

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
COUNCIL MEETING NO. CL25-1  
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA  
ON TUESDAY, 18 FEBRUARY 2025 AT 9.30AM**

**1 KARAKIA**

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

**2 PRESENT**

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

**3 IN ATTENDANCE**

J Holyoake (Chief Executive Officer), R Davie (Deputy CEO/GM Strategy and Community), A Henderson (GM Corporate Services), A Curtis (GM Regulatory Services), C Crow (GM Infrastructure Services), J Fearn (Chief Financial Officer), S Bedford (Finance Manager), P Watson (Reserves and Facilities Manager), R Garrett (Governance Manager), P Osborne (Senior Governance Advisor), H Wi Repa (Governance Systems Advisor), J Duncan (Governance Coordinator).

**OTHERS IN ATTENDANCE**

Audit New Zealand

Leon Pieterse (Audit Director)

Anton Labuschagne (Associate Audit Director)

## 4 APOLOGIES

### APOLOGIES

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#### RESOLUTION CL25-1.1

Moved: Cr M Grainger

Seconded: Cr R Joyce

That the apologies for lateness from Cr Rae and Cr Wichers be accepted.

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**CARRIED**

## 5 CONSIDERATION OF LATE ITEMS

Nil

## 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 WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 2 DECEMBER 2024

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#### RESOLUTION CL25-1.2

Moved: Cr A Sole

Seconded: Cr A Henry

That the Minutes of the Waihi Beach Community Board Meeting held on 2 December 2024 be received.

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**CARRIED**

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## 10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

### 10.1 MINUTES OF THE AUDIT, RISK AND FINANCE COMMITTEE MEETING HELD ON 3 DECEMBER 2024

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#### RESOLUTION CL25-1.3

Moved: Cr M Grainger

Seconded: Cr A Henry

That the Minutes of the Audit, Risk and Finance Committee Meeting held on 3 December 2024 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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### 10.2 MINUTES OF THE PROJECTS AND MONITORING COMMITTEE MEETING HELD ON 3 DECEMBER 2024

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#### RESOLUTION CL25-1.4

Moved: Cr D Thwaites

Seconded: Cr T Coxhead

That the Minutes of the Projects and Monitoring Committee Meeting held on 3 December 2024 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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### 10.3 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 5 DECEMBER 2024

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#### RESOLUTION CL25-1.5

Moved: Mayor J Denyer

Seconded: Cr M Grainger

That the Minutes of the Strategy and Policy Committee Meeting held on 5 December 2024 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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**10.4 MINUTES OF THE COMMUNITY COMMITTEE MEETING HELD ON 10 DECEMBER 2024**

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**RESOLUTION CL25-1.6**

Moved: Cr M Murray-Benge

Seconded: Cr G Dally

That the Minutes of the Community Committee Meeting held on 10 December 2024 be confirmed as a true and correct record and the recommendations therein be adopted.

**CARRIED**

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**10.5 MINUTES OF THE COUNCIL MEETING HELD ON 12 DECEMBER 2024**

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**RESOLUTION CL25-1.7**

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 12 December 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**

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**10.6 MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2024**

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**RESOLUTION CL25-1.8**

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Extraordinary Council Meeting held on 17 December 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**

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9.37am Cr Rae entered the hui.

9.38am Cr Wichers entered the hui.

## 11 REPORTS

### 11.1 ANNUAL REPORT 2023–2024

Council considered a report dated 18 February 2025 from the Chief Financial Officer, who provided an overview of the report, including the rationale for the late adoption, and the key changes made since December 2024.

Staff responded to pātai as follows:

- In relation to the loan that Council took to clear the deficit, Council was tracking towards the targets that were set and it was noted that this tracking would be reported on through the Audit, Risk and Finance Committee meetings.
- The rationale for the deficit, and the impact on affordability due to funding that deficit, was outlined in the report, noting that this did not have an impact on future rates as the savings were being found in operational budgets for FY25 and onwards.

Staff introduced Mr Pieterse and Mr Labuschagne from Audit NZ who noted the following points:

- They had issued an unqualified audit opinion; and
- They did not have to draw attention to any matters within the Annual Report.

Mr Pieterse responded to pātai as follows:

- There were a number of Councils who were unable to complete their Annual Report process before the end of December 2024.
- It was the hope of Audit NZ that the changes that had taken place would make this process easier for both Council staff and auditors in the future.

Councillors thanked staff and Audit NZ for the work that had taken place to get the Annual Report signed off.

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### RESOLUTION CL25–1.9

Moved: Cr D Thwaites

Seconded: Cr R Joyce

1. That the Chief Financial Officer's report dated 18 February 2025 titled 'Annual Report 2023–2024' be received.
  2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
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3. That the updated Annual Report 2023-2024 (**Attachment 1**) for the year ended 30 June 2024 be received, and that Council notes the table of amendments (**Attachment 2**) that outlines the changes made to the Annual Report originally included as Attachment 1 of report 11.5 on the Council agenda for 12 December 2024.
4. That Council receives the Audit Opinion from Audit New Zealand for Western Bay of Plenty District Council's financial statements and performance information for the year ended 30 June 2024 (**Attachment 3**).
5. That, pursuant to sections 98 and 99 of the Local Government Act 2002, Council adopts Western Bay of Plenty District Council's audited Annual Report 2023-2024 (**Attachment 1**).
6. That the Chief Executive Officer be delegated authority to make such minor editorial changes to the Annual Report 2023-2024, as may be required prior to printing.
7. That Council approves loan funding the 2023-2024 rates funded deficit of \$4.2m for a period up to three years.

**CARRIED**

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## **11.2 PROPOSAL TO VEST AND CLASSIFY LAND ADDITION TO MOORE PARK AS RECREATION RESERVE AND ENTER INTO A LEASE WITH KATIKATI SPORT AND RECREATION CENTRE INCORPORATED**

Council considered a report dated 18 February 2025 from the Reserves and Facilities Manager, who provided an overview of the report and recommendations therein.

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### **RESOLUTION CL25-1.10**

Moved: Cr A Henry

Seconded: Cr A Sole

1. That the Reserves and Facilities Manager's report dated 18 February 2025 titled 'Proposal to vest and classify land addition to Moore Park as recreation reserve and enter into a lease with Katikati Sport and Recreation Centre Incorporated' 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, following the public consultation period where no submissions were received, Council exercises 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 approves classification of Sections 3, 4, and 7 SO 453028 being 7.5749 hectares, more or less, held in record of title 1057426, being part of Moore Park as

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recreation reserve, pursuant to section 14 of the Reserves Act 1977, and acknowledges that as a matter of process, Council staff will be required to complete a gazette notice.

**and**

4. Pursuant to section 54 of the Reserves Act 1977 Council grants Katikati Sport and Recreation Centre Incorporated the right to lease for up to 30 years approximately 1704m<sup>2</sup> of Section 7 being part of the land identified in resolution 3 above to locate and operate a multi-purpose sport and recreation community facility.

**CARRIED**

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### **11.3 MIDWAY PARK PUKEHINA – APPROVAL TO RENEW LEASE – PUKEHINA FISHING CLUB (1993) INCORPORATED**

Council considered a report dated 18 February 2025 from the Reserves and Facilities Manager, who provided an overview of the report and the recommendations therein.

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#### **RESOLUTION CL25-1.11**

Moved: Cr G Dally

Seconded: Deputy Mayor J Scrimgeour

1. That the Reserves and Facilities Manager's report dated 18 February 2025 titled 'Midway Park Pukehina – Approval to renew lease – The Pukehina Fishing Club (1993) Incorporated' 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 a renewal of the lease for a further term of 15 years from 1 January 2025 to 31 December 2040.

**CARRIED**

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### **11.4 PROPOSAL TO LEASE – ŌMOKOROA DOMAIN EX-SCOUTS BUILDING**

Council considered a report dated 18 February 2025 from the Reserves and Facilities Manager, who provided an overview of the report and recommendations therein.

Staff responded to pātai as below:

- The Ōmokoroa MenzShed supported the application from Pirirākau, however their involvement in any potential upgrades to the shed would be determined by the tenant, should that be their desire.
  - The Ōmokoroa Community Board requested that the hardstand area outside the building itself be included in the lease, noting that this change was made before coming to Council.
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- Council had an agreement with iwi/hapū on Matakana Island regarding overflow parking on the Reserve when there was an event on Matakana Island. Staff felt comfortable that they could cater to this through the agreement.
- It was the understanding of staff that Pirirākau Tribal Authority Incorporated wanted to have a presence in Ōmokoroa, and staff felt that this would help achieve this as well as foster those relationships with existing local groups.
- It was clarified that the lease agreement would specify that if the building was not being used for its agreed purpose then Council could make enquiries as they saw fit.

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### RESOLUTION CL25-1.12

Moved: Cr M Grainger

Seconded: Cr D Thwaites

1. That the Reserves and Facilities Manager's report dated 18 February 2025 titled 'Proposal to Lease – Ōmokoroa Domain Ex-Scouts Building' 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 exercises 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 grants Pirirākau Tribal Authority Incorporated the right to lease for up to 10 years for 205.1m<sup>2</sup> of land and building, more or less, being part of Section 3 SO 506747 (Recreation Reserve).

**CARRIED**

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### 11.5 MAYOR'S REPORT TO COUNCIL

Council considered a report dated 18 February 2025 from the Executive Assistant – Mayor/CEO. The Mayor responded to pātai as below:

- "Unleash the Mayors" was a Zoom meeting where the 'Mayors' Taskforce for Jobs' was discussed.
- The meeting with Andrew Corkill from NZTA was the first meeting the Mayor had since Mr Corkill took on the role of Relationship Stakeholder Manager for the district. One of the key topics raised by the Mayor was regarding the median barrier between Matahui Road and Morton Road, in particular advocacy against the continued barrier by Wright Road.

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### RESOLUTION CL25-1.13

Moved: Mayor J Denyer

Seconded: Cr A Henry

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That the Executive Assistant – Mayor/CEO's report dated 18 February 2025 title 'Mayor's Report to Council – 18 February 2025 be received.

**CARRIED**

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## **11.6 MEMBERSHIP OF TAURANGA AND WESTERN BAY OF PLENTY TRANSPORT JOINT COMMITTEE**

Council considered a report dated 18 February 2025 from the Governance Manager. The report was taken as read.

The Mayor, Deputy Mayor and staff responded to pātai as follows:

- The purpose of this group compared to the other transport committees was to discuss strategic issues rather than operational issues.
- The rationale for the proposed number of representatives was due to the issues that were being discussed, and the feeling that many of the issues were Tauranga City focused, therefore they felt as though one representative (and an alternate) was sufficient.

Multiple Councillors expressed concern that this was not enough given the number of transportation issues that were taking place throughout the Western Bay District. It was felt as though there was a need to have more representation so that the issues being faced in the district were voiced and discussed at the Tauranga and Western Bay of Plenty Transport Joint Committee.

Staff reiterated that this Committee was not a decision making body, but was established to provide recommendations to the Transport System Plan (TSP) of which Council only contributed 5% towards the funding.

The concerns shared relating to Western Bay representation would be raised with staff and the Committee.

- It was clarified that this Committee was previously the Tauranga Public Transport Committee, therefore there was a strong focus on public transport for the Committee.
  - The Committee meetings were formal and therefore were livestreamed, with both agendas and minutes being made publicly available.
  - Although congestion charging was not specifically spoken about at the latest Committee meeting, it was noted that one of the key themes was regarding congestion in general, and what projects the Committee could look at to help alleviate the congestion issues across the district.
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### **RESOLUTION CL25-1.14**

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

1. That the Governance Manager's report dated 18 February 2025, titled 'Membership of Tauranga and Western Bay of Plenty Transport Joint Committee', be received.
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2. That Western Bay of Plenty District Council becomes a member of the Tauranga and Western Bay of Plenty Transport Joint Committee and adopts the Terms of Reference for the Tauranga and Western Bay of Plenty Transport Joint Committee **(Attachment 1)**.
3. That Council appoints Mayor James Denyer as the Western Bay of Plenty District Council representative to the Tauranga and Western Bay of Plenty Transport Joint Committee, and Deputy Mayor John Scrimgeour as the alternate representative.

**CARRIED**

## 12 INFORMATION FOR RECEIPT

Nil

## 13 RESOLUTION TO EXCLUDE THE PUBLIC

### RESOLUTION TO EXCLUDE THE PUBLIC

#### RECOMMENDATION

That the public be excluded from the following parts of the proceedings of this meeting with the exception of Nigel Tutt from Priority One for Agenda Item 13.4, whose specialist knowledge of the Regional Deals proposal will assist the Council to make a decision; and Greg Tims for Agenda Item 13.5 who has been contracted by Council to provide advice in relation to the Interim CEO appointment.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<b>13.1 – Confidential Minutes of the Audit, Risk and Finance Committee Meeting held on 3 December 2024</b>	<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>	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

	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	
<b>13.2 - Confidential Minutes of the Projects and Monitoring Committee Meeting held on 3 December 2024</b>	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.3 - Confidential Minutes of the Council Meeting held on 12 December 2024</b>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(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>	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

	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	
<b>13.4 - Endorsement of Regional Deal proposal</b>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.5 - Appointment of Interim Chief Executive Officer (CEO)</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

**RESOLUTION TRANSFERRED (IN PART) INTO OPEN SECTION****13.5 APPOINTMENT OF INTERIM CHIEF EXECUTIVE OFFICER (CEO)**

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**RESOLUTION CL25-1.15**

Moved: Cr T Coxhead

Seconded: Cr A Wichers

1. That Greg Tim's report dated 18 February 2025 titled 'Appointment of Interim Chief Executive Officer (CEO)', be received.
2. That the report relates to an issue that is considered to be of low significance in terms of the Council's Significance and Engagement Policy.
3. That Council appoints Miriam Taris as Interim Chief Executive for the Western Bay of Plenty District Council, to undertake all of the responsibilities, duties and powers of a Chief Executive under the Local Government Act 2002, and any other enactment. Such appointment shall take effect from 31 March 2025, and expire on 27 February 2026.
4. That Miriam Taris be delegated the authorities conferred on the current Chief Executive as outlined in the attached Independent Contract Agreement in **Appendix 1**.

**CARRIED**

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**The Meeting closed at 12.40pm.**

**Confirmed as a true and correct record at the Council meeting held 18 March 2025.**

*James Denyer*

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Mayor J Denyer

**CHAIRPERSON / MAYOR**