

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL NO. CO26-7
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON THURSDAY, 2 APRIL 2026 AT 9.30AM**

1 KARAKIA

The Strategic Kaupapa Māori Manager opened the hui with a karakia and a mihi whakataou.

2 PRESENT – NGĀ MEMA KEI KONEI

Mayor J Denyer, Cr T Coxhead, Cr G Dally, Deputy Mayor M Murray-Benge, Cr R Joyce, Cr D Dinsdale, Cr L Rae, Cr A Sole, Cr S Beech and Cr G Elvin.

3 IN ATTENDANCE – I TAE AKE

M Taris (Interim Chief Executive), M Potton (Acting General Manager Corporate Services), B Singh (General Manager Infrastructure Services), A Henderson (Programme Director – Water Organisation), C Nepia (Strategic Kaupapa Māori Manager), L Balvert (Communications Manager), R Garrett (Governance Manager), A King (Programme Manager – Water Organisation Establishment), E Wentzel (Chief Engineer), R Leahy (Senior Governance Advisor), E Logan (Governance Advisor), H Wi Repa (Governance Systems Advisor) and P Osborne (Senior Governance Advisor).

OTHERS IN ATTENDANCE

Tauranga City Council

Mayor Drysdale and Councillors

Relevant Council staff

Thames-Coromandel District Council

Mayor Revell, Deputy Mayor John Grant and Chief Executive Aileen Lawrie

Department of Internal Affairs

Dave Foster (Water Reform)

4 APOLOGIES – NGĀ WHAKAPAHĀ

Nil

5 CONSIDERATION OF LATE ITEM – NGĀ TAKE TŌMURI

Nil

6 DECLARATIONS OF INTEREST – NGĀ TUKITUKINGA

Nil

7 TRANSFER OF PUBLIC EXCLUDED ITEMS – TE WHITINGA O TE AO MĀRAMA KI NGĀ TAKE MUNA

Nil

MAYORS OPENING ACKNOWLEDGEMENTS

Mayor Denyer acknowledged those in attendance today, specifically Councillors and staff from Tauranga City Council.

9.36am The hui adjourned.

9.44am The hui reconvened.

SUSPENSION OF STANDING ORDERS

RESOLUTION CO26-7.1

Moved: Deputy Mayor M Murray-Benge

Seconded: Cr A Sole

That Council suspends Standing Order 15.3 to allow Tauranga City Council Elected Members to also ask questions of clarification of the Public Forum speakers.

CARRIED

8 PUBLIC FORUM – WĀHANGA TŪMATANUI

8.1 NESSIE KUKA – NGĀI TE RANGI (MATAKANA ISLAND)

Ms Kuka was in attendance to speak on behalf of Ngāi Te Rangī to reinforce the stance of the whānau on Matakana, noting the following points:

- The whānau of Matakana were not in favour of Western Bay of Plenty District Council (WBOPDC) joining with Tauranga City Council (TCC), noting they had spent years cultivating a trusting relationship with WBOPDC through their collaboration with on-going projects.
 - Matakana Island had made a significant contribution to the whole of Tauranga Moana by allowing the pipeline to come out and over Matakana Island.
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- They did not want Council to establish a Multi-Council Waters Organisation with Thames-Coromandel District Council (TCDC) due to the ongoing treaty settlement claims that were not resolved with Hauraki iwi.

Whaea Kuka responded to pātai as follows:

- The Treaty Settlement issues that had not yet been resolved came down to mana, cross-claiming and keeping others out of their rohe.

8.2 SHAD ROLLESTON, HAKOPA TAPIATA, KYLIE SMALLMAN AND ROWENA BENNETT - TANGATA WHENUA REPRESENTATIVES (JOINT WORKING GROUP)

Tangata Whenua representatives from the Joint Working Group were in attendance to speak to both councils to express their views. They noted the following points:

- They acknowledged the leadership shown by both councils, however noted that it had not necessarily started off on the right foot.
- The importance of an alignment of outcomes was highlighted, noting that water was a taonga.
- The interests of Tangata Whenua lay across both councils, therefore the collaboration of both councils working together was important.
- Tangata Whenua reflecting on the role of the Treaty and the role of treaty settlements was front of mind, to ensure that they were supporting councils in delivering services to their communities.

Presenters responded to pātai as follows:

- In relation to differing views on democracy, it was noted that they were all of the same view in terms of the importance of encouraging voices to engage, consult and listen. The challenge faced in this context was that the timelines enforced on councils from Central Government were tight and did not allow for the extent of democratic participation that would have been preferable.
- Tangata Whenua had been clear about their role including the mandate authorised from iwi members/chairs and hapū entities, which was to assist the councils in the establishment of a waters entity. They therefore felt that sharing views regarding the potential inclusion of other councils, including Thames-Coromandel District Council, was out of the scope of their mandate and role.
- Due to the manner and suddenness in which conversations were raised, it was noted that Mana Whenua had not yet had the opportunity to sit down on a marae and speak about the issues pertaining to the ongoing treaty settlement claims that Ngāi Te Rangi had with Hauraki iwi.
- There was a way for Tangata Whenua to engage and participate in the way in which water was extracted from a water source to ensure that their values, views and perspectives were built into the resource consent processes.

- It was important that Tangata Whenua optimised how they utilised what tools and resources they had, to realise the outcomes of kaitiakitanga (guardianship).
 - Some were of the opinion that the entities that dealt with kaitiakitanga and sub-committees of councils could operate more effectively than they had in the past. It was acknowledged that an effective model of a partnership approach had been the Joint Working Group for the Waters entities.
 - Tangata Whenua representatives on the Joint Working Group had done what they could to keep iwi and hapū informed, in relation to this issue, and it was for Council to keep the residents and ratepayers informed.
 - Being a part of the Joint Working Group had highlighted differences in opinions when it came to how “governance” was defined, however, they felt that those differences had been navigated well in order to come to a collective understanding.
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8.3 MAYOR REVELL, DEPUTY MAYOR GRANT AND CHIEF EXECUTIVE AILEEN LAWRIE - THAMES-COROMANDEL DISTRICT COUNCIL (TCDC)

Mayor Revell, Deputy Mayor Grant and Chief Executive Aileen Lawrie were in attendance on behalf of Thames-Coromandel District Council. They noted the following points:

- Acknowledgement of the previous speakers, especially in relation to the concerns expressed from Ngāi Te Rangi (Matakana).
- Acknowledgement was made to the work that was undertaken by the councils to date, noting that they were all tasked with making the best decision for their ratepayers.
- Thames-Coromandel District Council would like to be considered as a joint member of the multi-council water organisation, noting that was the best decision for their residents and ratepayers.

Presenters responded to pātai as follows:

- TCDC had taken guidance from local Kaumatua in respect to the concerns raised today, noting that guidance was given that the waters decision was one for council to make. TCDC had not had visibility of any interactions/discussions that had taken place with Hauraki iwi/hapū.
 - Although TCDC had connections to Waikato and there were two Water Organisations forming in that area, it was noted that the Western Bay of Plenty District Council and Tauranga City Council had better outcomes for their ratepayers, noting that they were similar in coastal nature and had financial benefits for their ratepayers.
 - TCDC hoped TCC and WBOPDC resolved to establish a waters entity together so that the conversations they were wanting to have could take place.
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- At this time TCDC was in the process of establishing an in-house business unit, however, considering their population, hoped that another opportunity would arise.
 - They had heard through the previous speakers that there was a need to find a process for dealing with Tangata Whenua concerns, should consideration be given to TCDC joining the proposed joint waters entity with TCC and WBOPDC.
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10.50am The hui adjourned.

11.16am The hui reconvened.

9 REPORTS - NGĀ PŪRONGO

9.1 LOCAL WATER DONE WELL - PROGRESSING THE DELIVERY OF WATER SERVICES

Council considered a report dated 2 April 2026 from the Programme Manager – Water Organisation Establishment, who took the report as read, providing a brief overview of the process to date and the recommendations therein.

Staff responded to pātai as follows:

- The recommendations Council resolved on 24 March 2026 in relation to the due diligence process were for outstanding matters to be negotiated in good faith and resolved no later than 31 March 2027.
- The Commercial Terms that Council agreed to on 24 March 2026 allowed for a mediation option to be progressed if good faith negotiations were not successful. If mediation was not successful it would go to arbitration.

The Mayor took the recommendations in parts.

RESOLUTION CO26-7.2

Moved: Cr A Sole

Seconded: Cr L Rae

1. That the Programme Manager – Water Organisation Establishment's report dated 2 April 2026 titled 'Local Water Done Well – Progressing the delivery of water services', 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 CO26-7.3

Moved: Cr G Elvin
Seconded: Cr R Joyce

3. That Council confirms that a robust due diligence process has been completed and notes that several matters identified through this process (including key terms) require further development. These matters will be progressed through good-faith partnership discussions as part of establishing and transitioning to a multi-Council Water Organisation and agrees these will be included in a forward work programme.

A division was called and recorded as follows:

For: Cr Elvin, Cr Joyce, Mayor Denyer, Deputy Mayor Murray-Benge, Cr Dally and Cr Dinsdale
Against: Cr Rae, Cr Sole, Cr Coxhead and Cr Beech

The motion was declared carried on show of hands.

CARRIED 6/4

MOTION

Moved: Mayor Denyer
Seconded: Deputy Mayor Murray-Benge

4. That Council approves the establishment of a multi-council Water Organisation with Tauranga City Council, with a proposed 'go-live' date of 1 July 2027.

AMENDMENT

Moved: Cr Dally
Seconded: Cr Coxhead

4. That Council approves the establishment of a multi-council Water Organisation with Tauranga City Council, with a proposed 'go-live' date of 1 July 2028.

Mr Dave Foster from the Department of Internal Affairs (DIA) was in attendance, and noted the following points in relation to the proposed amendment to push out the 'go live' date:

- A change to the 'go live' date would require a change to Council's Water Services Delivery Plan that had already been submitted and approved by DIA. A critical issue was that a reasonably substantial change was required to warrant a change to the Water Services Delivery Plan.
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The amendment was put to the vote.

A division was called and recorded as follows:

For: Cr Dally, Cr Rae, Cr Sole, Cr Coxhead and Cr Beech

Against: Cr Elvin, Cr Joyce, Mayor Denyer, Deputy Mayor Murray-Benge and Cr Dinsdale

The vote was declared equal on show of hands and, with no casting vote in favour, the amendment was declared lost.

LOST 5/5

The **SUBSTANTIVE MOTION** was then put.

RESOLUTION CO26-7.4

Moved: Mayor J Denyer

Seconded: Deputy Mayor M Murray-Benge

4. That Council approves the establishment of a multi-council Water Organisation with Tauranga City Council, with a proposed 'go-live' date of 1 July 2027.

A division was called and recorded as follows:

For: Cr Elvin, Cr Joyce, Mayor Denyer, Deputy Mayor Murray-Benge, Cr Dally and Cr Dinsdale

Against: Cr Rae, Cr Sole, Cr Coxhead and Cr Beech

The motion was declared carried on show of hands.

CARRIED 6/4

RESOLUTION CO26-7.5

Moved: Cr A Sole

Seconded: Cr R Joyce

5. Notes that Council remains open to working with other councils that may wish to consider joining the multi-council Water Organisation in the future and will be subject to appropriate due diligence and Council approval.

CARRIED

RESOLUTION CO26-7.6

Moved: Cr R Joyce

Seconded: Deputy Mayor M Murray-Benge

6. a. That Council works with Thames-Coromandel District Council with the intention that Thames-Coromandel District Council is able to join the Water Organisation with Western Bay of Plenty District Council and Tauranga City Council, in accordance with the directive from the Minister of Local Government (**Attachment 1**). Council will work with Tangata Whenua to address previously expressed concerns.
- and**
- b. That Council requests that the Chief Executive writes to the Minister of Treaty Settlements and asks that the Minister facilitates the resolution of the settlement process between Ngāi Te Rangi and Hauraki iwi.

A division was called and recorded as follows:

For: Cr Joyce, Deputy Mayor Murray-Benge, Mayor Denyer, Cr Beech, Cr Coxhead, Cr Dally, Cr Elvin and Cr Sole.

Against: Cr Rae and Cr Dinsdale

The motion was declared carried on show of hands.

CARRIED 8/2

1.00pm The hui adjourned.

3.24pm The hui reconvened.

10 INFORMATION FOR RECEIPT - KŌRERO TE WHIWHIA

Nil

11 RESOLUTION TO EXCLUDE THE PUBLIC - WHAKATAU KI TE PORO I TE MAREA

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CO26-7.7

Moved: Cr T Coxhead

Seconded: Cr A Sole

That the public be excluded from the following parts of the proceedings of this meeting, with the exception of Tauranga City Council Councillors and relevant staff, and Hakopa Tapiata, for Report 11.1.

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
11.1 - Appointment of the Water Organisation Establishment Chief Executive	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)(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
11.2 – Late Report - Extension of Interim Chief Executive Contract	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
CARRIED		

RESOLUTION CO26-7.11

Moved: Cr D Dinsdale

Seconded: Cr S Beech

That Council moves out of Closed Council into Open Council

CARRIED

The Meeting closed at 3.56pm.

Confirmed as a true and correct record at the Council meeting held 28 April 2026.

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 Mayor J Denyer
CHAIRPERSON / MAYOR