**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. CL25-13
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON THURSDAY, 4 SEPTEMBER 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 A Henry, Cr R Joyce, Cr M Murray-Benge, Cr L Rae, Cr A Sole and Cr D Thwaites.

3 IN ATTENDANCE

M Taris (Interim Chief Executive), A Henderson (General Manager Corporate Services), C Watt (Acting General Manager Regulatory Services), B Singh (General Manager Infrastructure Services), E Watton (Acting General Manager Strategy and Community), L Balvert (Communications Manager), J Fearn (Chief Financial Officer), M Potton (Finance Contractor), S Parker (Acting Reserves and Facilities Manager), C McLean (Director Transportation), T Miller (Resource Management Strategic Advisor), M Leighton (Policy and Planning Manager), S Bedford (Finance Manager), E Wentzel (Director Water Services), D Crowe (Head of People Experience), R Garrett (Governance Manager), A Badenhorst (Infrastructure Growth and Delivery Manager), W O'Neill (Legal Property Officer), H Wi Repa (Governance Systems Advisor) and P Osborne (Senior Governance Advisor).

OTHERS IN ATTENDANCE

1 member of the press

4 APOLOGIES

Council noted that Cr Grainger and Cr Wichers were on leave of absence.

APOLOGY

RESOLUTION CL25-13.1

Moved: Cr M Murray-Benge
Seconded: Cr R Joyce

That the apology for lateness from Cr Rae be accepted.

CARRIED

5 CONSIDERATION OF LATE ITEMS

Nil

6 DECLARATIONS OF INTEREST

Nil

7 PUBLIC EXCLUDED ITEMS

Nil

8 PUBLIC FORUM

9.34am Cr Rae entered the hui

8.1 GARRY WEBBER - ANNUAL REPORT 2024-2025

Mr Webber was in attendance to speak to concerns relating to the Annual Report 2024-2025, noting the following points:

- The role of the Local Government Chief Executive was defined clearly in the Local Government Act 2002.
- The Chief Executive was appointed by the Council and was responsible for the operational matters and administration of the Local Authority.
- A report that went to Council on 26 June 2025 identified a number of financial issues that arose from executive level decisions that sparked concerns at a governance level.
- Mr Webber believed that the quantum of the decisions would have been made two years prior to them being reported.
- In past trienniums the Western Bay of Plenty Senior Leadership Team had been recognised for its excellence.
- He raised concern over the rationale for the departure of several highly skilled, respected and experienced senior staff members, particularly in the finance team.
- He questioned whether the loss of that expertise had impacted the mistakes referenced on the June 2025 report.

- He was concerned that the 2024-2025 Annual Report, and the previous two Annual Reports made no reference to the significant financial mistakes highlighted in previous reports.

Mr Webber responded to pātai as follows:

- In relation to the move that Council made to receive financial reporting 3-monthly instead of previously 6-weekly, it was noted that the preference should have been to have it more regularly rather than less.

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

9.1 MINUTES OF THE COUNCIL MEETING HELD ON 24 JULY 2025

RESOLUTION CL25-13.2

Moved: Mayor J Denyer
Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 24 July 2025 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

9.2 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 31 JULY 2025

RESOLUTION CL25-13.3

Moved: Mayor J Denyer
Seconded: Cr M Murray-Benge

That the Minutes of the Strategy and Policy Committee Meeting held on 31 July 2025 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.3 MINUTES OF THE COUNCIL MEETING HELD ON 5 AUGUST 2025

RESOLUTION CL25-13.4

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 5 August 2025 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

9.4 MINUTES OF THE REGULATORY HEARINGS PANEL MEETING HELD ON 7 AUGUST 2025

RESOLUTION CL25-13.5

Moved: Deputy Mayor J Scrimgeour
Seconded: Cr M Murray-Benge

1. That the Minutes of the Regulatory Hearings Panel Meeting held on 7 August 2025 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

9.5 MINUTES OF THE COUNCIL MEETING HELD ON 15 AUGUST 2025

RESOLUTION CL25-13.6

Moved: Mayor J Denyer
Seconded: Cr A Henry

1. That the Minutes of the Council Meeting held on 15 August 2025 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

9.6 MINUTES OF THE PROJECTS AND MONITORING COMMITTEE MEETING HELD ON 15 AUGUST 2025

RESOLUTION CL25-13.7

Moved: Cr D Thwaites
Seconded: Cr A Sole

That the Minutes of the Projects and Monitoring Committee Meeting held on 15 August 2025 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.7 MINUTES OF THE COUNCIL MEETING HELD ON 28 AUGUST 2025

RESOLUTION CL25-13.8

Moved: Mayor J Denyer
Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Council Meeting held on 28 August 2025 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 REPORTS

10.1 UNAUDITED DRAFT ANNUAL REPORT 2024-2025

Council considered a report dated 4 September 2025 from the Chief Financial Officer, who was supported by the Finance Manager. He spoke to PowerPoint Presentation 1, which provided an overview of the Annual report, and outlined the below topics:

- Annual Report 2025;
- Revenue;
- Financial Contributions Revenue;
- Expenditure;
- Surplus and Cashflow;
- Capital Expenditure and Debt;
- Key Projects Delivered; and
- Benchmark Reporting.

Staff responded to pātai as follows:

- The 'Other Expenses' total of $80 million included $43 million of maintenance. Also included in the total number was consultant and legal fees.
- A majority of external debt was recorded within the three waters activities, noting that the reconciliation of this included the internal debt profile. Where possible, Council would borrow internally first to keep the costs of funds down.
- There was a negative income shown for support services, this was due to the way that the Financial Impact Statements (FIS) were required to be presented, and at a Whole of Council level this balanced out against the other activities to be nil.

- Assigning of overhead costs was being looked at through the Annual Plan 2027, noting that the way in which it was currently done could make support services look higher to the reader when compared to others.
- Consultant fees for MartinJenkins were included in Other Expenses.
- The additional savings made for the Annual Plan 2026 were found across the business.
- In relation to Local Water Done Well money, there was no ratepayer funding incurred for the year ending 30 June 2025, as Council utilised the Better off Funding made available under the previous government. Going forward, it was proposed through the Annual Plan 2026 that the costs incurred relating to waters be transferred to the new entity once it was established.
- In the last financial year, there was around $480,000 left from the Better off Funding.
- There was an opportunity for the Mayor to include some commentary around the 2023/24 deficit issues in his introduction to the Annual Report, as long as it aligned with the numbers that were being reported on.

RESOLUTION CL25-13.9

Moved: Cr D Thwaites
Seconded: Mayor J Denyer

1. That the Chief Financial Officer's report dated 4 September 2025 titled 'Unaudited Draft Annual Report 2024-2025' 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 receive the Unaudited Draft Annual Report 2024-2025 (**Attachment 1** of this report).

CARRIED

10.2 CARRY FORWARDS FY2025 TO FY2026

Council considered a report dated 4 September 2025 from the Chief Financial Officer, who was supported by the General Manager Corporate Services. He spoke to PowerPoint Presentation 1, which provided an overview of the Carry Forwards 2025, and outlined the below topics:

- Carry Forwards 2025;
- 2025 Financial Year Carry Forwards Table; and
- Council Meeting Agenda – Page 279.

Staff responded to pātai as follows:

- Staff worked through the accruals first, noting that the carry-forwards sat separate to this.
- In relation to the Ōmokoroa Roundabout, central government (initially through Kāinga Ora) granted $38 million, noting that the final $5 million from Waka Kotahi would not be provided until the temporary roundabout had been built. The Kāinga Ora subsidy was being paid as the project reached different milestones.
- It was noted that development was increasing, specifically along Prole Road.
- The rates impact of the capital carry-forwards was limited.
- The carry-forwards represented a portion of a project's cost that needed to be carried forward into the next financial year.

RESOLUTION CL25-13.10

Moved: Cr A Sole
Seconded: Cr M Murray-Benge

1. That the Chief Financial Officer's report dated 4 September 2025 titled 'Carry Forwards FY2025 to FY2026' 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 operational carry forwards of $472,909 and capital carry forwards of $28,679,544 be approved by Council.

CARRIED

10.3 RIGHT-OF-WAY EASEMENT IN FAVOUR OF LOTS 1, 2, 3 AND 6 DEPOSITED PLAN 540637 OVER, AND CLASSIFICATION OF MUNRO GREENLANE RESERVE, MINDEN BEING LOT 4 DEPOSITED PLAN 540637

Council considered a report dated 4 September 2025 from the Legal Property Officer Reserves and Facilities. The Legal Property Officer provided an overview of the report and the recommendations therein.

RESOLUTION CL25-13.11

Moved: Cr D Thwaites
Seconded: Cr M Murray-Benge

1. That the Legal Property Officer Reserves and Facilities' report dated 4 September 2025 and titled 'Right-of-way Easement in Favour of Lots 1, 2, 3 and 6 Deposited Plan 540637 Over, and Classification of Munro Greenlane Reserve, Minden being Lot 4 Deposited Plan 540637' be received.
2. That the report relates to an issue that is of low significance in terms of Council's Significance and Engagement Policy.

3. That having considered the provisions of Section 48 (3) of the Reserves Act 1977, Council, in its capacity as administrating authority, does not require public notification of its intention to grant a right-of-way easement for the reasons contained in Section 2 of the report.
4. 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 consents to the creation of a right-of-way easement shown on the attached plan (**Attachment 1**) to allow to provide access to Lots 1, 2, 3, and 6 Deposited Plan 540637 subject to:
    a. The access being for ROW purposes only;
    b. The Easement agreement includes conditions that protects Council against future maintenance; and
    c. The costs associated with the granting of an Easement are borne by the applicant.
5. That Council, in its capacity as administrating body of the reserve, resolves that Lot 4 Deposited Plan 540637 is classified in accordance with the Reserves Act 1977, s16 (2A) and classified as "Local Purpose (Greenlane) Reserve" in accordance with the Reserves Act 1977, s23.

CARRIED

10.38am The hui adjourned.
11.02am The hui reconvened.

10.4 RECOMMENDATORY REPORT - WAIHĪ BEACH COMMUNITY BOARD - WILSON ROAD CARPARK LIGHTING

Council considered a report dated 4 September 2025 from the Project Engineer Transportation. The Director Transportation took the report as read.

Staff responded to pātai as follows:

- Staff presenting were not aware of whether consultation had taken place with neighbours, however it was noted that the LED lights did not have a large amount of overspill compared to the old lights.
- Council was currently using solar powered lights within the roading network, therefore what was being proposed for the Wilson Road carpark was no different.

RESOLUTION CL25-13.12

Moved: Cr A Henry
Seconded: Cr M Murray-Benge

1. That the Project Engineer Transportation's report dated 4 September 2025 and titled 'Recommendatory Report – Waihī Beach Community Board – Wilson Road Carpark Lighting', 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 up to $25,000 from the Waihī Beach Town Centre Development Fund for costs relating to the installation of two solar powered lights at Wilson Road carpark (25 Wilson Road).

CARRIED

10.5 RESOURCE MANAGEMENT ACT REFORM - SUBMISSIONS

Council considered a report dated 4 September 2025 from the Resource Management Strategic Advisor. The report was taken as read.

RESOLUTION CL25-13.13

Moved: Mayor J Denyer
Seconded: Cr A Henry

1. That the Resource Management Strategic Advisor's report dated 4 September 2025, titled 'Resource Management Act Reform - Submissions', be received.
2. That the following submissions, shown as **Attachments 1, 2, 3, 4 & 5** to this report, be received by Council and the information noted:
   a. Submission on the RMA Fast-track Bill
   b. Submission on the RMA Freshwater and Other Matters Amendment Bill (Bill 1)
   c. Submission on RMA Consenting and Other System Changes Amendment Bill (Bill 2)
   d. Submission on National Direction Packages - Infrastructure and Development (1), Primary Sector (2), Freshwater (3)
   e. Submission on National Direction Package 4 – Going for Housing Growth.

CARRIED

10.6 WESTERN BAY OF PLENTY DISTRICT COUNCIL SUBMISSION ON THE LOCAL GOVERNMENT (SYSTEM IMPROVEMENTS) AMENDMENT BILL

Council considered a report dated 4 September 2025 from the Policy and Planning Manager. The report was taken as read.

Staff responded to pātai as follows:

- The new Governance Principles were referred to in the workshop, and were:

- A local authority should foster the free exchange of information and expression of opinions by elected members; and
- A local authority should foster the responsibility of its elected members to work collaboratively to set the local authority's agenda, determine its policy, and make decisions on behalf of its communities.

RESOLUTION CL25-13.14

Moved: Cr M Murray-Benge
Seconded: Cr G Dally

1. That the Policy and Planning Manager's report dated 4 September 2025 titled 'Western Bay of Plenty District Council submission on the Local Government (System Improvements) Amendment Bill' be received.
2. That the following submission, shown as **Attachment 1** to this report, be received by Council and the information noted.
   a. Submission on Local Government (System Improvements) Amendment Bill.

CARRIED

Cr Rae voted against the motion and requested for her vote against to be recorded.

10.7 END OF TRIENNIUM 2022-2025

Council considered a report dated 4 September 2025 from the Governance Manager. The Interim Chief Executive provided an overview of the report and recommendations therein.

RESOLUTION CL25-13.15

Moved: Cr R Joyce
Seconded: Cr A Sole

1. That the Governance Manager's report dated 4 September 2025 titled 'End of Triennium 2022-2025' 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 Interim Chief Executive Officer, subject to the limitations set out in clause 32(1) of Schedule 7 of the Local Government Act 2002, to make decisions on behalf of the Council and community boards during the period between the declaration of election results and elected members being sworn into office, in respect of urgent matters and, when the Mayor-elect is known, in consultation with the Mayor-elect.
4. That Council notes that any decisions made under this delegation will be reported to the first ordinary meeting of the Council.

5. That Council approves that, under clause 30(7) of Schedule 7 of the Local Government Act 2002, the current District Licensing Committee is not discharged on the coming into office of the members of the Council elected or appointed at, or following, the October 2025 triennial general elections, and it continues to exercise its delegations.
6. That Council delegates to the Interim Chief Executive Officer, in consultation with the General Manager Regulatory Services, the authority to appoint hearings panels if required to consider any Resource Management Act 1991 consenting or planning matters during the period between the existing Council going out of office and the new Council establishing its committee arrangements and delegations.

CARRIED

10.8 MAYOR'S REPORT TO COUNCIL

Council considered the Mayor's report, dated 4 September 2025, with the Mayor highlighting the acknowledgements made in his report.

The Mayor was acknowledged by Councillors for his hard work in the role, as well as his ability to spread himself over the district.

RESOLUTION CL25-13.16

Moved: Mayor J Denyer
Seconded: Deputy Mayor J Scrimgeour

That the Senior Executive Assistant - Mayor/CEO's report dated 4 September 2025 titled 'Mayor's Report to Council', be received.

CARRIED

11 INFORMATION FOR RECEIPT

11.1 AUDIT NEW ZEALAND ENGAGEMENT LETTERS

Council considered the Audit New Zealand Engagement Letters for information.

12 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CL25-13.17

Moved: Cr A Sole
Seconded: Cr M Murray-Benge

That the public be excluded from the following parts of the proceedings of this meeting, with the exception of Lorraine Kendrik and Mary Hill for Agenda Item 12.4 whose specialist knowledge will assist the Council to make a decision.

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
12.1 - Confidential Minutes of the Council Meeting held on 24 July 2025	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)(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 s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	disadvantage, commercial activities	
12.2 - Confidential Minutes of the Council Meeting held on 5 August 2025	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 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
12.3 - Confidential Minutes of the Council Meeting held on 15 August 2025	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 s7(2)(e) - the withholding of the information is necessary to avoid prejudice to measures that prevent or mitigate material loss to members of the public s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) - the withholding of the information is necessary	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	
12.4 - Te Puke Wastewater Treatment Plant - consideration of feedback, options to proceed and proposed contract award	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege 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
12.5 - Review of Council Current Accounts and Reserves including Strategic Property	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 s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	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

11.18am The hui moved into confidential.

2.35pm The hui moved back into open.

NOTE: Resolutions CL25-13.18 – CL25-13.27 were captured within the confidential minutes.

13 VALEDICTORY SPEECHES

Retiring Councillor Anne Henry

Councillor Henry reminisced on the reasons that motivated her to stand for Council, noting that it was to serve her communities by supporting them to achieve the best outcomes for their families and the places they call home. She acknowledged those that supported her in becoming a Councillor.

Reflecting on her journey, she believed that the time spent delivering the best outcomes under the four wellbeings enriched her and made her a better person.

She acknowledged that in the current environment it was getting harder to deliver what was within the Long Term Plan. There were also big changes ahead, with the appointment of a new Chief Executive Officer, highlighting the importance of working together.

Central government was continuing to create new challenges, with the implementation of Local Waters Done Well, noting that it was important Council continued to take the community on the journey.

Councillor Henry acknowledged staff, especially those front facing at Council's Service Centres, the Governance team, and all those that were involved in the Council meetings.

There was gratitude to the Community Boards that she was involved in, and a huge acknowledgement to her fellow councillors for the journey and the support, specifically her female colleagues.

Finally, Councillor Henry highlighted the sense of belonging that she now had for her hometown of Katikati and wished the incoming Council all the best.

Retiring Deputy Mayor John Scrimgeour

Deputy Mayor Scrimgeour reminisced on how he ended up around the Council table. Although what was commonly spoken about today was councils spending on "nice to haves" rather than sticking to the basic needs of their communities, he recalled shortly after he became a Councillor being involved with the locals in Omanawa, in relation to the state of their road. While there was a positive outcome, being involved in the progress of this issue highlighted the difficulties when people let personal agendas get in the way of making sensible decisions.

Shortly after being appointed to Council, the CEO at the time had resigned. Through the process of appointing a new CEO, Deputy Mayor Scrimgeour realised that although it may look like a desirable job, it required the managing of staff, it had a large shareholder base (ratepayers) with very divergent views, and a Boad of Directors (Councillors), who may or may not have the relevant skills for their role, noting that elections were a popularity contest rather than a competency assessment. He wished the incoming Council well in appointing a new Chief Executive Officer.

Although originally thinking he would only stand for a term or two, he acknowledged that when this election came around, a space on the Bay of Plenty Regional Council sparked his interest in another forum.

He acknowledged the late Richard Crawford who served as a Councillor for part of the 2022-2025 triennium before passing away unexpectedly.

Being a Councillor presented challenges, with addressing the communities' concerns which were sometimes contrasting. There was also the operating environment, noting that we were in another cycle of sagging growth and rising debt.

Along the way the journey had widened his horizons with the opportunity to meet and work with wonderful people, both Councillors and staff. He hoped that the opportunity to work with them again may arise.

He wished the incoming Council well and ended his speech with a little story.

Before closing the meeting, the Mayor thanked both Councillor Henry and Deputy Mayor Scrimgeour for their service, and wished them all the best.

The meeting closed at 3.06pm.

In accordance with Standing Order 28.4, these minutes were confirmed as a true and correct record.

James Denyer

....

Mayor J Denyer

CHAIRPERSON / MAYOR

....

Miriam Taris

INTERIM CHIEF EXECUTIVE OFFICER