

banning them from being able to use Tuapiro Point would limit the number of people who could care for the area.

Jane Savill spoke to the success of the work at the Seaview Safari Camp and the contribution the camp had made to the Katikati Community. She was passionate about the work that the camp did and did not want future generations to be penalised by not being able to use Tuapiro Point. She advised that she would be happy to be adhere to restrictions of use if it meant the area would stay open to horse riders. In response to a question, she advised that, in her opinion, their group did not overuse or crowd the beach.

Jo Schimanski spoke in support of her written submission. She advised of the need for groups to compromise, the natural environment of Tuapiro Point and felt the horse riders had been unfairly singled out in this instance.

PP14.2.5

Submission 49, 311: Raewyn O'Hara; Submission 369: Duncan Sharpe France; Submission 389: Sonja Gordon; Submission 393: Denyse Cambie; Submission 395, 415: Lizette Turnbull

Sonja Gordon advised of her passion for horses and the use of Tuapiro Point. She explained that Tuapiro Point was an oasis for the community and asked that a long term solution conducive to all parties be discussed rather than just banning the use of the area.

Lizette Turnbull advised that as a primary school teacher she was concerned for the youth of Katikati and explained the skills that young riders learned as they learned to ride in safe environments like Tuapiro Point. She was concerned that closing Tuapiro Point to young riders would make horse riding less accessible to young people in the area especially when she felt the community was quite happy to follow clear protocols in using the area. In response to questions, Ms Turnbull advised there were around 120 young riders in the greater Tauranga area and approximately 40 in Katikati, and that some of those riders were of Māori descent.

Denyse Cambie explained her concerns around the transparency of the bylaw process and the reasoning behind the draft bylaw changes. She advised that from a riding perspective Tuapiro Point was very safe and opened up opportunities to ride for those who otherwise would not be able to and how other available beaches were not comparable particularly for novice or inexperienced riders. She believed the issues caused during peak season could be resolved with regulations and that there were far more concerning contributing factors to pollution in the harbour and damage to the area than horses and their riders. In response to questions Ms Cambie advised that she had seen no scientific evidence to prove that horses were doing any more danger to the kaimoana beds than people would.

Duncan Frances Sharpe explained he was not a horse rider but did enjoy the use of Tuapiro Point and had concerns that that community were not being heard regarding their opposition to the draft bylaw changes. In

response to questions he advised that horse riders had not impeded his ability to enjoy Tuapiro Point and that as a geologist had not seen any evidence of the reported damage that had led to the draft changes.

Raewyn O'Hara explained that as horses had served in wars for hundreds of years that the use of Tuapiro Point should remain open to them to enrich their lives and those of the riders. She was concerned that there were few places where riders and their horses could go.

3.57pm

The meeting was adjourned.

4.04pm

The meeting was reconvened.

PP14.2.6

Submission 447: Susan Woodcock; Submission 476 and 477: Robert and Emma Bostock; Submission 478: Thelma Williams; Bridget Weller

Thelma Williams asked for the opposing groups to negotiate and for compromise to take place. She explained that she regularly walked at Tuapiro and rarely saw horses and riders and that she believed the kaimoana seabeds were already compromised and horses were not contributing to the damage.

Emma Bostock advised that she would likely need to close her business, Horse Sense Ltd, if Tuapiro Point was closed to riders. Horse Sense Ltd taught novice and inexperienced riders of all ages how to ride and Tuapiro Point was the only safe beach in the area to do this. She also explained that she was very passionate about the environment and did not feel that horses were causing the issues reported at Tuapiro Point. She also advised that she had felt intimidated by those who had opposed the horse riders view point in the community and advised that while riding to the Council building, drivers had been needlessly aggressive when she and a group of riders had delivered a petition.

Bridget Weller spoke to a tabled document and advised that she thought that the equestrian community were very respectful of others and their environment. She had found that Tuapiro Point worked well as a reserve and there always seemed to be space for everyone who was using it at the time. She very rarely saw horse manure but did often see rubbish there and felt that the equestrian community had been unfairly blamed for the issues at Tuapiro Point.

Susan Woodcock introduced herself to the Committee and advised that she had lived in Katikati for 21 years, had owned horses for a long time, had two children who rode horses and Tuapiro Point was an ideal location for them to ride and for horses to be trained. She explained that, in her opinion, removing horses from the area would not solve the environmental issues. She explained that there had been increasingly less safe areas for riders in the area with properties becoming more private due to health and safety requirements. In response to questions she advised that riders use the water in Tuapiro Point for repairing horses and resistance training.

PP14.2.7

Submissions 489, 545: Ronald Guy; Submission 490: Genevieve Denzie; Submission 503: Alayna Rogers; Submission 509: Diane Free; Submission 561: Samantha Free; Submission 517: Jamie Symes; Submission 518: Adam Symes; Submission 580: Bernadette Heibner; Submission 499: Leonie Rogers

Samantha Free advised she was ten years old and loved riding at Tuapiro Point. In response to a question she advised that Tuapiro was a safe environment for her to ride and that she took her horse into the water there.

Diane Free explained that she had been riding at Tuapiro Point over the last eight years and enjoyed this because it was a safe, family environment that was good for young and novice riders. She spoke to a tabled document and reiterated previous points about other riding areas being further away and not as safe as Tuapiro Point, that the signage and maps a Tuapiro Point were unclear, that most equestrians were respectful of the environment, that horse manure was not toxic and that there were far worse contaminants in the harbour that needed addressing.

Adam Symes was six years old and explained that he enjoyed riding at Tuapiro Point because it was safe, there were lots of places without electric fences and cars and he could practise cantering and trotting his horse safely. He advised that he did ride in the water and that it was difficult to find other places to ride because of health and safety restrictions. His sister Jamie also spoke and advised that she rode and swam her horse at Tuapiro Point.

Bernadette Heibner spoke on behalf of Leonie Rogers (Submission 499). She advised of concerns that Ms Rogers had had that the information provided by Council staff that the public open days regarding the draft bylaw change had been misleading and that this had unfairly represented horse riders at Tuapiro Point.

Alayna Rogers spoke to her submission about her concern that, if Tuapiro Point closed, additional pressure would be put on other beaches like Waihi Beach that had less available access and parking facilities.

Ronald Guy spoke to a tabled document and advised he was the Chairperson for the Adult Riding Club. He was concerned that riders had been harassed at Tuapiro Point and questioned if Council had really thought through the proposed changes from the entire community's perspective. He endorsed what previous submitters had said about the nature of pollution in the harbour and advised that the Riding Club encouraged the collection of manure by riders.

Genevieve Denzie spoke to her written submission and endorsed what previous submitters had said and made the following points:

- Tuapiro Point was an important recreational area used by many groups.

- She questioned the legality of banning one group of people from using Tuapiro Point and discussed the ill will that this proposal had caused in the equestrian community.
- The Council needed to balance the cultural and practical needs of the wider community.
- Signage at Tuapiro Point needed to be updated with clear information as to where riders should not be riding.
- Māori Sovereignty of the land could still be recognised without banning users of Tuapiro Point.

Bernadette Heibner spoke to her own submission and described the draft bylaw as extremely unjust. She advised she was not a rider herself but was concerned about the difference of opinions within the community and asked that opposing group compromised and co-operated and that Council listen to both views. She also believed that it was unfair to single out a specific group of users at Tuapiro Point.

PP14.2.8

Submission 525: Natalya Zajac-Wiggett; Submission 530: Mesha Zajac-Wiggett; Submission 547: Katie Rousell; Submission 563: Ian Noble; Submission 567: Lynn Bode; Submission 568: Kirsten Louise Symes

Chris Jones addressed the Committee and explained that Tuapiro Point was an important resource to the equestrian community because it was appropriate for riders of all ages and stages. While it was important that the area be preserved, Council should also be looking to promote recreational spaces rather than reducing them.

Natalya Zajac-Wiggett, a seven year old rider, explained that Tuapiro Point was one of her favourite places to ride.

Mesha Zajac-Wiggett described Tuapiro Point as a relaxing and healing place for both horses and riders and explained that the calm water made it a great place for novice and young riders to learn to ride and swim horses. She asked that consideration be given to improving the quality, accuracy and locations of the signage at Tuapiro Point.

Ian Noble advised that he was a patron of the Katikati Hack and Hunters Club and acknowledged the passion of those who had already spoken. He explained that the signage at Tuapiro Point was confusing and that the pine trees in the area needed replanting. He spoke to a letter to the editor from the Katikati Advertiser (June 21, 2018) that he tabled advising that swan faeces from the local black swan population was of more concern than horse manure and asked that consideration be given to what areas horses could be ridden in, that signage be updated and improved and that the Council make their decision based on evidence, taking into consideration the passion of the community.

Katie Rousell spoke to a tabled document regarding her submission. She explained she had been riding for many years and had aspirations to ride professionally. She also tabled an article about the "Ride for Road Safety"

event that she had organised as part of a national campaign to highlight the dangers of riding horses on the road. She explained that the success of competitive horse riding in New Zealand was in being able to ride in places like Tuapiro Point and that Katikati had many proud young equestrians.

Lynn Bode, a 17 year old German exchange student explained that she had come to Katikati to experience horse riding on the beach. This had been a very special experience for her and she felt Katikati would lose international students like herself if Tuapiro Point was closed to riders.

Kirsten Symes made the following points about her submission:

- Horse riding was a family activity.
- Tuapiro Point was a critical riding location in the area due to proximity, facilities like parking.
- In her experience all recreational users of Tuapiro Point got on well together.
- Opening up beaches in Te Puna and Omokoroa would take the pressure off Tuapiro Point.
- Suggested permitting for large groups who wanted to use the beach.
- She had seen no research proving that horses were damaging the area any more than any other users and was concerned the equestrian community were being unfairly blamed.
- Efforts should be made to address all forms of pollution in the Tuapiro Point area.
- She had concerns about riders experiencing intimidating behaviour while riding at Tuapiro Point.

PP14.2.9

Submission 422: Richard Prince; Submission 164: Jill Jackson; Submission 430: Libby Ward; Submission 437: Colette Lemon; Submission 439: Barbara Jacobson; Submission 153: Anthony (Ross) Collins; Submission 131: Marion Hall; Submission 444, 619: Sally Jane Goodyear; Submission 445: Michelle Raitak

Jill Jackson asked the Committee why members of Ngati Te Wai had not approached riders earlier if they had had issues with the use of Tuapiro Point. She was also concerned about reported intimidation of horse riders.

Libby Ward showed the Committee a photo of her and her family with their horses. She advised that they did not use Tuapiro Point very often but that their time there represented family and she did not support the closing of Tuapiro Point to horse riders.

Barbara Jacobsen explained that she, like many riders, thought of Tuapiro Point as her backyard and were respectful for the environment. She believed that horse riders were not the issue in the area. As the teacher in charge of equestrian at Katikati College she did not support the closing of the beach to horse rider because young riders needed safe places to ride. She asked that Council respect the overwhelming number of submissions that did not support the draft bylaw change and recognise the need for Tuapiro Point to remain open to horse riders.

Colleen Lemon advised that her family are all horse riders and asked how banning any activity that encouraged well being was an option for Council. She agreed that Tuapiro Point needed to be protected but for the benefit of all users.

Marion Hall spoke to a tabled document regarding her opposition to the bylaw change.

Ross Collins explained that he was supportive of horse riding at Tuapiro Point.

Michelle Raitak spoke to a tabled document and powerpoint presentation about the positive impact her daughters horse riding had had on her family. She encouraged the Council to take on board the feedback from the community and make a positive decision regarding the future of Tuapiro Point. She explained that, in her opinion, banning horses from Tuapiro Point would not fix the environmental issues there and asked that members of the community not be excluded from Tuapiro Point.

Richard Prince spoke to a tabled document regarding some research he had done on kaimoana at Tuapiro Point, and asked that Council sought to do their own research independently of what they had received from other parties and make decisions about the bylaw based on facts and not feelings.

Sally Goodyear also spoke to a tabled document stating that access to beaches was of national concern and, to the best of her knowledge, the Western Bay of Plenty District Council was the only Council trying to ban horse riding from its beaches. She thought that opening up more beaches for horse riding would take pressure off Tuapiro Point and requested that Tuapiro Point stay open for horse riders but that the activity be limited to areas where no damage could be done. She spoke to the issues of numbers of horses on the beach, horse manure, improved signage and solutions other Council had implemented.

PP14.2.10

Submission 100: Boyd Jones; Submission 454: Michael Riki Kiriwai Nelson (and on behalf of Submission 459: Tangata Whenua Members of the Partnership Forum and Submission 188; Bay of Plenty Regional Council)

Boyd Jones addressed the Committee and advised that horse manure was an issue at Tuapiro Point and that it was not harmless. He explained that organisms pathogenic to humans including Clostridium tetani were gut borne in horses and could be found in their manure. When approaching riders with regards to cleaning up after their horses, he had found riders to be extremely disrespectful. He supported horse riding at Tuapiro Point as long as riders took responsibility for their horse's manure and removed it from the area.

Riki Nelson introduced himself via mihi and gave apologies for those who had initially planned to speak with him as they were attending a tangi. He explained the cultural and historic significance of Tuapiro Point to Ngati Te Wai and spoke to a tabled document about the Ngati Te Wai proposal for Tuapiro Point including the following points:

- Ngati Te Wai were committed to a progressive solution that met the needs of both the Ngati Te Wai and the equestrian community.
- The importance of the practice of collecting kaimoana from the kaimoana beds at Tuapiro Point to Ngati Te Wai and the affects of horse manure on that practice.
- Concern was raised about the response of some individuals in the equestrian community to the draft bylaw process towards Council and local Māori.
- Proposed solutions moving towards an amicable solution for all parties involved.

In response to questions, Mr Nelson clarified the following:

- Ngati Te Wai sought to ban horse riding altogether on the southern side of the spit.
- The large group of users that their submission had referred to was the Seaview Safari Camp. Ngati Te Wai supported the work of the camp and were happy to negotiate with the camp owners.
- Ngati Te Wai had collected photos and video footage cataloguing the damage done by horses to the area over a period of time.

PP14.3

Receiving Submissions to the Draft Reserves and Facilities Bylaw

Following the hearing of all submissions to the draft Reserves and Facilities Bylaw the Policy Committee considered the following recommendation:

Resolved: Mackay / Marsh

THAT all written and verbal submissions to the Reserves and Facilities Bylaw be received and submitters thanked for their submissions.

The meeting adjourned at 7.23pm.

Western Bay of Plenty District Council

**Minutes of Meeting No. PP14 of the Policy Committee
held on 27 September 2018 in the Council chamber, Barks Corner, Tauranga
commencing at 9.30am**

Present

Councillor D Marshall (Deputy Chairperson), Councillors G Dally, M Dean, M Lally, P Mackay, K Marsh, M Murray-Benge, J Palmer, J Scrimgeour, D Thwaites and His Worship the Mayor G J Webber

In Attendance

M Taris (Chief Executive Officer), G Allis (Deputy Chief Executive), R Davie (Group Manager Policy, Planning and Regulatory Services), E Watton (Policy and Planning Manager), C Steiner (Senior Policy Analyst (Consultant), P Watson (Reserves and Facilities Manager), G Payne (Strategic Analyst), J Rickard (Senior Policy Analyst), F Begley (Community Relationships Manager), C Nepia (Māori Relationships and Engagement Advisor), R Woodward (Communications Advisor), G Stevens (Senior Consents Planner), F Sweeney (Governance Management Advisor) and M Parnell (Governance Advisor)

Community Boards

A Sole (Chairperson, Waihi Beach Community Board), J Dugmore (Member, Te Puke Community Board) and N Mayo (Member, Katikati Community Board)

Others

Ten members of the public.

Apologies

An apology for lateness was received from Councillor Dally. It was noted that Councillors Murray-Benge and Williams were on leaves of absence.

Resolved: Mayor Webber / Mackay

THAT the apology for lateness from Councillor Dally be accepted.

The Chairperson welcomed everyone to the meeting and thanked those in the public gallery for taking an interest in this discussion. He explained that the public hearing had taken place on 6 August 2018 and that the Committee would now deliberate on the decision at hand.

PP14.4 **Deliberations on the Draft Reserves and Facilities Bylaw 2018**

The Policy Committee considered a report from the Senior Policy Analyst (Consultant) dated 18 September 2018 as circulated with the agenda. She spoke to a tabled powerpoint presentation and gave a summary of the process so far.

She described the initially proposed changes and the feedback received during the consultation period. She summarised the feedback received that both supported and did not support the initial proposal. She also described the issues and options process that Council was required by the Local Government Act to follow in its deliberations process.

Resolved: Marshall / Mackay

1. *THAT the Senior Policy Analyst (Consultant) report dated 18 September 2018 and titled Deliberations on the Draft Reserves and Facilities Bylaw 2018 be received.*
2. *THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*
3. *THAT the 'Beaches for Everyone' petition delivered to Council's Barks Corner office on 3 August 2018 opposing the proposed ban of horses at Tuapiro Point be received as a late submission to the Draft Reserves and Facilities Bylaw.*

Issue 3: Broader Review of Horse Riding Areas (Operational)

The Senior Policy Analyst (Consultant) advised of the issues and options for issue three and how they responded to the feed back received during the consultation process. She also explained how this would impact staff work programmes and funding streams. She advised that other like Councils bylaws were permissive of horse riding on their beaches.

Resolved: Mackay / Thwaites

4. *That in response to Issue 3: Broader review of horse riding areas, the Policy Committee approves the following:*

Option 3A:

Undertake a review to identify additional opportunities for the provision of horse riding areas in the district in the 2019/20 financial year with the key stakeholders.

Reasons:

- *Responds to submission feedback on this issue.*
- *Addresses concern of the limited number of safe horse riding opportunities in the Western Bay.*

PP14.4.1

Issue 1: Use of Horses at Tuapiro Point (Bylaw Change)

The Senior Policy Analyst (Consultant) advised of the issues and options for issue one and the advantages and disadvantages for each including the options for an amended status quo.

In response to a question it was confirmed that the options available alongside the amended status quo could be picked and chosen from by the Committee.

The Senior Policy Analyst (Consultant) described each of the status quo amended options and explained that they had been developed from feedback received during the consultation process. She also explained, as directed by Council at its workshop, that staff, Ngati Te Wai and key stakeholders had met on site at Tuapiro Point and had discussed options that might lead to a compromise on the use of Tuapiro Point for horse riders. She referred to maps showing the current operative bylaw and the proposed permitted area amendments.

In response to questions, staff advised:

- The current parking arrangements at Tuapiro Point were not being affected by the proposed changes, but that the proposed map could be amended to clarify this.
- The review of horse riding areas would take into consideration the future area that Ngati Te Wai had proposed horses could be ridden as per their tabled document at the hearing.
- Western Bay of Plenty District Council's bylaw did not have jurisdiction beyond the mean low water springs (e.g. beyond the low tide line).
- In discussions with key stakeholders it was indicated there was no preference for horse riders to ride along the grassed or forested areas at Tuapiro Point.
- The road leading to the toilet facilities was not a public road and the bylaw applied to it.
- The channel at Tuapiro Point was governed by the Bay of Plenty Regional Council, as it was beyond the mean low water springs.
- It had been established that signage at Tuapiro Point was not sufficient and staff had suggested that using natural landforms like the island and the sea grass as boundaries so that the public could use and enjoy Tuapiro Point in its natural form without the area being cluttered with signage.
- If the Committee chose to include a permit system for horses at Tuapiro Point, this would be an annual permit for riders.
- Permitting for larger groups could be used to get information about who was using the area or as an enforcement tool to limit large groups.

The Committee discussed the following issues:

- There was no agreement with the need for seasonal restrictions, introducing a permit system or limiting large groups but these could be revisited in the wider review of horse riding in the district.
- The Code of Conduct could be available for riders via an app.
- There was a requirement to educate users of Tuapiro Point of the cultural significance of the site.

Resolved: Mayor Webber / Marsh

Option 1C:

Amended status quo (Appendix C) including the options outlined below:

Permitted area amendments

Continue to permit horses at Tuapiro Point subject to conditions outlined in Clause 13.

Amend Schedule 1 of the bylaw to reflect proposed changes to permitted horse riding areas around Tuapiro Point including clarification regarding the parking area for horse floats and access to the permitted area connecting the public road to the foreshore.

Reasons:

- *Seeks to achieve a compromise between the issues raised by Ngati Te Wai and the issues raised by the horse riding community.*
- *Tuapiro Point is a popular location for horse riders.*
- *Majority of submissions did not support removing Tuapiro Point as a permitted site (96%).*
- *Continues to provide six locations for horse riders to access in accordance with the Bylaw.*
- *A range of potential improvements could be made within the bylaw and operationally (many suggested by submissions) to better manage the impact of the use of the area by horse riders.*

Code of conduct

Develop horse riders code of conduct in conjunction with horse riding representatives and include code of conduct information in the bylaw, on Council's website and in Council communications.

Reasons:

- *Sets out clear expectations of use.*
- *Approach successfully used in Auckland Regional Parks.*
- *Can be used by different clubs to encourage responsible use by their members.*

10.52am

The meeting adjourned for morning tea.

11.10am

The meeting reconvened.

PP14.4.2 **Issue 3: Broader Review of Horse Riding Areas (Bylaw Change)**

The Senior Policy Analyst (Consultant) explained the advantages of including the proposed clause.

Resolved: Mayor Webber / Mackay

To add to Clause 13.1 (c) In a reserve or on a beach where there is dedicated signposted horse riding trails.

PP14.4.3 **Issue 4: Drones**

The Senior Policy Analyst (Consultant) explained the issues and options for issue four and the advantages and disadvantages of each.

In response to a question staff advised that Council had made a resolution in 2015 to signal its permission as a land owner for those who wanted to use drones on Council reserve land as long as users followed CAA regulations and did not cause a nuisance to other users of the reserve land.

Resolved: Mayor Webber / Mackay

Option 4B:

Continue as per proposed bylaw (Appendix A)

Reasons:

- *Reflects existing Council direction on this issue.*
- *Recognises that there have been no known issues regarding the use of RPAS on Council land.*
- *Clear and simple approach to allowing for this use to occur, avoiding confusion about where RPAS can and cannot fly.*
- *Ensures compliance with CAA regulations and provides flexibility should these regulations change in the future.*

PP14.4.4 **Issue 5: Vehicles on Beaches**

The Senior Policy Analyst (Consultant) explained the issues and options for issue five and the advantages and disadvantages of each.

In response to a question, staff advised that section 10.1 of the bylaw allowed for people who need to use their vehicles on the beach to obtain written permission from Council to do so.

Resolved: Mayor Webber / Dean

Option 5B:

Amendments to Clause 10 of operative bylaw

Reasons:

- *Ensures community are aware that regional provisions may also apply.*

Resolved: Marshall / Dean

5. *THAT the Policy Committee recommends to Council for adoption the Reserves and Facilities Bylaw 2018 inclusive of the following amendments:*

*Issue 1: Horses at Tuapiro Point****Option 1C:***

Amended status quo (Appendix C) including the options outlined below:

Permitted area amendments

Continue to permit horses at Tuapiro Point subject to conditions outlined in Clause 13.

Amend Schedule 1 of the bylaw to reflect proposed changes to permitted horse riding areas around Tuapiro Point including clarification regarding the parking area for horse floats and access to the permitted area connecting the public road to the foreshore.

Reasons:

- *Seeks to achieve a compromise between the issues raised by Ngati Te Wai and the issues raised by the horse riding community.*
- *Tuapiro Point is a popular location for horse riders.*
- *Majority of submissions did not support removing Tuapiro Point as a permitted site (96%).*
- *Continues to provide six locations for horse riders to access in accordance with the Bylaw.*
- *A range of potential improvements could be made within the bylaw and operationally (many suggested by submissions) to better manage the impact of the use of the area by horse riders.*

Code of conduct

Develop horse riders code of conduct in conjunction with horse riding representatives and include code of conduct information in the bylaw, on Council's website and in Council communications.

Reasons:

- *Sets out clear expectations of use.*
- *Approach successfully used in Auckland Regional Parks.*
- *Can be used by different clubs to encourage responsible use by their members.*

Issue 3: Broader Review of Horse Riding Areas

To add to Clause 13.1 (c) In a reserve or on a beach where there is dedicated signposted horse riding trails.

*Issue 4: Drones***Option 4B:**

Continue as per proposed bylaw (Appendix A)

Reasons:

- *Reflects existing Council direction on this issue.*
- *Recognises that there have been no known issues regarding the use of RPAS on Council land.*
- *Clear and simple approach to allowing for this use to occur, avoiding confusion about where RPAS can and cannot fly.*
- *Ensures compliance with CAA regulations and provides flexibility should these regulations change in the future.*

*Issue 5: Vehicles on Beaches***Option 5B:**

Amendments to Clause 10 of operative bylaw

Reasons:

- *Ensures community are aware that regional provisions may also apply.*

Resolved: Marshall / Mayor Webber

6. *THAT pursuant to s155 of the Local Government Act 2002, the Policy Committee recommends to Council that the Reserves and Facilities Bylaw 2018 as amended is the most appropriate way of addressing the perceived problem, is the most appropriate form of bylaw, and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.*
7. *THAT the Policy Committee recommends to Council that the Reserves and Facilities Bylaw 2018 become effective on 9 November 2018 and that the Reserves and Facilities Bylaw 2012 be revoked as at that date.*

Issue 2: Bylaw Implementation

The Senior Policy Analyst (Consultant) explained the issues and options for issue two and the advantages and disadvantages of each.

In response to questions, staff advised as follows:

- Fencing suggested.
- That signage regarding the use of Tuapiro Point at the parking area be installed where horse floats park.

Resolved: Scrimgeour / Palmer

8. *THAT in response to Issue 2: Bylaw implementation, the Policy Committee approves the following:*

Option 2A:

Implement a range of improvements to better manage the use of horses at Tuapiro Point:

- *Improve signage at Tuapiro Point*
- *Improve education on bylaw requirements and values of Tuapiro Point*
- *Monitoring approach*

Reasons:

- *Responds to submissions identifying potential improvements to the management of horses at Tuapiro Point.*
- *Clarifies expectations of use.*
- *Work with the Ngati Te Wai and the horse riding community to implement improvements to ensure they are effective.*

Resolved: Mayor Webber / Mackay

9. *THAT the Policy Committee direct staff to develop a Decision Story that gives effect to the resolutions from this meeting, and recommends to Council that the Decision Story be adopted alongside adoption of the final bylaw and provided to submitters as a formal response to submissions made.*

The meeting concluded at 11.44am.

Western Bay of Plenty District Council

**Minutes of Meeting No. PP16 of the Policy Committee
held on 18 October 2018 in the Council Chamber, Barks Corner, Tauranga,
commencing at 9.30am**

Present

Councillor D Marshall (Deputy Chairperson), Councillors G Dally, M Dean, P Mackay, K Marsh, M Murray-Benge, J Palmer, D Thwaites and His Worship the Mayor G J Webber

In Attendance

M Taris (Chief Executive Officer), G Allis (Deputy Chief Executive), R Davie (Group Manager Policy, Planning and Regulatory Services), E Watton (Policy and Planning Manager), P Martelli (Resource Management Manager), P Watson (Reserves and Facilities Manager), J Rickard (Senior Policy Analyst), S Stewart (Policy Analyst), J Rauputu (Recreation Planner), M Leighton (Senior Policy Analyst) and A Alty (Democracy Advisor)

Community Boards

A Sole (Chairperson, Waihi Beach Community Board), M Grainger (Chairperson, Omokoroa Community Board)

Others

One member of the public

Apologies

An apology for absence was received from Councillor Lally and Councillor Scrimgeour. It was noted that Councillor Williams was on leave of absence.

Resolved: Mackay / Murray-Benge

THAT the apology for absence from Councillor Lally and Councillor Scrimgeour be accepted.

Public Forum

Resolved: Mackay / Marshall

THAT the meeting adjourn for the purpose of holding a public forum.

Buddy Mikaere - Funding for Le Quesnoy Armistice Day Function

As a trustee of the New Zealand War memorial Museum Trust Mr Mikaere spoke to Councillors outlining the current renovations being undertaken at Le Quesnoy in France that would become a memorial museum. The town of Le Quesnoy was taken back from enemy forces by New Zealand soldiers a week before Armistice Day in 1918

The historic property would be refurbished and turned into a museum as well as having accommodation available for visitors to the site. Le Quesnoy was just over two hours' drive from Paris and an hour from Passchendaele, and once the memorial was established it was envisaged that this site would become a popular site for New Zealand visitors.

Mr Mikaere was looking for a funding commitment from Council, to assist with the cost of the memorial dedication afternoon tea at the Le Quesnoy museum site on 11 November 2018

Resolved: Murray-Benge / Dean

THAT the meeting be reconvened in formal session.

PP16.1 **Deliberations on the Draft Katikati Waihi Beach Ward Reserve Management Plan 2018**

The Policy Committee considered a report from the Recreation Planner dated 4 October 2018 as circulated with the agenda.

The Recreation Planner spoke to the report and outlined the series of historical meetings and consultation processes undertaken that had been previously held to form the information put forward in the Draft Katikati Waihi Beach Ward Reserve Management Plan. A formal consultation process was run alongside the Reserves and Facilities Bylaw review.

Resolved: Mackay / Marshall

- 1. THAT the Recreation Planner's report dated 4 October 2018 and titled Katikati - Waihi Beach Ward Reserve Management Plan 2018 be received.*
- 2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*
- 3. THAT all written submissions to the Katikati - Waihi Beach Ward Reserve Management Plan process including verbal submissions to*

the Have Your Say day on the 19 July 2018 be received.

4. *THAT in accordance with Section 41 of the Reserves Act 1977, the Policy Committee recommends to Council that the draft Katikati - Waihi Beach Ward Reserve Management Plan 2018 as released for consultation, be adopted including the following:*

Pio Shores Cycle Way/Walkway infrastructure

Resolved: Marshall / Mackay

THAT no provision will be made to construct/upgrade the Pio Shores cycle way/walkway infrastructure and therefore; cyclists and pedestrians will continue to find their way along existing streets and footpaths to Anzac Bay.

Island View Reserve

Resolved: Marshall / Mackay

THAT a new project shall be added to the Katikati – Waihi Beach Ward Reserve Management Plan for Island View Reserve to include the installation of a BBQ and playground subject to the relevant consent/s being sought and obtained from Heritage New Zealand and that funding shall be sought for the project through the 2019/20 Annual Plan with an indicative cost totalling \$225,000.

Tuapiro Point Reserve

Resolved: Mackay / Marshall

THAT new Reserve Management Policies will be added to the Tuapiro Point Reserve as follows:

THAT investigations are carried out to set aside an area of land for equestrian related activities between the driveway into the reserve and the inner side of the estuary.

THAT horse riding is permitted within a restricted area as per schedule one of the Reserves and Facilities Bylaw in recognition of the cultural and ecological significance of this reserve.

THAT in regard to the future management of Tuapiro Point Reserve, a new Reserve Management Policy action will be added as follows:

THAT a process will be jointly developed with Tangata Whenua to partner and collaborate in the future management and development of Tuapiro Point Reserve.

Broadlands Block Reserve:**Resolved:** Mackay / Marshall*THAT all the actions relating to the chip and putt golf course in the Broadlands Block Reserve, are deleted.***Reserve Project Funding****Resolved:** MacKay / Marshall*THAT the Schedule of new reserves projects and as set out in ATTACHMENT 5, are approved.**THAT the Policy Committee approves the draft responses in relation to the submission feedback points on specified reserves and projects as set out in ATTACHMENT 4.**THAT the Policy Committee directs Staff to develop a Decision Story that gives effect to the resolutions from this meeting, and recommends to Council that the Decision Story be adopted alongside the adoption of the final Katikati – Waihi Beach Reserve Management Plan and be provided to submitters as a formal response to the submissions made.*

PP16.2

Proposed Amendments to the Rural Water Supply Extension Policy

The Policy Committee considered a report from the Senior Policy Analyst dated 2 October 2018 as circulated with the agenda.

Resolved: His Worship the Mayor / Dean

1. *THAT the Senior Policy Analyst report dated 24 September 2018 and titled Proposed amendments to the Rural Water Supply Extension Policy 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 policy be amended as per the changes highlighted in Attachment A, and the policy be adopted with immediate effect.*

PP16.3

Omokoroa Domain and Esplanade Area Concept Plan

The Policy Committee considered a report from the Senior Policy Analyst dated 18 September 2018 as circulated with the agenda.

The Senior Policy Analyst spoke to the Omokoroa Domain and Esplanade Area Concept Plan and outlined the history of the workshops and open day

public consultation processes that had been undertaken in developing the report.

Resolved: His Worship the Mayor / Dean

1. *THAT the Senior Policy Analyst's report dated 27 September 2018 and titled Omokoroa Domain and Esplanade area concept plan 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 Policy Committee adopts the concept plan titled Omokoroa Domain and Esplanade, attached as Appendix A to this report.*
4. *THAT the Policy Committee adopts the draft Decision Story attached as Appendix B to this report, and directs staff to disseminate this as soon as practicable as the formal response to those that have given feedback.*
5. *THAT the Policy Committee directs staff to review the concept plan budget and timing of specific concept plan items through the 2019/20 Annual Plan process.*

In answer to questions relating to parking, the park and ride development and future bus stops at Omokoroa the Senior Policy Analyst advised:

- Future bus services were yet to be developed and there would be a watch kept on how the park and ride would develop in the future as the peninsula continued to be developed.
- Every family that came to live or visit the peninsula had an impact on parking, especially at the Domain/Esplanade area.
- There was the opportunity for overflow parking - and this could be used in the future when the need arose.
- The next bus service was due to start on 4 December and signage would be developed to signal this to ensure there were no hold-ups to the proposed service.
- The proposed Parking and Traffic Enforcement Bylaw review would take the factors for future parking and bus stops into consideration, and will be commencing in early 2019.

Council members congratulated and acknowledged the work undertaken by staff in bringing together the concept plan together.

PP16.4

Housing Action Plan

The Policy Committee considered a report from the Senior Policy Analyst dated 27 September 2018 as circulated with the agenda.

The Senior Policy Analyst advised that the development of the Housing Demand and Needs Assessment had been worked on since mid-2017. The Action Plan enabled Council to:

- Respond to the outcomes of the Housing Demand and Needs Assessment 2017.
- Deliver on the SmartGrowth Housing Action Framework
- Set out a clear set of actions where Council, in cooperation with other partners and funders, can progress actions to meet the housing needs of Western Bay residents.
- Define actions where Council, in cooperation with other partners and funders, can progress actions to meet the housing needs of Western Bay residents.

The Senior Policy Analyst proposed the following amendment would be made to the Draft Housing Action Plan Page 81 Item 8 - Amend to read: Continue to support the process of exploring inclusionary zoning to develop affordable housing on a designated block within the Omokoroa Special Housing Area.

Resolved: His Worship the Mayor / Murray- Benge

1. *THAT the Senior Policy Analyst's report dated 27 September 2018 and titled Housing Action Plan 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 Policy Committee adopts the draft Housing Action Plan, attached as Appendix A to this report with the noted amendment.*
4. *THAT the Policy Committee directs staff to provide updates on the Housing Action Plan implementation at six-monthly intervals.*

PP16.5

Receipt of Policy Committee Information Pack No. PP16

The Policy Committee considered the Policy Committee Information Pack No. PP16 dated 18 October 2018 as circulated separately with the agenda.

Resolved: Mackay / Murray-Benge

THAT the open section of the Policy Committee Information Pack No. PP16 dated 18 October 2018 be received and the information noted.

The meeting concluded at 10.27am

PP16

Western Bay of Plenty District Council

**Minutes of Meeting No. RUR10 of the Rural Committee
held on 25 September 2018 in the Council Chamber, Barkes Corner, Tauranga
commencing at 9.30am**

Present

Councillor K Marsh (Chairperson), Councillors G Dally, M Dean, M Lally, P Mackay, D Marshall, M Murray-Benge, J Palmer, J Scrimgeour, and His Worship the Mayor G J Webber

In Attendance

M Taris (Chief Executive Officer), G Allis (Deputy Chief Executive), P Hennessey (Strategic Advisor), G Payne (Strategic Advisor), S Stewart (Policy Analyst), and M Parnell (Governance Advisor)

Apologies

An apology for absence was received from Councillor Thwaites. It was noted that Councillor Williams was on a leave of absence.

Resolved: Mackay / Dean

THAT the apology for absence from Councillor Thwaites be accepted.

Information**RUR10.1 Staff Update**

The Rural Committee considered an information sheet from the Deputy Chief Executive as circulated with the agenda. The Deputy Chief Executive explained that the enclosed document would be updated after each Rural Committee meeting to keep it as updated as possible and would eventually be used as feedback to the Western Bay rural community.

The Deputy Chief Executive explained the programme for today's meeting and advised that the Chief Executive Officer of Tauranga Port would

present to the Committee, would then answer questions and the Committee members would be taken on a tour of the Port.

Resolved: Murray-Benge / Mayor Webber

THAT the report from the Deputy Chief Executive be received.

Local Government Official Information and Meetings Act

Exclusion of the Public

Schedule 2A

Resolved: Marsh / Lally

THAT the public be excluded from the following part of this meeting namely:

- *Port of Tauranga*

The general subject to 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(1) 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(1) for the passing of this resolution
<i>Port of Tauranga</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>Protect information where the making available of the information: (i) would disclose a trade secret; or (ii) would be likely to prejudice the commercial position of the person who supplied or who is subject of the information</i>

THAT pursuant to Standing Orders 2.16.4 representatives from the Port of Tauranga be permitted to remain after the public have been excluded because of their knowledge of the Port of Tauranga.

Western Bay of Plenty District Council

**Minutes of Meeting No. RH13 of the Regulatory Hearings
Committee held on 8 October 2018 in the Council Chamber
commencing at 1.00pm**

Present

Councillors G Webber (Chairperson), P Mackay, M Murray-Benge, D Marshall, and J Scrimgeour

In Attendance

R Davie (Group Manager Policy, Planning and Regulatory Services), A Curtis (Compliance and Monitoring Manager), A Price (Senior Consents Planner) and M Parnell (Governance Advisor)

1.00pm The meeting was opened and adjourned to allow the Committee members a meal break.

1.27pm The meeting was reconvened.

Leave of Absence

It was noted that Councillor M Williams was on a leave of absence.

Late Item

The Mayor advised there was a late item for the Regulatory Hearings Committee to consider for inclusion in the open section of the agenda, being Appointment of Independent Hearings Commissioners - October 2018.

The reason that this item was not included on the agenda was that due to the recent receipt of the three resource consent applications where Council was the applicant being received after the close of meeting date for production of the staff report and it could not be delayed to the next scheduled Regulatory Hearings Committee meeting because the appointment of commissioners pertains to resource consent applications under a 20 working day timetable and it was not possible to meet statutory compliance if we were to wait until the next scheduled hearing date.

Minutes of RH13 held on 8 October 2018

Resolved: Scrimgeour / Marshall

1. *THAT, in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the following item be considered as a late item of open business:*
 - *Appointment of Independent Hearings Commissioners - October 2018*

RH13.1 **Western Bay of Plenty District Licensing Committee Annual Report 2017/2018**

The Committee considered a report from the Compliance and Monitoring Manager dated 20 August 2018 as circulated with the agenda.

Resolved: Mackay / Scrimgeour

1. *THAT the Compliance and Monitoring Manager's report dated 20 August 2018 regarding the Western Bay of Plenty District Licensing Committee Annual Report 2017/ 2018 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 Regulatory Hearings Committee approves the Western Bay of Plenty District Licensing Committee Annual Report 2017 / 2018 dated 20 August 2018.*

RH13.2 **Annual Report on Dog Control Policy and Practices - 2017/2018**

The Committee considered a report from the Compliance and Monitoring Manager dated 25 September 2018 as circulated with the agenda.

Resolved: Murray-Benge / Scrimgeour

1. *THAT the Compliance and Monitoring Manager's report dated 25 September 2018 and titled Dog Control Policy and Practices - 2017/2018 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 pursuant to Section 10A of the Dog Control Act 1996, the Western Bay of Plenty District Council report on Dog Control Policy and Practices for 2017/2018 be adopted, publicly notified, and forwarded to the Secretary for Local Government.*

RH13.3 Appointment of Independent Hearings Commissioners - October 2018

The Committee considered a report from the Environmental Consent Manager dated 1 October 2018 as circulated separately with the agenda.

Resolved: Marshall / Mayor Webber

1. *THAT the Environmental Consent Manager's report dated 20 June 2018 and titled "Appointment of Independent Hearings Commissioners - October 2018" be received.*
2. *THAT the report relates to issues that are considered to be of low significance in terms of Council's Significance and Engagement Policy.*
3. *THAT the Regulatory Hearings Committee appoints the following Independent Hearings Commissioner to consider and determine the resource consent RC11141L at Western Avenue, Omokoroa.*

Commissioner Russell De Luca

4. *THAT the Regulatory Hearings Committee appoints the following Independent Hearings Commissioner to consider and determine the resource consent RC11135L at 26 Middlebrook Drive, Katikati.*

Commissioner Russell De Luca

5. *THAT the Regulatory Hearings Committee appoints the following Independent Hearings Commissioner to consider and determine the resource consent RC11132L at State Highway 2 & Te Puna Station Road, Te Puna.*

Commissioner Bill Wasley

The meeting concluded at 1.30pm.

RH13

Western Bay of Plenty District Council

**Minutes of Meeting No. PF5 of the Tauranga Moana / Te Arawa
Ki Takutai Partnership Forum held on 2 October 2018
in the Council Chamber, Barks Corner
commencing 10.00am**

Present

Iwi Representatives

Reon Tuanau (Ngai Te Rangi) (Co-Chairperson), Anthony Wihapi (Ngati Moko) (Co-Chairperson), Raiha Biel (Tapuika Iwi Authority), Tania Turner (Ngati Whakahemo), Elva Conroy (Ngati Tuheke), Matire Duncan (Ngā Potiki), Roland Kingi (Ngati Pikiāo), Nessie Kuka (Ngai Tuwhiwhia), Buddy Mikaere (Ngati Pukenga), Riki Nelson (Ngati Te Wai), Maria Horne (Ngati Whakaue), Manu Wihapi (Tuhourangi), Carlton Bidois (Ngati Ranginui) and Hemi Paki (Tauaiti)

Councillors

His Worship the Mayor G J Webber (Deputy Chairperson), G Dally, M Dean, M Lally, P Mackay, D Marshall, J Palmer, and J Scrimgeour.

In Attendance

M Taris (Chief Executive Officer), R Davie (Group Manager Policy, Planning and Regulatory Services), P Tapsell (Workforce Development and Cultural Advisor), C Nepia (Māori Relationships and Engagement Advisor), C Ertel (Project and Design Engineer Team Leader), R Woodward (Communications Advisor), M Parnell (Governance Advisor), and F Sweeney (Democracy Management Advisor)

The Forum was opened with a mihi and waiata from Reon Tuanau Chair for the meeting and a karakia from Manu Wihapi.

Apologies

Apologies for lateness from Councillor Scrimgeour and for absence from Councillors Marsh and Thwaites, and Members Bob Leef (Ngati Taka), Tiki Bluegum (Ngai Tamawhariua), Wiremu Matthews (Ngai Tamarawaho), Kevin Tohiariki (Te Whanau o Tauwhao), and Julie Shepherd (Te Runanga o Pirirakau) were received. It was noted that Councillors Murray-Benge and Williams were on leaves of absence.

Resolved: Nessie Kuka / Matire Duncan

THAT the apologies for lateness from Councillor Scrimgeour and absence from Councillors Marsh and Thwaites, and Members Bob Leef (Ngati Taka) Tiki Bluegum (Ngai Tamawhariua), Wiremu Matthews (Ngai Tamarawaho), Kevin Tohiariki (Te Whanau o Tauwhao), and Julie Shepherd (Te Runanga o Pirirakau) be accepted.

PF5.1 **Minutes of Meeting No. PF4 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum Held on 5 June 2018**

The Tauranga Moana / Te Arawa Ki Takutai Partnership Forum considered the minutes of meeting no. PF4 of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum held on 5 June 2018 as circulated with the agenda. It was noted that Maria Horne was the mandated representative for Ngati Whakaue and that Liam Tapsell was the alternate.

The Forum was advised that an outcome had been reached around the bylaw in regard to Tuapiro Point, and Ngati Te Wai were happy with the result reached to protect some areas of kai moana, and feedback from the hapū was that they were reasonably happy. Riki Nelson also thanked Council for a pragmatic and reasonable decision and staff for their work on this project.

Resolved: Councillors Mackay / Marshall

THAT the minutes of the Tauranga Moana / Te Arawa Ki Takutai Partnership Forum meeting PF4 held on 5 June 2018 be confirmed as a true and correct record.

PF5.2 **Presentation from Aecom - Eastern Stormwater Catchment Plan Review**

The Partnership Forum considered a presentation from Ariell King and Bob Shaw from Aecom on the Eastern Stormwater Catchment Plan. Coral-Lee Ertel introduced the speakers. Bob Shaw and Ariell King spoke to a PowerPoint presentation on the Eastern Stormwater Catchment Plan review.

In response to questions they advised as follows:

- There had not yet been any direct engagement with the Regional Council at this stage, however the Regional Council were aware that the consultation process was underway from the District Council.
- Today was part of the beginning of the Iwi consultation.
- There had been an invitation to have consultation with relevant iwi by way of letters and email but there had not been a strong response so this forum was a way to raise awareness.
- The consents were for the urban areas but the monitoring was being done either side of the urban areas to establish the base line for the streams.

- The consent does not address any issues but to consolidate the 30+ consents, and would address current levels of service.
- The first step was to understand the situation and then to target issues of concern.
- So far there had been meetings with the Maketu and Te Puke Community Boards and the Pukehina Ratepayers Association to get guidance on who to consult with in those communities, in addition to open days and specific stakeholder contact. Notices were also sent out to iwi as identified by Council.
- The project had not yet reached the stage of identifying the standards and compliance requirements but these would be part of the document lodging the application for the consent.
- The objective of the plan was to lift the standard and quality of the fresh water.
- Location of stormwater ponds and wetlands would be the next stage.
- The key thing for this project was to ensure there was a fair capture of cultural values of iwi in the consent.

It was noted that this forum was not the appropriate place for iwi consultation and the Council should be approaching iwi directly for those involved in this consent.

It was also noted that when Tauranga City used a similar process the consent was challenged as iwi concerns were not addressed. It was also noted that effects of stormwater went across several catchments. The majority of iwi concerns were environmental and information was needed as to the baseline impacts of runoff from industrial and urban areas.

The Chair summarised the presentation noting that there was a desire to see strong reference to cultural values, and a request for direct discussion with the Te Arawa representatives on this process which will be facilitated with the help of the Takawaenga team. He thanked the presenters for their attendance and information.

10.50am
11.10am

The forum adjourned for morning tea.
The forum reconvened.

PF5.3

Partnership Engagement Agreements

The Partnership Forum considered a report from the Māori Relationships and Engagement Advisor dated 2 October 2018 as circulated with the agenda. The Māori Relationships and Engagement Advisor and Workforce Development and Cultural Advisor gave a powerpoint presentation on the partnership engagement agreements, noting that the decision to adopt the agreements would be deferred to give the Iwi more time to consider the proposals.

In responding to questions the following matters were clarified:

- This form of agreement was intended to support work at the operational level, and future meetings would address the Mana Whakohono ā Rohe agreements.
- Te Ara Mua was at a higher level and this was more about how Council would work with Iwi on a project level.
- There was a desire for consistency with Council's work with iwi and hapū
- This was not intended to be an all encompassing document but was aimed at a specific project level.
- Once this Council got to work through a Mana Whakohono ā Rohe agreement some of the issues raised would be addressed at a higher level.
- The document did not solely relate to cultural monitoring, but contained a cultural monitoring element.
- Either party (Council or Tangata Whenua) could instigate use of the agreement.

In discussion of the document, the following points were made:

- Ngati Ranginui iwi had not been involved in the Tauriko discussions and raised that concern that this had not occurred with consultations focussed on hapū.
- Tauranga City Council also had an engagement protocol which this did not address.
- At a governance level the overarching structure for appropriate consultation was yet to be addressed.
- The RMA stipulates engagement with iwi and the cultural issues between iwi and hapū should be left to Tangata Whenua.
- The agreement was simple and easy to read and use.
- Council did not have the right to stipulate who should sort out issues between iwi and hapu, and this should not be put on a single kaumatua.
- The intent was to establish mutual respect.
- Areas of interest needed to be addressed in the document.
- Perhaps Iwi could provide nominations for cultural monitoring (an approved list).

11.30am

Councillor Scrimgeour entered the forum.

More time would be allowed for Tangata Whenua to go through the document and feedback would come back to Council in due course to ensure confidence in signing off the document.

It was noted that this morning's example of the request for engagement on the stormwater catchment was an example of where such an agreement could be used.

It was suggested that there be a workshop to move the agreement forward and that members of the Tauriko project should participate to

show how such agreements could work, including the opportunity for all to review documentation prior to the workshop.

It was agreed that Council staff establish a date for a workshop convenient for all to progress this mahi.

Resolved: Matire Duncan / Maria Horne

THAT the Māori Relationships and Engagement Advisor's report dated 2 October and titled Partnership Engagement Agreements be received.

Western Bay of Plenty District Council

Minutes of Meeting No. JG6 of the Tauranga City Council/Western Bay of Plenty District Council Joint Governance Committee held on 17 October 2018 in the Council Chambers, Barks Corner, Tauranga commencing at 3.10 pm

Present

Tauranga City Council

His Worship the Mayor Greg Brownless and Deputy Mayor Kelvin Clout

Western Bay of Plenty District Council

His Worship the Mayor Garry Webber (Chairperson)

It was noted that Deputy Mayor Williams was on leave of absence.

In Attendance

Tauranga City Council

Marty Grenfell (Chief Executive Officer), Anne Blakeway (Manager CCO Relationships and Governance) and Jacinda Lean (General Manager CE Group (Acting) Tauranga City Council)

Western Bay of Plenty District Council

Miriam Taris (Chief Executive Officer), Frank Begley (Community Relationships Manager), Aileen Alty (Democracy Advisor)

JG6.1

Minutes from the Tauranga City Council/Western Bay of Plenty District Council Joint Governance Committee JG5 dated 8 August 2018

The Committee considered minutes from the meeting JG5 of the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee dated 8 August 2018 as circulated with the agenda.

Resolved: Deputy Mayor Clout / Mayor Brownless

THAT the minutes from the Tauranga City Council/Western Bay of Plenty District Council Joint Governance Committee (JG5) as circulated in the agenda and held on 8 August 2018 be confirmed as a true and correct record.

Resolved: Mayor Brownless / Deputy Mayor Clout

THAT the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee:

- (a) Receive the report titled Joint Governance Committee 2019 Meeting Schedule.*
- (b) Approves the recommended meeting date schedule for 2019.*
- (c) THAT the report relates to an issue that is considered to be of low significance in terms of both Tauranga City and Western Bay of Plenty District Councils' Significance and Engagement Policies.*

Local Government Official Information and Meetings Act

Exclusion of the Public

Schedule 2a

Resolved: Mayor Brownless / Deputy Mayor Clout

THAT the public be excluded from the following part of this meeting namely:

- *Minutes of Joint Governance Committee (JG5) 8 August 2018*
- *2018 Appointment of Trustees to Tourism Bay of Plenty*

The general subject to 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(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under Section 48(1) for the passing of this resolution</i>
<i>Minutes of Meeting Closed JG5 -8 August 2018</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist</i>	<i>For reasons previously stated in the relevant minutes.</i>
<i>2018 Appointment of Trustees to Tourism Bay of Plenty</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>To protect the privacy of natural persons.</i>

COMPLETED - Completed Minute Action Sheets- Open - Council C21 2018

Minutes Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
C1418.9 05 Apr 2018	Storm Water Easement Over Part of the Te Puna Estuary Esplanade Reserve	LPOR - LEGAL PROPERTY OFFICER RESERVES FACILITIES	<p>1. THAT the Legal Property Officer Reserves and Facilities' report dated 12 March 2018 and titled Storm Water Easement Over Part of Te Puna Estuary Esplanade Reserve be received.</p> <p>2. THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance.</p> <p>3. 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 storm water easement shown on the attached plan (Attachment A) to allow Lot 7 DP 483940 to discharge stormwater over Lot 5 DPS 28412.</p>	<p>18/10/2018 - A and I supplied for registration</p> <p>28/09/2018 - Council approval given</p> <p>20/09/2018 - Easement instrument sent to applicants solicitor</p> <p>12/09/2018 - Survey plan supplied</p> <p>15 May 2018 - Await response as below.</p> <p>23/04/2018 - Advised applicant 11/04 to proceed with supplying survey plan of easement</p>	COMPLETE
C1818.5 09 Aug 2018	District Licensing Committee Membership	CMM - COMPLIANCE AND MONITORING MANAGER	<p>1. THAT the Compliance and Monitoring Managers report dated 20 July 2018 and titled District Licensing Committee Membership be received.</p> <p>2. THAT the report relates to an issue that is not considered significant in terms of Council's policy on Significance.</p> <p>3. THAT Council will advertise for expressions of interest in membership on the District Licensing Committee and will establish a panel of Councillors Mackay, Thwaites and senior staff to review applications and make recommendations to His Worship the Mayor, for Council approval.</p>	<p>Council paper provided for 20 Sept meeting on appointments to the DLC</p>	COMPLETE
C2018.1 20 Sep 2018	Draft Financial Statements for the Year Ended 30 June 2018, Funding Transfer in Reserve Accounts and	FM - FINANCE MANAGER	<p>1. THAT the Finance Manager's report dated 7 September 2018 and titled 'Draft Financial Statements for the Year Ended 30 June 2018,</p>	<p>MAS noted.</p> <p>Two points of clarification: 1 - Naude Kotze is an Audit</p>	COMPLETE

Adoption of the Annual Report and Summary Annual Report -2017/18

Funding Transfers in Reserve Accounts and Adoption of the Annual Report and Summary Annual Report 2017/18' be received.

Manager
2 - It was Clarence Susan, Audit Director, who presented to Council the audit opinion.

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 Annual Report and the Summary Annual Report for the year ended 30 June 2018 be received and approved by Council.

AND following receipt of the Audit Opinion from the Audit New Zealand representatives in attendance:

4. THAT the Audit Opinion from Audit New Zealand for Western Bay of Plenty District Council's financial statements and performance information for the year ended 30 June 2018 be received.

5. THAT pursuant to Section 98 and 99 of the Local Government Act 2002, the Western Bay of Plenty District Council's audited Annual Report and Summary Annual Report for the year ended 30 June 2018 be adopted.

6. THAT the Chief Executive Officer be delegated authority to make such minor editorial changes to the Annual Report 2017/18 as may be required prior to final publication.

C2018.10 20 Sep 2018

Easement to Convey Water and Associated Services over Lawrence Oliver Park, Te Puke, for the Waiari Water Supply Project

LPOR - LEGAL PROPERTY OFFICER RESERVES FACILITIES

1. THAT the Legal Property Officer - Reserves and Facilities' report dated 31 July 2018 and titled Easement to convey water and associated services over Lawrence Oliver Park, Te Puke, for the Waiari Water Supply Project be received.

Legal Officer Utilities is undertaking easement documentation

COMPLETE

2. THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance.

3. 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 an easement in gross to convey water, electricity, telecommunications and computer media through and over part of Lawrence Oliver Park being Part Lot 1 DP 31022, Lot 2 DP 11354 and Lot 1 DP 30250 as shown on the attached plan (Attachment A) in favour of Tauranga City Council.

4. THAT in accordance with section 48(3) of the Reserves Act 1977, public consultation is not required as the reserve is not likely to be permanently altered or damaged and the rights of the public in respect of the reserve are not permanently affected as a result of the easement being in place.

Action Sheets not complete for a committee – Council – Open - C21 October 2018

Remit Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
C1217.7 14 Dec 2017	Recommendatory Report from the Operations Committee - Bramley Drive to Ruamoana Place - Walkway Reinstatement Proposal	GM1 - DEPUTY CEO/GROUP MANAGER INFRASTRUCTURE SERVICES	<p>1. THAT the walkway between Bramley Drive and Ruamoana Place Omokoroa be reinstated on the following basis:</p> <ul style="list-style-type: none"> • THAT total possible long term reinstatement and stability protection works be limited to \$600,000 and be funded on a shared basis as follows: Council up to \$300,000 Property Owners \$300,000 • THAT a legal agreement be entered into with the owners of 23, 24 and 25 Ruamoana Place that sets out the cost share basis, their funding contribution of \$300,000, and clarifies the risk of the work with a "best endeavours" clause. • THAT in order to work with the property owners on a cost share basis the work proceeds over the 2017/2018 year. • THAT the Council share of the cost of the works be funded as follows: \$100,000 from the 2017/2018 Coastal Erosion Protection budget \$200,000 transferred from either the General Rate Reserve or the Environmental Protection Rate Reserve. <p>2. THAT it be noted that the works required for the possible long term reinstatement of the walkway may include works such as horizontal and directional bore drains, head scarp trimming, a ground anchor wall (as shown in Option C of the agenda report), and with exact details subject to detailed design in an endeavour to reduce further slippage. The option of connected vertical and horizontal drains should be regarded as trial.</p> <p>3. THAT it be noted that the possible long term reinstatement and slip protection works are undertaken on a "best endeavours" basis and that due to weather and ground conditions</p>	<p>7/7The construction work is underway, earthworks are complete, verticaldrilling will commence late July. 17/5 Agreement signed wiht propertyowners. consent issued. Earthworks have commenced. 16/03/2018: Consent being lodged, design underway and cost sharing agreement in the process of being finalised. 16/02/2018: design underway and cost sharing agreement in the process of being finalised. 19/1/18 T&T commissioned to proceed with design. Legal agreement drafted.</p>	UNDER ACTION

C1318.6 22 Feb 2018	Right of Way Easement Over Part of Uretara Domain, Katikati	LPOR - LEGAL PROPERTY OFFICER RESERVES FACILITIES	<p>these may still be subject to slips in the future.</p> <p>4. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.</p> <p>1. THAT the Legal Property Officer/Reserves and Facilities' report dated 2 February 2018 and titled Right of Way Easement Over Part of Uretara Domain, Katikati be received.</p> <p>2. THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance.</p> <p>3. 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 in accordance with the area shown highlighted in red on the plan attached to the report (Attachment A) over Lots 177 and 178 DP 67 to Lot 1 DPS 57029.</p>	<p>19/10/2018- as below</p> <p>As this is being done in conjunction with a subdivision it may be some time that the landowner provides a survey plan and the instrument registered. To advise landowner of approval and to proceed when ready. A survey plan will be the first action required, to council staff for approval.</p>	UNDER ACTION
C1418.10 05 Apr 2018	Road Stopping and Sale Report - Beach Road, Katikati	LPOT - LEGAL PROPERTY OFFICER TRANSPORTATION & UTILITIES	<p>1. THAT the Legal Property Officer's report dated 19 March 2018 and titled Road Stopping and Sale Report Beach Road, Katikati be received.</p> <p>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.</p> <p>3. THAT pursuant to Section 342 of the Local Government Act 1974, Council continues the Road Stopping process set out in Schedule 10 of the Local Government Act 1974 for that area of unformed road Section 1 SO 519189.</p> <p>5. THAT an easement in gross be granted over the stopped area of road in favour of PowerCo.</p> <p>6. THAT as the current objection is resolved within the statutory timeframe set out in Schedule 10 of the Local Government Act 1974 then the Council declares that the unformed road Section 1 SO 519189 to be stopped.</p> <p>7. THAT Council approves the development and sale of the unformed road once a fee simple title was issued.</p>	<p>10-07-2018 - Survey to be confirmed for Road Stopping to be completed.</p> <p>15-05-2018 - Awaiting Survey to be approved.</p> <p>23-04-2018 - Final Road Stopping advert to go in newspaper.</p>	UNDER ACTION

C1518.10 17 May 2018	Road Stopping and Sale Report - Wilson Road South Paengaroa	LPOT - LEGAL PROPERTY OFFICER TRANSPORTATION & UTILITIES	<p>1. THAT the Legal Property Officer's report dated 2 May 2018 and titled Road Stopping and Sale Report - Wilson Road South, Paengaroa be received.</p> <p>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.</p> <p>3. THAT pursuant to Section 342 of the Local Government Act 1974, Council continues the Road Stopping process set out in Schedule 10 of the Local Government Act 1974 for that area of unformed road outlined in yellow on Attachment A.</p> <p>4. THAT a right of way easement be granted over the stopped area of road in favour of the landowners at 46A and 46B Wilson Road South</p> <p>5. THAT if no objections to the road stopping are received within the statutory timeframe set out in Schedule 10 of the Local Government Act 1974 then the Council declares that the road adjacent to 44 and 46 Wilson Road is stopped.</p> <p>6. THAT an easement in gross be granted over the stopped area of road in favour of PowerCo outlined in red on Attachment A.</p> <p>7. THAT provided the Road Stopping process is successful, Council approves the development and sale of the unformed road once a fee simple title is issued.</p>	10-07-2018 - Survey to completed.	UNDER ACTION
C1518.6 17 May 2018	Recommendatory Report from the Katikati Community Board - Options to Change Unformed Thompsons Track Road to Recreation Reserve	RFM - RESERVES AND FACILITIES MANAGER	<p>1. THAT Council, give consideration to and approve the investigation of the Road Stopping Process for the Unformed Thompsons Track Road and the setting aside of that land for Reserve.</p> <p>2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.</p>		NOT COMMENCED
C1518.9 17 May 2018	Road Stopping and Sale Report - Rea Road Katikati	LPOT - LEGAL PROPERTY OFFICER TRANSPORTATION & UTILITIES	<p>1. THAT, the Legal Property Officer's report dated 2 May 2018 and titled Road Stopping and Sale Report - Rea Road, Katikati be received.</p> <p>2. THAT the report relates to an issue that is</p>	10-07-2018 - Advertising commenced due to be completed by the end of July	UNDER ACTION

considered to be of low significance in terms of Council's Significance and Engagement Policy.

3. THAT pursuant to Section 342 of the Local Government Act 1974, Council commences the Road Stopping process set out in Schedule 10 of the Local Government Act 1974 for that area of unformed road adjacent to Lot 41 DPS 438769.

4. THAT Council will seek the prior consent of the Minister of Lands to the stopping of the area of unformed road Section 1 and 2 SO 515896.

5. THAT if no objections to the road stopping are received within the statutory timeframe set out in Schedule 10 of the Local Government Act 1974 and the consent of the Minister of Lands is obtained then the Council declares that the section unformed road Section 1 and 2 SO 515896 to be stopped.

6. THAT, providing the road stopping is successful; Council approves the disposal of Section 2 SO 515896 unformed road to the owner of Lot 41 DPS 438769. Council approves the purchase price of Section 2 SO 515896 unformed road to the applicant to be negotiated by the Strategic Property Manager.

7. THAT, providing the road stopping is successful; Council approves the disposal and donation of Section 1 SO 515896 to the Department of Conservation to be amalgamated with Section 91 Block VIII Katikati SD owned by Department of Conservation.

8. THAT, providing the road stopping is successful; Council approves the disposal of Section 1 SO 515896 to be amalgamated with Section 91 Block VIII Katikati SD and the purchase price of the land is to be paid by the applicant.

9. THAT all necessary legal, valuation, and survey costs involved in the transfer of the land be payable by the applicants.

C1818.6 09 Aug

Proposal to Lease -

RFM - RESERVES AND

1. THAT the Reserves and Facilities Manager's

NOT

2018	Centennial Park Te Puke Gymsport Incorporated	FACILITIES MANAGER	<p>report dated 10 July 2018 and titled "Proposal to Lease - Centennial Park Te Puke Gymsport Incorporated" be received.</p> <p>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.</p> <p>3. THAT after consideration of the submission received, in exercise of the powers conferred on it by delegation from the Minister of Conservation under the Reserves Act 1977, the Council in its capacity as administrating body, grants Te Puke Gymsport Incorporated a lease for 2000m², more or less, of the land for up to 33 years over part of Centennial Park, Te Puke pursuant to Section 54 (1) (b) of the Reserves Act 1977.</p>	COMMENCED
C1915.2.14 09 May 2015	Topic 1507 - Wastewater - Issue 6 - Ongare Point Funding Model - Submission Id 995 - and Internal Submission	UM - UTILITIES MANAGER	<p>THAT Council approves in principle, proceeding with the Ongare Point wastewater scheme generally incorporating the following principles and funding model.</p> <ul style="list-style-type: none"> • That the installation proceed subject to more than 50% of the connected properties agreeing. • That the on property costs be averaged across the scheme and all property owners pay the same amount for their on property and connection costs. • That the subsidy from Bay of Plenty Regional Council for the construction of a wastewater scheme at Ongare Point, be applied proportionally to the property owner and Council scheme costs. • That the scheme (off property costs) are loan funded and repaid by the combined wastewater UAC in accordance with the Wastewater Revenue and Financial Policy. • That the scheme mode generally comprises onsite treatment pumped to offsite secondary treatment and disposal fields. • That the scheme investigation, consenting, consultation and design costs budgeted at \$50,000 in 2015/16 are funded in accordance 	UNDER ACTION

			<p>with the Infrastructure Investigation Revenue and Financial Policy 60% EPR, 40% future UAC.</p> <p>Indicative Full Scheme Reticulation Costs (approximately 58 properties) Excluding GST Option 2 Property Owner - On property costs (STEP, electrical, drain laying, etc.) \$ 488,851 Council - Scheme Reticulation \$ 650,549 BOPRC subsidy \$618,000 Total Costs \$1,757,400 Property Owner Costs (approximately 58 properties) \$8,428 Council Cost \$650,549</p> <p>That these decisions be subject to undertaking the appropriate consultation and decision making to meet legislative requirements.</p>		
<p>C1915.4.324 09 May 2015</p>	<p>Topic - Stormwater/Erosion - Issue Stormwater Small Settlements - Submission Ids 701, 965</p>	<p>UM - UTILITIES MANAGER</p>	<p>Council is currently in the process of reviewing the Stormwater Catchment Management Plan and Comprehensive Stormwater Consent application for the central catchment (including Te Puna and Minden). As part of this review Council will undertake further consultation with the Te Puna and Minden communities and in particular Te Puna Heartlands.</p>	<p>October 2018 - Awaiting approval of application by BOPRC June 2018- Feedback provide from BOPRC additional info required to be submitted. May 2018 - Still await feedback April 2018 - UM has contacted BOPRC regarding the processing delays, We have been advised that a consultant has now been tasked with processing the application. unfortunately can not progress any further. March 2018 - UM has contacted BOPRC regarding the processing delays, We have been advised that a consultant has now been tasked with processing the application. unfortunately can not progress further until a response is received from BOPRC.</p>	<p>UNDER ACTION</p>
<p>C1918.4 03 Sep 2018</p>	<p>Representation Review 2018 - Final Proposal</p>	<p>GM2 - GROUP MANAGER TECHNOLOGY, CUSTOMER AND COMMUNITY</p>	<p>1. THAT the Group Manager Technology, Customer and Community Services report dated 17 September 2018 and titled</p>	<p>Final proposal has been adopted by Council and is now out for Appeal which will go to the</p>	<p>UNDER ACTION</p>

C2018.14 20 Sep 2018	Recommendatory Report from the Operations and Monitoring Committee: Wilson Park - Community Garden Lease Renewal	SERVICES RFM - RESERVES AND FACILITIES MANAGER	Representation Review 2018 Final Proposal be received.. 1. THAT Council agrees to renew the existing lease for the Wilson Park community garden for a further five years. 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.	Local Government Commission at its conclusion.	NOT COMMENCED
C2018.6 20 Sep 2018	Recommendatory Report from the Operations and Monitoring Committee - Kauri Point Reserve Road Slip Update	RFM - RESERVES AND FACILITIES MANAGER	1. THAT Council directs staff to progress the following option for the remediation of the Kauri Point Reserve Road slip, provided it be engineered fit for purpose: Option A: Cost (ex GST) Funding SourceRock Buttress \$1,528,696.00 General Rate Reserve Account 2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.		NOT COMMENCED
C2018.7 20 Sep 2018	Recommendatory Report from the Operations and Monitoring Committee - Kiwi Camp Facility	RFM - RESERVES AND FACILITIES MANAGER	1. THAT Council approve the implementation of a Kiwi Camp facility on the following basis: a. Trial Location Waihi Beach Community Centre b. Council cost \$40,000 from General Rate Reserve Account 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.		NOT COMMENCED
C2018.8 20 Sep 2018	Storm Water Easement Over Part of Vesey Stewart Recreation Reserve	LPOR - LEGAL PROPERTY OFFICER RESERVES FACILITIES	1. THAT the Legal Property Officer - Reserves and Facilities' report dated 2 August 2018 and titled Storm Water Easement Over Part of Vesey Stewart Recreation Reserve be received. 2. THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance. 3. 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 storm water easement, in gross, with Council being both the grantor and grantee, as	19/10/2018 - Awaiting A and I 25/09/2018 - Awaiting survey plan so that we can progress easement instrument. Consultant advised.	UNDER ACTION

			<p>shown on the attached plan (Attachment A) to allow discharge of stormwater over Lot 14 DPS 23757.</p> <p>4. THAT in accordance with section 48(3) of the Reserves Act 1977, public consultation is not required as the reserve is not likely to be permanently altered or damaged and the rights of the public in respect of the reserve are not permanently affected as a result of the easement being in place.</p>		
C2018.9 20 Sep 2018	Storm Water Easement Over Part of Moore Park, Katikati	LPOR - LEGAL PROPERTY OFFICER RESERVES FACILITIES	<p>1. THAT the Legal Property Officer - Reserves and Facilities' report dated 4 August 2018 and titled Storm Water Easement Over Part of Moore Park, Katikati be received.</p> <p>2. THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance.</p> <p>3. 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 storm water easement, with Council being the grantor and the owner of Lot 11 DPS 36445 (3 Robinson Street) as grantee, as shown on the attached plan (Attachment A) to allow discharge of stormwater over Section 6 SO 433028. (Moore Park).</p> <p>4. THAT in accordance with section 48(3) of the Reserves Act 1977, public consultation is not required as the reserve is not likely to be permanently altered or damaged and the rights of the public in respect of the reserve are not permanently affected as a result of the easement being in place.</p>	2018-09-28 - Survey Plan supplied. To create easement and then register	UNDER ACTION
C2715.5 17 Dec 2015	Application to Lease 8 The Esplanade to Waihi Beach Board Riders	SPM - STRATEGIC PROPERTY MANAGER	<p>1. THAT the Strategic Property Manager's report dated 18 November 2015 and titled Application to Lease 8 The Esplanade to Waihi Beach Board Riders be received.</p> <p>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.</p>	11/10/18 Staff trying to get hold of lessees but have been unsuccessful. 13/9/18 No change continuing to chase club 16/5/18 Signed lease not yet received. Chasing up with Club 11/4/18 Signing in	UNDER ACTION

			<p>3. THAT staff be directed to proceed with the removal of numbers 2 and 4 The Esplanade.</p> <p>4. THAT after consideration of the submissions received regarding the proposed lease of number 8 The Esplanade to the Waihi Beach Board Riders Club Incorporated, Council agrees to accept the Waihi Beach Board Riders Club Incorporated application to lease number 8 The Esplanade for clubrooms.</p>	<p>process as staff understand.13/03/2018: The Boardriders Club have taken possession of No 8 The Esplanade and are using the house for their clubrooms. 14/2/18 Slow communication with club, but lease has been prepared and terms are in process of being nominated. 18/1/2018 draft lease prepared and sitting with club. 6/12/17 meeting held with club representatives and a draft lease being prepared for the clubs consideration.13/11/17 Staff meeting with club member shortly to further discuss the potential to lease the bach.</p>	
C417.16 06 Apr 2017	Mayor's Report to Council - March 2017	CEO - CHIEF EXECUTIVE OFFICER	THAT Council receive a paper on options for pensioner housing management and/or ownership.	<p>10/10/18 S17A review as well as Communities strategy review will address pensioner housing. Expected to be over the next few months and into the new calendar year.</p> <p>11/9/18 No change</p> <p>4/7/2018 No change.</p> <p>13/6/2018 Council to defer a decision on pensioner housing until issues over funding and subsidies are clarified.</p>	UNDER ACTION
C817.2 21 Sep 2017	Pukehina Angling and Fishing Club Inc. - Request to Extend Footprint of Lease Area	RFM - RESERVES AND FACILITIES MANAGER	<p>1. THAT the Reserves and Facilities Manager's report dated 4 September 2017 and titled Pukehina Angling and Fishing Club Inc. - Request to extend footprint of lease area be received.</p> <p>2. THAT the report relates to an issue that is</p>	<p>15/5/16- Draft documentation being reviewed before forwarding to Lessee.</p> <p>15/3/18 Documentation being held up due to other urgent matters which are affecting priorities.</p>	UNDER ACTION

not considered significant in terms of Council's Policy on Significance.

3. THAT Council resolve to approve Pukehina Angling and Fishing Club Incorporated's request to extend their lease footprint by an approximate additional 100m² over part of Midway Park.

16/2/18 - No change .22 Jan. 2018 - Lease documentation is being prepared for the Fishing club to sign.

17/11/17 - Staff have met with the Fishing Club representatives and negotiated agreed terms to vary the lease to take into consideration the extended area and conditions of use of the extended area.

6 October 2017 - Meeting scheduled for 18 October with Fishing club to negotiate lease conditions for an extension

Action Sheets not complete for a committee – Council – Open - C21 October 2018

Remit Number	Remit Title	Owner	Remit Description	Owner Comments	Current Status
C1217.7 14 Dec 2017	Recommendatory Report from the Operations Committee - Bramley Drive to Ruamoana Place - Walkway Reinstatement Proposal	GM1 - DEPUTY CEO/GROUP MANAGER INFRASTRUCTURE SERVICES	<p>1. THAT the walkway between Bramley Drive and Ruamoana Place Omokoroa be reinstated on the following basis:</p> <ul style="list-style-type: none"> • THAT total possible long term reinstatement and stability protection works be limited to \$600,000 and be funded on a shared basis as follows: Council up to \$300,000 Property Owners \$300,000 • THAT a legal agreement be entered into with the owners of 23, 24 and 25 Ruamoana Place that sets out the cost share basis, their funding contribution of \$300,000, and clarifies the risk of the work with a "best endeavours" clause. • THAT in order to work with the property owners on a cost share basis the work proceeds over the 2017/2018 year. • THAT the Council share of the cost of the works be funded as follows: \$100,000 from the 2017/2018 Coastal Erosion Protection budget \$200,000 transferred from either the General Rate Reserve or the Environmental Protection Rate Reserve. <p>2. THAT it be noted that the works required for the possible long term reinstatement of the walkway may include works such as horizontal and directional bore drains, head scarp trimming, a ground anchor wall (as shown in Option C of the agenda report), and with exact details subject to detailed design in an endeavour to reduce further slippage. The option of connected vertical and horizontal drains should be regarded as trial.</p> <p>3. THAT it be noted that the possible long term reinstatement and slip protection works are undertaken on a "best endeavours" basis and that due to weather and ground conditions these may still be subject to slips in the future.</p>	<p>7/7The construction work is underway, earthworks are complete, vertical drilling will commence late July.</p> <p>17/5 Agreement signed with property owners. consent issued. Earthworks have commenced.</p> <p>16/03/2018: Consent being lodged, design underway and cost sharing agreement in the process of being finalised.</p> <p>16/02/2018: design underway and cost sharing agreement in the process of being finalised.</p> <p>19/1/18 T&T commissioned to proceed with design. Legal agreement drafted.</p>	UNDER ACTION

C1318.6 22 Feb 2018	Right of Way Easement Over Part of Uretara Domain, Katikati	LPOR - LEGAL PROPERTY OFFICER RESERVES FACILITIES	<p>4. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.</p> <p>1. THAT the Legal Property Officer/Reserves and Facilities' report dated 2 February 2018 and titled Right of Way Easement Over Part of Uretara Domain, Katikati be received.</p> <p>2. THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance.</p> <p>3. 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 in accordance with the area shown highlighted in red on the plan attached to the report (Attachment A) over Lots 177 and 178 DP 67 to Lot 1 DPS 57029.</p>	<p>19/10/2018- as below As this is being done in conjunction with a subdivision it may be some time that the landowner provides a survey plan and the instrument registered. To advise landowner of approval and to proceed when ready. A survey plan will be the first action required, to council staff for approval.</p>	UNDER ACTION
C1418.10 05 Apr 2018	Road Stopping and Sale Report - Beach Road, Katikati	LPOT - LEGAL PROPERTY OFFICER TRANSPORTATION & UTILITIES	<p>1. THAT the Legal Property Officer's report dated 19 March 2018 and titled Road Stopping and Sale Report Beach Road, Katikati be received.</p> <p>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.</p> <p>3. THAT pursuant to Section 342 of the Local Government Act 1974, Council continues the Road Stopping process set out in Schedule 10 of the Local Government Act 1974 for that area of unformed road Section 1 SO 519189.</p> <p>5. THAT an easement in gross be granted over the stopped area of road in favour of PowerCo.</p> <p>6. THAT as the current objection is resolved within the statutory timeframe set out in Schedule 10 of the Local Government Act 1974 then the Council declares that the unformed road Section 1 SO 519189 to be stopped.</p> <p>7. THAT Council approves the development and sale of the unformed road once a fee simple title was issued.</p>	<p>10-07-2018 - Survey to be confirmed for Road Stopping to be completed.</p> <p>15-05-2018 - Awaiting Survey to be approved.</p> <p>23-04-2018 - Final Road Stopping advert to go in newspaper.</p>	UNDER ACTION
C1518.10 17 May	Road Stopping and Sale	LPOT - LEGAL PROPERTY	1. THAT the Legal Property Officer's report	10-07-2018 - Survey to	UNDER ACTION

2018	Report - Wilson Road South Paengaroa	OFFICER TRANSPORTATION & UTILITIES	<p>dated 2 May 2018 and titled Road Stopping and Sale Report - Wilson Road South, Paengaroa be received.</p> <p>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.</p> <p>3. THAT pursuant to Section 342 of the Local Government Act 1974, Council continues the Road Stopping process set out in Schedule 10 of the Local Government Act 1974 for that area of unformed road outlined in yellow on Attachment A.</p> <p>4. THAT a right of way easement be granted over the stopped area of road in favour of the landowners at 46A and 46B Wilson Road South</p> <p>5. THAT if no objections to the road stopping are received within the statutory timeframe set out in Schedule 10 of the Local Government Act 1974 then the Council declares that the road adjacent to 44 and 46 Wilson Road is stopped.</p> <p>6. THAT an easement in gross be granted over the stopped area of road in favour of PowerCo outlined in red on Attachment A.</p> <p>7. THAT provided the Road Stopping process is successful, Council approves the development and sale of the unformed road once a fee simple title is issued.</p>	completed.	
C1518.6 17 May 2018	Recommendatory Report from the Katikati Community Board - Options to Change Unformed Thompsons Track Road to Recreation Reserve	RFM - RESERVES AND FACILITIES MANAGER	<p>1. THAT Council, give consideration to and approve the investigation of the Road Stopping Process for the Unformed Thompsons Track Road and the setting aside of that land for Reserve.</p> <p>2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.</p>		NOT COMMENCED
C1518.9 17 May 2018	Road Stopping and Sale Report - Rea Road Katikati	LPOT - LEGAL PROPERTY OFFICER TRANSPORTATION & UTILITIES	<p>1. THAT, the Legal Property Officer's report dated 2 May 2018 and titled Road Stopping and Sale Report - Rea Road, Katikati be received.</p> <p>2. THAT the report relates to an issue that is considered to be of low significance in terms of</p>	10-07-2018 - Advertising commenced due to be completed by the end of July	UNDER ACTION

C1818.6 09 Aug 2018	Proposal to Lease - Centennial Park Te Puke	RFM - RESERVES AND FACILITIES MANAGER	<p>Council's Significance and Engagement Policy.</p> <p>3. THAT pursuant to Section 342 of the Local Government Act 1974, Council commences the Road Stopping process set out in Schedule 10 of the Local Government Act 1974 for that area of unformed road adjacent to Lot 41 DPS 438769.</p> <p>4. THAT Council will seek the prior consent of the Minister of Lands to the stopping of the area of unformed road Section 1 and 2 SO 515896.</p> <p>5. THAT if no objections to the road stopping are received within the statutory timeframe set out in Schedule 10 of the Local Government Act 1974 and the consent of the Minister of Lands is obtained then the Council declares that the section unformed road Section 1 and 2 SO 515896 to be stopped.</p> <p>6. THAT, providing the road stopping is successful; Council approves the disposal of Section 2 SO 515896 unformed road to the owner of Lot 41 DPS 438769. Council approves the purchase price of Section 2 SO 515896 unformed road to the applicant to be negotiated by the Strategic Property Manager.</p> <p>7. THAT, providing the road stopping is successful; Council approves the disposal and donation of Section 1 SO 515896 to the Department of Conservation to be amalgamated with Section 91 Block VIII Katikati SD owned by Department of Conservation.</p> <p>8. THAT, providing the road stopping is successful; Council approves the disposal of Section 1 SO 515896 to be amalgamated with Section 91 Block VIII Katikati SD and the purchase price of the land is to be paid by the applicant.</p> <p>9. THAT all necessary legal, valuation, and survey costs involved in the transfer of the land be payable by the applicants.</p>	NOT COMMENCED
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1. THAT the Reserves and Facilities Manager's report dated 10 July 2018 and titled "Proposal

	Gymsport Incorporated		<p>to Lease - Centennial Park Te Puke Gymsport Incorporated" be received.</p> <p>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.</p> <p>3. THAT after consideration of the submission received, in exercise of the powers conferred on it by delegation from the Minister of Conservation under the Reserves Act 1977, the Council in its capacity as administrating body, grants Te Puke Gymsport Incorporated a lease for 2000m², more or less, of the land for up to 33 years over part of Centennial Park, Te Puke pursuant to Section 54 (1) (b) of the Reserves Act 1977.</p>		
C1915.2.14 09 May 2015	Topic 1507 - Wastewater - Issue 6 - Ongare Point Funding Model - Submission Id 995 - and Internal Submission	UM - UTILITIES MANAGER	<p>THAT Council approves in principle, proceeding with the Ongare Point wastewater scheme generally incorporating the following principles and funding model.</p> <ul style="list-style-type: none"> • That the installation proceed subject to more than 50% of the connected properties agreeing. • That the on property costs be averaged across the scheme and all property owners pay the same amount for their on property and connection costs. • That the subsidy from Bay of Plenty Regional Council for the construction of a wastewater scheme at Ongare Point, be applied proportionally to the property owner and Council scheme costs. • That the scheme (off property costs) are loan funded and repaid by the combined wastewater UAC in accordance with the Wastewater Revenue and Financial Policy. • That the scheme mode generally comprises onsite treatment pumped to offsite secondary treatment and disposal fields. • That the scheme investigation, consenting, consultation and design costs budgeted at \$50,000 in 2015/16 are funded in accordance with the Infrastructure Investigation Revenue 		UNDER ACTION

C1915.4.324 09 May 2015	Topic - Stormwater/Erosion - Issue Stormwater Small Settlements - Submission Ids 701, 965	UM - UTILITIES MANAGER	<p>and Financial Policy 60% EPR, 40% future UAC. Indicative Full Scheme Reticulation Costs (approximately 58 properties) Excluding GST Option 2 Property Owner - On property costs (STEP, electrical, drain laying, etc.) \$ 488,851 Council - Scheme Reticulation \$ 650,549 BOPRC subsidy \$618,000 Total Costs \$1,757,400 Property Owner Costs (approximately 58 properties) \$8,428 Council Cost \$650,549 That these decisions be subject to undertaking the appropriate consultation and decision making to meet legislative requirements.</p>	<p>Council is currently in the process of reviewing the Stormwater Catchment Management Plan and Comprehensive Stormwater Consent application for the central catchment (including Te Puna and Minden). As part of this review Council will undertake further consultation with the Te Puna and Minden communities and in particular Te Puna Heartlands.</p>	<p>October 2018 - Awaiting approval of application by BOPRC June 2018- Feedback provide from BOPRC additional info required to be submitted. May 2018 - Still await feedback April 2018 - UM has contacted BOPRC regarding the processing delays, We have been advised that a consultant has now been tasked with processing the application. unfortunately can not progress any further. March 2018 - UM has contacted BOPRC regarding the processing delays, We have been advised that a consultant has now been tasked with processing the application. unfortunately can not progress further until a response is received from BOPRC.</p>	UNDER ACTION
C1918.4 03 Sep 2018	Representation Review 2018 - Final Proposal	GM2 - GROUP MANAGER TECHNOLOGY, CUSTOMER AND COMMUNITY SERVICES	1. THAT the Group Manager Technology, Customer and Community Services report dated 17 September 2018 and titled Representation Review 2018 Final Proposal be	Final proposal has been adopted by Council and is now out for Appeal which will go to the Local Government Commission	UNDER ACTION	

C2018.14 20 Sep 2018	Recommendatory Report from the Operations and Monitoring Committee: Wilson Park - Community Garden Lease Renewal	RFM - RESERVES AND FACILITIES MANAGER	received.. 1. THAT Council agrees to renew the existing lease for the Wilson Park community garden for a further five years. 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.	at its conclusion.	NOT COMMENCED
C2018.6 20 Sep 2018	Recommendatory Report from the Operations and Monitoring Committee - Kauri Point Reserve Road Slip Update	RFM - RESERVES AND FACILITIES MANAGER	1. THAT Council directs staff to progress the following option for the remediation of the Kauri Point Reserve Road slip, provided it be engineered fit for purpose: Option A: Cost (ex GST) Funding SourceRock Buttress \$1,528,696.00 General Rate Reserve Account 2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.		NOT COMMENCED
C2018.7 20 Sep 2018	Recommendatory Report from the Operations and Monitoring Committee - Kiwi Camp Facility	RFM - RESERVES AND FACILITIES MANAGER	1. THAT Council approve the implementation of a Kiwi Camp facility on the following basis: a. Trial Location Waihi Beach Community Centre b. Council cost \$40,000 from General Rate Reserve Account 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.		NOT COMMENCED
C2018.8 20 Sep 2018	Storm Water Easement Over Part of Vesey Stewart Recreation Reserve	LPOR - LEGAL PROPERTY OFFICER RESERVES FACILITIES	1. THAT the Legal Property Officer - Reserves and Facilities' report dated 2 August 2018 and titled Storm Water Easement Over Part of Vesey Stewart Recreation Reserve be received. 2. THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance. 3. 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 storm water easement, in gross, with Council being both the grantor and grantee, as shown on the attached plan (Attachment A) to	19/10/2018 - Awaiting A and I 25/09/2018 - Awaiting survey plan so that we can progress easement instrument. Consultant advised.	UNDER ACTION

C2018.9 20 Sep 2018	Storm Water Easement Over Part of Moore Park, Katikati	LPOR - LEGAL PROPERTY OFFICER RESERVES FACILITIES	<p>allow discharge of stormwater over Lot 14 DPS 23757.</p> <p>4. THAT in accordance with section 48(3) of the Reserves Act 1977, public consultation is not required as the reserve is not likely to be permanently altered or damaged and the rights of the public in respect of the reserve are not permanently affected as a result of the easement being in place.</p>	2018-09-28 - Survey Plan supplied. To create easement and then register	UNDER ACTION
			<p>1. THAT the Legal Property Officer - Reserves and Facilities' report dated 4 August 2018 and titled Storm Water Easement Over Part of Moore Park, Katikati be received.</p> <p>2. THAT the report relates to an issue that is not considered significant in terms of Council's Policy on Significance.</p> <p>3. 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 storm water easement, with Council being the grantor and the owner of Lot 11 DPS 36445 (3 Robinson Street) as grantee, as shown on the attached plan (Attachment A) to allow discharge of stormwater over Section 6 SO 433028. (Moore Park).</p> <p>4. THAT in accordance with section 48(3) of the Reserves Act 1977, public consultation is not required as the reserve is not likely to be permanently altered or damaged and the rights of the public in respect of the reserve are not permanently affected as a result of the easement being in place.</p>		
C2715.5 17 Dec 2015	Application to Lease 8 The Esplanade to Waihi Beach Board Riders	SPM - STRATEGIC PROPERTY MANAGER	<p>1. THAT the Strategic Property Manager's report dated 18 November 2015 and titled Application to Lease 8 The Esplanade to Waihi Beach Board Riders be received.</p> <p>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.</p> <p>3. THAT staff be directed to proceed with the</p>	<p>11/10/18 Staff trying to get hold of lessees but have been unsuccessful.</p> <p>13/9/18 No change continuing to chase club</p> <p>16/5/18 Signed lease not yet received. Chasing up with Club</p> <p>11/4/18 Signing in process as staff</p>	UNDER ACTION

C417.16 06 Apr 2017	Mayor's Report to Council - March 2017	CEO - CHIEF EXECUTIVE OFFICER	<p>removal of numbers 2 and 4 The Esplanade.</p> <p>4. THAT after consideration of the submissions received regarding the proposed lease of number 8 The Esplanade to the Waihi Beach Board Riders Club Incorporated, Council agrees to accept the Waihi Beach Board Riders Club Incorporated application to lease number 8 The Esplanade for clubrooms.</p> <p>THAT Council receive a paper on options for pensioner housing management and/or ownership.</p>	<p>understand.13/03/2018: The Boardriders Club have taken possession of No 8 The Esplanade and are using the house for their clubrooms.</p> <p>14/2/18 Slow communication with club, but lease has been prepared and terms are in process of being nominated.</p> <p>18/1/2018 draft lease prepared and sitting with club. 6/12/17 meeting held with club representatives and a draft lease being prepared for the clubs consideration.13/11/17 Staff meeting with club member shortly to further discuss the potential to lease the bach.</p> <p>10/10/18 S17A review as well as Communities strategy review will address pensioner housing. Expected to be over the next few months and into the new calendar year.</p> <p>11/9/18 No change</p> <p>4/7/2018 No change.</p> <p>13/6/2018 Council to defer a decision on pensioner housing until issues over funding and subsidies are clarified.</p>	UNDER ACTION
C817.2 21 Sep 2017	Pukehina Angling and Fishing Club Inc. - Request to Extend Footprint of Lease Area	RFM - RESERVES AND FACILITIES MANAGER	<p>1. THAT the Reserves and Facilities Manager's report dated 4 September 2017 and titled Pukehina Angling and Fishing Club Inc. - Request to extend footprint of lease area be received.</p> <p>2. THAT the report relates to an issue that is not considered significant in terms of Council's</p>	<p>15/5/16- Draft documentation being reviewed before forwarding to Lessee.</p> <p>15/3/18 Documentation being held up due to other urgent matters which are affecting priorities.</p> <p>16/2/18 - No change .22 Jan.</p>	UNDER ACTION

Policy on Significance.

3. THAT Council resolve to approve Pukehina Angling and Fishing Club Incorporated's request to extend their lease footprint by an approximate additional 100m² over part of Midway Park.

2018 - Lease documentation is being prepared for the Fishing club to sign.

17/11/17 - Staff have met with the Fishing Club representatives and negotiated agreed terms to vary the lease to take into consideration the extended area and conditions of use of the extended area.

6 October 2017 - Meeting scheduled for 18 October with Fishing club to negotiate lease conditions for an extension

Performance Report – 30 September 2018

Purpose and Summary

The purpose of this report is to consolidate current reporting and provide a comprehensive report on all of Council's activities. This means that financial and non-financial information is contained in one report for each activity.

The report is based on the information and the thresholds set in the Council's business scorecard. While the scorecard may show a 'red light' it is important to review the executive summary for the activity concerned for the explanation.

This report provides the results for all Council operations for the period ending 30 June 2018 and incorporates:

- Financial reports – **(Attachment A)**
 - Additional Levels of Service **(Attachment B)**
 - To capital expenditure **(Attachment C)**
- Performance reports – executive summaries and cost of service statements for all Council's activities **(Attachment D)**



Olive McVicker
**Corporate Development /
Business Improvement Advisor**



Kumaren Perumal
Chief Financial Officer