

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. CL24-8
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON THURSDAY, 12 SEPTEMBER 2024 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

R Davie (Acting CEO/GM Strategy and Community), A Henderson (General Manager Corporate Services), E Watton (Strategic Policy and Planning Programme Director), C Nepia (Strategic Kaupapa Māori Manager), R Garrett (Governance Manager), L Balvert (Communications Manager), M Leighton (Policy and Planning Manager), K McGinity (Senior Policy Analyst) H Wi Repa (Governance Systems Advisor) and P Osborne (Senior Governance Advisor).

VIA ZOOM

F Crotty (Environmental Planner), K Little (Operations Manager), S Parker (Cycleways Manager) and L Coyle (Planning Coordinator)

OTHERS IN ATTENDANCE

One member of the media.

4 APOLOGIES

Nil

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 KATIKATI COMMUNITY BOARD MEETING HELD ON 24 JULY 2024

RESOLUTION CL24-8.3

Moved: Cr A Henry

Seconded: Cr A Sole

That the Minutes of the Katikati Community Board Meeting held on 24 July 2024 be received.

CARRIED

9.2 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 1 AUGUST 2024

RESOLUTION CL24-8.4

Moved: Cr G Dally

Seconded: Cr A Wichers

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

CARRIED

9.3 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 6 AUGUST 2024

RESOLUTION CL24-8.5

Moved: Cr L Rae

Seconded: Deputy Mayor J Scrimgeour

That the Minutes of the Maketu Community Board Meeting held on 6 August 2024 be received.

CARRIED

9.4 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 12 AUGUST 2024

RESOLUTION CL24-8.6

Moved: Cr A Sole
Seconded: Cr A Henry

That the Minutes of the Waihī Beach Community Board Meeting held on 12 August 2024 be received.

CARRIED

10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

10.1 MINUTES OF THE COUNCIL MEETING HELD ON 15 AUGUST 2024

RESOLUTION CL24-8.7

Moved: Mayor J Denyer
Seconded: Cr A Wichers

1. That the Minutes of the Council Meeting held on 15 August 2024 be confirmed as a true and correct record and the recommendations therein be adopted, with the following amendments:
 - Page 50 bullet point 3 should read 'consistent with the Policy'; and
 - Page 42 bullet point 8 should read 'options for the lower end of No. 1 Road'.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

10.2 MINUTES OF THE COUNCIL MEETING HELD ON 2 SEPTEMBER 2024

RESOLUTION CL24-8.8

Moved: Mayor J Denyer
Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 2 September 2024 be confirmed as a true and correct record and the recommendations therein be adopted.
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2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

11 REPORTS

11.1 REPRESENTATION REVIEW 2024 - ADOPTION OF INITIAL PROPOSAL

Council considered a report dated 12 September 2024 from the Senior Policy Analyst, who provided an overview of the report and the recommendations for consideration.

Tabled Item 1, being the 'Designed Initial Proposal Document', was provided to Councillors through their online document library to replace Attachment A.

Staff responded to pātai as below:

- Members of the public were encouraged to submit on the proposed boundary changes to allow Councillors to consider feedback prior to their final decision.
- There was an error in recommendation 5, noting that the proposal should be for two Ward Councillors to sit on each of the Community Boards.
- The proposal for one Māori Ward meant one Māori Ward Councillor.
- On page 111 (being **Attachment 1** – draft initial proposal), staff would add in a comment around Council considering one of the advantages of not increasing the number of Councillors being that Council would otherwise be too large.
- As part of the Issues and Options assessment for the report (page 72) it was acknowledged that the advantage for 'Option A' would be re-worded to say '*The establishment of a Māori Ward provides for improved fair and effective representation for Māori*'.
- The increased boundary for the Maketu Community Board took the shape it did to align with the parliamentary mesh blocks, which was the same as the other Community Boards.
- The proposed boundary adjustments created a more consistent approach across all five of the Community Boards.
- Establishing a Waihi Beach ward was not a key theme that was received through pre-engagement, noting that the direction from Councillors to date was to continue with the current three ward structure, which was contained in the initial proposal.
- In relation to the eligibility of Councillors representing a Community Board if not elected from that specific ward, the Local Electoral Act 2001 (S19F) prescribed the below:
 - *The persons who are appointed under subsection (1)(c) as members of the community board must—*
 - (a) *be members of, and must be appointed by, the territorial authority for the district in respect of which the community is constituted; and*

(b) if the territorial authority is divided into wards, also be members of the territorial authority representing a ward in which the community is situated.

- Tabled Item 1, which formed the basis for consultation, included the map for both proposed and existing boundaries.

RESOLUTION CL24-8.9

Moved: Cr D Thwaites

Seconded: Deputy Mayor J Scrimgeour

1. That the Senior Policy Analyst's report dated 12 September 2024 titled 'Representation Review 2024 – Adoption of initial proposal' be received.
2. That the report relates to an issue that is considered to be of **high** significance in terms of Council's Significance and Engagement Policy.

CARRIED

RESOLUTION CL24-8.10

Moved: Cr R Joyce

Seconded: Deputy Mayor J Scrimgeour

3. That pursuant to sections 19H and 19J of the Local Electoral Act 2001, Council adopts the initial proposal for consultation as set out in **Tabled item 1**, and inclusive of the following key issues as reflected below:
 - i. Western Bay of Plenty District Council to comprise the Mayor elected at large and nine councillors elected under the ward system, specifically eight general ward councillors and one Māori ward councillor;
 - ii. That Western Bay of Plenty District Council be divided into four wards, with the following proposed names, together with the number of councillors representing each ward, the identified community of interest and geographic areas:

Ward Name and number of councillors	Communities of interest	Geographic reference
Katikati-Waihi Beach Ward Two General Ward Councillors	Katikati-Waihi Beach Ward, comprising the area delineated on Plan LG-022-2019-W-2 deposited with the Local Government Commission, with the exclusion of a small north-western portion.	The Katikati-Waihi Beach Ward proposed boundaries shown at Attachment B and G of this report.
Kaimai Ward	Kaimai Ward, comprising the area delineated on Plan LG-022-2019- W-2 deposited	The Kaimai Ward proposed boundaries shown at

Three General Ward Councillors	with the Local Government Commission, with the inclusion of a small north-western portion of the current Katikati-Waihi Beach Ward and the exclusion of a small north-eastern portion.	Attachment B, G and H of this report.
Maketu-Te Puke Ward Three General Ward Councillors	Maketu-Te Puke Ward, comprising the area delineated on Plan LG022-2013-W-4 deposited with the Local Government Commission, with the inclusion of a small north-eastern portion of the current Kaimai Ward.	The Maketu-Te Puke Ward proposed boundaries shown at Attachment B and H of this report.
WBOP Māori Ward One Māori Ward Councillor	Māori electoral population district -wide	The entire district – proposed boundaries of which are shown at Attachment C of this report.

CARRIED

Cr Murray-Benge, Cr Rae and Cr Sole voted against the motion and requested for their vote against to be recorded.

RESOLUTION CL24-8.11

Moved: Cr R Joyce

Seconded: Cr D Thwaites

4. That the following population each councillor represents in a ward (based on the population estimates as at 30 June 2023 as provided by Statistics New Zealand) is within the range of 6,694 plus or minus 10% (6,024 to 7,363) in compliance with section 19V(2) of the Local Electoral Act 2001, and the number of Māori Ward members complies with Schedule 1A of the Local Electoral Act 2001:

Wards	Electoral population estimate	Number of Councillors	Population per Councillor
Katikati-Waihi Beach Ward	14,530	2	7,265
Kaimai Ward	20,440	3	6,813
Maketu-Te Puke Ward	18,580	3	6,193
WBOP Māori Ward	7,240	1	7,240

CARRIED

Cr Murray–Benge, Cr Rae and Cr Sole voted against the motion and requested for their vote against to be recorded.

RESOLUTION CL24–8.12

Moved: Cr A Henry

Seconded: Cr M Grainger

5. That Council retains five (5) community boards representing five (5) communities of interest, these being:

Community Board Name and number of members	Area of community
Waihi Beach Community Board Four elected members and two appointed from the Katikati–Waihi Beach Ward	Comprising the existing Waihi Beach Community Board area comprising the area delineated on SO Plan 58078 deposited with Land Information New Zealand, with no changes proposed through this representation review.
Katikati Community Board Four elected members and two appointed from the Katikati–Waihi Beach Ward	Comprising the urban area of Katikati proposed boundaries shown at Attachment D of this report.
Omokoroa Community Board Four elected members and two appointed from the Kaimai Ward	Comprising the existing Omokoroa Community Board area comprising the area delineated on SO Plan 382062 deposited with Land Information New Zealand, with no changes proposed through this representation review.
Te Puke Community Board Four elected members and two appointed from the Te Puke–Maketu Ward	Comprising the urban area of Te Puke proposed boundaries shown at Attachment E of this report.
Maketu Community Board	Comprising the area delineated on SO Plan 58102 deposited with Land Information New Zealand, with

Four elected members and two appointed from the Te Puke-Maketu Ward	the inclusion of a small area south of Maketu to the boundary of State Highway 2 proposed boundaries shown at Attachment F of this report.
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CARRIED**RESOLUTION CL24-8.13**

Moved: Cr R Joyce

Seconded: Mayor J Denyer

6. That in accordance with section 19K(2) of the Local Electoral Act 2001, resolves that the reasons for the proposed changes to the current representation arrangements are:
- a. To reduce the number of councillors, which will enable both General and Māori ward members to represent approximately the same number of people within the range of +/- 10% of each other. Noting that this is not a requirement under the Local Electoral Act 2001 but will provide more equitable representation of electors.
 - b. To reduce the number of councillors, which may enhance efficient and focused decision making.
 - c. To undertake one minor ward boundary change between Katikati-Waihi Beach and Kaimai Wards to ensure that the representation of these wards fall within the range of +/- 10% in compliance with section 19V (2) of the Local Electoral Act 2001.
 - d. To undertake one minor ward boundary change between Kaimai and Maketu -Te Puke Wards to ensure that the representation of these wards fall within the range of +/- 10% in compliance with section 19V (2) of the Local Electoral Act 2001.
 - e. To undertake a boundary adjustment for the Katikati Community Board to better reflect this community of interest.
 - f. To undertake a boundary adjustment for the Te Puke Community Board to better reflect this community of interest.
 - g. To undertake a boundary adjustment for the Maketu Community Board to better reflect this community of interest.

CARRIED

Cr Murray-Benge voted against the motion and requested for her vote against to be recorded.

RESOLUTION CL24-8.14

Moved: Cr D Thwaites

Seconded: Cr M Grainger

7. That pursuant to section 19M of the Local Electoral Act 2001, agrees to consult on the Representation Review 2024 Initial Proposal beginning Monday 16 September 2024 and closing at 5pm on Friday 11 October 2024.
8. That the Chief Executive is directed to finalise and approve the public notice and submission form to undertake the consultation referred to in recommendation 7 of this report.
9. That the Chief Executive Officer be delegated the authority to make minor editorial changes to the Initial Proposal Document prior to its publication, as may be required.

CARRIED

12 INFORMATION FOR RECEIPT

Nil

13 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CL24-8.15

Moved: Cr A Henry

Seconded: Cr G Dally

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 15 August 2024	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	<p>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)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p> <p>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</p>	
CARRIED		

The Meeting closed at 10.43am.

Confirmed as a true and correct record at the Council meeting held 7 November 2024.

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 Mayor J Denyer
CHAIRPERSON / MAYOR