

MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL NO. CO26-9
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON TUESDAY, 28 APRIL 2026 AT 9.30AM

1 KARAKIA

Matua Reon Tuanau was in attendance and opened the hui with a karakia.

2 PRESENT - NGĀ MEMA KEI KONEI

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

3 IN ATTENDANCE - I TAE AKE

M Taris (Interim Chief Executive), B Singh (General Manager Infrastructure Services), A Lane (General Manager Strategy and Community), A Curtis (General Manager Regulatory Services), A Henderson (Acting General Manager Corporate Services/Programme Director – Water Organisation), P Watson (Reserves and Facilities Manager), J Fearn (Chief Financial Officer), E Watton (Strategic Policy and Planning Programme Director), M Leighton (Policy and Planning Manager), R Naidu (Senior Policy Analyst), R Garrett (Governance Manager), R McLeod (Senior Communications and Engagement Specialist), B Wheeler (TECT All Terrain Park Manager Operations), H Wi Repa (Governance Systems Advisor) and P Osborne (Senior Governance Advisor).

OTHERS IN ATTENDANCE

Te Kō Rōpu

Reon Tuanau, Paretaihinu Samuels-Hudson and Riki Nelson

Thunder Ridge

Mike Coory (Thunder Ridge Motorsport Trust)

Roger Williams (Director- Thunder Ridge Motorsport Park)

Joint Waters Organisation

Kevin Lavery (Chief Executive)

4 APOLOGIES - NGĀ WHAKAPAHĀ

APOLOGY

RESOLUTION CO26-9.1

Moved: Deputy Mayor M Murray-Benge

Seconded: Cr G Elvin

That the apology for absence from Cr D Dinsdale be accepted.

CARRIED

5 CONSIDERATION OF LATE ITEM – NGĀ TAKE TŌMURI

LATE ITEM

There was one item for Council to consider for inclusion in the public excluded section of the agenda, being 12.10 Appointment of Chief Executive.

The reasons that this item was not included on the agenda was that the Chief Executive Employment Sub-Committee meeting had not yet taken place, and the item could not be delayed to the next scheduled meeting due to time constraints.

RESOLUTION CO26-9.2

Moved: Cr T Coxhead

Seconded: Cr S Beech

That, in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the following be included as an item of public excluded business:

- 12.10 Appointment of Chief Executive

CARRIED

6 DECLARATIONS OF INTEREST – NGĀ TUKITUKINGA

Nil

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

Nil

8 PUBLIC FORUM – WĀHANGA TŪMATANUI

Nil

9 COUNCIL – COMMITTEE MINUTES FOR CONFIRMATION – TE WHAKATAU I NGĀ MENETI Ā TE KAUNIHERA, Ā TE KOMITI

9.1 MINUTES OF THE COUNCIL MEETING HELD ON 26 FEBRUARY 2026

RESOLUTION CO26-9.3

Moved: Mayor J Denyer

Seconded: Deputy Mayor M Murray-Benge

1. That the Minutes of the Council Meeting held on 26 February 2026 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 COUNCIL MEETING HELD ON 19 MARCH 2026

RESOLUTION CO26-9.4

Moved: Deputy Mayor M Murray-Benge

Seconded: Cr A Sole

1. That the Minutes of the Council Meeting held on 19 March 2026 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

9.3 MINUTES OF THE COUNCIL MEETING HELD ON 24 MARCH 2026

RESOLUTION CO26-9.5

Moved: Mayor J Denyer

Seconded: Cr L Rae

1. That the Minutes of the Council Meeting held on 24 March 2026 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

9.35am Cr Joyce entered the hui.

9.4 MINUTES OF THE COUNCIL MEETING HELD ON 2 APRIL 2026

RESOLUTION CO26-9.6

Moved: Cr S Beech

Seconded: Mayor J Denyer

1. That the Minutes of the Council Meeting held on 2 April 2026 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 - NGĀ PŪRONGO

10.1 KAURI POINT RESERVE CULTURAL CONCEPTS – CONSULTATION FEEDBACK

Council considered a report dated 28 April 2026 from the Reserves and Facilities Manager who provided an overview of the report and recommendations therein. Representatives from Te Kō Rōpu were in attendance to speak to the Cultural Concepts, providing an overview through [PowerPoint Presentation 1](#).

Presenters responded to pātai as follows:

- The total cost estimate provided by consultants was \$1.2 million.
- In relation to carparking, there was a good amount of carparking at Kyber Pass, as well as along the esplanade.
- Iwi/hapū would support an annual event taking place at the reserve to celebrate the history of the area. They also saw an opportunity for kura to utilise the space on an annual basis.
- The funding Council put aside for this project, \$453,000, was spread across the 2026/27 and 2027/28 financial years. Recommendation 5 suggested further consideration of funding take place through the 2027/37 Long Term Plan.
- Stage 1 of the project had not been defined at this point, as staff were hoping to utilise as much of the available funding as possible, noting that they were talking with TECT to understand the most effective way for them to apply for additional funding.
- The fountains referenced were drinking fountains.
- The proposed Waharoa was a simple entranceway structure not a building.
- The presenters felt the proposed cultural concepts were a huge asset to the community, and hoped it would bring tourism economy into the area.
- This reserve was part of treaty settlement.
- The budgeted maintenance would include maintaining the structures in the reserve.
- The District Reserves activity was funded by general rates on a district-wide basis.
- TECT had expressed an interest in this project; staff did not have confirmation on the amount that TECT would be willing to contribute at this stage.
- The reason this project had come to Council outside of the Annual Plan process was to provide staff with confidence that they could continue works with this project without Council making changes to it through the Annual Plan process.

- Once the proposed structures were in place, the proposed maintenance costs were on top of existing maintenance costs for the reserve.
 - On 18 November 2025 there was an open day that many local community members attended.
 - Presentation 1 was provided as Kauri Point Context Map.
 - The proposal did not restrict access for the community.
 - Staff acknowledged concerns around the maintenance of wooden structures, however noted that this was just a concept plan at this point, and consideration would be given to a variety of materials.
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RESOLUTION CO26-9.7

Moved: Cr A Sole

Seconded: Cr L Rae

1. That the Reserves and Facilities Manager's report dated 28 April 2026 titled 'Kauri Point Reserve Cultural Concepts – Consultation Feedback', 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 receives the Community feedback on the Cultural Concepts for Kauri Point Historic Reserve, including **Tabled Item 1** being a late submission.

CARRIED

RESOLUTION CO26-9.8

Moved: Deputy Mayor M Murray-Benge

Seconded: Cr L Rae

4. That Council adopts the Cultural Concepts as per the designs that were consulted on and implemented, in a staged approach in line with available funding.
5. That Council confirms the current funding totalling \$453,306 over 2026/27 and 2027/28 financial years and that the balance of required funding for the project(s) be referred to the 2027/37 Long Term Plan for consideration.
6. That external funding be actively sought through the 2027/37 Long Term Plan consideration process.
7. That the above resolutions are subject to an archaeological authority being granted by Heritage NZ.

CARRIED

10.2 APPROVAL OF INDIVIDUAL LEASES FOR TECT PARK TE MATAI MOTORSPORT ZONE

Council considered a report dated 28 April 2026 from the Senior Specialist Infrastructure. The Reserves and Facilities Manager provided an overview of the report and the recommendations therein.

Mike Coory and Roger Williams were in attendance on behalf of Thunder Ridge to help respond to any relevant pātai.

Presenters responded to pātai as follows:

- Council had New Zealand Emission Trading Scheme (NZ ETS) credits, noting that these credits could be utilised in accordance with Council's ETS Policy for TECT Park for the required tree felling. It was clarified that the credits used would be recouped through rental income.
- The way that the Motorsports Management Group Terms of Reference were proposed allowed for the group to co-opt a member should that be the consensus of the group. It was not proposed to have any elected member representation on the management group.
- Due to making each site an individual title, it meant that the section under the Resource Management Act (RMA) that referenced a maximum lease of 35 years was not applicable.
- The rental income would be ring-fenced for the TECT Park activity.
- Thunder Ridge was happy with the lease period as it was being proposed, noting that it would allow the long term benefits of TECT Park to be realised.
- Thunder Ridge had held multiple meetings with the clubs which were 100% in favour of the final terms of the lease agreement.
- Due to each being under its own title, the clubs/leases would have the same obligations as other ratepayers with regards to paying rates.
- Staff had presented to Tauranga City Council (TCC). They were informed that TCC was happy for Council, being the lead agency, to enter into the lease agreement(s), and TCC would sign them off.

RESOLUTION CO26-9.9

Moved: Deputy Mayor M Murray-Benge

Seconded: Cr T Coxhead

1. That the Senior Specialist Infrastructure's report dated 28 April 2026 titled 'Approval of Individual Leases for TECT Park Te Matai Motorsport Zone', 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.
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3. That Council approves the individual Motorsport leases within the Te Matai Motorsport Zone and authorises the Chief Executive to complete and authorise the leases.
4. That Council notes the standard lease and the individual lease Addendums generally incorporate the following principles.
 - (a) Term 33 years plus two Rights of Renewal for lease areas 1, 2 and 4-10, as shown in **Attachment 1** of this report.
 - (b) That Area 3 be added to the BOP Drift Club lease when there is sufficient demand on the same term.
 - (c) Lease boundaries generally in accordance with the subdivision plan, as shown as **Attachment 1** of this report.
 - (d) Contains provisions to prevent land lock-up should development or use not proceed generally in accordance with the club's development and management plan (a use it or lose it clause).
 - (e) Lessee is to be a member and actively participate in the Motorsport Management Group.
 - (f) Recognition of the Transpower transmission lines and their rights.
 - (g) Requirement to, where practical, and at a fair and reasonable rental, allow access to the leased area by other users.
 - (h) Rental agreement including:
 - (i) Annual base rental;
 - (ii) Area based rental of deforested areas within the leased area;
 - (iii) Commercial rental, if any, for specified activity; and
 - (iv) Outgoings e.g. a portion of rates calculated on deforested area land value and the lessees' improvements.
 - (i) Provision for ETS implications caused by deforestation.
 - (j) Council owns and manages forestry and buffer zone vegetation and has rights of access.
 - (k) Provision for future utilities networks through the lease area.
 - (l) Provision for Lessees to sublease or licence parts of the lease area, provided the purpose is for motorsport activity consistent with the intent in the lease.
 - (m) Ability to assign the lease to a similar entity with a similar motorsport purpose.
 - (n) In the event of a lease ceasing then either the Council retains the assets at no compensation, or can require their removal.
5. That the Chief Executive Officer be delegated approval to enter leases for further areas for a period up to 34 years within the TECT Park Te Matai Motorsport Zone, subject to agreement by the Motorsport Management Group.

CARRIED

11.00am The hui adjourned.

11.24am The hui reconvened.

10.3 LOCAL WATER DONE WELL – GOVERNANCE AND RECRUITMENT

Council considered a report dated 28 April 2026 from the Programme Manager: Water Organisation Establishment who, supported by the Programme Director – Water Organisation and the Water Organisation Chief Executive, provided an overview of the report and recommendations in relation to the Joint Committee.

Presenters responded to pātai as follows:

- The reason for naming three alternates was to ensure there were sufficient attendees from each member group to reach a quorum.
- The rationale for Tauranga City Council having the Mayor as an ex-officio member was understood to be that the Mayor did not plan to take an active role in the Joint Committee. If he did attend a meeting, this would be in place of an appointed member, not as well as.
- The remuneration for Tangata Whenua was being reviewed, noting that the strategic pay advice would come back to Councillors at a later date.
- The proposed elected members were chosen by the Mayor on their ability to do a good job, noting that it was hard to select just a handful.
- It was acknowledged that no Maketū-Te Puke Ward Councillors were proposed as primary members, however it was noted that all Councillors represented the whole district.
- It was understood that the remuneration would be done on a 'per meeting' basis.
- If someone was away and an alternate member was required to step in, it was noted that they would be contacted in the order proposed in the recommendation.

The Programme Director – Water Organisation provided an overview of the report and recommendations in relation to the recruitment for three Water Organisation Board members.

Staff responded to pātai as follows:

- Staff acknowledged the request from Councillors to see the shortlist of Board member applicants, if not the entire list.
- Staff clarified that the rationale for using a recruitment agency for this process was to ensure independent assistance and an independent pathway for the process, acknowledging that they were working across two councils.
- Where the Board Matrix referenced 'Health and Safety', it referred to the legal obligations on the Board across the entity in relation to how they carried out the roles and functions of the work that they undertook.
- The Board Matrix identified all matters that should be considered against each applicant, however there was acknowledgement that the weighting put on each of the matters would not all be the same.

- Through the Statement of Expectation, it was the Councils that set the direction of travel for the Water Organisation. It was the CEO's role to ensure the direction was turned into deliverables.
 - Mr Lavery acknowledged that there were different approaches from the two councils (Tauranga City Council and Western Bay of Plenty District Council) regarding Financial Contributions and Development Contributions, therefore the Water Organisation would need to harmonise these going forward.
 - It was acknowledged that although there would be work and changes required through the harmonisation process, the Board would not make any big decisions without talking to Council about the options.
 - A report confirming the appointment of the Tangata Whenua members on the Water Organisation Joint Committee would be presented to Councillors at their next Council meeting. Staff had been informed that due to Tauranga City Council being the administrative body of the Water Organisation, they would be confirming the appointment first.
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RESOLUTION CO26-9.10

Moved: Cr R Joyce

Seconded: Deputy Mayor M Murray-Benge

1. That the Programme Manager: Water Organisation Establishment's report dated 28 April 2026 titled 'Local Water Done Well – Governance and Recruitment' 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 establishes the Water Organisation Joint Committee, giving effect to the Commercial Term Sheet approved by Council on 24 March 2026.
4. That Council adopts the Terms of Reference for the Water Organisation Joint Committee, provided as **Attachment 1** to this report.

CARRIED

MOTION

Moved: Deputy Mayor M Murray-Benge

Seconded: Mayor J Denyer

5. That Council appoints the following Western Bay of Plenty District Council elected members as members of the Water Organisation Joint Committee:
 - i. Mayor James Denyer
 - ii. Deputy Mayor Margaret Murray Benge
 - iii. Cr Graeme Elvin
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AMENDMENT

Moved: Cr Dally

Seconded: Cr Coxhead

That the Mayor be an ex officio member of the Joint Committee instead of appointed as a primary member.

The amendment was put and declared lost on show of hands.

LOST 5/4

RESOLUTION CO26-9.11

Moved: Deputy Mayor M Murray-Benge

Seconded: Mayor J Denyer

5. That Council appoints the following Western Bay of Plenty District Council elected members as members of the Water Organisation Joint Committee:
- i. Mayor James Denyer
 - ii. Deputy Mayor Margaret Murray Benge
 - iii. Cr Graeme Elvin

A division was called and recorded as follows:

For: Mayor Denyer, Cr Joyce, Deputy Mayor Murray-Benge and Cr Beech.

Against: Cr Coxhead, Cr Rae, Cr Sole and Cr Dally.

Abstained: Cr Elvin

Due to an equal number of votes for and against the motion, the Mayor exercised his right to a casting vote and voted for the motion.

CARRIED 5/4

RESOLUTION CO26-9.12

Moved: Deputy Mayor M Murray-Benge

Seconded: Cr S Beech

6. That Council appoints the following Western Bay of Plenty District Council elected members as alternate members of the Water Organisation Joint Committee:
- i. Cr Rodney Joyce
 - ii. Cr Tracey Coxhead
 - iii. Cr Darlene Dinsdale

CARRIED

RESOLUTION CO26-9.13

Moved: Deputy Mayor M Murray-Benge

Seconded: Cr R Joyce

7. That Council notes that the full Terms of Reference for the Water Organisation Joint Committee will be updated with the names of all Committee members following confirmation of the Committee members by Tauranga City Council and appointment of Tangata Whenua representatives.

CARRIED

RESOLUTION CO26-9.14

Moved: Cr G Dally

Seconded: Cr T Coxhead

8. That Council approves the Water Organisation Board Skills Matrix, with the removal of 'gender and ethnicity' from the Diversity / Inclusion section of **Attachment 2** to this report.

A division was called and recorded as follows:

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

Against: Cr Elvin

CARRIED 8/1

RESOLUTION CO26-9.15

Moved: Cr R Joyce

Seconded: Cr T Coxhead

9. That Council approves commencing recruitment for three Water Organisation Board members, including the Chair, utilising the services of the external recruitment agency JacksonStone & Partners.
10. That Council notes that Council and Tauranga City Council approval is required to appoint recommended candidates to the Board of the Water Organisation and a further report will be brought to Council to seek this approval.
11. That Council notes that a further report will be presented to Council and Tauranga City Council to consider recommended remuneration for Tangata Whenua representatives of the Water Organisation Joint Committee after an independent job sizing and market benchmarking process has been completed.
12. That **Attachment 3** is to be retained in confidential due to commercial sensitivity.

CARRIED

10.4 STRATEGIC POLICY AND PLANNING WORK PROGRAMME

Council considered a report dated 28 April 2026 from the Strategic Policy and Planning Programme Director who took the report as read.

Staff responded to pātai as follows:

- The Interim CEO confirmed that the remit in relation to the future of the council beyond waters would sit with the incoming CEO, noting that, although it would be dealt with in discussions with all General Managers, it should be led by the new CEO.
- There were a couple of projects that related to the rating review, however it was noted that the broader rating review was still yet to be scoped with Council, as it would be explored through the Long Term Plan process. There may be some matters that would be best considered after 1 July 2027, when the Joint Water Organisation came into effect.
- Staff acknowledged this was a large work programme, however noted that it related to the Policy and Planning team, the Environmental Planning team, as well as the Strategic Advisors across resource management, SmartGrowth and spatial planning.
- The Street Tree Policy review was included in the proposed work programme.
- The Belk Road urban growth area was a project that Tauranga City Council was highly invested in progressing. This was still an internal project at 'desktop' stage noting that once they had completed the feasibility work, Western Bay of Plenty District Council would enter into the discussions.
- Dependent on the outcome of the Regional Deal, the Work Programme could be revisited or rephased.
- Acknowledgement was made of the amount of legislative reform "up in the air" at the moment. Staff had put the work programme together based on the best information that they had, however acknowledged that it may need to be revisited depending on how things progressed.
- Staff clarified that the projects in the work programme were not in any particular order other than the three categories that they had been split into.
- The Spatial Plans that council was progressing at the moment were primarily urban focused, which was in line with the decided scope.
- The Representation Review was a legislative requirement due to the result of the Māori Ward binding poll being lost, requiring the Māori electoral population to be redistributed amongst the general wards. There would be other considerations to make through the review process as well.

RESOLUTION CO26-9.16

Moved: Cr A Sole

Seconded: Deputy Mayor M Murray-Benge

1. That the Strategic Policy and Planning Programme Director's report dated 28 April 2026 titled 'Strategic Policy and Planning Work Programme', 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 the Strategic Policy and Planning work programme as set out in **Attachment 1** of this report, with the following amendment:
 - Removal of the last sentence on page 251 under 'Traffic and Parking Enforcement Bylaw'.

CARRIED

10.5 WESTERN BAY OF PLENTY DISTRICT COUNCIL SUBMISSION TO BAY OF PLENTY REGIONAL COUNCIL ANNUAL PLAN 2026-27 / LONG TERM PLAN AMENDMENT

Council considered a report dated 28 April 2026 from the Senior Policy Analyst, who took the report as read.

RESOLUTION CO26-9.17

Moved: Cr G Elvin

Seconded: Cr A Sole

1. That the Senior Policy Analyst's report dated 28 April 2026, titled 'Western Bay of Plenty District Council Submission to Bay of Plenty Regional Council Annual Plan 2026-27 / Long Term Plan Amendment', be received.
2. That the following submission, shown as **Attachment 1** of this report, be received by Council and the information noted.
 - a) Submission on Bay of Plenty Regional Council Annual Plan 2026-27 and Long Term Plan Amendment dated 2 April 2026.

CARRIED

12.59pm The hui adjourned.

1.34pm The hui reconvened.

10.6 WAIĀRI KAITIAKI ADVISORY GROUP – RECOMMENDATION TO APPOINT MEMBER COUNCIL CO-CHAIR

Council considered a report dated 28 April 2026 from the Governance Manager, who provided an overview of the report and recommendations therein.

RESOLUTION CO26-9.18

Moved: Cr R Joyce

Seconded: Cr A Sole

1. That the Governance Manager's report dated 28 April 2026, titled 'Waiāri Kaitiaki Advisory Group – Recommendation to appoint member Council Co-Chair', be received.
2. That Council accepts the recommendation from the Waiāri Kaitiaki Advisory Group and appoints Western Bay of Plenty District Councillor Darlene Dinsdale as the consent holder Co-Chair of the Waiāri Kaitiaki Advisory Group.
3. That Council accepts the recommendation from the Waiāri Kaitiaki Advisory Group and endorses the appointment of Luke Whare as the iwi/hapū Co-Chair of the Waiāri Kaitiaki Advisory Group.

CARRIED

10.7 TAURANGA AND WESTERN BAY OF PLENTY TRANSPORT COMMITTEE – REESTABLISHMENT AND APPOINTMENTS

Council considered a report dated 28 April 2026 from the Governance Manager. The Mayor provided an overview of the report and recommendations therein.

Staff responded to pātai as follows:

- It was understood that Bay of Plenty Regional Council undertook a review of all its transport governance arrangements, and decided merging some into one Committee would be more efficient and effective.
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RESOLUTION CO26-9.19

Moved: Deputy Mayor M Murray-Benge

Seconded: Cr A Sole

1. That the Governance Manager's report dated 28 April 2026, titled 'Tauranga and Western Bay of Plenty Transport Committee – reestablishment and appointments' be received.
 2. That Council notes the appointment of Cr Laura Rae and Cr Rodney Joyce as the Western Bay of Plenty District Council members of the Tauranga and Western Bay
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of Plenty Transport Committee, and of Mayor James Denyer as the alternate member.

3. That Council approves the following amendments to the Terms of Reference for the Tauranga and Western Bay of Plenty Transport Committee:
 - Change meeting frequency to quarterly (rather than the current two monthly);
 - Increase the Western Bay of Plenty District Council membership from one to two (+ one alternate); and
 - Amend the title of the Committee to Western Bay of Plenty Transport Committee.
4. That Council notes that the Tauranga and Western Bay of Plenty Transport Committee may further review its Terms of Reference and that any additional changes would require approval by the three partner Councils.

CARRIED

10.8 MONTHLY FINANCIAL REPORT - 28 FEBRUARY 2026

Council considered a report dated 28 April 2026 from the Chief Financial Officer, who highlighted the key points of the report.

Staff responded to pātai as follows:

- The Local Government Funding Agency (LGFA) had a lending limit for council that was total revenue multiplied by 280% (a debt to revenue ratio of 280%), however council had an internal limit of 200% debt to revenue, that was set by Council during the Long Term Plan 2024-34.
 - Staff were working on a report to the Executive Leadership Team (ELT) for the end-of-year forecast, as they were still determining the impacts of the recent weather events on the financials.
 - Council was under budget in capital spending including Water Supply, due to the nature of the projects and how they rolled out. It was forecasted they would remain under budget by year end.
 - Revenue from Financial Contributions (FinCos) was council's best estimate, however it was noted that this revenue varied depending on timing of development decisions by developers.
 - Budget transfers could only be completed in the same funding source, noting significant transfers were required to come back to Council for approval.
 - In regard to the weather events, it was noted that a Recovery Plan would be presented to Council on 28 May 2026. Staff believed it was likely that council would receive funding from Waka Kotahi NZTA for the roading projects. Projects in relation to waters and reserves were less likely to receive funding, however discussions were still taking place with NIWA. The recovery projects would be presented to the Projects and Monitoring Committee separately.
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- Staff acknowledged that the colour coding in relation to variances, regardless of positive or negative, was confusing and they were happy to receive direction on a preferred option or provide clarity in their coding.
 - Staff understood that both Wharawhara and Athenree Water Treatment Plants were being fluoridated.
 - Waka Kotahi NZTA allocated their subsidy over a three year period.
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RESOLUTION CO26-9.20

Moved: Deputy Mayor M Murray-Benge

Seconded: Cr R Joyce

That the Chief Financial Officer's report dated 28 April 2026 titled 'Monthly Financial Report – 28 February 2026' be received.

CARRIED

10.9 MAYOR'S REPORT

Council considered a report dated 28 April 2026 from Mayor Denyer, who provided an overview of the report.

Staff responded to pātai as follows:

- The 10 April hui between the CEO and Higgins, Fletcher and VINCI Construction was in relation to the companies introducing themselves.
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RESOLUTION CO26-9.21

Moved: Mayor J Denyer

Seconded: Deputy Mayor M Murray-Benge

That Mayor Denyer's report dated 28 April 2026 titled 'Mayor's Report' be received.

CARRIED

11 INFORMATION FOR RECEIPT - KŌRERO TE WHIWHIA

11.1 AUDIT NEW ZEALAND ENGAGEMENT LETTERS

Council considered a report dated 28 April 2026 from the Financial Controller. The report was taken as read.

12 RESOLUTION TO EXCLUDE THE PUBLIC – WHAKATAU KI TE PORO I TE MAREA

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CO26-9.22

Moved: Cr G Elvin

Seconded: Cr R Joyce

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 |
|---|---|---|
| <p>12.1 - Confidential Minutes of the Council Meeting held on 26 February 2026</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)(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>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>12.2 - Confidential Minutes of the Council Meeting held on 19 March 2026</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)(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</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> |

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| | <p>the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(i) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied</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)(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> | |
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| | <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>12.3 - Confidential Minutes of the Council Meeting held on 2 April 2026</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)(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>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>12.4 - Title Purchase of 163 Lochhead Rd, subdivision for Reserve purposes and sale of balance Lot(s)</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)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</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> |

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| | 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) | |
| 12.5 - 25-1026 Transportation Cyclic and Routine Maintenance and Emergency Response | <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)(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 |
| 12.6 - 26-1004 Transportation Poripori Road Slip Remediation Project | <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)(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 |
| 12.7 - 2026 Statute Barred Rates | s7(2)(a) - the withholding of the information is necessary | s48(1)(a)(i) - the public conduct of the relevant part |

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| | to protect the privacy of natural persons, including that of deceased natural persons | 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 |
| 12.8 - Appointment of independent member to the Audit, Risk and Finance Committee | 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 | | |

2.13pm Council moved into Public Excluded.

Resolutions CO26-9.23 - CO26-9.32 were dealt with in Public Excluded.

3.41pm Council moved back into Open.

RESOLUTIONS TRANSFERRED INTO OPEN SECTION

12.4 TITLE PURCHASE OF 163 LOCHHEAD RD, SUBDIVISION FOR RESERVE PURPOSES AND SALE OF BALANCE LOT(S)

RESOLUTION CO26-9.26

Moved: Cr G Elvin

Seconded: Cr R Joyce

5. That the Senior Specialist Infrastructure's report dated 28 April 2026 titled 'Purchase of 163 Lochhead Road, Subdivision for Reserve Purposes and Sale of Balance Lot(s)', be received.
6. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
7. That Council purchase Lot 2 DPS 334479 Area 8.8851 ha located at 163 Lochhead Road for the sum on \$940,000 including GST.
8. That the Council subdivides and develops the property, retains approximately 7.3 ha for reserve purposes and sells the balance.
9. That the **Resolutions** be transferred into the Open section of the meeting when the purchase has been concluded.

A division was called and recorded as follows:

For: Cr Elvin, Cr Joyce, Mayor Denyer, Deputy Mayor Murray-Benge, Cr Beech and Cr Rae.

Against: Cr Coxhead, Cr Dally and Cr Sole.

The motion was declared carried on show of hands.

CARRIED 6/3

12.5 25-1026 TRANSPORTATION CYCLIC AND ROUTINE MAINTENANCE AND EMERGENCY RESPONSE

RESOLUTION CO26-9.27

Moved: Cr T Coxhead

Seconded: Cr G Elvin

10. That the Director Transportation's report dated 28 April 2026 titled '25-1026 Transportation Cyclic and Routine Maintenance and Emergency Response' be received.
11. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
12. That Council approves Option A being that Council accepts Fortheringhame Contractors Limited's tender price of \$3,984,971.25 for the supply of road cyclic maintenance and emergency response activities under contract 25-1026 Cyclic Maintenance.
13. That the **Resolutions** be transferred into the Open section of the meeting on 28 April 2026.

CARRIED

12.6 26-1004 TRANSPORTATION PORIPORI ROAD SLIP REMEDIATION PROJECT

RESOLUTION CO26-9.28

Moved: Deputy Mayor M Murray-Benge

Seconded: Cr T Coxhead

1. That the Transportation Project Engineer's report dated 28 April 2026 titled '26-1004 Transportation Poripori Road Slip remediation Project' be received.
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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 **Option A** being that Council accepts J Swap Contractors Limited's tender price of \$1,112,170.16 for construction of the two Poripori Road slip remediation sites under contract 26-1004.
4. That the **Resolutions** be transferred into the Open section of the meeting on 28 April 2026.

CARRIED

12.8 APPOINTMENT OF INDEPENDENT MEMBER TO THE AUDIT, RISK AND FINANCE COMMITTEE

RESOLUTION CO26-9.30

Moved: Cr T Coxhead

Seconded: Cr R Joyce

5. That the Governance Manager's report dated 28 April 2026, titled 'Appointment of independent member to the Audit, Risk and Finance Committee', be received.
6. That Council appoints Mr Ron Scott as an independent member of Council's Audit, Risk and Finance Committee for the 2025-2028 triennium.
7. That Council agrees to pay the appointed independent member a meeting fee of \$3,000 per meeting.
8. That the **Resolutions** be transferred into the Open section of the meeting once the successful appointee has formally accepted the appointment.

CARRIED

12.9 APPOINTMENT OF CHIEF EXECUTIVE

RESOLUTION CO26-9.31

Moved: Deputy Mayor M Murray-Benge

Seconded: Mayor J Denyer

1. That the Governance Manager's report dated 28 April 2026 titled 'Appointment of Chief Executive' be received.
2. That Council:
 - a. Appoints Matthew Potton as Chief Executive for the Western Bay of Plenty District Council, with effect from 11 May 2026, to undertake the responsibilities, duties and powers of a Chief Executive under the Local Government Act 2002, and any other enactment.

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- b. Agrees that the appointment be on the terms and conditions negotiated and recommended by the Chief Executive Employment Subcommittee.
 3. That Council delegates to Matthew Potton the same authorities as were conferred on the Interim Chief Executive (**Attachment 1**), with effect from 11 May 2026, and that Council subsequently reviews these delegations.
 4. That Council, with effect from 11 May 2026, discharges Miriam Taris from and appoints Matthew Potton to the following organisations:
 - Bay of Plenty Local Authority Shared Services Limited (BOPLASS)
 - Priority One – Executive Board Member
 - SmartGrowth Implementation Group (Chief Executives)
 - Bay of Plenty Chief Executives Forum.
 5. That the **Resolutions** be transferred into the Open section of the meeting once Council has formally made the appointment and the employment contract has been executed.

CARRIED

The Meeting closed at 3.41pm.

Confirmed as a true and correct record at the Council meeting held 25 June 2026.

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Mayor J Denyer
CHAIRPERSON / MAYOR