CARRIED

11.3 LOCAL GOVERNMENT FUNDING AGENCY DRAFT STATEMENT OF INTENT 2024 – 2027

Council considered a report dated 4 April 2024 from the Financial Analyst. The report was taken as read, with a brief overview of the report and proposed recommendations.

Staff responded to pātai as follows:

- The Local Government Funding Agency (LGFA) supplied funds for all councils across Aotearoa, noting that they recently included some Council Controlled Organisations (CCO).
- The rationale for councils having a covenance with LGFA was to ensure there were no issues in their repayment schedules, and why they had a limit of 300% debt to revenue. This ensured that that no other council was at risk, as they were shareholders.
- The monitoring of the covenance compliance was undertaken on an annual basis.
- There were a number of conversations taking place in relation to what could happen under 'Local Waters Done Well', however no decisions had been made at this stage.

RESOLUTION CL24-3.15

Moved: Cr M Grainger

Seconded: Cr R Joyce

1. That the Finance Manager's report dated 4 April 2024 titled 'Local Government Funding Agency Draft Statement of Intent 2024 – 2027' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Local Government Funding Agency Limited's Draft Statement of Intent 2024-2027 (**Attachment 1**) and accompanying cover letter (**Attachment 2**) be received. Feedback, comments and recommended changes are to be provided to LGFA no later than 30 April, so that this can be considered for inclusion in their final Statement of Intent due to Council by 30 June 2024.

CARRIED

11.4 BAY OF PLENTY LOCAL AUTHORITY SHARED SERVICES LIMITED DRAFT STATEMENT OF INTENT FOR 2024-2027 AND HALF YEARLY REPORT TO 31 DECEMBER 2023

Council considered a report dated 4 April 2024 from the Financial Analyst. The report was taken as read, with a brief overview of the report and proposed recommendations.

Staff responded to pātai as follows:

- There were no new initiatives being proposed, noting that BOPLASS was solely focused on procurement.
- There was a contestable fund in relation to the surplus of the crime prevention funding. The Chief Executive Officer had received the process for applying for the fund, in which he would report back to Council on.

RESOLUTION CL24-3.16

Moved: Cr A Sole

Seconded: Deputy Mayor J Scrimgeour

1. That the Financial Analysts report dated 4 April 2024 titled 'Bay of Plenty Local Authority Shared Services Limited Draft Statement of Intent for 2024-2028 and Half Yearly Report to 31 December 2023' be received.
2. That the BOPLASS Limited Half Yearly Report as at 31 December 2023 and Draft Statement of Intent 2024-2027 relates to issues that are considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the BOPLASS Limited Half Yearly Report as at 31 December 2023 (**Attachment 1** of this report) be received.
4. That the BOPLASS Limited Draft Statement of Intent 2024-2027 (**Attachment 2** of this report) be received.

CARRIED

11.5 ADOPTION OF SPEED MANAGEMENT PLAN

Council considered a report dated 4 April 2024 from the Director Transportation. The report was taken as read with clarification that staff required direction in relation to the permanent speed limit for rural schools when the variable speed limit was not operating.

Staff responded to pātai as follows:

- They would ensure clarity in the documentation regarding the school speed limit for pahoia school.
 - Under the previous government, the Speed Management Plan was required to be reviewed every three years. It was unknown at this stage as to what the requirements would be under the current government, noting that this would be the time when Council could review and amend any speeds. Council could write to Waka Kotahi in relation to any minor amendments to request for the National Speed Limit Register to be adjusted.
 - Any new roads being added to the network would have speed limits applied in accordance with the Speed Management Plan.
-

- If there was a proposed reduction of Ōmokoroa Road, due to the work taking place, this would be presented to Council for consideration.

The following the tākupu were made by Councillors:

- Ensure clarity in the documentation, as Pahoia Road should read 60kph from the railway road to the existing 50kph section.

MOTION

Moved: Cr Thwaites

Seconded: Cr Murray-Benge

1. That the Director Transportation's report dated 4 April 2024 titled 'Adoption of Speed Management Plan' 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 receives feedback from the consultation period on the draft Speed Management Plan, held from 26 October 2023 to 23 November 2023, as shown in Attachment 1.
4. That Council includes in the final Speed Management Plan (2024) a permanent speed limit for rural schools when the variable speed limit is not operating of:
 - i. 60 kilometres per hour unless a lower speed limit is in place
5. That Council adopt the final Speed Management Plan (2024), as shown in Attachment 2.
6. That Council approves the Decision Story text, as shown in Attachment 3, as a response to submissions made to the Draft Speed Management Plan.
7. That Council revokes the Speed Limits Bylaw (2020) as shown in Attachment 4, as the National Speed Limit Register is now the legal instrument for setting speed limits, guided by the Speed Management Plan.
8. That Council notes that as the sole reason for revocation of the Speed Limits Bylaw is because speed limits have been migrated to the National Speed Limit Register, there is no requirement to consult on this revocation under section 156 of the Local Government Act 2002 or section 22AB of the Land Transport Act 1998.

AMENDMENT

Moved: Cr Wichers

Seconded: Cr Joyce

1. That the Director Transportation's report dated 4 April 2024 titled 'Adoption of Speed Management Plan' 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 receives feedback from the consultation period on the draft Speed Management Plan, held from 26 October 2023 to 23 November 2023, as shown in Attachment 1.
4. That Council includes in the final Speed Management Plan (2024) a permanent speed limit for rural schools when the variable speed limit is not operating of:
 - i. 80 kilometres per hour unless a lower speed limit is in place.
5. That Council adopt the final Speed Management Plan (2024), as shown in Attachment 2.
6. That Council approves the Decision Story text, as shown in Attachment 3, as a response to submissions made to the Draft Speed Management Plan.
7. That Council revokes the Speed Limits Bylaw (2020) as shown in Attachment 4, as the National Speed Limit Register is now the legal instrument for setting speed limits, guided by the Speed Management Plan.
8. That Council notes that as the sole reason for revocation of the Speed Limits Bylaw is because speed limits have been migrated to the National Speed Limit Register, there is no requirement to consult on this revocation under section 156 of the Local Government Act 2002 or section 22AB of the Land Transport Act 1998.

The amendment was put and voted on. The amendment was declared **carried**.

The amendment as follows became the SUBSTANTIVE MOTION and was put and carried.

RESOLUTION CL24-3.17

Moved: Cr A Wichers

Seconded: Cr R Joyce

1. That the Director Transportation's report dated 4 April 2024 titled 'Adoption of Speed Management Plan' 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 receives feedback from the consultation period on the draft Speed Management Plan, held from 26 October 2023 to 23 November 2023, as shown in Attachment 1.
4. That Council includes in the final Speed Management Plan (2024) a permanent speed limit for rural schools when the variable speed limit is not operating of:

-
- i. 80 kilometres per hour unless a lower speed limit is in place.
 5. That Council adopt the final Speed Management Plan (2024), as shown in Attachment 2.
 6. That Council approves the Decision Story text, as shown in Attachment 3, as a response to submissions made to the Draft Speed Management Plan.
 7. That Council revokes the Speed Limits Bylaw (2020) as shown in Attachment 4, as the National Speed Limit Register is now the legal instrument for setting speed limits, guided by the Speed Management Plan.
 8. That Council notes that as the sole reason for revocation of the Speed Limits Bylaw is because speed limits have been migrated to the National Speed Limit Register, there is no requirement to consult on this revocation under section 156 of the Local Government Act 2002 or section 22AB of the Land Transport Act 1998.

CARRIED

10.30am The hui adjourned.

10.52am The hui reconvened.

10.52am Cr Henry entered the hui.

11.6 PROPOSAL TO ENTER INTO A LICENCE TO OCCUPY - NGĀTI TE WAI - KAURI NURSERY - TAHAWAI RESERVE - TANNERS POINT - SUBMISSION PERIOD CLOSED

Council considered a report dated 4 April 2024 from the Reserves and Facilities Manager, who provided an overview of the report and process undertaken to date.

Council considered Tabled Item 1 as supporting information, being; 'Tanners Point Ratepayer and Residents Association response in support of the proposal'.

Michael Mills and Annika Mills were in attendance to speak to their submission in support of the proposal.

Ms Mills acknowledged the passing of Councillor Crawford and gave her condolences.

Mr Mills acknowledged the work undertaken to date in relation to the proposal, noting the following points from his submission:

- The establishment of a discrete native plant nursery of Tahawai Reserve was a win for Ngāti Te Wai, a win for local residents, a win for the environment and a win for Council.
- A hui would be held to discuss the concept plan further in the coming week.

Presenters responded to pātai as follows:

- The establishment of a nursery included small sheds and shade shelters that were all able to be relocated. If for any reason the concept plan changed and the nursery needed to be relocated, this could happen easily.
 - There was a hui on Wednesday 10 April at Tuapiro Marae to continue the development of the draft concept plan for Tahawai Reserve.
 - Council was currently considering the sub-division application for 16 Tanners Point Road. Once completed Council could go through the process of selling the balance of the land.
 - The shape of the land was due to Waka Kotahi and the splay they had in relation to the State Highway area. It had been confirmed that there was no planned safety improvement works in the foreseeable future, for this intersection.
 - The containers shown on the aerial photo of the land were no longer there, noting this was due to the photo being taken while the squatters were occupying that area. It was confirmed that the land was now clear.
-

RESOLUTION CL24-3.18

Moved: Cr A Henry

Seconded: Cr A Sole

1. That the Reserves and Facilities Manager's report dated 23 November 2023 and titled 'Proposal to Enter into a Licence to Occupy - Ngāti Te Wai - Kauri Nursery - Tahawai Reserve - Tanners Point - Submission Period Closed' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Council exercise its powers conferred on it as the administering body of the reserve by delegation from the Minister of Conservation under the Reserves Act 1977 and **grant** Ngāti Te Wai or its elected entity the right to hold a licence to occupy for up to 10 years for 2,119m² of land, more or less, being Allotment 186 SO 56580 to allow for a native tree nursery to be situated on Tahawai Reserve subject to an accessway route past the nursery being agreed between Ngāti Te Wai and Council.
4. Any approval must not be construed by the applicant, as a guarantee that all other consents required by any policy, by-law, regulation, or statute, will be forthcoming. The applicant is responsible for obtaining all required consents at its own cost.

CARRIED

11.7 RECOMMENDATORY REPORT FROM THE KATIKATI COMMUNITY BOARD – MARKET SQUARE

Council considered a report dated 4 April 2024 from the Governance Advisor. The report was taken as read.

There was concern expressed regarding the project and paper, including the lack of clarity on what the project represented and how it would be funded. The Mayor recommended that staff brought a full decision report back for Council to consideration.

RESOLUTION CL24-3.19

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

That the decision in relation to Market Square lie on the table and that Council request a full decision report be presented for consideration at the Council meeting scheduled 23 May 2024.

CARRIED

11.8 MAYOR'S REPORT TO COUNCIL

Council considered a report dated 4 April 2024 from the Executive Assistant – Mayor/CEO. The report was taken as read, noting that the Mayor's Tuia mentee, Waru, would be attending future Council hui to better understand Local Government.

The Mayor responded to pātai as below:

- The constitutional changes in relation to downsizing the membership on the Local Government New Zealand (LGNZ) Board was understood to be due to the inefficiencies that larger boards can face.

RESOLUTION CL24-3.20

Moved: Mayor J Denyer

Seconded: Cr G Dally

1. That the Executive Assistant – Mayor/CEO's report dated 04 April 2024 titled 'Mayor's Report to Council – 04 April 2024' be received.

CARRIED

CHANGE TO ORDER OF BUSINESS

The Mayor requested that the order of business be changed, in order to deal with item 14.1 Appointment of Electoral Officer in the open agenda.

RESOLUTION CL24-3.21

Moved: Mayor J Denyer

Seconded: Cr D Thwaites

That in accordance with Standing Orders the order of business be late item 'Supplementary Report – Appointment of Electoral Officer'.

CARRIED

11.9 APPOINTMENT OF ELECTORAL OFFICER

Council considered a late report dated 4 April 2024 from the Governance Manager. The report was taken as read.

RESOLUTION CL24-3.22

Moved: Cr M Grainger

Seconded: Cr M Murray-Benge

1. That the Governance Manager's report dated 4 April 2024 titled 'Mayor's Report to Council – 04 April 2024' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That Western Bay of Plenty District Council appoints Warwick Lampp of Electionz.com as the electoral officer, as provided for under section 12 of the Local Electoral Act 2001.

CARRIED

12 INFORMATION FOR RECEIPT

Nil

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

RESOLUTION CL24-3.23

Moved: Cr A Henry

Seconded: Cr A Sole

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

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.1 - Confidential Minutes of the Council Meeting held on 22 February 2024	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
13.2 - Confidential Minutes of the Audit, Risk and Finance Committee Meeting held on 27 February 2024	s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege s7(2)(j) - the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage	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

13.3 - Delegation to sign a City Deal Foundation Agreement	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
CARRIED		

The Meeting closed at 11.56am.

Confirmed as a true and correct record at the Council meeting held 23 May 2024.

.....

Mayor J Denyer

CHAIRPERSON / MAYOR

10.7 MINUTES OF THE DISTRICT PLAN COMMITTEE MEETING HELD ON 8 APRIL 2024

File Number: A6128277

Author: Rosa Leahy, Governance Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the District Plan Committee Meeting held on 8 April 2024 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the District Plan Committee Meeting held on 8 April 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
DISTRICT PLAN COMMITTEE MEETING NO. DP24-1
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON MONDAY, 8 APRIL 2024 AT 12.30PM**

1 KARAKIA

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

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

Āe

Yes

2 PRESENT

Deputy Mayor J Scrimgeour (Chairperson), Cr M Grainger, Mayor J Denyer.

3 STAFF ATTENDANCE

R Davie (Deputy CEO/General Manager Strategy and Community), G Golding (Governance Manager), E Watton (Strategic Policy and Planning Programme Director), N Rutland (Environmental Planning Manager), T Clow (Principal Policy Lead: Environmental Planning), A Mark (Senior Environmental Planner), R Leahy (Governance Advisor) and H Wi Repa (Governance Systems Advisor).

4 IN ATTENDANCE

Nil

5 APOLOGIES

APOLOGY

RESOLUTION DP24-1.1

Moved: Cr M Grainger

Seconded: Mayor J Denyer

That the apologies for absence from Cr G Dally and Cr A Henry be accepted.

CARRIED

6 CONSIDERATION OF LATE ITEMS

Nil

7 DECLARATIONS OF INTEREST

Nil

8 REPORTS

8.1 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONERS – PRIVATE PLAN CHANGE 95

The Committee considered a report dated 8 April 2024 from the Senior Environmental Planner, the report was taken as read.

RESOLUTION DP24-1.2

Moved: Mayor J Denyer

Seconded: Cr M Grainger

1. That the Senior Environmental Planner's report, dated 8 April 2024, titled 'Appointment of Independent Hearings Commissioners – Private Plan Change 95' 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 delegates the necessary functions to conduct a hearing and make decisions on Plan Change 95 – Pencarrow Estate, Pongakawa to the Independent Hearings Commissioners.
4. That Council appoints the following accredited Commissioners to consider and make decisions on Plan Change 95:
 - a. Commissioner Gavin Kemble, Enspire Consulting Limited, as the Hearings Chair
 - b. Commissioner James Whetu, Whetu Consulting Limited.

CARRIED

The Meeting closed at 12.32pm.

The minutes of this meeting will be confirmed at Council held on 23 May 2024.

11 COUNCIL AND COMMITTEE MINUTES FOR RECEIPT**11.1 MINUTES OF THE TE PUKE SPATIAL PLAN SUB COMMITTEE MEETING HELD ON 22 NOVEMBER 2023**

File Number: A6085746

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Te Puke Spatial Plan Sub Committee Meeting held on 22 November 2023 be received.

ATTACHMENTS

1. Minutes of the Te Puke Spatial Plan Sub Committee Meeting held on 22 November 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
TE PUKE SPATIAL PLAN SUB COMMITTEE MEETING NO. TPSP23-1
HELD IN THE TE PUKE LIBRARY AND SERVICE CENTRE (BOARDROOM),
JELICOE STREET, TE PUKE ON WEDNESDAY, 22 NOVEMBER 2023 AT 6.00PM**

1 KARAKIA

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

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

Āe

2 PRESENT

Deputy Mayor J Scrimgeour (Elected Chairperson), Cr G Dally, Mayor (Ex Officio) J Denyer, Cr A Wichers, Cr R Crawford (Elected Deputy Chairperson), Te Puke Community Board Chairperson K Ellis, Te Puke Community Board Member D Snell, Te Puke Community Board Member K Summerhays, Tangata Whenua Representative D Dinsdale (Ngāti Moko) and Tangata Whenua Representative H Biel (Tapuika Iwi Authority).

3 IN ATTENDANCE

R Davie (Deputy CEO/General Manager Strategy and Community), E Watton (Strategic Policy and Planning Programme Director), A King (Strategic Advisor: Legislative Reform and Special Projects), M Va'ai Matatia (Senior Environmental Planner), C Nepia (Planning Coordinator) and C Irvin (Senior Governance Advisor).

PROCEDURAL MATTER

Mayor Denyer opened the meeting and chaired proceedings until Deputy Mayor J Scrimgeour was elected as the new Chairperson (Item 8.1).

4 APOLOGIES

APOLOGY

RESOLUTION TPSP23-1.1

Moved: Cr R Crawford

Seconded: Te Puke Community Board Member D Snell

That the apology for lateness for Cr A Wichers and Tangata Whenua Representative H Biel (Tapuika Iwi Authority) and for absence from Member N Chauhan, be accepted.

CARRIED

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

8.1 APPOINTMENT OF CHAIRPERSON AND DEPUTY CHAIRPERSON TO THE TE PUKE SPATIAL PLAN SUB COMMITTEE

The Subcommittee considered a report dated 22 November 2023 from the Senior Governance Advisor. The report was taken as read.

- Mayor Denyer advised the Subcommittee to choose which voting system to use to elect a Chairperson and Deputy Chairperson: System A or System B under Clause 25(4), Schedule 7 of the LGA 2002.

RESOLUTION TPSP23-1.2

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr G Dally

1. That the Senior Governance Advisor's report dated 22 November 2023 titled 'Appointment of Chairperson to the Te Puke Spatial Plan Sub Committee' 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.

CARRIED

RESOLUTION TPSP23-1.3

Moved: Mayor (Ex Officio) J Denyer

Seconded: Cr G Dally

3. That in accordance with Clause 25(4), Schedule 7 of the LGA 2002 the Te Puke Community Board adopts **System B** for the election of the Deputy Chairperson.

CARRIED

RESOLUTION TPSP23-1.4

Moved: Mayor (Ex Officio) J Denyer

Seconded: Tangata Whenua Representative D Dinsdale

4. That, in accordance with Clause 26, Schedule 7 of the Local Government Act 2002, Deputy Mayor John Scrimgeour be appointed as Chairperson of the Te Puke Spatial Plan Subcommittee.

CARRIED

6.04pm Cr Wichers entered the meeting.

RESOLUTION TPSP23-1.5

Moved: Mayor (Ex Officio) J Denyer

Seconded: Deputy Mayor J Scrimgeour

5. That, in accordance with Clause 26, Schedule 7 of the Local Government Act 2002, Councillor Richard Crawford be appointed as Deputy Chairperson of the Te Puke Spatial Plan Subcommittee.

CARRIED

6.05pm Tangata Whenua Representative H Biel (Tapuika Iwi Authority) entered the meeting.

Upon being elected as Chairperson, Deputy Mayor J Scrimgeour assumed the role of Chairperson for the remainder of the meeting.

8.2 TE PUKE SPATIAL PLAN - PROJECT PLAN AND COMMUNICATION AND ENGAGEMENT STRATEGY

The Subcommittee considered a report dated 22 November 2023 from the Strategic Advisor: Legislative Reform and Special Projects who provided the following points:

- Creating a subcommittee for the Te Puke Spatial Plan was to give mana and create a space to collaborate.
- This meeting was to go through the Project Plan and the Communication and Engagement Strategy, which a number of people had been involved in preparing, and which was part of understanding how the Te Puke Spatial Plan was to be prepared.
- The Project Plan had the scope, background, objectives and intended outputs of the project, including the governance structure, key risks and key project phases. The key project phases were intended to match the Communication and Engagement Strategy.
- Included in the scope was community aspirations and outcomes, housing delivery across the housing continuum, hard and social infrastructure needs, locations, direction for existing planned projects and direction for District Plan changes.
- The geographical scope of the plan had not been confirmed because staff wanted to converse with the Subcommittee and the community around establishing whether there were some parts that should be left out and/or parts that should perhaps be included that had not been considered.
- The intention was to connect Manoeka Road and Waitangi village areas to Te Puke in terms of infrastructure, and how to facilitate this.
- Work had been undertaken by Waitaha and Tapuika Iwi Authority in terms of planning for the hapū with the intention of finding out how this could be aligned with the Spatial Plan to create a more action-based outcome.

Mayor Denyer:

- Council had decided it was important to involve the Te Puke Community Board and Tangata Whenua in this process to work closely together in partnership, noting that Waitaha and Waitangi would be integral parts of the Spatial Plan.
- Mayor Denyer welcomed everyone, stating that would be good to be working alongside them.

PROJECT PLAN

Staff and Committee Member's Responses and Comments:

Strategic Advisor: Legislative Reform and Special Projects:

- Council had received some feedback from Waitaha and Tapuika Iwi Authority as part of the Tō Wāhi engagement, as well as some other work and feedback expected in terms of key actions from Waitaha. Other information was expected to come through.

- COLAB was only working on the community-led engagement and had worked on Tō Wāhi. It was anticipated that they would help with the second phase of engagement because of the connections they had. There would also be some targeted engagement with particular stakeholder groups, as well as consultation on the draft Spatial Plan.

Deputy CEO/General Manager Strategy and Community:

- In the lead into the Te Puke Spatial Plan, there had always been an assumption that Council would work with Mana Whenua to define how hapū/iwi wished to engage with their whānau during this process. There was never an assumption that COLAB was undertaking engagement with or on behalf of Tangata Whenua. This was a fundamental reason why a partnership approach was being taken, and to gain an understanding of how hapū/iwi may wish to be engaged in this process and be guided by this.

Tangata Whenua Representative D Dinsdale (Ngāti Moko):

- To gain an understanding of how hapū/iwi wished to be engaged in the process, Ngāti Moko needed to provide a report. The suggestion was to try to get this on their agenda after the Annual General Meeting (AGM).

Strategic Advisor: Legislative Reform and Special Projects:

- Part of the reason hard deadlines had not been put against the plan was that Council wanted to ensure that all processes had been worked through and all voices heard before phases of the plan had been finished.

Te Puke Community Board Member K Summerhays:

- The impact of other communities on the Te Puke area needed to be taken into consideration, in particular their impact on Te Puke's infrastructure. This couldn't be a ring fenced activity, but should be expanded and more targeted to show the impact of the green fields around us.

Strategic Advisor: Legislative Reform and Special Projects:

- 'Grey Field' areas were commercial and retail environments that were old areas no longer functioning as intended. 'Brown Field' were areas for development (some thought contaminated land or land for reusing an area that had already been developed on), and 'Green Field' was not being used but could be.
- The relationship to SmartGrowth and Urban Form and Transport Initiative (UFTI) was not in the report, but was being considered in terms of how they could be applied, what the SmartGrowth strategy was proposing, and how this was relevant to the Te Puke Spatial Plan.

Strategic Policy and Planning Programme Director:

- At this point in time, the SmartGrowth strategy, based on the UFTI program completed in 2020, did not envisage a huge amount of growth or progress in Te Puke. Staff had not had an opportunity to have Te Puke Spatial Plan process talks, in order to build a picture of what this looked like going forward. The timelines were awkward, but both parties needed to be talking to each other.

Deputy CEO/General Manager Strategy and Community:

- Staff across the partner councils and Tangata Whenua were well aware that the Te Puke Spatial Plan was progressing. This was reflected in a number of documents that fed into the SmartGrowth strategy. One of the biggest possibilities recognised was the potential for unlocking Māori land and having a connected marae spatial plan processes. This was being looked at quite closely, particularly how it might work for Tangata Whenua Spatial Planning.

Te Puke Community Board Member K Summerhayes:

- Ideally, Central Government should be at this table, working very closely with the Subcommittee, to avoid creating plans that did not align each other and could be years apart. A more up front and closer relationship was needed.

Strategic Advisor: Legislative Reform and Special Projects:

- The intention was to have working groups with these stakeholders. Staff had already met with the Minister of Education to start having these conversations early on, to avoid planning something that would then not be able to be facilitated. The best option would be to create a 'Government Working Group'.
- When starting the project, some dates were added, however, as more work was put into the Project Plan and Communication and Engagement Strategy, it became apparent that dates/deadlines could not be clarified. It became more important to ensure the project 'phases' were correct in terms of the steps needed to be taken. This was also important in terms of obtaining funding.

Strategic Policy and Planning Programme Director:

- This was not a project or process where legislation dictated that it needed to be finished at a certain date. It was more important to work through the correct process and have meaningful conversations at an appropriate pace, all the while keeping in mind that there was a common goal to be reached.

Strategic Advisor: Legislative Reform and Special Projects:

- The language around transport modelling could be moved and put in 'Scope' so it was more of a priority.

Deputy CEO/General Manager Strategy and Community:

- It was important to note there was always an intention that there would be traffic modelling within the Te Puke boundary/the Spatial Plan area. It was believed there was budget for transport modelling but this needed to be confirmed. This would be seen as a critical input into the spatial plan process. Staff would look into this.

Strategic Policy and Planning Programme Director:

- Council had operational budgets that could be used for spatial planning, within a reasonable mindset, within the current financial year.

Deputy CEO/General Manager Strategy and Community:

- There were provisions and a separate budget in place for Hapū Management Development plans.

Tangata Whenua Representative D Dinsdale (Ngāti Moko)

- Ngāti Moko, and possibly other marae, would need to start developing Hapū Management Plans.

Strategic Policy and Planning Programme Director:

- The idea was that this subcommittee would provide a strong steer on how it went about the community engagement and what it would look like.

COMMUNICATION AND ENGAGEMENT STRATEGY

The Strategic Advisor: Legislative Reform and Special Projects provided the following points:

- At this stage, this was a high level, over-arching strategy of how staff want to manage the Spatial Plan. Following this meeting, more work would be done which would involve the Subcommittee and COLAB.
- It was not intended to deliver key messages now, as these would be delivered as the program was worked through. However, there were some over-arching ones that had been developed based on knowledge and previous engagement which had shown what was important to the Te Puke community.
- The project phases were meant to align but items/steps could be changed around if needed.
- Phase One was information gathering, where work in Tō Wāhi was carried out. Phase Two was pre-engagement /project introduction which aimed to gather all information needed and develop options for Phase Three.
- It was unknown what Phase Three options would look like at this time, but this would be shaped by Phase Two. Targeted engagement would be used to then inform the draft spatial plan itself and then full community engagement would commence.

Staff and Committee Member's Responses and Comments:

Strategic Advisor: Legislative Reform and Special Projects:

One of the main things that staff were working on at the moment was the baseline report, which set out what was happening in Te Puke now. The expectation was to be able to bring this back to the Subcommittee once other key staff members had included their input.

Te Puke Community Board Member K Summerhayes:

- Schools had been included in the stakeholder group but not youth. There was a gap between 18 to 24 year olds as well as disabled groups and accessibility groups.

Other groups suggested to be added to the stakeholder group:

- Kabaddi (an Indian sport), Churches, Disk Golf groups, and engaging with Recognised Seasonal Employers and/or the entities that manage the workers.

RESOLUTION TPSP23-1.6

Moved: Mayor (Ex Officio) J Denyer

Seconded: Cr G Dally

1. That the Strategic Advisor: Legislative Reform and Special Projects' report dated 22 November 2023, titled 'Te Puke Spatial Plan – Project Plan and Communication and Engagement Strategy', be received.
2. That the subcommittee endorse the Te Puke Spatial Plan Project Plan and Communication and Engagement Strategy (**Attachment 1 and 2** of this report).
3. That any amendments to the Te Puke Spatial Plan Project Plan and Communication and Engagement Strategy agreed at the meeting are completed and final versions of the documents provided to the subcommittee.

CARRIED

The Meeting closed at 6.57pm.

Confirmed as a true and correct record by Te Puke Spatial Plan Sub Committee on 18 April 2024.

11.2 MINUTES OF THE TE PUKE SPATIAL PLAN SUB COMMITTEE MEETING HELD ON 18 APRIL 2024

File Number: A6188969

Author: Ella Logan, Governance Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Te Puke Spatial Plan Sub Committee Meeting held on 18 April 2024 be received.

ATTACHMENTS

1. Minutes of the Te Puke Spatial Plan Sub Committee Meeting held on 18 April 2024

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
TE PUKE SPATIAL PLAN SUB COMMITTEE MEETING NO. TPSP24-1
HELD IN THE TE PUKE LIBRARY AND SERVICE CENTRE (BOARDROOM),
JELlicoe STREET, TE PUKE
ON THURSDAY, 18 APRIL 2024 AT 6.00PM**

1 KARAKIA

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

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

Āe

Yes

2 PRESENT

Deputy Mayor J Scrimgeour, Cr G Dally, Cr A Wichers, Member D Snell, Member K Summerhays, Tangata Whenua Representative D Dinsdale (Ngāti Moko), Tangata Whenua Representative H Biel (Tapuika Iwi Authority), Tangata Whenua Representative N Mahia (Te Kapu o Waitaha), Tangata Whenua Representative L Te Amo (Te Kapu o Waitaha), and Mayor J Denyer (Ex Officio).

3 IN ATTENDANCE

E Watton (Strategic Policy and Planning Programme Director), G Golding (Governance Manager), A King (Strategic Advisor: Legislative Reform and Special Projects), C Nepia (Strategic Kaupapa Māori Manager), K Lawton (Infrastructure Planner), G Dean (Senior Environmental Planner: Urban Design).

4 APOLOGIES

APOLOGY

Resolution TPSP24-1.1

Moved: Cr A Wichers

Seconded: Cr G Dally

1. That the apology for lateness from Member Chauhan and the apology for absence from Chairperson, Te Puke Community Board K Ellis be accepted.

CARRIED

5 CONSIDERATION OF LATE ITEMS

Nil

6 DECLARATIONS OF INTEREST

Nil

7 PUBLIC EXCLUDED ITEMS

Nil

8 PUBLIC FORUM

Nil

9 PRESENTATIONS

Nil

10 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE TE PUKE SPATIAL PLAN SUB COMMITTEE MEETING HELD ON 22 NOVEMBER 2023

Resolution TPSP24-1.1

Moved: Cr A Wichers

Seconded: Tangata Whenua Representative D Dinsdale

1. That the Minutes of the Te Puke Spatial Plan Sub Committee Meeting held on 22 November 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

11 REPORTS

9.1 GOVERNANCE MATTERS

The Subcommittee considered a report dated 18 April 2024 from the Governance Manager. The report was taken as read.

RESOLUTION TPSP24-1.2

Moved: Tangata Whenua Representative D Dinsdale

Seconded: Tangata Whenua Representative H Biel

1. That the Governance Manager's report dated 18 April 2024, titled 'Governance Matters' 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

CARRIED

RESOLUTION TPSP24-1.3

Moved: Tangata Whenua Representative H Biel

Seconded: Tangata Whenua Representative D Dinsdale

3. That in accordance with Clause 31, Schedule 7 of the Local Government Act 2002 the Te Puke Spatial Plan Sub Committee recommend to Council that two representatives be appointed from Te Kapu o Waitaha as members of the Te Puke Spatial Plan Sub Committee.

CARRIED

RESOLUTION TPSP24-1.4

Moved: Tangata Whenua Representative H Biel

Seconded: Member K Summerhays

4. That, in accordance with Clause 26, Schedule 7 of the Local Government Act 2002, Tangata Whenua Representative D Dinsdale (Ngāti Moko) be appointed as Deputy Chairperson of the Te Puke Spatial Plan Sub Committee.

CARRIED

9.2 ENDORSEMENT OF THE TE PUKE SPATIAL PLAN BASELINE REPORT

The Subcommittee considered a report from the Strategic Advisor: Legislative Reform and Special Projects. The report was taken as read, with further discussion on the below:

Key points:

- Historical clarification was provided around the history of the water supply and the vulnerability it once had against volcanic ash.
- Most of the schools in Te Puke were full or overfull, and the same was said in regard to the rural schools in the area. Four out of the twelve schools within the area had space for new students.
- Editorial amendments to the report were recommended to the Strategic Advisor: Legislative Reform and Special Projects by the Subcommittee.

Staff responded to pātai as follows:

- The Te Puke Movement and Safety study from September 2023 would be made available to the subcommittee.
- The information from the Social and Cultural Wellbeing assessment along with feedback received during next engagement phase would be used to help put together the draft spatial plan.

RESOLUTION TPSP24-1.5

Moved: Cr G Dally

Seconded: Member K Summerhays

1. That the Strategic Advisor: Legislative Reform and Special Project's report dated 18 April 2024, titled 'Endorsement of the Te Puke Spatial Plan Baseline Report', be received.
2. That the Te Puke Spatial Plan Subcommittee endorse the 'Te Puke Spatial Plan Baseline Report'.

CARRIED

9.3 ENDORSEMENT OF THE REPORT 'ECONOMIC ASSESSMENT OF TE PUKE AND SURROUNDING AREAS'

The Subcommittee considered a report dated 18 April 2024 from the Strategic Advisor: Legislative Reform and Special Projects. The report was taken as read.

RESOLUTION TPSP24-1.6

Moved: Deputy Mayor J Scrimgeour

Seconded: Mayor J Denyer (Ex Officio)

1. That the Strategic Advisor: Legislative Reform and Special Project's report dated 18 April 2024, titled 'Endorsement of the report 'Economic assessment of Te Puke and surrounding areas', be received.
-

-
2. That the Te Puke Spatial Plan Subcommittee endorse the report 'Economic assessment of Te Puke and surrounding areas'.

CARRIED

12 INFORMATION FOR RECEIPT

Nil

The Meeting closed at 7.18pm.

Confirmed as a true and correct record by the Te Puke Spatial Plan Subcommittee on 30 May 2024.

.....

CHAIRPERSON

DEPUTY MAYOR J. SCRIMGEOUR

12 REPORTS

12.1 CONVEY WATER AND ELECTRICITY EASEMENT OVER THE TE REREATUKAHIA STREAM RESERVE IN FAVOUR OF 27 THOMAS ROAD, KATIKATI

File Number: A6059626

Author: Peter Watson, Reserves and Facilities Manager

Authoriser: Cedric Crow, General Manager Infrastructure Services

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's consent under its delegated authority in respect of the granting of rights of easements in accordance with Section 48(1) of the Reserves Act 1977, for a water and electricity easement over part of Te Rereatukahia Stream Reserve (Lot 3 DPS 69636) in favour of 27 Thomas Road, Katikati (Lot 2 DPS 69636), to allow uptake of water from Te Rereatukahia Stream and contain a pump shed and an underground electricity cable.

RECOMMENDATION

1. That the Reserves and Facilities Managers' report dated 23 May 2024 titled 'Convey Water and Electricity Easement over Te Rereatukahia Stream Reserve in favour of 27 Thomas Road, Katikati' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That pursuant to the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and the provisions of Section 48 of the Reserves Act 1977, Council hereby **grant** consents to the creation of a water and electricity easement shown on the attached plan (**Attachment 1** of this report) to allow Lot 2 DPS 69636 to convey water and electricity over Lot 3 DPS 69636.

OR

4. That pursuant to the authority delegated by the Minister of Conservation to the Western Bay of Plenty District Council, and provisions of Section 48 of the Reserves Act 1977, Council **does not grant** consents to the creation of a water and electricity easement.

BACKGROUND

1. The landowner of Lot 2 DPS 69636 (27 Thomas Road, Katikati) has purchased an existing Avocado orchard block (estimated planting 2001) with a dwelling. The avocado trees extend past the privately owned land boundary and into the esplanade reserve. Additionally, the landowner has applied for a resource consent to the Bay of Plenty Regional Council (BOPRC) for water take from surface water

from the Te Rereatukahia Stream to use to service the 1.7 hectare Avocado orchard area.

2. There are two issues at hand, the infrastructure on and under the reserve servicing the orchard (water pipes, electricity cable, pump shed) and the orchard trees located on Council's local purpose reserve itself.

3. **Infrastructure – Requirement for Water and Electricity Easement:**

- BOPRC require the infrastructure that is currently located on council reserve to be legalised before granting a consent. Currently situated on the reserve is a buried PVC water pipe, a coloursteel pump shed and underground power cable. The pump shed is located on the stream bank below the flatter portion of the esplanade area.
- In order to proceed, an easement is required over the adjacent esplanade reserve as shown in **Attachment 1**.
- The owners have formally applied for the Western Bay of Plenty District Council's consent to the water and electricity easement.
- A survey plan will need to be created to detail the proposed easement's location.
- The land over which the easement is to be created is part of the Te Rereatukahia Stream Reserve being a local purpose esplanade reserve, it is subject to the provisions of the Reserves Act 1977.
- The easement document ensures the protection of the Te Rereatukahia Stream Esplanade Reserve and provides the necessary legal right for the adjoining property owner to meet the requirements of their resource consent with BOPRC and that of the Reserves Act 1977.
- The easement document will aim to protect the reserve and that conditions will require:
 - the equipment, including the pump shed, shall at no time occupy an area larger than is agreed to;
 - the power-line shall meet electrical safety regulations for buried electricity cables;
 - the water pipe will be above-ground between the pump shed and the water intake at the stream and buried from the shed to the applicant's land;
 - the water supply easement shall not take precedence over the principal and primary purposes of the esplanade reserve. And, if the water supply easement compromises Council ability at any future time to form public access along the esplanade reserve, then the public access purpose of the reserve shall take precedence over the water supply easement;

- all water supply equipment within the esplanade reserve shall be maintained in a safe and tidy state and to beat the applicants cost;
 - Council's written permission is to be sought (and granted at their discretion) if there is a requirement to prune or remove a native tree or shrub within the esplanade reserve which exceeds 2.5m in relation to use or maintenance of the easement; and
 - all structures associated with the water supply easement shall be removed at the sole cost of the beneficial landowner for the time-being when the easement is no longer required i.e. the regional council consent lapses.
- The Department of Conservation requires that, in terms of the delegation of the Minister's powers under the Reserves Act 1977, this decision is to be made by Council and recorded as such.

4. **Avocado Trees on Local Purpose Reserve (esplanade)**

- Additionally, the applicant wishes to legalise the location of the Avocado trees within the local purpose reserve which were planted by a previous landowner. Council staff are working with the landowner guided by the council policy "Rentals for Encroachments on Council Land". A licence will likely be entered into, to allow the landowner to utilise the esplanade reserve until such time it is required by Council i.e. public access/ walkway linkage. The licence would be managed under the Reserves Act 1977 for a maximum term of 10 years, and it would not give the landowner exclusive use rights. The public may still access the land.

SIGNIFICANCE AND ENGAGEMENT

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.

The Policy requires Council and its communities to identify the degree of significance attached to issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy, this decision is considered to be of low significance because it has little impact on the community and has low financial implications.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication	
Landowner	The landowner will be informed of the outcome of the request.	Planned
General Public	N/A – The proposed easement consent will not affect the ability for members of the public to access the land.	

ISSUES AND OPTIONS ASSESSMENT

Option A	
Council hereby grant consents to the creation of a water and electricity easement.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	In order for the landowner to be able to effectively uptake water for servicing their orchard they are required to have a feed across reserve land which includes power and pump shed to operate a pump.
Costs (including present and future costs, direct, indirect and contingent costs).	<p>Costs for the creation of the easement are borne by the landowner.</p> <p>The easement instrument protects Council from further maintenance or replacement costs of the easement facility and provides legal rights to the adjoining landowner.</p>
Option B	
Status Quo: Council does not grant consents to the creation of a water and electricity easement.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	If Council declines the easement, the landowner will not have access to the stream to draw water to service their orchard. They would have to look at a costlier option.
Costs (including present and future costs, direct, indirect and contingent costs).	N/A

STATUTORY COMPLIANCE

Section 48 (1) of the Reserves Act 1977 provides Council with the Statutory authority to grant easements over reserves.

Staff have considered Section 48 (2) of the Reserves Act 1977 below:

(2) Before granting a right of way or an easement under subsection (1) over any part of a reserve vested in it, the administering body shall give public notice in accordance with [section 119](#) specifying the right of way or other easement intended to be granted, and shall give full consideration, in accordance with [section 120](#), to all objections and submissions received in respect of the proposal under that section.

(3) Subsection (2) shall not apply in any case where—

(a) the reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and

(b) the rights of the public in respect of the reserve are not likely to be permanently affected—

by the establishment and lawful exercise of the right of way or other easement.

Staff are of the opinion that the esplanade reserve is not likely to be materially altered or permanently affected by the easement proposal, particularly given there is no connecting esplanade reserve/strip either up stream or down stream of 27 Thomas Road making the esplanade reserve isolated and only accessible through private land at this point in time.

On this basis, Section 48 (3) of the Reserves Act 1977 is applicable and no consultation is required.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
No funding required	<p>Processing fees in accordance with Council's Fees and Charges will be applied to the applicant to allow the processing of the consent and the drawing up of the easement instrument. No further costs will be sort from the applicant for the benefit of the easement as this will assist with obtaining a consent to be granted by the BOPRC.</p> <p>The easement instrument protects Council from further maintenance or replacement costs of the easement facility.</p>

	Costs associated with additional requirements sought by Council staff should the infrastructure be removed are to be borne by the applicant.
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ATTACHMENTS

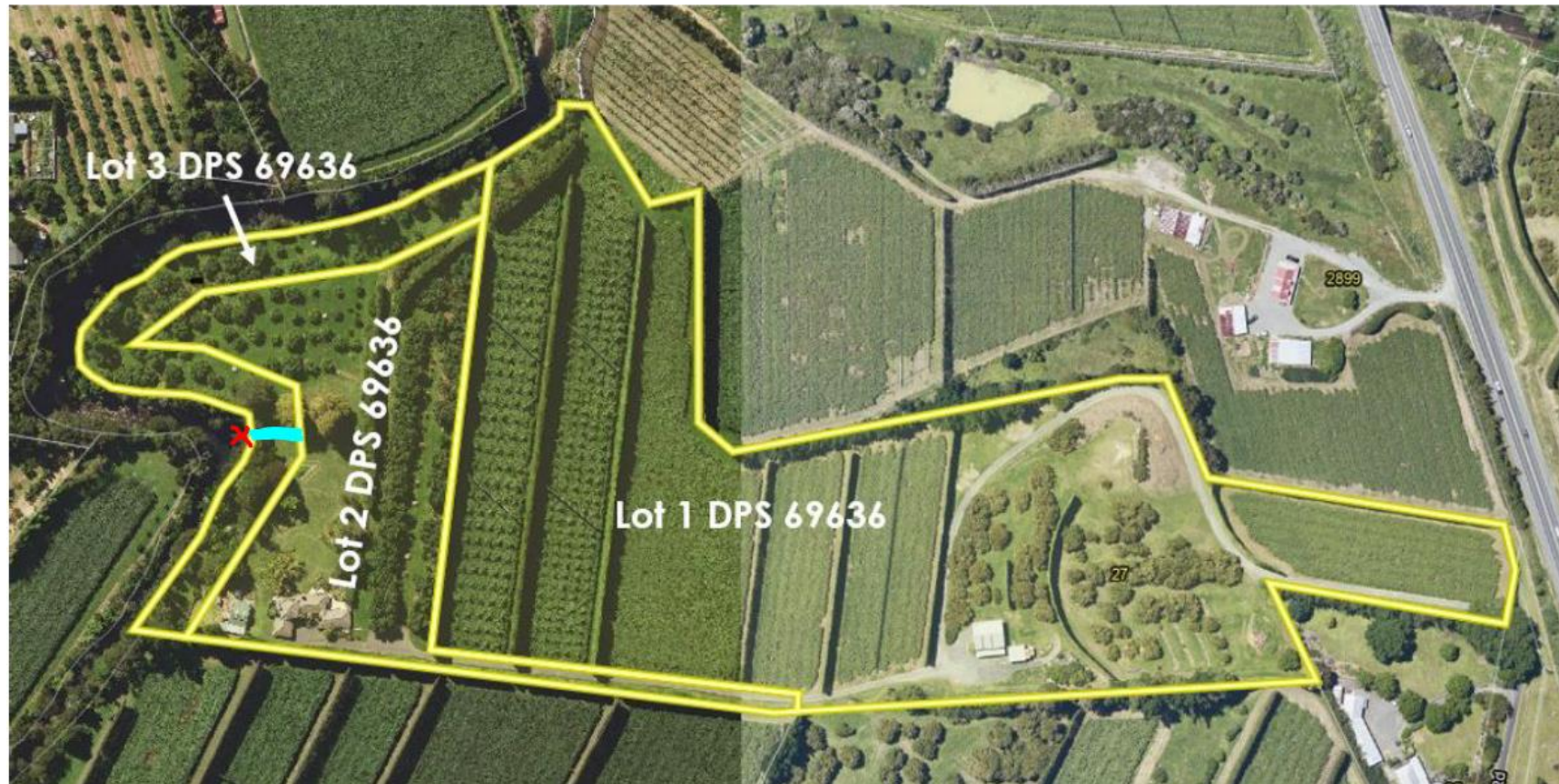
1. **Aerial Plan showing location of easement**  

Aerial Plan showing location of easement

Lot 1 and Lot 2 DPS 69636 – Owned by applicant

Lot 3 DPS 69636 – Local Purpose Reserve (Esplanade) owned by WBOPDC

✗ = Location of intake = easement location (subject to survey)



12.2 VESTING OF I'ANSON RESERVE IN COUNCIL FROM QUEEN ELIZABETH II TRUST**File Number:** A6043934**Author:** Peter Watson, Reserves and Facilities Manager**Authoriser:** Cedric Crow, General Manager Infrastructure Services**EXECUTIVE SUMMARY**

The Queen Elizabeth II (QE II) Trust has approached Council with an offer to transfer the ownership of I'Anson Reserve to Council (**Attachment 1**).

RECOMMENDATION

1. That the Reserves and Facilities Manager's report dated 23 May 2024 titled 'Vesting of I'Anson Reserve in Council from Queen Elizabeth II Trust', 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 **accepts** the offer from the Queen Elizabeth II National Trust to transfer ownership of I'Anson Reserve to Council, subject to a relevant covenant being registered on the title prior to transfer.

OR

4. That Council **declines** the offer from the Queen Elizabeth II National Trust to transfer of ownership of I'Anson Reserve to Council.
5. That the Council formally acknowledge the generous offer of the transfer and good work that the Queen Elizabeth II National Trust undertakes in the Bay of Plenty Region in protecting indigenous biodiversity for future generations.

BACKGROUND

1. In August 1989 Council entered into a management agreement to undertake the day-to-day management and maintenance of I'Anson Reserve in accordance with the adopted Reserve Management Plan (**Attachment 3**).
2. The QE II National Trust have been reviewing their property portfolio and in some cases are looking to transfer some properties to more appropriate owners. Staff met with the Trust representatives in 2023 to discuss the process of Council considering the transfer of the I'Anson Reserve from the Trust to Council.
3. To ensure perpetual legal protection of the original intent of the land, the Trust would place a covenant upon the land prior to any transfer taking place.
4. Council has a close working relationship with the 'Friends of I'Anson Bush Reserve Community Group'.

5. **Attachment 1** provides the history of the land and the rationale for the offer of transfer.
6. From an operational perspective, if Council were to accept the offer of a transfer of ownership, it would be business as usual for the day-to-day administration of the reserve.
7. **Attachment 2** is the information on the offer that has been prepared by Queen Elizabeth II National Trust.
8. Council's operational budgets allow for the maintenance of l'Anson Reserve.
9. Staff are supportive of the proposal.

SIGNIFICANCE AND ENGAGEMENT

10. 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.
11. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
12. In terms of the Significance and Engagement Policy this decision is considered to be of low significance because Council has been managing and funding the operation of l'Anson Bush Reserve for the past 35 years, therefore the transfer of ownership, if accepted, would effectively be business as usual with no noticeable impact to the reserve users or ratepayers.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

13. Staff have engaged with Tangata Whenua and Friends of l'Anson Bush Reserve as referred to below.
14. There is no intention to undertake wider public consultation as there would be no significant change to the maintenance or budgets that Council provide for the operating of l'Anson Reserve.

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication		
Friends of l'Anson Bush Community Group	Friends of l'Anson Bush Community Group are aware of the proposed transfer. Staff understand that the community group do not oppose the transfer of ownership.	Planned	Completed
Tangata Whenua	Staff were waiting upon written feedback from Pirirākau Hapū at the time of writing this report. A verbal update on any feedback received will be provided at the meeting.		
General Public	N/A		

ISSUES AND OPTIONS ASSESSMENT

Option A That Council accepts the offer from the Queen Elizabeth II National Trust to transfer ownership of l'Anson Reserve to Council, subject to a relevant covenant being registered on the title prior to transfer	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<ul style="list-style-type: none"> • The QE II National Trust's objective would be met. • The reserve would come under Council ownership and form part of its reserve network in the Kaimai Ward. • The transfer of ownership if accepted, would effectively be business as usual with no noticeable impact on reserve users.
Costs (including present and future costs, direct, indirect and contingent costs).	<ul style="list-style-type: none"> • There would be no impact on operational budgets as Council has historically funded maintenance works under the provisions of the 'Management Agreement' entered into in 1989.

Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).	N/A
Option B That Council declines the offer from the Queen Elizabeth II National Trust to transfer of ownership of l'Anson Reserve to Council.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<ul style="list-style-type: none"> • Status quo would remain with no change to operational budgets. • 'Friends of l'Anson Bush' would continue to work with Council and the Trust on matters relating to the reserve. • QEII Trust would not meet its objective of divesting land it owns to alternative land managers.
Costs (including present and future costs, direct, indirect and contingent costs).	<ul style="list-style-type: none"> • Status quo would remain with no change to operational budgets.
Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).	N/A


STATUTORY COMPLIANCE

16. Consideration would be given to placing a reserve classification over the land to further protect its intended purpose.
17. The transfer of ownership to Council would align with the Council's Recreation and Open Space Strategy community outcomes in providing open space and protected environmental areas.
18. If the transfer is accepted by Council, then l'Anson Reserve would be added into the Kaimai Ward Reserve Management Plan which is due for review in 2025.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
There are no significant budget impacts if Council were to agree to the transfer of l'Anson Reserve.	There would be no impact on operational budgets as Council has historically funded maintenance works under the provisions of the 'Management Agreement' entered into in 1989.

ATTACHMENTS

1. **Letter from QEII National Trust – Ownership Transfer Proposal** [↓](#) 
2. **QEII Information Paper on l'Anson Reserve** [↓](#) 
3. **l'Anson Bush Reserve Management Agreement** [↓](#) 

11 July 2023

Peter Watson
Western Bay of Plenty District Council



Queen Elizabeth II National Trust
Level 4, 138 The Terrace, PO Box 3341
Wellington 6140
qeii-nationaltrust.org.nz

By email: peter.watson@westernbay.govt.nz

Tēnā koe Peter,

Queen Elizabeth II property – I'Anson Reserve
In reply please quote: P17

Following on from your conversations with our regional representative Paul Kayes, the board of QEII National Trust would like to formally offer to transfer ownership of I'Anson Reserve (I'Anson) to the Western Bay of Plenty District Council (WBOPDC).

QEII is an independent charitable organisation with a core function of protecting areas with open space values for the benefit of present and future generations. We primarily partner with landowners to protect biodiversity on private land by registering covenants on their properties, ensuring areas with high indigenous biodiversity values are protected forever. However, we also own several properties across the country.

We have been carrying out a review of those properties, and in some cases are looking to transfer them to more appropriate owners. For I'Anson Reserve, we believe WBOPDC would be the best custodian of this land given your excellent management of the day-to-day operations at I'Anson since 1989. We believe I'Anson would be in safe hands with WBOPDC.

Before transferring ownership, we would fulfil the original owners' wish for perpetual legal protection of I'Anson by covenanting the property. We would want WBOPDC involved in this covenanting process to ensure that we are on the same page. We are happy to answer any questions about becoming a QEII covenantor. We are also open to discussing vesting the property as a reserve rather than covenanting.

We understand that the final decision to accept ownership of I'Anson would be made by the councillors. I would like to continue this discussion with yourself, or with other relevant people. If you think the council would be interested in this potential transfer of ownership, please contact me on 04 474 1683 or at dcoup@qeii.org.nz.

Yours sincerely

Dan Coup
Chief Executive
QEII National Trust – Ngā Kairauhi Papa
cc Paul Kayes

NEW ZEALAND'S UNIQUENESS **FOREVER PROTECTED.**



March 2024
Information for Western Bay of Plenty District Council

I'Anson Bush Reserve

Ownership offer

The board of QEII National Trust would like to formally offer to transfer ownership of I'Anson Reserve (I'Anson) to the Western Bay of Plenty District Council (WBOPDC) as outlined in the 11 July 2023 letter sent to Peter Watson.

QEII is an independent charitable organisation with a core function of protecting areas with open space values for the benefit of present and future generations. We primarily partner with landowners to protect biodiversity on private land by registering covenants on their properties, ensuring areas with high indigenous biodiversity values are protected forever. However, we also own several properties across the country.

QEII has been carrying out a review of those properties, and in some cases are looking to transfer them to more appropriate owners. For I'Anson Reserve, we believe WBOPDC would be the best custodian of this land given your excellent management of the day-to-day operations at I'Anson since 1989. We believe I'Anson would be in safe hands with WBOPDC.

Before transferring ownership, we would fulfil the original owners' wish for perpetual legal protection of I'Anson by covenanting the property. We would want WBOPDC involved in this covenanting process to ensure that we are on the same page. We are happy to answer any questions about becoming a QEII covenantor. We are also open to discussing vesting the property as a reserve rather than covenanting.

Overview

I'Anson Bush Reserve is a 10.2 hectare revegetated block adjacent to State Highway 2, 11 km from the Tauranga CBD (Appendix 1 & 2). It is referred to as both I'Anson Bush Reserve and I'Anson Reserve. The property is currently owned by QEII and managed by Western Bay of Plenty District Council (WBOPDC). Although called I'Anson Bush Reserve the land has never been designated a reserve.

I'Anson Bush Reserve was gifted to QEII in two lots by Mr Keith and Mrs Takiko I'Anson; 8.5 hectares in 1988, and 1.7 hectares in 1993. When gifted to QEII the land was in pasture. In association with the then Tauranga County Council, QEII prepared a plan for revegetation of the land. The approach adopted was to replicate various vegetation communities present in the Tauranga region.

Management of the area was initially the responsibility of the Tauranga County Council, and then the WBOPDC that succeeded the Tauranga County Council in 1989. The first trees were planted in June 1987. Development of Lake Taki, car park and tracks were started by the council in 1989. Reg Janes, and later Graham Mander, of Forest and Bird became the main drivers of volunteer plantings, doing the work themselves or organising groups.

Revegetation and management of I'Anson has been a huge community effort over time with individuals, community conservation groups, nurseries, and local schools planting, donating trees, funding, and time towards work at the property. WBOPDC staff estimated the value of the donated plants and volunteer work up to 1996 to be upwards of \$240,000.

The community contribution continues today with involvement from local schools, and the Friends of I'Anson Bush Reserve Community Group.



March 2024
Information for Western Bay of Plenty District Council



Image 1. l'Anson Bush Reserve 1990– Photo Friends of l'Anson Bush Reserve Facebook page



Image 2. l'Anson Reserve 2020 – similar view to image 1 – Photo QEII files

Public access

l'Anson Bush Reserve is accessible to the public from both Loop and Armstrong Roads. There is a small car park within the property off Loop Road and parking space for one vehicle at Armstrong Road. There are well formed walking tracks between the Loop Road and Armstrong Road access points, and these have been upgraded to a high standard over the last few years (Appendix 3). Visitors to the property can enjoy a secluded walk around the lake and along the bush tracks without realising how close the neighbouring properties and houses are.



March 2024
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Image 3. Car park off Loop Road – photo Jess Stevens

Ecological/open space values

l'Anson Bush Reserve demonstrates a successful 20 to 30-year-old planting project and offers valuable insights to people considering revegetation projects. Vegetation communities were planted in zones to represent different Bay of Plenty forest types. The six zones include; (1) wetlands forest of kahikatea, rimu, tanekaha and kamahi trees; (2) low altitude podocarp hardwood forest with tawa puriri, hinau, mangao trees; (3) steeppland podocarp hardwood forest; (4) kauri-podocarp-hardwood-beech forest; (5) mountain podocarp-hardwood-beech forest; (6) mountain hardwood-beech forest. There are now good associations of native trees that have grown towards maturity and formed a young forest canopy.

A 5-year weed control strategy in 2018 noted (abridged):

“flax and 13 native tree species have all naturalised and are freely spreading. This is indicative that natural succession is operating as more moderate microclimates develop under the canopy. Significant associations of vegetation have developed dominated by native vegetation adding to the ecological integrity of the vegetation at the Reserve. The forest ecosystem is getting healthier with the development of more humid microclimates which facilitate the recruitment of ground fern species and introduction of mature forest elements such as nikau palm (*Rhopolastylus sapida*) and the forest liane kiekie (*Frecynettia banksia*) which are now present. Given the range of species present due to the attempt to recreate a group of different vegetation types of the wider Tauranga region the developing forest may have some species not appropriate to the local ecosystem. Eventually, however a more natural equilibrium will be reached as competitive processes bear out over the next several hundred years.”

As the revegetated forest has developed so has the opportunity to provide habitat for indigenous fauna. The Friends of l'Anson Bush Reserve Community Group (“the Friends Group”) were thrilled to recently observe a bush robin in the reserve.

Lake Taki is an important freshwater habitat for birds, insects, and freshwater species, and long-term it's anticipated that the lake will naturally evolve to a more natural wetland ecosystem. This process should happen relatively quickly – google earth aerial imagery shows that the lake has silted up considerably since 2003.

Education

There has been a long involvement with the local schools, especially Te Puna School, that started with the initial planting and continues today.



March 2024
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A Kids Conservation Club planting was held at l'Anson Bush Reserve in April 2023 to celebrate 100 years of Forest and Bird. Last year Bay Conservation Alliance took four schools to l'Anson Bush Reserve to learn about wetlands, and they also helped clear tradescantia from the forest floor with the Friends Group.

Toi Ohomai Institute of Technology undertakes an invertebrate study at the reserve every year with their environmental management students. Several Massey and Waikato University students have used the reserve for their studies. A recent Rongoā workshop held at the property was very well attended.

Ecological threats

QEII has prioritised terrestrial weed control work at the property. In 2018, a five-year weed control plan and budget was put in place to employ weed control contractors and control work is supported by the Friends Group weeding bees. Some canopy gaps are present particularly in the lower wet areas. The Friends Group have plans to plant these to form wetland communities when the weeds are under control.

The 5-year weed control strategy noted 26 terrestrial weed species as having a moderate to high ecological impact to l'Anson Bush Reserve. Japanese honeysuckle, moth plant, Taiwan cherry, tradescantia, and privet were the most significant threats.

Lake Taki has three significant aquatic weed species: parrot's feather, lagarosiphon, and humped bladderwort. Eradication of these would not be possible unless also eradicated upstream from the property.



Image 4. Mr McQueen (QEII), Mr Cameron (WBOPDC) & Mr & Mrs l'Anson – Photo from BOP Times article in QEII file.



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Image 5. Reg Janes with children and teachers from Te Puna School at first planting 1987 – photo QEII files



Image 6. Dam wall prior to filling to create lake – Photo QEII files

Western Bay of Plenty District Council (WBOPDC) Management of the Property

A management agreement was signed between QEII and the Tauranga County Council on 29 August 1989 for the original gift of 8.5 hectares. This management was taken over by the WBOPDC, that succeeded the Tauranga County Council shortly after. The management agreement is in accordance with the l'Anson Bush Reserve Management and Development plan that was prepared by QEII and the Tauranga County Council. WBOPDC currently undertakes the day-to-day management of the reserve, including track maintenance, installing signage, toilets, clearing rubbish bins, and mowing.

QEII granted \$30,000 to the council over the first three years and the council set aside a further \$20,000 of council funds to initiate the development of the carpark, lake, tracks, and fencing.

Since the initial development, WBOPDC has installed picnic tables, a toilet, asphalted the car park, upgraded the walking tracks and constructed a new bridge over the stream above the Lake Taki inlet.



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Friends of I'Anson Bush Reserve Community Group

Friends of I'Anson Bush Reserve was started in November 2018 by members of the Tauranga Forest and Bird Society and QEII.

The group currently has about 30 active volunteers coordinated by Kate Loman-Smith (Volunteer Coordinator WBOPDC). The weed group meets once a month and the volunteers have made a significant impact on the weed issue. This has been assisted by weed control contractors being funded by QEII, or from contestable grants, to tackle the large weed areas beyond the scope of the volunteers.

The Friends Group also does predator control and currently has 69 assorted traps and 43 bait stations in the reserve targeting possums, mustelids, hedgehogs and rodents. The network is serviced by two groups of volunteers who take turns to clear traps and fill bait stations etc. The group uses the BOPRC GIS based Taiao app to record the catches and bait take.

I'Anson Bush Reserve is long and narrow and is surrounded by lifestyle blocks and orchards, therefore predator and weed reinvasion is ongoing, but the group feels a corner has now been turned with weed control now nearing a maintenance level.

The Friends Group has undertaken 3 small plantings over the last 2 years and have 3 more planned. Some plants were funded by the BOPRC or the local branch of Forest and Bird, some were fundraised for by members and some were grown and donated by volunteers or supporters. The group has also played a facilitating role with schools visiting the reserve for education and to help with weed control and planting.

The Friends Group is supported with resources from BOPRC from the 'Care Group Program' and some pest plant funding comes from WBOPDC. The group has done small fundraisers and there is a small amount held by Tauranga Forest and Bird that they can call on when necessary. Tauranga Forest and Bird was also funding \$1,000 towards plants for a Kids Conservation Club planting at I'Anson Bush Reserve in April this year to celebrate F&B 100 years.



Image 8. Friends of I'Anson Bush Reserve Volunteers – Cover photo from Friends of I'Anson Bush Reserve Facebook Group.



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Waka Kotahi

Waka Kotahi (WK) is working on the Takatimu Northern Link (TNL) project to upgrade SH2, which has implications for I'Anson Bush Reserve. WK has sought to acquire a leasehold interest in part of I'Anson Bush Reserve under the Public Works Act 1981 (PWA). In April 2022 QEII was sent a draft memorandum of lease that provides for a 3-year acquisition of part of I'Anson Bush, and authority to undertake a stream realignment on the land. In April WK also provided hydrological assessments that indicate that works upstream of the land will increase stormwater flows to and surface flooding of the land. It is unknown how planned upgrades to State Highway 2 will impact Lake Taki and the draft lease does not currently address these flooding impacts and QEII is working with WK on this.

Cultural Background

Both Ngāi Te Rangi and Ngāti Ranginui have an interest in the Te Puna area. Māori land confiscation maps show the area with I'Anson Bush Reserve as land confiscated from Ngāi Te Rangi in 1865 under the New Zealand Settlements Act 1863. Pirirakau hapū, who whakapapa to Ngāti Ranginui, have two marae in the Te Puna area.

Settlements of historical claims were made between Ngāti Ranginui and the Crown in 2012 and Ngāi Te Rangi and the Crown in 2013. Nothing has been found to indicate there is any outstanding grievance or claim on I'Anson Bush Reserve with either Ngāti Ranginui or Ngāi Te Rangi.

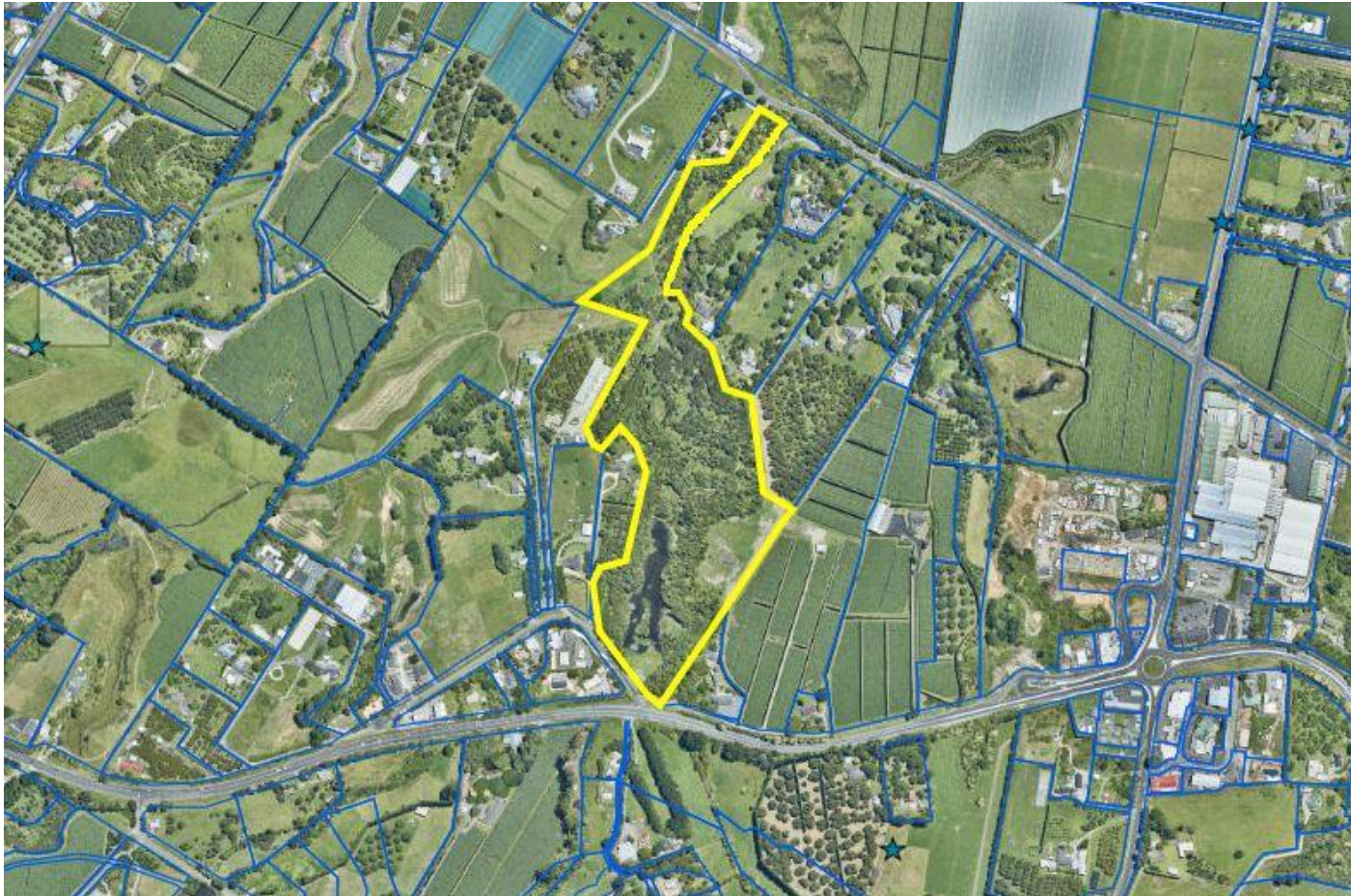
Carbon Credits potential

Some of the revegetated areas of I'Anson Bush Reserve could be eligible for registration in the Emissions Trading Scheme. Approximately 6 hectares may be eligible at a cumulative value of \$23,500 from 2023-2030 (based off current prices for native NZUs). This is a very rough estimate and engagement of a carbon consultant would be needed to confirm this.

Appendix 1 – Overview location map



Appendix 2 – l'Anson Bush Reserve



Appendix 3 – I’Anson Bush Reserve Tracks



AGREEMENT made the Twenty ninth day of August 1989

BETWEEN THE QUEEN ELIZABETH II NATIONAL TRUST a body corporate
constituted under the Queen Elizabeth II National Trust Act 1977
("the Trust")

AND THE TAURANGA COUNTY COUNCIL a body corporate constituted under
the Local Government Act 1974 ("the Council")

WHEREAS:

A. THE land described in Schedule A to this Agreement ("the Reserve") is
owned by the Trust.

B. THE Trust is charged pursuant to the Queen Elizabeth II National
Trust Act 1977 ("the Act") with encouraging and promoting the
provision, protection and enhancement of open space for the benefit
of the people of New Zealand.

C. THE Trust is empowered by the Act to engage any person or body to
undertake the maintenance development or management of any land owned
by it.

D. THE Trust is of the opinion that it will most effectively discharge
its functions in relation to the Reserve by engaging the Council to
control and manage it.

NOW THIS AGREEMENT WITNESSES THAT in consideration of the observance of the
terms and conditions contained in this Agreement the Trust and the Council
have agreed to enter into this Agreement covenanting as follows:

1. THE Council agrees to undertake the management development
improvement repair and maintenance of the Reserve in accordance with the
Management Plan, which is Schedule B to this Agreement and as may be amended
from time to time by consent of both parties hereto.



2. IN the exercise of its functions under Clause 1 hereof the Council shall act as the Trust's agent and as such shall enjoy all the ordinary powers of a land owner other than power to dispose of the land, but shall not act outside the terms of the Management Plan without the express permission of the Trust.

3. THE term of this Agreement, unless terminated pursuant to Clause 4 of this Agreement, shall be for so long as the parties please and shall be terminated by either party giving to the other three months' notice in writing.

4. THIS Agreement shall be terminable upon notice at any time by the Trust in its discretion, if in the opinion of the Trust the Council:

- (a) Has breached any material term of this Agreement; or
- (b) Has failed to discharge its functions pursuant to this Agreement to a standard which the Trust considers to be reasonable or satisfactory.

5. THE Council shall during May of every year that this Agreement is in force make a written report to the Trust on the management of the Reserve.

6. THE Council shall nominate a person to convene and participate in a committee which shall be comprised of the Council's nominee and such other persons as are determined by the Trust in its discretion from time to time. The Committee shall meet annually or otherwise mutually agreeable to both parties following the receipt of the report required by Clause 5 of this Agreement to discuss and decide upon matters relating to the maintenance development and management of the land in accordance with the Management Plan.

7. THE Council shall not be entitled to sign transfer or delegate its functions and powers under the Agreement.

8. THIS Agreement may be amended or modified only in writing executed by both parties.

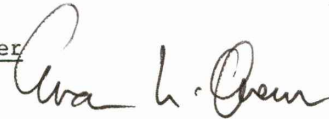
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EXECUTED by THE QUEEN ELIZABETH THE)
SECOND NATIONAL TRUST by the affixing)
of its common seal in the presence of:)

Chairman



General Manager



EXECUTED by THE TAURANGA COUNTY)
COUNCIL by the affixing of its)
common seal in the presence of:)

Chairman

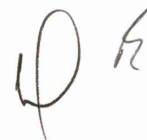


General Manager



SCHEDULE A

8.4939 hectares more or less being Lot 10 on Deposited Plan S.46507,
and being Part Allotment 201 Parish of Te Puna, and being the land
comprised and described in Certificate of Title 40D/176, known as the
I'Anson Reserve.



4

SCHEDULE B

R. M. L.

Q h

Meeting No. 17 C & CS Committee - 7 August 1989

3

RESOLVED: Crs Kehely/Lankshear THAT this item be referred to the closed section of the meeting.

S17/8 PIOS BEACH - PUBLIC TOILETS AND BOATING CLUB SEWER CONNECTION 15/24/4/1

A report from the Reserves Officer was included in the agenda. The staff recommendation that Council bear the cost of sewer lines and connection estimated at \$3,200 was not supported and it was agreed that all costs should be split on a 50/50 basis.

RESOLVED: Crs McNaughton/Kehely

1. THAT the cost of reticulation and connection to the Bowentown Boating Club Building be shared 50/50 between Council and the Club.
2. THAT the annual sewerage charges for the premises be shared 50/50 between Council and the Club.

S17/9 I'ANSON BUSH RESERVE

15/31/4

A Draft Management Agreement prepared by the Queen Elizabeth II National Trust was included in the agenda.

RESOLVED: Crs Lankshear/Merriman

1. THAT the Draft Management Agreement for the I'Anson Bush Reserve be accepted and that the Queen Elizabeth II National Trust be advised accordingly.
2. THAT the County Chairman and General Manager be authorised to sign and seal the document when it is returned in final form.

S17/10 OMOKOROA BOAT RAMP

5/6/4

A report relative to a resolution passed by the Omokoroa Beach Community Council was included in the agenda. The Manager: Community and Corporate Services advised that Council staff are inspecting the ramp and a report is expected to be available for consideration by the Committee at the September meeting.

Councillor Lankshear recommended that the Harbour Board be advised of the state of the ramp and that the Tauranga County Council considers the Harbour

12.3 REQUEST FOR FUNDS FROM THE KATIKATI TOWN CENTRE DEVELOPMENT FUND – MARKET SQUARE DEVELOPMENT PROJECT

File Number: A6110172

Author: Kerrie Little, Operations Manager

Authoriser: Cedric Crow, General Manager Infrastructure Services

EXECUTIVE SUMMARY

At a Council meeting on 4 April 2024 Council considered a report titled 'Recommendatory report from the Katikati Community Board – Market Square' requesting up to \$50,000 for costs relating to the engineering detailed design and schedule of works for the Katikati Market Square development.

In order for Council to be able to consider the recommendation from the Katikati Community Board there was additional information that was needed from Council staff in relation to the phasing of work and future budget considerations in relation to the Katikati Town Centre Development Fund.

Therefore, the decision was left to lie on the table with a request for a full decision report to be presented for consideration at the Council meeting scheduled for 23 May 2024.

RECOMMENDATION

1. That the Operations Managers report dated 23 May 2024 titled 'Request for funds from the Katikati Town Centre Development Fund – Market Square Development Project', 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 **approve** funding of up to \$50,000 from the Katikati Town Centre Development Fund for costs relating to the engineering detailed design and schedule of works for the Market Square Development project (**Attachment 1** of this report).
4. That Council approves the phased approach to the Katikati Market Square project, as laid out in this report, noting that this is subject to funding availability through the Katikati Town Centre Development Fund.

OR

That Council **does not approve** funding from the Katikati Town Centre Development Fund for costs relating to an engineering detailed design and schedule of works for the Market Square Development.

BACKGROUND

1. A Town Centre Plan 2022–2032 was developed for Katikati in 2022 that provided a vision to place shape over the next 10 years.
2. The development of Market Square was identified by the community as a priority within the [Katikati Town Centre Plan 2022–2032](#) (Page 25).

“11. Rationalised carparking and include a Market Square here that is strongly linked to the Memorial Hall and the Main Road”.

3. The purpose of this project is to develop and refine the carpark behind the Main Road buildings to provide a multi use space that can be utilised as a market square and to provide connection between the Katikati War Memorial Hall, Pātuki Manawa and the Main Road.
4. The Katikati Community Board have proposed that the Market Square development be funded through the Katikati Town Centre Development Fund. This was a fund set up to assist with the development of the town centre, of which Council is the administering body. As of 30 June 2023, the Katikati Town Centre Development Fund has a balance of \$473,604.

PROGRESS TO DATE

Original Vision

The Katikati Community Board previously engaged Boffa Miskell to develop concept plans to support the initial discussion and enable community feedback. \$34,155.84 was funded through the Katikati Town Centre Development fund. Three options were provided with the following implementation costs.

- Option 1 – ‘Urban Plaza’ Cost Estimate \$ 2,114,591
- Option 2 – ‘Village Green’ Cost Estimate \$ 1,876,506
- Option 3 – Reduced scope of above Cost Estimate \$ 933,530

The cost estimates provided were considered too expensive and a preferred option was not identified. Further direction was given to re-look at the Market Square concept to enable an outcome that could be funded within the constraints of the Katikati Town Centre Development fund. Noting, that the intention and direction was to start in Market Square.

Revised Vision

Council staff have now produced a concept plan to the Community Board that meets their outcomes, aligns with the town concept plan and can be funded through the Katikati Town Centre Development Fund. The estimated costings for the project are now approximately \$300,000. Further to this, the concept plan would not preclude future development and/or enhancements to this area or the greater town concept vision.

The Katikati Community Board have now recommended to Council that an additional amount of up to \$50,000 be withdrawn from the Katikati Town Centre Development Fund

towards costs related to the detail design (within budget) and scheduling of works. Upon completion of the detailed design and cost estimates, there will be further engagement with the Katikati Community Board regarding the detail design and cost, followed by a report to Council for overall project and budget approval.

However, Council needs to consider if the revised concept plan, key outcomes and project timeline is acceptable and meets the Katikati Town Concept Vision.

TOWN CONCEPT PLAN PHASING – MARKET SQUARE

Staff have rationalised the phasing for Market Square into three phases. The phasing of work is always going to be contingent on availability of funding, community/Community Board direction, and Council approval for both funding and design.

Phase One – Implementation of the revised vision/concept plan (**Attachment 1**). The concept plan addresses parking and through traffic concerns and will enable markets and other events to be held. Staff have estimated a total cost of \$370,000 (this is an approximate cost only and a detailed design would be the only mechanism to indicate a true cost).

Key Outcomes for Phase one

- The project delivers on agreed outcomes with the Katikati Community and Council;
- The project has alignment with the town concept plan;
- The project will enable markets to be held in the square;
- Resolve conflict with parking and the in and out traffic/pedestrian movements;
- The project does not constrain or preclude any future development of the town concept plan and/or enhancements; and
- The project is completed within budget and is the first step towards enabling the Katikati Town Concept Vision.

Project Timeline – Milestones for Phase one

- A request for Council to approve a budget up to \$50,000 to be spent on detailed design, specifications, and schedule of prices – May 2024;
- Staff engages a Civil Designer and Quantity Surveyor – June to July 2024;
- Draft detail design and costings to be workshopped with the Katikati community board – August 2024;
- Design is finalised and a report is drafted to Council for approval. The report will request both Design and budget approval – August 2024;
- Subject to Council approval, staff will undertake the procurement to enable physical works – September 2024; and
- Contract is awarded, and physical works are completed – December 2024. All physical works to be completed before Christmas 2024.

Phase Two – If possible, Council will acquire the remaining land within Market Square, as shown on **Picture 1** below. Update the existing concept plan and ensure alignment with phase one. Then consult with the community on the effective use of this space. Cost to be confirmed upon completion of updated concept plan, land valuation, and community consultation. Staff have estimated the following costs:

- Purchase of land (Noting the lander owner has shown no interest in selling the land) – $600\text{m}^2 \times \$500 = \$300,000$
- Adopt similar concept to Phase One = \$180,000
- Amenity assumption (street furniture) = \$50,000

Total estimated cost = \$530,000



Phase Three – Review Phase One and Phase Two. Identify what core infrastructure and amenity features could be installed to further enhance Market Square. Upon completion of Phase One and Phase Two (Later date), it is likely the community will understand more about this space and what the specific requirements/enhancements are. Cost to be confirmed upon completion of updated concept plan, and community consultation, however staff have estimated the following costs:

- Core infrastructure improvements (additions) = \$500,000
- Amenity and place shaping based off Town Centre Concept Plan and Boffa Miskell's previous engagement. = \$700,000

Total estimated cost: \$1.3million

SIGNIFICANCE AND ENGAGEMENT

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.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it has already been circulated through the Katikati Town Centre Plan 2022 – 2032.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication	
Tangata Whenua	Engagement and Consultation was undertaken as part of the development of the Katikati Town Centre Plan 2022 – 2032.	Completed
General Public		

ISSUES AND OPTIONS ASSESSMENT

Option A That Council approve funding of up to \$50,000 from the Katikati Town Centre Development Fund for costs relating to a detailed design for the Market Square Development.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<ul style="list-style-type: none"> • This space will allow for connectivity between the Katikati War Memorial Hall and Pātuki Manawa. • The civic space will be good for market days or evenings, by allowing a space for the community to gather. • An action from the Katikati Town Centre Plan 2022 – 2032 will be completed.
Costs (including present and future costs, direct, indirect and contingent costs).	Funding of up to \$50,000 from the Katikati Town Centre Development Fund for costs relating to the schedule of works for the Market Square Development.
Option B 4. That Council do not approve funding from the Katikati Town Centre Development Fund for costs relating to a detailed design for the Market Square Development.	

Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<ul style="list-style-type: none"> • The Katikati Community Broad will be able to allocate the funds to other projects. • Market Square will not be a social space for the community to come together. • An action from the Katikati Town Centre Plan 2022 – 2032 will not be completed
Costs (including present and future costs, direct, indirect and contingent costs).	Nil

STATUTORY COMPLIANCE

There are no legislative or legal requirements associated with this report. As the administering body of the Katikati Town Centre Development Fund, the Council has the power to approve the allocation of the requested funds.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
Katikati Town Centre Development Fund has a balance of \$473,604.	An amount of \$34,155.84 has been withdrawn from the Katikati Town Centre Development Fund, on behalf of the Katikati Community Board, to engage Boffa Miskell for the development of the initial concept plan for the Market Square development project.

ATTACHMENTS

1. Market Square – Concept Plan



12.4 ESTABLISHMENT OF A REGULATORY HEARINGS PANEL

File Number: A6220724

Author: Rosa Leahy, Governance Advisor

Authoriser: Greer Golding, Governance Manager

EXECUTIVE SUMMARY

The purpose of this report is to establish a Regulatory Hearings Panel to conduct fair and effective hearings under the Dog Control Act 1996 and to hear submissions and objections under section 120(1)(c) of the Reserves Act 1977.

RECOMMENDATION

1. That the Governance Advisor's report dated 23 May 2024 titled 'Appointment of Regulatory Hearings Panel' 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 appointment of a Regulatory Hearings Panel as set out in Terms of Reference, being **Attachment 1** of this report.

BACKGROUND

1. As part of the governance structure in the previous triennium, a Regulatory Hearings Committee was established. The scope of the Committee was to conduct hearings and make decision of a quasi-judicial nature on statutory and regulatory matters that fell within the scope of the Committee. Currently, the delegation to hear and conduct these hearings sits with Council.
2. Council has the power to sub-delegate its functions to hear and determine matters under the Dog Control Act 1996 to a subordinate decision-making body.
3. Council has recently received an objection to a dangerous dog classification, which has required the need to hear the objection and therefore establish a Regulatory Hearings Panel. Under the Act, the territorial authorities must provide a determination on an objection to a classification as soon as practicable.
4. As Council is the administering body under the Reserves Act 1977, Council has the power to nominate a committee to hear objections and submissions made under section 120(1)(c) and make a recommendation to Council regarding the submissions and the objections.
5. Submissions to proposals under the Reserves Act are currently heard and considered through a Council meeting. This process does not allow sufficient time

for Elected Members to consider the submissions before making a decision on the proposal.

6. The panel will be appointed for the remainder of the 2022–2025 Triennium, with hearings being held as and when required.
7. The proposed structure would delegate the responsibility to appoint the panel to the Chairperson. The panel would consist of five members, including the Chairperson and Deputy Chairperson.
8. The process of this new structure will enable greater consultation and engagement with the submitters during the hearings process, which will result in better outcomes for local communities.

SIGNIFICANCE AND ENGAGEMENT

9. 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.
10. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
11. In terms of the Significance and Engagement Policy this decision is considered to be of low significance as it is a procedural matter to appoint a hearings panel.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

12. No community engagement or consultation is required to appoint a hearings panel.

ISSUES AND OPTIONS ASSESSMENT

13. Not establishing a Regulatory Hearings Panel would force objections to a dangerous dog classification to be heard in a Council meeting. If Council chose to not establish a Regulatory Hearings Panel there would be no change to how submissions under the Reserves Act are currently heard and considered.
14. Staff recommend establishing a Regulatory Hearings Panel for the remainder of the 2022–25 Triennium.

Option A That Council establishes a Regulatory Hearings Panel as set out in Attachment 1 of this report.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	Establishing a hearings panel provides a strong form of governance for regulatory matters.
Costs (including present and future costs, direct, indirect and contingent costs).	There are administrative costs required to set up the Regulatory Hearings Panel and to support the ongoing operation. These costs can be met from existing budgets.
Option B That Council does not establish a Regulatory Hearings Panel.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	If a Regulatory Hearings Panel is not appointed an alternative form of governance could be utilised to hear regulatory matters. However, it is considered that a Regulatory Hearings Panel offers the most robust and fair opportunity for submitters and Council.
Costs (including present and future costs, direct, indirect and contingent costs).	No costs associated with this option.

STATUTORY COMPLIANCE

15. The delegations outlined in **Attachment 1** take into account legislative requirements in the Dog Control Act 1996, Reserves Act 1977 and Local Government Act 2002.

FUNDING/BUDGET IMPLICATIONS

There are no budget implications associated with the decision sought in this report.

ATTACHMENTS

1. **Regulatory Hearings Panel Terms of Reference** [↓](#) 

Regulatory Hearings Panel

Membership:

Chairperson	Deputy Mayor John Scrimgeour
Deputy Chairperson	TBC
Members	Mayor James Denyer Cr Tracey Coxhead 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 Any other external appointee that may be required
Quorum	A panel of five (5) appointed in the first instance allowing for a quorum of three (3) once the hearing has commenced.
Frequency	As Required

Role:

- To conduct hearings and make decisions of a quasi-judicial nature of statutory and regulatory matters that fall within the scope of the Hearings Panel.

Scope:

- To conduct fair and effective hearings and make determinations under the Dog Control Act 1996.
- To hear submissions under the Reserves Act 1977 and make recommendation to Council.
- To consider staff reports outlining practicable options for matters relating to reserves.

Power to Act:

- All powers, duties and discretions necessary to conduct hearings and make decisions of a quasi-judicial nature on behalf of the Council on any statutory and regulatory matters that are within the scope of the

Committee, and that the Council is legally empowered or obligated to hear and determine, including but not limited to:

- all powers, duties, and discretions necessary to hear and make decisions on behalf of the Council in respect of any matter that the Council is empowered or obligated to hear and/or determine under the Dog Control Act 1996, Local Government Act 1974, Reserves Act 1977, Local Government Act 2002 or any other Act, or under any bylaw, as required.

Chairperson's Delegations:

The Chairperson of the Regulatory Hearings Panel are delegated the power to determine the composition of any panel to be convened under the Regulatory Hearings Panel's terms of reference.

12.5 APPOINTMENT OF CONVENOR AND ASSISTANT CONVENOR TO MAKETU-TE PUKE COMMUNITY FORUM

File Number: A6109297

Author: Greer Golding, Governance Manager

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

The purpose of this report is to appoint a convenor and assistant convenor to the Te Puke Maketu Community Forum.

RECOMMENDATION

1. That the Governance Manager's report dated 23 May 2024 titled 'Appointment of Convenor and Assistant Convenor to Maketu-Te Puke Community Forum' 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 26 Schedule 7 of the Local Government Act 2002 the following councillors be appointed as Convenor and Assistant Convenor for the Maketu Te Puke Community Forum as set out below:
 - Convenor: Cr Andy Wichers
 - Assistant Convenor: Cr Grant Dally

BACKGROUND

1. On 8 December 2022 the governance structure was established and councillors were appointed to positions within that governance structure.
2. Due to the passing of Councillor Crawford, a new Convenor and Assistant Convenor needs to be appointed to the Te Puke/Maketu Community Forum.
3. Council has established three Community Forums (based on Ward boundaries) to provide an effective and informal mechanism for local and community issues to be discussed and prioritised.
4. The Convenors of Community Forums determine the priority matters arising and report to the Community Committee as a more formal mechanism to make recommendations to progress or respond to such matters that cannot otherwise be progressed through Informal means (for example, through service requests).

5. Community Forums are not subject to Standing Orders and have been established to enable Convenors the flexibility to deploy a forum approach best suited to the matters for discussion and to achieve wide community participation. Community Forums can also be used as a mechanism through which Council can seek community views and participation in its planning processes.

SIGNIFICANCE AND ENGAGEMENT

6. 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.
7. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
8. In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it is not changing anything about the governance structure it is only to appointment new convenors.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

9. Given the low level of significance determined, the engagement level is low. No engagement is required.

ISSUES AND OPTIONS ASSESSMENT

10. There is a vacancy that needs to be filled therefore there are no alternative options provided for in this assessment under section 70(2)(c) and (3) of the Local Government Act 2002.

STATUTORY COMPLIANCE

11. The appointments are in accordance with Clause 26 Schedule 7 of the Local Government Act 2002.

FUNDING/BUDGET IMPLICATIONS

12. There are no funding or budget implications associated with the decisions sought in this report.

12.6 APPOINTMENT OF AN ADDITIONAL DIRECTOR OF THE COUNCIL CONTROLLED ORGANISATION – COLAB

File Number: A6240328

Author: Pernille Osborne, Senior Governance Advisor

Authoriser: Greer Golding, Governance Manager

EXECUTIVE SUMMARY

The purpose of this report is to appoint John Holyoake as a director of the Council Control Organisation (CCO) CoLAB.

RECOMMENDATION

1. That the Senior Governance Advisor report dated 23 May 2023 titled 'Appointment of an additional director of the Council Controlled Organisation – CoLAB' 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 appoint John Holyoake as a director on the Council Controlled Organisation – CoLAB.

Or

That Council **does not** appoint John Holyoake as a director on the Council Controlled Organisation – CoLAB.

BACKGROUND

1. CoLAB provides Council with the ability to participate in the strategic planning and direction of shared services offerings with CoLAB and benefit from the shared delivery project outcomes.
2. CoLAB's role is to investigate and develop opportunities on time and within budget, ensuring opportunity benefits are realised, and provide services that meet the needs of councils and foster cross-council collaboration.
3. Section 6(1)(ii) of the Local Government Act 2002 states that a Council Controlled Organisation (CCO) is a Council organisation in which one or more local authorities have the right, directly or indirectly, to appoint 50% or more of the directors of the company.
4. Council has the power to make appointments of members to Council Controlled Organisation Boards of Directors/Trustees and representatives of Council to external organisations.

SIGNIFICANCE AND ENGAGEMENT

5. 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.
6. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
7. In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it is not changing anything regarding the governance structure, it is only to appoint a new director.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

8. Given the low level of significance determine, the engagement level is low, and therefore no engagement is required.

ISSUES AND OPTIONS ASSESSMENT

Option A That Council appoint John Holyoake as a director on the Council Controlled Organisation – CoLAB.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	Western Bay of Plenty District Council have a representative on the CoLAB board of directors.
Option B That Council does not appoint John Holyoake as a director on the Council Controlled Organisation – CoLAB.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	Western Bay of Plenty District Council do not have a representative on the CoLAB board of directors.

STATUTORY COMPLIANCE

9. The recommended appointment is in accordance with Section 6(1)(ii) of the Local Government Act 2002 and in line with Councils Power to Act.

FUNDING/BUDGET IMPLICATIONS

10. There are no funding or budget implications associated with the decisions sought in this report.

12.7 DELEGATIONS – RESOURCE MANAGEMENT ACT 1991 AND LOCAL GOVERNMENT (RATING) ACT 2002

File Number: A6129209

Author: Lizzie McEwan, Privacy and Official Information Advisor

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

1. The purpose of this report is to delegate the following functions, powers and duties of Council, pursuant to section 34A of the Resource Management Act 1991 (RMA), and section 132 of the Local Government (Rating) Act 2002 (LG (Rating) Act) to the positions ('Delegates') specified in **Attachment 1**.
2. This report is the result of a comprehensive and thorough audit of Locodelegations (Council's delegations software) by Simpson Grierson in December 2023.

RECOMMENDATION

1. That the Privacy and Official Information Advisor's report dated 23 May 2024 titled 'Delegations – Resource Management Act 1991 and Local Government (Rating) Act 2002' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That, pursuant to section 34A of the Resource Management Act 1991 (RMA), and section 132 of the Local Government (Rating) Act 2002, Council delegates those of its functions, powers and duties to the positions ('Delegates') specified in **Attachment 1**.

BACKGROUND

3. LocoDelegations is an all-digital, delegations register designed specifically for Local Government developed by the Association of Local Government Information Management (ALGIM).
4. Simpson Grierson was engaged by ALGIM to complete a full review of the Acts and provisions listed in LocoDelegations. That review comprised all primary and secondary legislation, and involved both the addition and deletion of Acts, Regulations and specific provisions, so that an accurate list of all relevant delegable powers is provided.

5. The summary of changes outlined in **Attachment 1** captures the suggestions provided by Simpson Grierson as well as a standard, routine review and alignment of delegations to Council staff and contractors.
6. Section 34A of the RMA prohibits sub-delegation by the Chief Executive Officer of functions, powers and duties under the RMA to other Delegates. Equally, section 132 of the LG (Rating) Act prohibits the Council from delegating its power to delegate under this Act. Therefore, all delegations under these Acts must be made by resolution of full Council.
7. Delegates are not permitted to sub-delegate any of the functions, powers and duties delegated to them by Council under the RMA nor the LG (Rating) Act.
8. Authority of a Council Employee Acting in a Delegate's Position:
 - (a) Where a Council employee is appointed to act in the position of a Delegate, that Council employee shall be deemed to have the delegated authority of the Delegate for the duration that he/she is appointed to act in that position.
 - (b) This is consistent with section 14 of the Interpretation Act 1999 (Exercise of Powers by Deputies) which specifies that a person lawfully acting in an office may exercise any of the powers conferred on the holder of that office.
9. Authority of a Non-Council Employee Acting in a Delegate's Position:
 - (a) Where an individual who is not a Council employee is appointed to act in the position of a Delegate (such as a consultant who is seconded to the Council), that individual shall not have delegated authority.
 - (b) However, the individual shall have the authority to do anything before a final decision on such a matter (if those powers have been delegated to the position holder in whose position the individual is acting).
10. The delegations included in **Attachment 1** reflect the functions, powers and duties that Council staff require, in order to fulfil Council's obligations under the RMA and LG (Rating) Act, and to continue to provide efficient and effective service to our customers. For example, the ability to enter land for the purpose of compliance, monitoring resource consent conditions, to make decisions around notification of resource consents and to carry out duties relating to the delivery of rates assessments and invoices.
11. Each delegation must be read and interpreted in conjunction with the legislative provision to which it relates.

SIGNIFICANCE AND ENGAGEMENT

12. 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.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy, this decision is of low significance. Approval of this schedule of delegations will ensure that decisions are made by appropriately qualified delegated officers and mitigate against the risk of legal challenge.

ISSUES AND OPTIONS ASSESSMENT

To delegate Western Bay of Plenty District Council's functions, powers and duties under the RMA and LG (Rating) Act to the Delegates detailed in Attachment 1.	
Reasons why no options are available: Section 79 (2) (c) and (3) Local Government Act 2002	<p>To enable Delegates to perform their contracted duties and ensure that any action taken by those staff is in accordance with the RMA and LG (Rating) Act.</p> <p>To enable the effective and efficient administration of Council's legislative obligations under the RMA and LG (Rating) Act.</p>

STATUTORY COMPLIANCE

13. Council is required to specify what parts of the RMA and LG (Rating) Act are delegated to which Delegate. The delegations will be assigned to a position/role/Delegate, not a staff member, and therefore will apply to any future employees that take over that position.
 - *E.g. Section 332 'powers of entry for inspection' will be delegated to the Compliance Officer.*
14. If the position needs additional or fewer delegations, another report to Council will be provided to change the scope of the delegations as per section 34A of the RMA and section 132 of the LG (Rating) Act.
15. If there are delegations that have not been included in this report another report to Council will be provided to change the scope of the delegations.

ATTACHMENTS

1. **Delegations – Resource Management Act 1991 and Local Government (Rating) Act 2002** [↓](#) 

Resource Management Act 1991		
Delegate Role	Section Title	Issue Date
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CPO)	100A - Hearing by commissioner if requested by applicant or submitter	23/05/2024
Senior Consents Planner (CP8) Senior Consents Planner (CP9)	106 - Consent authority may refuse subdivision consent in certain circumstances	23/05/2024
General Manager Corporate Services (GM5)	110 - Refund of money and return of land where activity does not proceed	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CPO)	129 - Notice of review	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CPO)	130 - Public notification, submissions, and hearing, etc	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CPO)	131 - Matters to be considered in review	23/05/2024
Director Water Services (UM)	168 - Notice of requirement to territorial authority	23/05/2024
Director Water Services (UM)	172 - Decision of requiring authority	23/05/2024
Director Water Services (UM)	174 - Appeals	23/05/2024
Senior Consents Planner (CP8) Senior Consents Planner (CP9)	176A(1) - Outline plan - Request for changes before construction is commenced	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CPO)	176A(4) - Outline Plan - timeframe for a request to make changes to the outline plan	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CPO)	176A(5) - Outline Plan - requiring authority decides not to make the changes requested under subsection 4	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CPO)	191 - Recommendation by territorial authority	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CP9) Senior Consents Planner (CPO)	192 - Application of other sections	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CPO)	198C - Territorial authority's decision on request	23/05/2024

Resource Management Act 1991		
Delegate Role	Section Title	Issue Date
Compliance Officer Building Act (COMB) Compliance Officer Building Act (COME) Principal Building Control Officer - Special Projects (BO9) Team Leader Inspections (TLI) Watchdog Security (Contractor)	22 - Duty to give certain information	23/05/2024
Senior Consents Planner (CP8) Senior Consents Planner (CP9)	224 - Restrictions upon deposit of survey plan	23/05/2024
Senior Consents Planner (CP8) Senior Consents Planner (CP9)	235 - Creation of esplanade strips by agreement	23/05/2024
Director Water Services (UM)	237 - Approval of survey plans where esplanade reserve or esplanade strips required	23/05/2024
Director Water Services (UM)	237B(1) to (4) - Access strips - Power to agree to acquire an easement over land for an access strip and to execute the instrument on Council's behalf	23/05/2024
Director Water Services (UM)	237B(8) - Access strips - The registered owner and the local authority may, by agreement, vary or cancel the easement if the matters in subsection (4) and any change in circumstances have been taken into account	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CPO)	245 - Consent authority approval of a plan of survey of a reclamation	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CPO)	267 - Conferences	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CP8) Senior Consents Planner (CP9) Senior Consents Planner (CPO)	276A - Evidence of documents	23/05/2024
Watchdog Security (Contractor)	323(2) - Compliance with abatement notice	23/05/2024
Watchdog Security (Contractor)	327 - Issue and effect of excessive noise direction	23/05/2024
Compliance Officer (COMO) Compliance Officer Building Act (COME) Principal Building Control Officer - Special Projects (BO9)	330 - Emergency works and power to take preventive or remedial action	23/05/2024
Compliance Officer Building Act (COME) Principal Building Control Officer - Special Projects (BO9)	332 - Power of entry for inspection	23/05/2024
Compliance Officer Building Act (COME) Principal Building Control Officer - Special Projects (BO9)	333 - Power of entry for survey	23/05/2024
Compliance Officer (COMO) Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CP8) Senior Consents Planner (CP9)	35 - Duty to gather information, monitor, and keep records	23/05/2024

Resource Management Act 1991		
Delegate Role	Section Title	Issue Date
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CPO)	357C - Procedure for making and hearing objection under sections 357 to 357B	23/05/2024
Chief Financial Officer (CFO) Finance Manager (FINI)	35A Power to keep records about iwi and hapu	23/05/2024
Policy and Planning Manager (PSDM) Senior Policy Analyst (PA4)	37 and 37A - Power of waiver and extension of time limits and requirements for waivers and extensions	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CP8) Senior Consents Planner (CP9)	44A - Local authority recognition of national environmental standards	23/05/2024
Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CPO)	87AAD - Overview of application of this Part to boundary activities and fast-track applications	23/05/2024
Team Leader Consent Planning (TLCP)	87F - Consent authority's subsequent processing	23/05/2024
Senior Consents Planner (CP8)	88 - Application for resource consent - Making an application	23/05/2024
Environmental Consents Manager (ECM) Senior Consents Planner (CP2) Senior Consents Planner (CP3) Senior Consents Planner (CP8) Senior Consents Planner (CP9)	91F - Non-notified application may be returned after certain period	23/05/2024
Senior Consents Planner (CP8) Senior Consents Planner (CP9)	99A - Mediation	23/05/2024
Senior Consents Planner (CP8) Senior Consents Planner (CP9) Team Leader Consent Planning (TLCP)	s 181 - Alteration of designation	23/05/2024
Environmental Consents Manager (ECM) General Manager Infrastructure Services (GM1) Reserves and Facilities Manager (RFM)	s232 Creation of esplanade strips (and Schedule 10)	23/05/2024

Local Government (Rating) Act 2002		
Delegate Role	Section Title	Issue Date
Accounts Receivable Officer (RATES3) Rates Officer (RATES0) Water Revenue Advisor (RATES4)	28C Owner of rating unit and ratepayer for separate rating area entered on database may require local authority to withhold information from database	23/05/2024
Accounts Receivable Officer (RATES3) Rates Officer (RATES0) Water Revenue Advisor (RATES4)	38 Inspection of rates records	23/05/2024
Rates Officer (RATES0) Senior Rates Officer (RATES1)	s40 Local authority may correct errors in rating information database and rates records	23/05/2024
Rates Officer (RATES0) Senior Rates Officer (RATES1)	s41 Amended assessment if error in rating information database or rates record is corrected	23/05/2024
Finance Manager (FIN1) Rates Officer (RATES0) Revenue Lead (TLFS) Senior Rates Officer (RATES1)	s44-49, 51 Rates assessments and invoices	23/05/2024
Accounts Receivable Officer (RATES3) Senior Rates Officer (RATES1)	s61 Default by person other than owner	23/05/2024
Accounts Receivable Officer (RATES3) Senior Rates Officer (RATES1)	s62 Recovery of rates if owner in default	23/05/2024
Accounts Receivable Officer (RATES3) Senior Rates Officer (RATES1)	s85 Remission of rates	23/05/2024
Apiha Whenua Maori (KM5) Chief Financial Officer (CFO) Finance Manager (FIN1) General Manager Corporate Services (GM5) Revenue Lead (TLFS) Strategic Kaupapa Māori Manager (KM1)	s98A - 98F Separate rating areas on Māori freehold land	23/05/2024

12.8 MAYOR'S REPORT TO COUNCIL 23 MAY 2024**File Number:** A6206375**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 updates to Council on the below subjects.

RECOMMENDATION

That the Senior Executive Assistant – Mayor/CEO's report dated 23 May 2024 titled 'Mayor's Report to Council – 23 May 2024' be received.

BACKGROUND**Meetings**

External functions and meetings attended by me between 12 March and 3 May 2024 include:

Ian Blunt re roading, Ōmokoroa	13 March
Western Bay Infrastructure Forum, Tauranga	13 March
Tauriko enabling works, site visit, Tauriko	13 March
Nick Leggett, CE Infrastructure NZ	13 March
Ivan & Heather Wylie re roading, Oropi	14 March
Tauranga Brand governance group, Teams	15 March
Doggy Day Out, Ōmokoroa	16 March
BOPRC LTP presentation, Tauranga	21 March
Western Bay Community Awards, Tauranga	21 March
Western Bay Museum, Food Bowl of Plenty exhibition opening, Katikati	22 March
Multicultural Festival, Tauranga	23 March
Horse racing, Japan NZ Trophy Race, Tauranga	23 March
Dave Austin re plastic rubbish and various topics	25 March
Tauranga Art Gallery update event, Tauranga	26 March
Amy Bourke re bike and passenger ferries	3 April
BOP Agricultural Advisory Committee, Te Puke	4 April
Tauranga Brand governance group, Teams	5 April
Funeral of Cr Crawford, Te Puke	5 April
Chair Anne Tolley, Tauranga	8 April
Tom Rutherford MP and Dana Kirkpatrick MP	8 April
Combined Sector meeting, Wellington	11 April
Rural & Provincial meeting, Wellington	12 April
Flavours of Plenty Festival, avocado orchard tour, Katikati	14 April

Te Puna Community Centre, karakia prior to demolition, Te Puna	15 April
Bruce Farthing, Binnie Brown, heritage strategy	17 April
LGNZ roundtable re online harassment, Zoom	18 April
DIA webinar on changing legislation regarding Māori wards, Zoom	19 April
Mayor View Volunteer Fire Brigade honours night, Waihi Beach	20 April
Mayors Toby Adams, Len Salt, Adrienne Wilcock, Zoom	23 April
Minister Chris Bishop MP, Tauranga	23 April
Anzac Day services: Maketu and Te Puke	25 April
Remembering Battle of Pukehinahina/Gate Pa service, Tauranga	29 April
Doug Leeder, Jane Nees, Chris Ingle (BOPRC) re regional parks	1 May
Mayoral Forum, Rotorua	3 May

LGNZ Combined Sector and Rural & Provincial meeting

A number of interesting speakers presented to the LGNZ Combined Sector and Rural & Provincial hui in Wellington on 11 and 12 April, including:

Andy Burnham talked about devolution and City Deals.

President Sam Broughton presented information on:

- Local government's financial position and role in infrastructure
- LGNZ's advocacy programme
- Ākōna (professional development) now available free

Minister Matt Doocey talked about opportunities in tourism.

Geoff Cooper, GM Strategy for NZ Infrastructure Commission talked about the National Infrastructure Plan.

Panel discussion on the fast track consenting bill from various perspectives.

Minister Andrew Hoggard gave an update on government direction in agriculture and related areas.

Mayoral Forum

Minister Simeon Brown joined the Mayoral Forum in Rotorua on 3 May and talked about the government's direction on various topics related to his ministerial portfolio, including: Three Water reform/Local Water Done Well, City deals, Māori wards, and transport. Alongside the minister, Andy Foster MP, and Tom Rutherford MP were also present.

Subsequent discussion was had around progressing how the councils of the Bay of Plenty might collectively satisfy the government's requirements for Local Water Done Well.

13 INFORMATION FOR RECEIPT**14 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:

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
14.1 - Confidential Minutes of the Council Meeting held on 4 April 2024	<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)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment</p> <p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p> <p>s7(2)(j) - the withholding of the information is necessary</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

	to prevent the disclosure or use of official information for improper gain or improper advantage	
14.2 – Specified Development Project Western Corridor – WBOPDC feedback on Kāinga Ora draft assessment report	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