

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. CL24-11
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON THURSDAY, 7 NOVEMBER 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

J Holyoake (Chief Executive), R Davie (Deputy CEO/General Manager Strategy and Community), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), E Watton (Strategic Policy and Planning Programme Director), L Balvert (Communications Manager), S Bedford (Finance Manager), R Garrett (Governance Manager), R Gallagher (Senior Policy Analyst), K Little (Operations Manager), W O'Neill (Legal Property Officer) and P Osborne (Senior Governance Advisor).

OTHERS IN ATTENDANCE

One member of the media

4 APOLOGIES

APOLOGY

RESOLUTION CL24-11.1

Moved: Cr L Rae
Seconded: Cr D Thwaites

That the apology for lateness from Deputy Mayor Scrimgeour be accepted.

CARRIED

5 CONSIDERATION OF LATE ITEMS

Nil

6 DECLARATIONS OF INTEREST

Nil

7 PUBLIC EXCLUDED ITEMS

Nil

8 PUBLIC FORUM

8.1 DAWSON BOYD - RATES

Mr Boyd was in attendance to speak to the rates increase. He noted the following points:

- He owned a motel in Waihī Beach.
- Business was seasonal, noting that there were not many visitors to Waihī Beach within the winter period.
- Like many others, they were facing a huge increase in rates.
- He provided Councillors with a copy of his rates demand and talked through the increases in comparison to last year.
- He requested that a rates rebate be considered by Council to compensate commercial property owners who did not attract heavy vehicles but were affected by the increase in the roading rate differential for the commercial zone.
- He also requested that the roading rate coefficient be uniform across all properties and be based on the capital value rather than the land value.
- He believed that the commercial and industrial zone properties added great value to the local economy, and that it was important not to penalise these businesses.

Mr Boyd responded to pātai as follows:

- He did not challenge the QV valuation at the time, as he was not aware at the time of the effect the new roading rate would have.
- There were seven sewage connections for the motel, being the six units and the main house.

9.40am Deputy Mayor Scrimgeour entered the hui.

9 COMMUNITY BOARD MINUTES FOR RECEIPT

9.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 18 SEPTEMBER 2024

RESOLUTION CL24-11.2

Moved: Cr D Thwaites

Seconded: Cr A Henry

That the Minutes of the Katikati Community Board Meeting held on 18 September 2024 be received.

CARRIED

9.2 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 24 SEPTEMBER 2024

RESOLUTION CL24-11.3

Moved: Cr M Grainger

Seconded: Cr D Thwaites

That the Minutes of the Ōmokoroa Community Board Meeting held on 24 September 2024 be received.

CARRIED

9.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 26 SEPTEMBER 2024

RESOLUTION CL24-11.4

Moved: Cr A Wichers

Seconded: Cr G Dally

That the Minutes of the Te Puke Community Board Meeting held on 26 September 2024 be received.

CARRIED

9.4 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 1 OCTOBER 2024

RESOLUTION CL24-11.5

Moved: Cr L Rae
Seconded: Deputy Mayor J Scrimgeour

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

CARRIED

9.5 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 7 OCTOBER 2024

RESOLUTION CL24-11.6

Moved: Cr A Henry
Seconded: Cr A Sole

That the Minutes of the Waihī Beach Community Board Meeting held on 7 October 2024 be received.

CARRIED

10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION**10.1 MINUTES OF THE PROJECTS AND MONITORING COMMITTEE MEETING HELD ON 3 SEPTEMBER 2024**

RESOLUTION CL24-11.7

Moved: Cr D Thwaites
Seconded: Cr T Coxhead

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

CARRIED

10.2 MINUTES OF THE AUDIT, RISK AND FINANCE COMMITTEE MEETING HELD ON 3 SEPTEMBER 2024

RESOLUTION CL24-11.8

Moved: Cr M Grainger
Seconded: Cr T Coxhead

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

CARRIED

10.3 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 12 SEPTEMBER 2024

RESOLUTION CL24-11.9

Moved: Mayor J Denyer
Seconded: Cr M Grainger

That the Minutes of the Strategy and Policy Committee Meeting held on 12 September 2024 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10.4 MINUTES OF THE COUNCIL MEETING HELD ON 26 SEPTEMBER 2024

RESOLUTION CL24-11.10

Moved: Mayor J Denyer
Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 26 September 2024 be confirmed as a true and correct record and the recommendations therein be adopted, with the following amendment:
 - Page 79 should read "deliverability" rather than durability.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

10.5 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 24 OCTOBER 2024

RESOLUTION CL24-11.11

Moved: Mayor J Denyer

Seconded: Cr M Grainger

That the Minutes of the Strategy and Policy Committee Meeting held on 24 October 2024 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

11 REPORTS**11.1 WAIKATO LOCAL AUTHORITY SHARED SERVICES LTD (CO-LAB) ANNUAL REPORT FY2024**

Council considered a report dated 7 November 2024 from the Financial Analyst. The report was taken as read.

Staff responded to pātai as below:

- The reason for the loss was due to the decision for Co-Lab to use cash reserves as part of their income, which in turn reduced the member charges.
- It was acknowledged that a number of Co-Lab projects were Waikato specific, and although there were benefits for Council around procurement and asset management services, staff did regularly review the Council Controlled Organisation (CCO) activities.
- The rationale for Council having a CCO with Co-Lab was due to the consolidated services and shared services that they provided in a way that BOPLASS did not, as BOPLASS had a focus on procurement.
- Council was working with Co-Lab on a number of initiatives that staff believed would bring advantage to Council in the future.

RESOLUTION CL24-11.12

Moved: Cr L Rae

Seconded: Cr A Wichers

1. That the Financial Analyst's report dated 7 November 2024 titled 'Waikato Local Authority Shared Services Ltd (Co-Lab) Annual Report FY2024' be received.
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2. That Council receives the Waikato Local Authority Shared Services Ltd (Co-Lab) Annual Report FY2024, included as **Attachment 1** to this report, to be published on Council's website.

CARRIED

11.2 NEW ZEALAND LOCAL GOVERNMENT FUNDING AGENCY LIMITED ANNUAL REPORT 2023-2024

Council considered a report dated 7 November 2024 from the Financial Analyst. The report was taken as read.

Staff responded to pātai as below:

- Council received significant cost reductions in their borrowing by being a part of this group, noting that Council was also a 7% shareholder.

RESOLUTION CL24-11.13

Moved: Mayor J Denyer

Seconded: Cr M Murray-Benge

1. That the Financial Analyst's report dated 7 November 2024 titled 'New Zealand Local Government Funding Agency Limited Annual Report 2023-2024' be received.
2. That Council receives the New Zealand Local Government Funding Agency Limited Annual Report 2023-2024, included as **Attachment 1** of this report, to be published on Council's website.

CARRIED

11.3 BAY OF PLENTY LOCAL AUTHORITY SHARED SERVICES LIMITED (BOPLASS) ANNUAL REPORT 30 JUNE 2024

Council considered a report dated 7 November 2024 from the Financial Analyst. The report was taken as read.

Staff responded to pātai as below:

- BOPLASS was primarily focused on procurement, noting that Council had a number of joined up initiatives, of which Council's biggest benefit came through insurance.
- Council had been a member of BOPLASS for quite some time, noting that savings were tracked and reported to Council through the Annual Report.
- The Crime Prevention funding received was used for the installation of a camera on the highway by TECT Park. It was noted that there was also a portion of funds put aside to help cover the costs if Council was to move CCTV monitoring systems.
- The CEO felt Council could be more explicit around the expectation of shared services through the 'Statement of Intent' process to ensure there remained value in being a part of BOPLASS.

- Council's contract with Tarnix was until June 2025, so Council was looking at other potential options.

RESOLUTION CL24-11.14

Moved: Cr R Joyce

Seconded: Cr A Henry

1. That the Financial Analyst's report dated 7 November 2024 titled 'Bay of Plenty Local Authority Shared Services Limited (BOPLASS) Annual Report 30 June 2024' be received.
2. That Council receives Bay of Plenty Local Authority Shared Services Limited's (BOPLASS) Annual Report for the year ended 30 June 2024, included as **Attachment 1** of this report, to be published on Council's website.

CARRIED

11.4 RECOMMENDATION TO ADOPT EASTER SUNDAY SHOP TRADING POLICY

Council considered a report dated 7 November 2024 from the Senior Policy Analyst. The report was taken as read.

RESOLUTION CL24-11.15

Moved: Cr M Murray-Benge

Seconded: Cr A Sole

1. That the report relates to an issue that is considered to be of **medium** significance in terms of Council's Significance and Engagement Policy.
2. That the Council adopts the Easter Sunday Shop Trading Policy as contained in **Attachment 1** in accordance with the Strategy and Policy Committee resolutions contained in the minutes of SAP24-7 dated 24 October 2024.
3. That as the formal response to submitters, Council approves the decision document set out in **Attachment 2** for all submitters for dissemination as soon as practicable, following the adoption of the Easter Sunday Shop Trading Policy.
4. That the Chief Executive Officer be delegated authority to make such minor editorial changes to the Easter Sunday Shop Trading Policy and decision document as may be required prior to publishing.

CARRIED

11.5 PROPOSAL TO LEASE – ŌMOKOROA SPORTS GROUND RECREATION RESERVE BUILDING (RENOVATED EX OLD PAVILION)

Council considered a report dated 7 November 2024 from the Operations Manager, who provided a brief overview of the report.

Staff responded to pātai as below:

- The classification of the reserve determined the type of activity that the reserve could be used for. To reclassify the reserve, Council was required to publicly notify and ask for submissions, due to the change in reserve use. This would have an impact on the lease process due to the time taken for the consultation period.
- Ōmokoroa Athletics did not make a submission. The two submissions received by Council were from the Ōmokoroa Football Club and School's Out Limited.
- The Ōmokoroa Football Club used the public toilet and changing rooms underneath the Sport Pavilion.
- The CEO noted that Ōmokoroa Community Board Member (and Football Club Member) Ben Bell currently managed the bookings for both the Ōmokoroa Sports Pavilion and the Reserves Building, noting that they were active at working with and providing access to other community groups. For this reason it was safe to presume that this would not be for exclusive use of the Football Club.
- The booking system would be managed by the Football Club.

RESOLUTION CL24-11.16

Moved: Cr M Grainger

Seconded: Cr D Thwaites

1. That the Operations Manager's report dated 7 November 2024 and titled Proposal to Lease – Ōmokoroa Sports Ground Recreation Reserve Building (renovated ex old Pavilion) 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 accepts the recommendation from the Ōmokoroa Community Board and grant Ōmokoroa Football Club the right to lease for up to 10 years for 132m² of land and building, more or less, being part of Lot 1 DPS 27322 (Recreation Reserve).

CARRIED

11.6 REVOCATION OF LOCAL PURPOSE RESERVE (SEGREGATION STRIP) STATUS, MANIATUTU ROAD SAFETY IMPROVEMENTS

Council considered a report dated 7 November 2024 from the Legal Property Officer, who provided a brief overview of the report and the recommendations.

Staff took Council through the maps provided as attachments to the report to help with the understanding of the area in discussion.

Staff responded to pātai as below:

- Due to the realignment, the segregation strip was no longer required, as it was now safe to enter onto that particular section of the road.
- Removing the segregation strip allowed for access onto the road at that particular point.

RESOLUTION CL24-11.17

Moved: Mayor J Denyer

Seconded: Cr A Wichers

1. That the Legal Property Officer's report dated 21 August 2024 titled 'Revocation of Local Purpose Reserve (Segregation Strip) Maniatutu Road Safety Improvements 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. The revocation of the Local Purpose Reserve (Segregation Strip) status being the area defined as Section 4 and section 6 on Survey Office Plan 587008 of 7m² and 65m² under section 24(7) of the Reserves Act 1977 to enable a land exchange to legalise the safety improvements on Maniatutu Road.

CARRIED

11.7 MAYOR'S REPORT TO COUNCIL - NOVEMBER 2024

Council considered a report dated 7 November 2024 from the Mayor. The report was taken as read.

The Mayor responded to pātai as follows:

- In relation to the Regional Infrastructure Fund, it was noted that several discussions had been undertaken through the Mayoral Forum, and that the criteria made it
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difficult for councils to put forward requests. For this reason councils had more of a role in supporting other applications.

- Priority One was involved in identifying projects, noting that they were leading the Western Bay Sub-Region response to this, and therefore Council had input.
- The Mayor was not aware of the Te Puke Economic Development Group being directly involved in this process.

RESOLUTION CL24-11.18

Moved: Mayor J Denyer

Seconded: Cr M Grainger

That the Senior Executive Assistant - Mayor/CEO's report dated 7 November 2024 titled 'Mayor's Report to Council – November 2024' be received.

CARRIED

12 INFORMATION FOR RECEIPT

Nil

13 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CL24-11.19

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 Audit, Risk and Finance Committee Meeting held on 3 September 2024	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

		<p>exist under section 6 or section 7</p>
<p>13.2 - Confidential Minutes of the Council Meeting held on 26 September 2024</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(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)(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>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>CARRIED</p>		

The Meeting closed at 10.25am.

Confirmed as a true and correct record at the Council meeting held 20 November 2024.

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Mayor J Denyer
CHAIRPERSON / MAYOR

Unconfirmed