

# MEETING — AGENDA —

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Western Bay of Plenty  
District Council

# COUNCIL

*Te Kaunihera*

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**Minutes/ Agenda Items  
C25  
Thursday, 18 April 2019**

# Open Items

## Council No. C25

### Minutes / Agenda Items

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# Open Items

## Council No. C25

### Minutes / Agenda Items

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Miriam Taris  
**Chief Executive Officer**  
**Western Bay of Plenty District Council**

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Miriam Taris  
**Chief Executive Officer**  
**Western Bay of Plenty District Council**

## Western Bay of Plenty District Council

**Minutes of Meeting No.CC16 of the Community Committee  
held on 28 March 2019 in the Council Chamber, Barkes Corner, Tauranga  
commencing at 9.30am**

### **Present**

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

### **In Attendance**

M Taris (Chief Executive Officer), D Pearce (Community Manager), C Lim (Engagement Specialist), I Kruis (Resource Recovery and Waste Team Leader), J Rickard (Senior Policy Analyst) and M Parnell and L Nind (Governance Advisors)

### **Community Boards**

A Sole (Chairperson, Waihi Beach Community Board)

### **Apologies**

Apologies for absence were received from Councillors Mackay and Thwaites. It was noted that Councillor Marsh was on leave of absence.

**Resolved:** Mayor Webber / Councillor Scrimgeour

*THAT the apologies for absence from Councillors Mackay and Thwaites be accepted.*

### **Acknowledgement**

One minute's silence was observed to acknowledge victims of the recent terror attack in Christchurch on 15 March 2019.

### **Introduction**

The Deputy Chairperson introduced Council's new Community Manager David Pearce to the Committee. David gave a brief summary of his career to date.

### CC16.1 **Community Team**

The Committee considered a report from the Engagement Specialist dated 14 March 2019 and noted the following:

- The Community Matching Fund was open from 29 April 2019 until 29 May 2019 calling for applications from community groups. The Community Team were working with Council's communications team to get the information out into the community.
- The Community Relations Advisor attended the Katikati Safety Forum where rural theft was a priority topic of discussion. It was noted that Councillors Marshall and Scrimgeour had not been able to attend the meetings as they occur on Thursday mornings and coincided with the Elected Members' meeting schedule. The Community Relations Advisor would have further information regarding the Forum that could be shared with the Committee.

9.34am Councillor Dally entered the meeting.

**Resolved:** Murray-Benge / Marshall

*THAT the report from the Engagement Specialist dated 14 March 2019 be received.*

### **Change to the Order of Business**

The Deputy Chairperson requested that the order of business be amended so that the next item of business be Welcoming Communities, as the presenter for the next listed item on the agenda was not present.

**Resolved:** Palmer / Williams

*THAT in accordance with Standing Orders the order of business be changed and that the item Welcoming Communities be dealt with as the next item of business.*

## **Presentations**

### CC16.2 **Welcoming Communities**

The Welcoming Communities Advisor commended her presentation by acknowledging recent tragic events in Christchurch on 15 March 2019.

The Committee considered a presentation from Haidee Kalirai, Welcoming Communities Advisor from Tauranga City and Western Bay of Plenty District Councils regarding the Welcoming Communities Programme, the Welcoming Plan and Race Relations Day.

She noted the following points:

- The programme current covered Southland, Ashburton, Whanganui and the Bay of Plenty.
- Staff were currently considering how things would proceed if funding was not achieved and the Welcoming Communities Advisor would speak to the Project Manager regarding this.
- Welcoming Communities work with a group of stakeholders including Priority One and the Chamber of Commerce. More interest would be generated as the programme rolled out.
- Stronger relationships had been built with the Sikh and Indian communities in Katikati. On 30 March 2019 an event would be held in Te Puke, showcasing Chinese Culture in the area.

The Deputy Chairperson expressed her good wishes to the Welcoming Communities Advisor for her upcoming trip to Brisbane, to represent the Tauranga and Western Bay of Plenty areas for New Zealand, at the Welcoming Cities Symposium next week.

**Resolved:** Murray-Benge / Williams

*THAT the presentation from Welcoming Communities [regarding the Welcoming Communities Programme, the Welcoming Plan and Race Relations Day] be received.*

### CC16.3

#### **Envirohub**

The Community Committee considered a presentation from Emma Wood, Coordinator from Envirohub regarding the Predator Free Bay of Plenty Programme and Envirohub projects.

Ms Wood noted the following points:

- Predator Free Bay of Plenty's main aims were:
  - to protect native species
  - to have a trap in one in five backyards in Tauranga and the Western Bay of Plenty District areas.
- The problem pest species were rats, stoats and possums.
- The community led backyard trapping initiative was explained.
- The Coordinator gave examples of registered trap locations and statistics to date.

In response to questions Ms Woods explained the following:

- Predator Free Bay of Plenty was an urban back yard programme.
- The programme was funded by the Bay of Plenty Regional and Tauranga City Councils.
- Traps used were primarily for rats.
- Trapping was a big movement nationally.

**Resolved:** Murray-Benge / Dean

*THAT the presentation from Envirohub be received.*

**CC16.4 Zero Waste Education**

The Community Committee considered a presentation from Kim Edwards, Programme Manager from Zero Waste Education, regarding the rural educational programme and worm composting.

Ms Edwards introduced herself and noted the following:

- Two Zero Waste Education contracts were run in the Western Bay of Plenty District area.
- Numerous Saturday workshops had been held in the Western Bay of Plenty District area.
- Composting and worm farming was encouraged for a small fee.
- Home Composting Workshop participants were invited to become Zero Waste Education volunteers, to help out at future workshops.

In response to questions the Programme Manager advised:

- The hardest thing to measure was behavioural change and the Zero Waste Educators were aware of this.
- The Zero Waste Education programme had been unable to access secondary schools to date.

**Resolved:** Murray-Benge / Marshall

*THAT the presentation from Zero Waste Education be received.*

**CC16.5 Sustainability Options**

The Community Committee considered a presentation from Jo Wills, Development Manager for Sustainability Options, regarding improving the performance of housing for the wellbeing of communities.

Ms Wills introduced herself in Te Reo and English and noted the following:

- The contextual knowledge regarding 'Sustainability Options for ethical and sustainable living' was outlined.
- EnviroChallenge had been running for 11 years and worked with high school students both in their schools and communities.
- This year's EnviroChallenge topic was "Should Public Transport be Free?"
- The TradeBank initiative was explained. The project worked like a food bank, where trades people gave their time and expertise at no cost. Some trades people and their companies assisted over and above what was normally required and this was appreciated.
- Sustainability Options team members were trained in housing performance and worked primarily with vulnerable communities. As these communities could be hard to reach, they also worked with the appropriate agencies associated with these communities.



- Sustainability Options worked with both rental and private home owners, as their main aim was to improve standards of houses throughout the Western Bay of Plenty District area.
- It was noted that the most vulnerable people were the elderly and the young.
- An electric vehicle charging station had been installed in conjunction with Tauranga City Council in The Strand.

Councillor Marshall declared a conflict of interest, as he purchased his solar panels through the Sustainability Options group, and took no further part in the discussion.

In response to questions the Development Manager advised:

- The more vulnerable the community, the longer the journey to achieve the outcome of a strong healthy community.
- Sustainability Options operated in communities by invitation only and as a result were very respectful.
- The Sustainability Options team were committed for the long haul.
- The assistance of Sustainability Options stakeholders was acknowledged.

**Resolved:** Murray-Benge / Palmer

*THAT the presentation from Sustainability Options be received.*

#### CC16.6 **Tongan Cultural Performance Group**

Ms Haidee Kalirai, Welcoming Communities Advisor for Tauranga City and Western Bay of Plenty District Councils, introduced a Tongan Cultural Performance Group who were in attendance and performed for the Committee.

**Resolved:** Murray-Benge / Dally

*THAT the presentation from the Tongan Performance Group be received.*

#### CC16.7 **Te Ara Kahikatea Pathway Trust**

The Committee considered a presentation from Grant Dally, Secretary and Michael Jones, Treasurer from the Te Ara Kahikatea Pathway Trust regarding the Te Ara Kahikatea Pathway project.

Mr Dally noted the following points:

- The main concept of the project was a 4 kilometre pathway close to Te Puke. The idea for the project began in 2011.
- Meetings were held with appropriate stakeholders and the project was finalised after forming a Memorandum of Understanding with Western Bay of Plenty District Council in 2014.

- The Te Ara Kahikatea Pathway project was volunteer led and community driven.
- Mr Jones explained that the project cost approximately \$237,000.00 and he thanked Western Bay of Plenty District Council for their assistance to date.
- Te Ara Kahikatea Pathway Trust Chairperson, Richard Crawford, advised the Committee that there were concerns, from a safety perspective, about members of the public who used the adjacent railway line as an alternative pedestrian route.
- He encouraged the Committee to keep the project in mind going forward.

12.26pm

Councillor Lally left the meeting

12.29pm

Councillor Lally re-entered the meeting

Mr Jones encouraged Council to support more projects of a similar nature in the district.

12.50pm

Councillor Scrimgeour left the meeting

**Resolved:** Murray-Benge / Marshall

*THAT the presentation from Te Ara Kahikatea Pathway Trust be received.*

The Engagement Specialist summarised the meeting.

The meeting concluded at 1.04 pm.

CC16

## Western Bay of Plenty District Council

**Minutes of Meeting No. OP18 of the Operations and Monitoring Committee  
held on 11 April 2019 in the Council Chamber, Barks Corner, Tauranga  
commencing at 9.30am**

### **Present**

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

### **In Attendance**

M Taris (Chief Executive Officer), G Allis (Deputy Chief Executive), J Pedersen (Group Manager People and Customer Services), K Hill (Utilities Manager), P Watson (Reserves and Facilities Manager), B Williams (Strategic Property Manager), I Kruis (Environmental Solid Waste Team Leader) and A Alty (Senior Governance Advisor).

### **Community Boards**

M Grainger (Chairperson, Omokoroa Community Board) and J Dugmore

### **Others**

P Clark (Specialist Engineer) and 7 members of the public.

### **Apologies**

An apology for early departure for a funeral was notified by Councillor Murray-Benge. It was noted that Councillors Dean and Marsh were on leave of absence.

**Resolved:** Mackay / Palmer

*THAT the apology for early departure from Councillor Murray-Benge be accepted.*

### **Change to Order of Business**

The Chairperson requested a change to the order of business to allow the presentation from representatives from the Bay of Plenty Regional Council to be dealt with as the next item of open business so the presenters could leave the meeting at the conclusion of the item.

**Resolved:** Palmer / Williams

*THAT in accordance with Standing Orders the Order of Business be changed and that the item, being a Presentation from Bay of Plenty Regional Council be dealt with as the next item of open business to allow representatives in attendance to be released from the meeting at the conclusion of the item.*

OP18.1 **Presentation**

**Bay of Plenty Regional Council  
Water Quality Implications, Kaituna Diversion**

The Committee considered a presentation from Bay of Plenty Regional Council regarding Fresh Water Management and the National Policy Statement for Freshwater Management and the Kaituna-Pongakawa-Waitahanui Water Management Area.

Nicki Green, Principal Advisor, Policy and Planning and Pim de Monchy, Coastal Catchments Manager from the Bay of Plenty Regional Council spoke to the presentation covering the following topics:

- National Policy Statement for Freshwater Management
- Kaituna-Pongakawa Waitahanui Water Quality
- Resource Management Issues – Maketu and Waihi Estuaries
- Ecological Health in Maketu and Waihi Estuaries
- Nitrogen, Phosphorus, Bacteria, Sediment impacts on waterways
- Lowland Drainage and Land Drainage Canals
- High Biodiversity, Cultural and Landscape Values
- Ecological Health Indicators
- Reducing Contaminant Loading
- Kaituna River Re-Diversion and Te Awa o Ngatoroirangi Maketu Estuary Enhancement Project

The Chairperson thanked the Bay of Plenty Regional Council Representatives for their presentation.

**Resolved:** Williams / Mackay

*THAT the meeting be reconvened in formal session.*

OP18.2 **Yeoman Walkway to Park Road Reserve Feasibility Study Report**

The Operations and Monitoring Committee considered a report from the Reserves and Facilities Manager dated 19 March 2019 as circulated with the agenda.

The Chairperson advised that the attending members of the public with a specific interest in the Yeoman Walkway Feasibility Study be allowed to speak during this item, at the conclusion of the presentation from the Reserves and Facilities Manager.

The Reserves and Facilities Manager spoke to the Investigation Report for Yeoman Walkway/Cycleway Pavement Construction from Park Road to Uretara Stop-Bank (Riverlea Drive West) at Katikati.

The report detailed practical aspects and options associated with upgrade and forming an all-weather 1,305 metre long path for combined pedestrian and cycle use on esplanade reserves and recreation reserves at Katikati.

The proposed activity was consistent with Council's Walking and Cycling Strategy which was adopted in 2009, and with the adopted 2018 Katikati/Waihi Beach Ward Reserve Management Plan review. The relevant objectives/policies from the Katikati/Waihi Beach Ward Reserve Management plan adopted in December 2018 that relate to the proposed cycleway/walkway along the esplanade reserve between The Yeoman Walkway and Park Road Reserve, Katikati were identified as listed below:

Katikati/Waihi Beach Reserve Management Plan (Page 248)  
Reserve Management Policy:

6.82.1 Continue to secure remaining areas of esplanade reserve around the Katikati Peninsula (as identified in the District Plan) to achieve continuous pedestrian access and harbour protection.

6.82.2 Where existing access over private land facilitates the coastal walkway/cycleway connection, seek to secure some form of legal formalisation of this access including access to Tutaetaka.

6.82.3 Manage the coastal esplanade for the protection of the natural character and wildlife values of the Tauranga Harbour.

6.82.4 Consistent with the protection of the above values provide for continuous pedestrian/cycleway linkage around the Katikati Peninsula.

6.82.5 Develop a walkway/cycleway between the Yeoman Walkway, Riverlea Drive Reserve, Levley Lane Reserve, Francis Drive Reserve and Park Road Reserve next to the retirement village.

The Reserves and Facilities Manager advised that the report identified the practical aspects and options associated with upgrading and forming an all-weather multi-use pathway, and goes into some detail as this was required to ensure firstly, that the route was feasible to establish an all weather pathway and secondly to have a clear understanding of cost estimates.

The meeting was advised that at this stage no public or neighbourhood consultation had been undertaken in relation to the project proposals. Discussions had occurred with the local Katikati cycling and walking groups who initiated the cycleway/walkway concept a number of years ago.

Jack Ripley and Frances Young spoke to the meeting advising:

- It was important to fix up the dangerous areas of the walkway.
- The Birdwalk end by the culvert needed to have some urgent attention.

- Adjoining property owners and neighbours in the vicinity of the walkway were interested in what was proposed and needed to be consulted. They had ideas and it was important that a local perspective was heard at a consultation meeting relating to the walkway.

The Reserves and Facilities Manager advised that he was working with the Bay of Plenty Regional Council and the land owner of the property at the end of the Bird Walk in consideration of the development of a wetland area.

**Resolved:** Williams / Marshall

1. *THAT the Reserves & Facilities Manager's report dated 19 March 2019 and titled Yeoman Walkway to Park Road Reserve – Feasibility Report 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 staff prepare an internal submission to the 2019/20 Annual Plan and Budget for the following:*
4. *\$50,000 for upgrade of the hazardous section of the existing pathway*
5. *THAT the committee notes that the proposed walkway/cycleway is*
  1. *identified in the following planning documents:*
    - *Walking and Cycling Strategy 2009*
    - *Katikati/Waihi Beach Reserve Management Plan*

10.30 am The meeting adjourned for morning tea.

Councillor Murray-Benge left the meeting.

10.45 am The meeting reconvened in formal session.

OP18.3 **Additional Opening Hours at Te Puke Recycle Centre and Katikati Recycle Centre**

The Committee considered a report from the Resource Recovery and Waste Team Leader dated 12 March 2019 as circulated with the agenda.

**Resolved:** Dally / Mayor Webber

1. *THAT the Resource Recovery and Waste Team Leader's report dated 13 March 2019 titled Additional Opening Hours at Te Puke Recycle Centre and Katikati Recycle Centre 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 Committee approve the additional opening hours for the Te Puke Recycle Centre to operate from 8am to 5pm on Tuesdays and Thursdays and the cost implications of an additional \$29,952 per annum be absorbed within the existing operational budget.*

*AND*

4. *THAT the Committee approve the additional opening hours for the Katikati Recycle Centre to operate from 9am to 4pm on Thursdays and the cost implications of an additional \$36,636 per annum increase for additional staff hours required for the Katikati and Athenree Recycle Centres on Thursdays be absorbed within the existing operational budget.*

OP18.4

**Omokoroa Golf Course and Precious Family Reserve Walkway Erosion Funding Report**

The Committee considered a report from the Specialist Engineer dated 12 March 2019 as circulated with the agenda.

The Chairperson welcomed Peter Clark, the Council Specialist Engineer and writer of the report relating to the Omokoroa Golf Course. Mr Clark spoke to the report noting:

The current golf course site had originally been a swamp area and had been developed into a highly valued recreation facility.

The report outlined Council's proposed commitment to a joint project between the Omokoroa Golf Club and Council to consent and construct a bund, culvert structures and walkway/cycleway on the esplanade reserve that bounds the golf course.

The Omokoroa Golf Club had sought assistance for many years to mitigate ongoing erosion, salt water flooding, grass burn and sand deposition. Council had partially defined a walkway from Precious Family Reserve to Kayelene Place around the perimeter of the course. Unless works were undertaken to protect the walkway, this would ultimately be lost to the sea. The walkway was a key component of the Omokoroa Walkway/cycleway network and when fully developed would be a popular recreational route.

It was confirmed that the proposed works aligned with Council's current Coastal Erosion Policy.

It was intended that the nearby stormwater ponds would be cleaned and silt removed in parallel with the project, and that silt mixed into the Precious Reserve fill would result in a cost effective option for filling some of the required area.

The project was beneficial to the Council in that it would provide essential protection for Council assets, benefit the management of Omokoroa Golf Course and give benefit to the community at large.

The Deputy Chief Executive Officer advised that final costs would not be known until the final design work was completed. Council consents for the project were in place and Regional Council consent was anticipated. As soon as all consents were in place the available fill would be able to be brought on to the designated sites.

**Resolved:** Mayor Webber / Palmer

1. *THAT the Specialist Engineer's report dated 12 March 2019 and titled Omokoroa Golf Course and Precious Family Reserve Walkway Erosion Funding Report 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 Committee agrees to a joint project between the Omokoroa Golf Club and Council to consent and construct a bund, culvert structures and a walk/cycleway on the esplanade reserve that bounds the golf course and that consents, fills and re-contours the lower section of Precious Reserve.*
4. *THAT it be noted that funding for the project may include:*
  - *Omokoroa Golf Club contribution (confirmed) \$250,000*
  - *Omokoroa Community Roading allocation (subject to Community Board decision) \$200,000*
  - *Relocation of surplus material from the Omokoroa Pond 2 construction indicative \$50,000*
  - *Omokoroa Structure Plan walkway allocation up to \$200,000*
  - *External funding Balance*
5. *THAT the report be referred to the Omokoroa Community Board for confirmation of their commitment to contribute to the project from their Community Roading Account.*

#### OP18.5

#### **Housing Action Plan Six-Monthly Progress Report**

The Committee considered a report from the Senior Policy Analyst dated 19 March 2019 as circulated with the agenda.

The Senior Policy Analyst spoke to the report which was provided as a requirement of the Council Housing Action Plan adopted in October 2018. The Housing Action Plan aligns with the SmartGrowth Smart Housing Action Framework. The report noted:

- Strategic land purchase in Katikati.



- Healthy Whare Project - continuation to deliver healthy housing in Katikati. The project team was also talking to other communities with housing needs.
- Bay of Plenty Healthy Homes Forum Work – the Forum was developing a regional healthy homes programme, that would be able to leverage central government funding to improve housing quality.

Targets within the programme included:

- Affordable Housing
- Habitable Housing
- Accessible Housing

It was requested that charitable trust operation options for Council's pensioner housing be considered. The Senior Policy Analyst advised that a paper on pensioner housing would be presented to a Policy Committee workshop in the near future.

**Resolved:** Mayor Webber / Williams

1. *THAT the Senior Policy Analyst's report dated 19 March 2019 and titled Housing Action Plan Six-Monthly Progress Report 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.*

## OP18.6

### **Infrastructure Services Report - April 2019**

The Operations and Monitoring Committee considered a report from the Deputy Chief Executive Officer dated 26 March 2019 as circulated with the agenda.

The Deputy Chief Executive Officer, Utilities Manager, Strategic Property Manager, and Reserves and Facilities Manager provided updates on the following projects and issues:

#### Utilities

- Dumped Tyres at Junction Road
- Impact of Wet Wipes Ongare point Residents' Guide to Wastewater

#### Brochure

- Cross Country Mains Break
- Water Catchment Reserve
- Tuapiro Point – Wetland Development Opportunity

#### Reserves and Facilities

- Midway Park – Pukehina – Rust in playground equipment frame
- Pats Lane Cycleway Progress
- Tourism Infrastructure Fund (TIF)

#### Strategic Property

- Te Puke Dog Shelter
- Special Housing Area

- Omokoroa Library – First Floor Plan

#### Transportation

- Omokoroa Road Urbanisation
- Welcome Bay Upgrading
- Rooding Projects
- Cycleway Construction Te Puna

**Resolved:** Mackay / Marshall

1. *THAT the Deputy Chief Executive Officer's Report dated 26 March 2019 and titled Infrastructure Services Report April 2019 be received.*
2. *THAT the Open Section of the Operations & Monitoring Committee Information Pack No. OP18 dated 26 March 2019 be received.*
3. *THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*
4. *THAT the petition received from Waihi Beach Ratepayers Association requesting Council to reconsider the decision and find a more suitable location for the KiwiCamp facility be received.*

### **Local Government Official Information and Meetings Act**

#### **Exclusion of the Public**

#### **Schedule 2A**

**Resolved:** Williams / Dally

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

- *Waihi Beach Wilson Road Bore Site WSZ3 – Land Purchase – In Confidence*
- *Te Puke War Memorial Hall – Request for Funding - In Confidence*
- *Infrastructure Services Report – April 2019 - In Confidence*

*The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(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>Waihi Beach, Wilson Road Bore Site WSZ3 – Land Purchase</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 enable the Council to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) Protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>Te Puke War Memorial Hall – Request for Funding</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 enable the Council to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>
<i>Infrastructure Services Report – April 2019 – In Confidence</i> <i>- Property Negotiations</i> <i>- Contract and Project Updates</i> <i>- Waihi Beach Coastal Protection</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 enable the Council to carry on without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). Protect the privacy of natural persons, including that of deceased natural persons.</i>

## Western Bay of Plenty District Council

**Minutes of Meeting No. RH15 of the Regulatory Hearings  
Committee held on 20 December 2018 in the Council Chamber  
commencing at 11.00am**

### **Present**

Independent Commissioner W Wasley (Chairperson), P Mackay, D Marshall, M Murray-Benge, J Scrimgeour, and M Williams

### **In Attendance**

R Davie (Group Manager Policy, Planning and Regulatory Services), C Watt (Consents Manager), C Stone (Intermediate Development Engineer), K Elder (Governance Manager) and M Parnell (Governance Advisor)

### **Others**

Lauren Ford (Consultant Planner, Harrison Grierson), Brent Trail (Managing Director, Surveying Services) and Mathew Nichols (Licensed Surveyor, Surveying Services).

RH15.1      **RC11048(S) - Kenneth and Rosemarie Thompson - Resource Consent to Undertake a Three Lot Subdivision Using Transferable Subdivision Entitlements - 98A Munro Road, Whakamarama**

#### **Chairperson's Introduction**

The Chairperson introduced himself and opened the meeting and welcomed those present. He introduced the Committee, outlined procedure and called for introductions from those present.

#### **For the Applicants**

Brent Trail, Managing Director of Surveying Services, and Matthew Nichols, Licensed Surveyor of Surveying Services were in attendance on behalf of the Applicant.

### For Council

The Environmental Consents Manager introduced the staff present and Lauren Ford, Consultant Planner of Harrison Grierson.

### Staff Report

1. The Consultant Planner's report was taken as read and a brief summary of the application was made.

### Evidence of the Applicants

2. Mr Brent Trail, Managing Director of Surveying Services presented evidence on behalf of the applicants as set out in para 6.1 of the attached decision dated 20 December 2018 (**Attachment A**).

11.28am The meeting adjourned for the Consultant Planner to look at suggested amendments to conditions.

11.43am The meeting was reconvened.

### Staff Comment Following Submissions

3. Ms Lauren Ford Consultant Planner of Harrison Grierson, addressed the Committee. The Environmental Consents Manager and Ms Ford responded to questions as set out in para 6.2 of **Attachment A**.

### Applicants Right of Reply

Mr Trail commented that he was regularly asked about right of way responsibility and he understood that, while Council had concerns about them and received complaints regarding them, they were a private responsibility.

Ms Ford outlined amended conditions as set out in para 6.2 (page 7) of **Attachment A**.

Mr Trail thanked the committee for listening to and accommodating the applicant's submission.

**Resolved:** Williams / Murray-Benge

- a) *THAT the report by the Consultant Planner dated 26 October 2018 is received.*
- b) *THAT pursuant to Sections 104, 104C and 108 of the Resource Management Act 1991, the Western Bay of Plenty District Council grants consent to the application by Kenneth & Rosemarie Thompson to undertake a three lot subdivision using transferable subdivision*

*entitlements, being a restricted discretionary activity, located at 98a Munro Road, legally described as Lot 1 DPS 55319 subject to the following conditions:*

1. *THAT the activity be carried out in accordance with the subdivision scheme plan prepared by Surveying Services entitled 'Proposed Subdivision of Lot 1 DPS 55319' dated 31/07/2017, Drawing No. 4305.1 and the information submitted as part of this application (except where modified by any conditions of this consent).*
2. *THAT the following financial contributions be paid in respect of the subdivision:*
  - (a) Rural Roding (Kaimai Ward) .....2 x \$6,937 + GST*
  - (b) District Wide Roding ..... 2 x \$533 + GST*
  - (c) Water Supply (Central) .....2 x \$4,284 + GST*
  - (d) Ecological ..... 2 x \$501 + GST*
  - (e) Recreation and Leisure .....2 x \$5,996 + GST*
3. *THAT with regard to Condition 2, the financial contributions calculated in accordance with the provisions of the Operative District Plan, shall be paid within full within two years of the date of commencement of the consent provided that:*
  - (a) Any financial contribution which is not paid in full within two years from the date of commencement of the consent shall be adjusted so that the amount of the financial contribution required by the resource consent shall be the amount calculated in accordance with the relevant formulae using the updated inputs to those formulae as set out in Council's Annual Plan current at the date of payment.*
  - (b) Any financial contributions not paid within two years from the date of the commencement of the consent shall be (where applicable) paid prior to the issue of a Building Consent under the Building Act 2004, subject to the adjustments referred to in sub-paragraph (a) herein.*
4. *THAT the proposed private way C/F/G be structured in accordance with Council Standard Specification Drawing No's W439 and W440. The water table shall be well defined and potentially armoured to account for the stormwater connections from future buildings on potential Lots 2 and 3 if applicable as determined at the time of engineering plan approval*
5. *THAT over the first 100 metres of ROW B, the southern berm (LHS) of the access way be regraded to create a fall of 5% away from the carriageway for a minimum distance of two metres before rising to meeting original ground level at or before the boundary. The intention is to create a mowable swale which can continue to provide for occasional passing.*
6. *THAT an accurate Council issued RAPID (Rural Address Property Identification) plate be displayed at the vehicle entrance for each new Lot created in accordance with Western Bay of Plenty District Council's*

*Rural Property Numbering Bylaw 2005. This condition shall be satisfied prior to the application for 224c certification from Council.*

7. *THAT dry 20mm internal diameter water supply pipes to serve proposed Lots 2 and 3 be constructed along privateway A/B and proposed privateway C/F/G in accordance with Council's Development Code, with the alignment to be selected by the consent holder's representative and the ends capped and clearly pegged. A "paper" as-built drawing should also be provided with the off sets from the adjacent property boundaries shown. The physical connection to Council's watermain shall to be completed as a separate application to Council at the time of Building Consent.*
8. *THAT the existing stormwater system located on existing Privateway A/B shall be checked for inlet/pipe capacity and a review shall be undertaken of any scour protection required at the outlet to serve the total design flow (including the addition of two future buildings on proposed Lots 2 and 3). The design shall be detailed on engineering design documents which shall be submitted to Council for approval. Culvert upgrading may be required including a drop structure due to the grate being very susceptible to blockage from leaves.*
9. *THAT stormwater connections shall be provided within the property boundary of the proposed lot 3 to discharge into the wet area located in lot 2 in accordance with Council's Code of Practice. The end shall be capped and clearly pegged. Lot 2 shall, at the time of building, have a stormwater connection discharging into the wet area located therein. Alternatively either lot 2, 3 or both shall have a stormwater connection provide between the property boundary discharging to the water table of G/F/C. The end shall be capped and clearly pegged. This is to be determined at detailed design stage.*
10. *THAT:*
  - a) *Letters are required from power and telecom authorities confirming that the existing power and telecom reticulation in the vicinity of the sites has the capacity to serve future development of the sites to a minimum of a domestic level of service without upgrading.*
  - b) *Where the power and/or telecom reticulation is confirmed not to have the capacity as described above, then the reticulation shall be upgraded by the consent holder at their expense.*
11. *THAT power and telecommunications reticulation be installed to serve the development with the capacity and ability to later provide all proposed residential/commercial lots with individual connections (lead in's). Letters are required to be provided from power and telecom authorities confirming that this condition has been met to their satisfaction.*
12. *THAT pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the titles of the proposed Lots 2 and 3, stating: all development (except that all storm water connections shall be made in accordance with condition 9 above) shall*

*be undertaken in accordance with the recommendations contained within the report of soils engineer, Michael O'Brien, for O'Brien Geotech Ltd (Project No 622) dated March 2018 or subsequent reports by a suitably qualified geoprofessional or Chartered Professional Engineer in accordance with Council's Development Code.*

13. *THAT pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the titles of the proposed Lot 3, stating: the discharge of water shall be via the Stormwater connection provided at the time of Council approval pursuant to Section 224(c) of the Resource Management Act 1991. Storm water from the proposed Lot 2 shall discharge directly into the low wet area within the lot.*
14. *THAT the consent holder's representative submit to the Chief Executive Officer or duly authorised officer for approval, with the appropriate engineering inspection fee; construction drawings, specifications, calculations and project cost estimate; covering the stormwater system and the Lot connections into the private way water table, which it is proposed to be built in accordance with Council's Development Code. Construction shall not commence until written approval of the plans and specification has been provided by Council.*
15. *THAT the work required by conditions 4-11 be supervised and certified as complete in accordance with the conditions by the consent holder's representative (refer Section 12.3.9a) to the satisfaction of the Chief Executive Officer or duly authorised officer.*

*Advice Notes:*

1. *The consent holder should notify Council, in writing, of their intention to begin works prior to commencement. Such notification should be sent to the Council's Compliance & Monitoring Team and include the following details:*
  - *name and telephone number of the project manager and site owner*
  - *site address to which the consent relates*
  - *activity to which the consent relates*
  - *the expected duration of works.*

*Notifying Council of the intended start date enables cost - effective monitoring to take place. The consent holder is advised that additional visits and administration required by Council officers to determine compliance with consent conditions will be charged to the consent holder on an actual and reasonable basis as provided for under the Act.*

2. *Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by a Council representative and failure to meet these conditions may result in*



*enforcement action being taken in accordance with Council's Monitoring, Compliance and Enforcement Strategy. This may involve the issuing of an Infringement Notice (instant fine) and/or a monitoring fee.*

- 3. The consent holder or submitters may Appeal this decision, including any conditions of consent, to the Environment Court within 15 working days of receipt of this decision. Prior to doing so you are advised to engage your own legal advice. Please note, however, that pursuant to Section 116 of the Act that the consent granted and authorised by this decision cannot be given effect to until all Appeals are resolved.*
- 4. Any lack of recorded archaeological sites on the property may be due to one of two factors. This may be because there are no sites present, or there has not been an archaeological survey undertaken on the site. work that may modify, damage or destroy any archaeological site(s), such as earthworks, fencing or landscaping, is subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014.*

The reasons for this decision are as follows:

- 1. That the proposal is in general accordance with the matters outlined in Part 2 of the Act and will contribute to the sustainable management of natural and physical resources through the subdivision and development of land for lifestyle purposes and enable the applicants to provide for their social and economic well-being but ensuring that any effects on the environment are no more than minor.*
- 2. That the proposal on balance in general accord with the relevant District Plan objectives and policies and generally is of a form envisaged by the District Plan.*
- 3. The proposal is consistent with the purpose and principles of the Resource Management Act 1991.*

The meeting concluded at 12.06pm.

RH15

The decision of the Regulatory Hearings Committee meeting held on 20 December 2018 relating to application RC11048(S) - Resource Consent to Undertake a Three Lot Subdivision Using Transferable Subdivision Entitlements - 98A Munro Road, Whakamarama is attached **(Attachment A)**.

**IN THE MATTER** of the Resource Management Act 1991 (RMA or Act)

**AND** an application under the RMA to the Western Bay of Plenty District Council by Kenneth and Rosemarie Thompson to undertake a subdivision in respect of property described as Lot 1 DPS 55319 located at 98A Munro Road, Whakamarama.

## **1. INTRODUCTION**

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### **1.1 APPLICATION**

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The application is to subdivide a 1.41 ha site to create three lots using the District Plan transferable development right provisions. The proposed lots are to be comprised as follows:

- Lot 1, 5,320 m<sup>2</sup> (Nett 4,140 m<sup>2</sup>)
- Lot 2, 4,490 m<sup>2</sup>
- Lot 3, 3,300 m<sup>2</sup> (Nett 3,050 m<sup>2</sup>)

It is proposed that all lots are to be accessed via an existing private-way which currently serves 6 lots, including the subject site. Following the proposed subdivision, the private-way will serve a total of 8 lots.

### **1.2 SITE & SURROUNDING ENVIRONMENT**

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The subject site is within the Lifestyle Zone and is also within the Minden 1C Structure Plan Area and the s42A report described the site and environment as follows:

*"The majority of the site is located within Stability Area – Minden C, and a northern portion of the site (including an area of the existing private-way) is located within Stability Area – Minden A. Approximately 1,700 m<sup>2</sup> of a northern portion of the site is located within the 'Minden Lifestyle Structure Plan Area Overland Flow-paths and Local Ecological Features' overlay.*

*The site is located on the western side of Munro Road, and is accessed from a private-way off Munro Road. The site comprises an existing residential dwelling and associated*

*garages/sheds. The topography of the site is relatively flat, sloping up approximately 10 m from the north to the south.*

*The site is surrounded by other land zoned Lifestyle, along with land used for horticultural purposes.*

### **1.3 APPOINTMENT**

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I was appointed by the Council as an Independent Commissioner in terms of s34A of the Resource Management Act 1991 ("the RMA") to chair the Regulatory Hearings Committee, which had a delegation to hear the applicant, submitters and the Council's reporting officer and to determine the application. The information available to us prior to the hearing included the application, assessment of environmental effects (AEE) report and other information; the submissions and a report prepared by Council's reporting officer, being the s42A report.

### **1.4 LIMITED NOTIFICATION**

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The application was subject to limited notification 10 September 2018 with the submission period closing on 8 October 2018. Notification of the application was made to Mr & Mrs John and Janet Reid; and AA Van Gorp and JMPC Van Gorp-Paulusse.

Matters relating to the limited notification were outlined in the s42A report and the associated notification decision. It is not considered necessary to discuss this matter in this decision as it is not a matter that we have jurisdiction over.

Submissions were received from both parties.

### **1.5 ACTIVITY STATUS**

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As noted in the s42A report, the application has elements that have both controlled and restricted discretionary activity status. In accordance with the 'bundling principle', the proposal has been considered as a restricted discretionary activity.

### **1.6 DEFINITIONS**

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In this Decision we use the following terms:

AEE	-	Assessment of Effects on the Environment report
Applicant	-	Kenneth & Rosemarie Thompson
District Plan	-	Western Bay of Plenty District Plan (Operative)

- RMA - Resource Management Act 1991 and its amendments
- Submitters - Mr & Mrs John and Janet Reid; and AA Van Gorp and JMPC Van Gorp-Paulusse.

## **2. HEARING**

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The hearing was conducted on 20 December 2018 in the Western Bay of Plenty District Council Chambers. Appearances were from:

### **2.1 APPLICANT**

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- Mr Brent Trail – Managing Director, Surveying Services

### **2.2 SUBMITTERS**

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- There were no appearances from submitters

### **2.3 COUNCIL**

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- Ms Lauren Ford – Consultant Planner
- Mr Chris Watt – Environmental Consents Manager

### **2.4 ADJOURNMENT DURING HEARING**

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During the hearing we agreed to an adjournment to allow Mr Trail, Ms Ford and Mr Watts to discuss matters related to proposed conditions tabled by Mr Trail at the hearing.

Both parties reported back to us when the hearing was reconvened and advised agreement had been reached relating on appropriate draft conditions.

### **2.5 HEARING CLOSURE**

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We formally closed the hearing on the day of the hearing after we had concluded that we had sufficient information on which to determine the application.

## **3. SUBMISSIONS & MAIN ISSUES RAISED**

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The submissions were received within the statutory time period and are summarised in the s42A report as follows;

Submitter	Summary of Submission	Suggested Outcome
John & Janet Reid	<ul style="list-style-type: none"> <li>• The subdivision will limit their potential to subdivide in the future.</li> <li>• The carriageway does not comply and should be brought up to compliance standards by the subdivider.</li> <li>• The subdivision will contribute to volume of traffic on State Highway 2 which is unfit for the volume using it.</li> </ul>	<ul style="list-style-type: none"> <li>• Driveway must be brought up to compliance standards by the subdivider.</li> <li>• Object to any future subdivision until Munro Road and State Highway 2 are fit for purpose.</li> </ul>
AA Van Gorp & JMPC Van Gorp-Paulusse	<ul style="list-style-type: none"> <li>• The subdivision will reduce their property value because the ability to subdivide in the future will be reduced.</li> <li>• The system first in first served is not fair because if they want to subdivide in the future the possibility might not be there.</li> <li>• Change to the rural nature of neighbourhood.</li> <li>• Negative effect of increased use of the private-way by cars and commercial vehicles.</li> <li>• A total stop of subdivisions would be more in line with the views of the local community due to an unacceptable increase of traffic on State Highway 2.</li> </ul>	<ul style="list-style-type: none"> <li>• Reject application.</li> </ul>

#### 4. STATUTORY PROVISIONS CONSIDERED

In considering the application, we have had regard to the matters to be considered as set out in s104 of the RMA, recognising the status of the activity as a restricted discretionary activity. Activity status is discussed in section 1.5 of this decision.

We have had regard to the provisions of the District Plan and to Part 2, being the purpose and principles of the RMA.

In respect of a restricted discretionary activity, s104C of the RMA states that a consent authority may grant or refuse consent and if granted, conditions may be imposed under s108 of the RMA.

## 5. PRINCIPAL MATTERS IN CONTENTION

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Having considered the application, submissions and evidence provided, and being guided by the assessment criteria of the District Plan, we consider that the principal issues of contention are:

- Reduction of subdivision potential
- Ability of private-way to accommodate an increase in users
- Stability Area- Minden C

## 6. SUMMARY OF EVIDENCE

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The following summary is not intended to be a full coverage of all matters raised at the hearing. Relevant parts of the evidence presented by the parties are referred to in the Main Findings section of this decision, where it forms a component of the findings by us, in deciding the application.

### 6.1 APPLICANT

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Mr Trail summarised the application and discussed the submissions received opposing the application. He tabled suggested amendments to the draft conditions outlined in the s42A report.

In response to questions, Mr Trail outlined the following:

- The property behind the applicant's had not submitted on the application but had communicated concern about the application. About half of their 1.07 ha section was at maximum slope for a house and it was unlikely that they would subdivide in the future.
- He confirmed that the wetland was on lot 2. There were a few trees in lot 2 and so the easement would be about three metres wide. Tanks to control discharge would be quite appropriate in a residential situation but he considered it would not be necessary in this situation.
- He explained his proposal around condition 4 was because Surveying Services was proposing an alternative to disposing of the water independent of the water table drains.
- There was no impediment to additional lots apart from going through a restricted discretionary application. The current application was a restricted discretionary application as were all applications in the Minden area for this type of activity.
- There were no legal restrictions regarding the additional lots. The right of way was nine metres wide which allowed room for berms and surfaces on the right of way.
- There would be some minor upgrades on the first 100 metres of the right of way. The part that would be shared was about 150 metres after which it took a sharp turn and continued on for approximately 200 - 250 metres.

## 6.2 COUNCIL

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**Ms Ford** stated that in her opinion the proposal should be approved and noted the following matters relating to draft conditions, and those tabled by Mr Trail;

- Agreed with proposed conditions five and 13.
- Agreed with condition four with the stipulation that it read “if applicable as determined as the time of engineering plan approval.”
- Agreed with condition nine and requested that this be determined at the detailed design stage.
- That condition 14 should remain as stated in the s42A report.

In response to questions, Mr Watts and Ms Ford responded as follows:

- Condition 12 would fall as a result of the changes made to conditions three through nine.
- At the time the report was written, there were 13 lots remaining in the Minden Area Structure Plan out of the initial 103 lots available. This could only be reviewed once the Tauranga Northern Link had been built as the area currently had only two access points and would require additional access points to support more developed lots.
- Generally, private right of way agreements were put in place to govern the sharing of costs of a right of way depending on how well they were constructed. There had been examples where the last person to develop in a right of way had ended up being liable for the cost of the right of way and there were some that very clearly showed shared responsibility for cost. This was a separate private agreement between property owners and was not the responsibility of Council.
- Under the Land Transport Act the general conditions around right of ways was that all home owners had a share of their right of way proportionate to their ownership. In the case of subdivision, the one subdividing carried the cost.
- Condition 14 looked at the disposal of stormwater and the decision regarding this would be made at the engineering design level. Condition 14 triggered the need for the Surveying Services to submit an engineering design calculating the stormwater disposal requirements and investigating the best option for this.
- There was a culvert in the right of way that took stormwater down the bank. Surveying Services asked that they be allowed an alternative option to dispose of stormwater outside of the water table, which would likely need armouring to prevent scouring if the water table was used.
- The civil right of way agreement would also include the maintenance and upgrade of the grass berm and the amenity and usability would be the responsibility of the shared owners. There had been cases where a traffic engineer’s report had been required as part of an application for this kind of activity, but this was not one of those cases as the grass



that would there could be traversed. Passing bays would be considered on a case by case basis. In this case the right of way was relatively straight, sight lines were good, and width was adequate for two vehicles so there were no concerns.

Ms Ford outlined amended conditions as follows:

- Condition 4 would read, "That the proposed private-way C/F/G be structured in accordance with Council Standard Specification Drawing No's W439 and W440. The water table shall be well defined and potentially armoured to account for the stormwater connections from future buildings on potential Lots 2 and 3 if applicable as determined at the time of engineering plan approval."
- Condition 9 would read, "That stormwater connections shall be provided within the property boundary of the proposed lot 3 to discharge into the wet area located in lot 2 in accordance with Council's Code of Practice. The end shall be capped and clearly pegged. Lot 2 shall, at the time of building, have a stormwater connection discharging into the wet area located therein. Alternatively, either lot 2, 3 or both shall have a stormwater connection provide between the property boundary discharging to the water table of G/F/C. The end shall be capped and clearly pegged. This is to be determined at detailed design stage."
- Condition 14 would read, "That the consent holder's representative submit to the Chief Executive Officer or duly authorised officer for approval, with the appropriate engineering inspection fee; construction drawings, specifications, calculations and project cost estimate; covering the stormwater system and the Lot connections into the private-way water table, which it is proposed to be built (if applicable) in accordance with Council's Development Code. Construction shall not commence until written approval of the plans and specification has been provided by Council."
- Conditions 5, 12 and 13 as recommended by Mr Trail were agreed in full to replace recommended conditions outlined in the s42A report.

In response to a question regarding stormwater, the Mr Watt advised that it was partially correct that stormwater on G/F/C would continue onto A/B. There was an existing cesspit opening into a culvert under where G/F/C and A/B met together and as mentioned in one of the other conditions there was a requirement to report on the entry to that culvert and requirements for upgrade reviewed. The area in question was a low point and so there would be no stormwater back up at A/B affecting the neighbours.

### 6.3 RIGHT OF REPLY

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**Mr Trail** commented that he was regularly asked about right of way responsibility and he understood that, while Council had concerns about them and received complaints regarding them, they were a private responsibility.

## **7. MAIN FINDINGS**

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The application, submissions, s42A report, and the evidence presented highlighted various matters for our consideration.

### **7.1 DISTRICT PLAN**

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The District Plan is the primary planning document. The s42A report contained an analysis of the relevant District Plan policies and objectives. Having considered that assessment, we concur with it and that the proposal is considered to be consistent with the objectives and policies of section 8 (Natural Hazards); section 12 (Subdivision and Development), and section 17 (Lifestyle Zone).

### **7.2 REDUCTION OF SUBDIVISION POTENTIAL**

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The s42A report outlined that a total of approximately 19 lots (including the subject sites and the two additional lots to be created through the proposal) could be created from the 6 lots currently served by the private-way that would be in compliance with both the minimum lot size, and minimum average requirements set out by Rule 17.4.2 (ii).

Rule 12.4.4.4 (f) (i) states that the maximum number of lots that shall be dependent on a private-way for legal access is 12 lots, therefore it can be determined that the proposal will reduce the subdivision potential of all of the other lots served by the private-way because of the resultant increase in the number of lots that will be dependent on the private-way for access.

There is the potential for an additional 7 lots to be created above the maximum number of lots to be served by a private-way, as specified per Rule 12.4.4.4 (f) (i).

We noted that the proposed subdivision will take the number of users of the private-way to 8. Following the proposed subdivision, the maximum number of lots that shall be dependent on a private-way for legal access (being 12 users) will not be reached. There will still be the potential for an additional 4 lots to be served by the private-way.

Although Rule 12.4.4.4 (f) (i) specifies that the maximum number of lots that shall be dependent on a private-way for legal access is 12, we were advised that non-compliance with this rule would be required to be assessed as a restricted discretionary activity under Rule 12.3.4.1.

Therefore, there is the potential for the private-way to serve more than 12 lots. However, the application would be required to be processed as a restricted discretionary activity, and consent could be granted or refused.

Submitters were concerned that the proposed subdivision will reduce their ability to subdivide in the future. The s42A report outlined that each of the submitter lots could be subdivided an

additional two times following the proposed subdivision, and only then would the private-way reach its capacity of 12 users. However, there is nothing preventing other lots served by the private-way from subdividing before the submitters.

Although the proposed subdivision will reduce the subdivision potential of all other lots served by the private-way, the proposed subdivision will not result in the private-way reaching capacity. Furthermore, there is potential for more than 12 lots to be served by the private-way for legal access in the future.

Having regard to the above discussion, we consider that any effects associated with the reduction in subdivision potential will be acceptable and no more than minor.

### **7.3 ABILITY OF PRIVATE-WAY TO ACCOMMODATE INCREASE IN USERS**

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The s42A report outlined that the carriageway width for ROW A & B is only 3 m as opposed to the required 3.5 m but that this is an existing non-compliance.

While a submitter had raised concerns around the negative effect of the increased use of the private-way by both cars and commercial vehicles we were satisfied that the ROW could accommodate the two new proposed lots. In the unlikely event that additional maneuvering is required, a wide grass berm is available outside the bounds of ROW A & B.

Council's Development Engineer stated that the portion of the ROW that will service the proposed lots has enough area to pull to the side for passing.

Ms Ford advised that the private-way can serve up to 12 lots as a permitted activity, and the proposal will result in a total of 8 lots being served by the private-way. Therefore, any effects (e.g. traffic) resulting from the increased use of the private-way will be within what is anticipated for a private-way within the Minden Lifestyle Zone.

Although a submitter stated that the carriageway width does not comply and must be brought up to standard by the applicant, we were noted that the Council's Development Engineer does not consider that the carriageway of ROW A & B needed to be increased in width.

Ms Ford recommended a consent condition requiring the applicant to alter the water tables of ROW A & B, to be more defined as per drawing W439. It was noted that this condition was a compromise for not widening the carriageway and will result in a positive effect through improving the drainage of the ROW.

Both submitters raised concerns surrounding State Highway 2 and its ability to accommodate additional traffic. It is important to note that there are lots available within the Minden 1C Structure Plan Area, and State Highway effects have already been considered.

Having considered all relevant matters and engineering advice provided to us, we consider that any adverse effects as they relate to the carriageway non-compliance of ROW A & B are no more than minor with the imposition of consent conditions

Although the carriageway of ROW A & B is undersized, we consider that it is of a suitable width and design to accommodate any increase in use resulting from the proposal.

#### 7.4 STABILITY AREA-MINDEN C

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We were advised through the s42A report that any proposed earthworks are limited to the establishment of the ROW and building sites, and no vegetation is to be removed apart from garden landscaping.

We note that it is proposed that the building sites be set back from existing waterbodies and ephemeral flow-paths.

A portion of the site is located within the Minden Lifestyle Structure Plan Area Overland Flow-paths and Local Ecological Features' overlay but we were advised that the proposed house sites and ROW will be located outside of this area. The proposal will not have an impact on Significant Ecological Features, or other prominent areas of indigenous vegetation.

Ms Ford advised that the proposal is able to comply with all of the activity performance standard set out through Rule 17.4.2 apart from Rule 17.4.2 (a) (i) and noted that this non-compliance was internal to the subject site. Therefore, the applicant had provided themselves with written approval for this non-compliance.

The stability information requirements for Stability Area – Minden C are set out through Rule 8.6 (d). This rule states; *Area C is land not considered to be at risk from instability. A stability analysis or stability assessment would not generally be required.*

Although this rule states that a stability assessment would generally not be required, a stability assessment has been provided in the form of a geotechnical report which has been produced in respect of the proposal. The geotechnical report concluded that the property is suitable for the proposed development. Additionally, a certificate of 'Suitability for Subdivision' has been included in Appendix A of the geotechnical report which has been signed by a category 1 geotechnical engineer.

Having considered these matters we are satisfied that any actual and potential effects associated with the proposal being located within Stability Area – Minden C will be acceptable and no more than minor.

## **8. OTHER MATTERS**

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### **8.1 NATIONAL POLICY STATEMENTS & NATIONAL ENVIRONMENTAL STANDARDS**

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It is considered that there are no National Policy Statements which are of relevance to the consideration of the application.

### **8.2 REGIONAL POLICY STATEMENT AND PLANS**

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The Bay of Plenty Regional Policy Statement (RPS) provides an overview of the resource management issues in the Bay of Plenty region and sets the direction and foundation of the regional and district plans which must give effect to the RPS.

We were not advised of any matters requiring consideration in respect of the RPS or Regional Plans.

### **8.3 MATTERS RAISED BEYOND WHICH DISCRETION IS RESERVED**

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One submission raised issues which are not within the matters over which discretion is restricted as defined by Rule 4C.1.5.2. of the District Plan. These matters related to property values and the rural nature of the neighbourhood.

- Property Values

Given that matters related to property values are not considered an “effect” under the RMA, we are unable to give consideration to this matter.

- Rural Nature of Neighbourhood

As noted in the s42A report, the proposed lots comply with Rule 17.4.2 (a) (ii) which specifies minimum lot sizes, and minimum average requirements. We therefore consider that the proposed lots will be of a size anticipated within the Lifestyle Zone, and therefore consistent with the rural amenity anticipated for the area. We note however that this matter does not fall under the matters over which discretion is reserved and therefore cannot not give any consideration to this matter in terms of our assessment of the proposal.

## 9. PART 2: RESOURCE MANAGEMENT ACT 1991

- **Section 5 – Purpose**

Section 5 details the purpose of the Act which is to achieve sustainable management. Sustainable management is defined as ‘... means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while - ...’.

The proposal will enable the use and development of natural and physical resources being the land resource and allow the applicant to provide for their social and economic well-being yet minimising any effects on the environment through the imposition of appropriate consent conditions.

Therefore, the proposal is considered to meet the purpose of the RMA.

- **Section 6 - Matters of National Importance**

This section of the RMA outlines matters of national importance that should be recognised and provided for. No matters of relevance were brought to our attention.

- **Section 7 - Other Matters**

Section 7 outlines various matters that decision makers shall have regard to in achieving the purpose of the Act, and the following are considered of relevance being;

- *The efficient use and development of natural and physical resources*
- *The maintenance and enhancement of amenity values*
- *Maintenance and enhancement of the quality of the environment*

Having considered the assessment contained in the s42A report and application documentation, we are of the view that the proposal is an efficient use of natural and physical resources given the Lifestyle zoning of the subject site; would not result in significant adverse effects on the quality of the environment or amenity values of the locality. Accordingly, it is considered to be consistent with s7 of the Act.

- **Section 8 - Treaty of Waitangi**

This section requires those involved in exercising RMA functions and powers relating to managing the use, development and protection of natural and physical resources shall take into account the principles of the Treaty of Waitangi.

No matters were highlighted requiring our consideration in respect of section 8 matters, and therefore granting consent to the proposal will not in our opinion compromise the principles of the Treaty of Waitangi.

## 10. CONCLUSION

We have considered all matters placed before me including all application documentation, evidence, submissions and subsequent statements of evidence made by the parties at the hearing, the s42A report and associated reports from Council staff, together with the relevant RMA and District Plan provisions.

We are satisfied that the proposal is consistent with the overall policy and objective framework of the District Plan, and that subject to the imposition of appropriate conditions, any effects of the proposal can be adequately mitigated, avoided or remedied.

Therefore, the granting of consent is considered to be appropriate.

## 11. DECISION

*THAT pursuant to sections 104, 104C and 108 of the Resource Management Act 1991, the Western Bay of Plenty District Council grants consent to the resource consent application by Kenneth & Rosemarie Thompson to undertake a three-lot subdivision using transferable subdivision entitlements, being a restricted discretionary activity, located at 98a Munro Road, legally described as Lot 1 DPS 55319 subject to the following conditions:*

1. *THAT the activity be carried out in accordance with the subdivision scheme plan prepared by Surveying Services entitled 'Proposed Subdivision of Lot 1 DPS 55319' dated 31/07/2017, Drawing No. 4305.1 and the information submitted as part of this application (except where modified by any conditions of this consent).*
2. *THAT the following financial contributions be paid in respect of the subdivision:*

<i>(a) Rural Roding (Kaimai Ward) .....</i>	<i>2 x \$6,937 + GST</i>
<i>(b) District Wide Roding .....</i>	<i>2 x \$533 + GST</i>
<i>(c) Water Supply (Central).....</i>	<i>2 x \$4,284 + GST</i>
<i>(d) Ecological .....</i>	<i>2 x \$501 + GST</i>
<i>(e) Recreation and Leisure.....</i>	<i>2 x \$5,996 + GST</i>
3. *THAT with regard to Condition 2, the financial contributions calculated in accordance with the provisions of the Operative District Plan, shall be paid within full within two years of the date of commencement of the consent provided that:*
  - (a) Any financial contribution which is not paid in full within two years from the date of commencement of the consent shall be adjusted so that the amount of the financial contribution required by the resource consent shall be the amount calculated in accordance with the relevant formulae using the updated inputs to those formulae as set out in Council's Annual Plan current at the date of payment.*

- (b) *Any financial contributions not paid within two years from the date of the commencement of the consent shall be (where applicable) paid prior to the issue of a Building Consent under the Building Act 2004, subject to the adjustments referred to in sub-paragraph (a) herein.*
4. *THAT the proposed private-way C/F/G be structured in accordance with Council Standard Specification Drawing No's W439 and W440. The water table shall be well defined and potentially armoured to account for the stormwater connections from future buildings on potential Lots 2 and 3 if applicable as determined at the time of engineering plan approval*
  5. *THAT over the first 100 metres of ROW B, the southern berm (LHS) of the access way be regraded to create a fall of 5% away from the carriageway for a minimum distance of two metres before rising to meeting original ground level at or before the boundary. The intention is to create a mowable swale which can continue to provide for occasional passing.*
  6. *THAT an accurate Council issued RAPID (Rural Address Property Identification) plate be displayed at the vehicle entrance for each new Lot created in accordance with Western Bay of Plenty District Council's Rural Property Numbering Bylaw 2005. This condition shall be satisfied prior to the application for 224c certification from Council.*
  7. *THAT dry 20mm internal diameter water supply pipes to serve proposed Lots 2 and 3 be constructed along privateway A/B and proposed privateway C/F/G in accordance with Council's Development Code, with the alignment to be selected by the consent holder's representative and the ends capped and clearly pegged. A "paper" as-built drawing should also be provided with the off sets from the adjacent property boundaries shown. The physical connection to Council's watermain shall to be completed as a separate application to Council at the time of Building Consent.*
  8. *THAT the existing stormwater system located on existing Privateway A/B shall be checked for inlet/pipe capacity and a review shall be undertaken of any scour protection required at the outlet to serve the total design flow (including the addition of two future buildings on proposed Lots 2 and 3). The design shall be detailed on engineering design documents which shall be submitted to Council for approval. Culvert upgrading may be required including a drop structure due to the grate being very susceptible to blockage from leaves.*
  9. *THAT stormwater connections shall be provided within the property boundary of the proposed lot 3 to discharge into the wet area located in lot 2 in accordance with Council's Code of Practice. The end shall be capped and clearly pegged. Lot 2 shall, at the time of building, have a stormwater connection discharging into the wet area located therein. Alternatively, either lot 2, 3 or both shall have a stormwater connection provide between the property boundary discharging to the water table of G/F/C. The end shall be capped and clearly pegged. This is to be determined at detailed design stage.*
  10. *THAT:*



- a) *Letters are required from power and telecom authorities confirming that the existing power and telecom reticulation in the vicinity of the sites has the capacity to serve future development of the sites to a minimum of a domestic level of service without upgrading.*
  - b) *Where the power and/or telecom reticulation is confirmed not to have the capacity as described above, then the reticulation shall be upgraded by the consent holder at their expense.*
11. *THAT power and telecommunications reticulation be installed to serve the development with the capacity and ability to later provide all proposed residential/commercial lots with individual connections (lead in's). Letters are required to be provided from power and telecom authorities confirming that this condition has been met to their satisfaction.*
12. *THAT pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the titles of the proposed Lots 2 and 3, stating: all development (except that all storm water connections shall be made in accordance with condition 9 above) shall be undertaken in accordance with the recommendations contained within the report of soils engineer, Michael O'Brien, for O'Brien Geotech Ltd (Project No 622) dated March 2018 or subsequent reports by a suitably qualified geoprofessional or Chartered Professional Engineer in accordance with Council's Development Code.*
13. *THAT pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the titles of the proposed Lot 3, stating: the discharge of water shall be via the Stormwater connection provided at the time of Council approval pursuant to Section 224(c) of the Resource Management Act 1991. Storm water from the proposed Lot 2 shall discharge directly into the low wet area within the lot.*
14. *THAT the consent holder's representative submit to the Chief Executive Officer or duly authorised officer for approval, with the appropriate engineering inspection fee; construction drawings, specifications, calculations and project cost estimate; covering the stormwater system and the Lot connections into the private way water table, which it is proposed to be built in accordance with Council's Development Code. Construction shall not commence until written approval of the plans and specification has been provided by Council.*
15. *THAT the work required by conditions 4-11 be supervised and certified as complete in accordance with the conditions by the consent holder's representative (refer Section 12.3.9a) to the satisfaction of the Chief Executive Officer or duly authorised officer.*

*Advice Notes:*

1. *The consent holder should notify Council, in writing, of their intention to begin works prior to commencement. Such notification should be sent to the Council's Compliance & Monitoring Team and include the following details:*

- *name and telephone number of the project manager and site owner*
- *site address to which the consent relates*
- *activity to which the consent relates*
- *the expected duration of works.*

*Notifying Council of the intended start date enables cost - effective monitoring to take place. The consent holder is advised that additional visits and administration required by Council officers to determine compliance with consent conditions will be charged to the consent holder on an actual and reasonable basis as provided for under the Act.*

2. *Full compliance with the conditions of consent is necessary to carry out the activity to which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by a Council representative and failure to meet these conditions may result in enforcement action being taken in accordance with Council's Monitoring, Compliance and Enforcement Strategy. This may involve the issuing of an Infringement Notice (instant fine) and/or a monitoring fee.*
3. *The consent holder or submitters may Appeal this decision, including any conditions of consent, to the Environment Court within 15 working days of receipt of this decision. Prior to doing so you are advised to engage your own legal advice. Please note, however, that pursuant to Section 116 of the Act that the consent granted and authorised by this decision cannot be given effect to until all Appeals are resolved.*
4. *Any lack of recorded archaeological sites on the property may be due to one of two factors. This may be because there are no sites present, or there has not been an archaeological survey undertaken on the site. work that may modify, damage or destroy any archaeological site(s), such as earthworks, fencing or landscaping, is subject to a consenting process under the Heritage New Zealand Pouhere Taonga Act 2014.*

***The reasons for this decision are detailed in the preceding discussion but can be summarised as follows:***

1. *That the proposal is in general accordance with the matters outlined in Part 2 of the Act and will contribute to the sustainable management of natural and physical resources through the subdivision and development of land for lifestyle purposes and enable the applicants to provide for their social and economic well-being but ensuring that any effects on the environment are no more than minor.*
2. *That the proposal on balance is in general accord with the relevant District Plan objectives and policies and generally is of a form envisaged by the District Plan.*

3. *The proposal is consistent with the purpose and principles of the Resource Management Act 1991.*

**William Wasley**  
**Independent Commissioner Chair on behalf of the**  
**Regulatory Hearings Committee**

**Date 20 December 2018**

## Western Bay of Plenty District Council

**Minutes of Meeting No. JG8 of the Tauranga City Council/Western Bay of Plenty District Council Joint Governance Committee  
held on 10 April 2019 in the Council Chambers, Barkes Corner, Tauranga  
commencing at 3.15pm**

### **Present**

#### **Western Bay of Plenty District Council**

Mayor Garry Webber and Councillor Mike Williams

#### **Tauranga City Council**

Mayor Greg Brownless and Councillor Kelvin Clout

### **In Attendance**

#### **Western Bay of Plenty District Council**

Miriam Taris (Chief Executive Officer), Jan Pedersen (Group Manager People and Customer Services), Gary Allis (Deputy Chief Executive), Rachael Davie (Group Manager Policy, Planning and Regulatory Services), Gillian Payne (Strategic Advisor), David Pearce (Community Manager), Peter Watson (Reserves and Facilities Manager), Blaise Williams (Strategic Property Manager), Kirstie Elder (Governance Manager) and Michelle Parnell (Governance Advisor)

#### **Tauranga City Council**

Margaret Batchelar (Acting General Manager Community Services), Anne Blakeway (Manager: CCO Relationships and Governance), Howard Severinsen (Manager Infrastructure Delivery), Mark Smith (Manager, Parks and Recreation), Dean Flavell (Manager, Cultural Heritage), Darlene Dinsdale (Cultural Coordinator), Sam Hema (Kaiarahi Māori – Takawaenga Māori Unit), Jennifer Pearson (Community Engagement Advisor), Meagan Holmes (Community Development Manager), Alana Rapson (Safer Communities Coordinator) and Robyn Garrett (Governance Team Leader)

## Others

Kristen Dunne, Des Hammond and Angela Cosgrove (Tourism Bay of Plenty), Dr Kepa Morgan (Ngāti Māhino Iwi Authority), Maru Tapsell and Jo'el Komene (Waiari Kaitiaki Advisory Group)

JG8.1            **Minutes of Meeting No. JG7 of the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee Held on 5 December 2018**

The Committee considered minutes from the meeting JG7 of the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee dated 5 December 2018 as circulated with the agenda.

**Resolved:**        Mayors Brownless / Webber

*THAT the minutes from Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee (JG7) held on 5 December 2018 as circulated with the agenda be confirmed as a true and correct record.*

JG8.2            **Decision Report from Tauranga City and Western Bay of Plenty District Councils Letter of Expectation to Tourism Bay of Plenty**

The Committee considered a report from the Western Bay of Plenty District Council Governance Advisor dated 19 December 2018 as circulated with the agenda.

**Resolved:**        Councillors Williams / Clout

*THAT the report from the Western Bay of Plenty District Council's Governance Advisor dated 19 December 2018 titled Decision Report from Tauranga City and Western Bay of Plenty District Councils Letter of Expectation to Tourism Bay of Plenty be received.*

JG8.3            **Tourism Bay of Plenty Six Monthly Report to 31 December 2018 and Draft Statement of Intent 2019-2020 to 2021-2022**

The Committee considered a report from the Tauranga City Council General Manager (Acting): Community Services and the Western Bay of Plenty District Council Group Manager People and Customer Services dated 10 April 2019 as circulated with the agenda.

The Chief Executive Officer of Tourism Bay of Plenty spoke to a tabled powerpoint presentation and noted the following:

- Tourism Bay of Plenty was a Destination Management Organisation.
- Tourism Bay of Plenty had placed a much greater emphasis on engagement with the community.

- A research project was informing the Tourism Bay of Plenty programme for the next three years. This would assist with allocations of new visitor levies in the area.
- The competitive themes in the region were identified.
- The four strategies would remain the same.
- Visitor spend was up and Tourism Bay of Plenty were starting to see the first indicators of slowing growth, which was not surprising as previous growth would have been difficult to sustain.
- The partnership with Air New Zealand had been significant for this region.
- Community perception of tourism had been falling which could be mitigated by Councils supporting positive tourism growth.

In response to questions the Tourism Bay of Plenty representatives advised as follows:

- Base level funding was based on business spend. Tourism Bay of Plenty charged Councils for services provided outside of their Memorandums of Understanding.
- Eco-tourists were taken into consideration when strategising. Many wanted to visit New Zealand but did not because of the carbon footprint left by travelling such a long way. Eco-projects were available to those who wanted to off-set their carbon footprint while in New Zealand.
- Tourism Bay of Plenty found that quality was better than quantity regarding destination marketing.

**Resolved:** Councillor Williams / Mayor Brownless

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

- (a) *Receives the report titled Tourism Bay of Plenty's Six Month Report to 31 December 2018.*
- (c) *Receives the Tourism Bay of Plenty's draft Statement of Intent 2019-2020 to 2021-2022 and advises the Board of Tourism Bay of Plenty of the following comment on behalf of the Councils:*

*There is acknowledgement in KRA1 (section 5, page 11) of the Councils' expectations that TBOP's growing role in Destination Management is subject to working with the Councils to support an investigation of alternative funding mechanisms for 2020-2021 and beyond.*

**AND**

- (d) *THAT Tourism Bay of Plenty's Six Month Report to 31 December 2018 and draft Statement of Intent 2019-2020 to 2021-2022 reports relate to issues that are considered to be of low significance in terms of both Tauranga City and Western Bay of Plenty District Councils' Significance and Engagement Policies.*

JG8.4

### **Tauranga Western Bay Safer Communities Six-Monthly Update Report**

The Committee considered a report from the Tauranga City Council Safer Communities Coordinator dated 10 April 2019 as circulated with the agenda.

Tauranga City Council's Safer Communities Coordinator spoke to the report supported by the Community Development Manager and advised the following:

- The key achievements of the group were outlined.
- The programme had flourished being run from the Tauranga City Council.
- The sub-region was due for re-designation as an International Safe Community and the Tauranga Western Bay Safer Communities Tactical Group members had passed a resolution on 12 October 2018 to remain a designated Safe Community and start the accreditation process with the Safer Communities Foundation New Zealand.

In response to questions, Tauranga City Council staff advised as follows:

- The "Your Help Might Harm" campaign was to educate people that helping individuals may be enabling behaviours that were undesirable (e.g. giving money to homeless individuals).
- The Tauranga Western Bay Safer Communities Group worked with Police regarding the City Safety Plan. As far as they were aware the Police had not seen a spike in drug activity in the Tauranga Central Business District, but they would follow this up.
- It was concerning to hear that people may not be using buses because of anti-social activity at the Willow Street bus stop.
- The programme had been very well supported with funding from Accident Compensation Corporation.

**Resolved:** Mayor Brownless / Councillor Clout

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

- (a) Receives the report titled Tauranga Western Bay Safer Communities Six-Monthly Update Report*
- (b) Recommends to Tauranga City Council and Western Bay of Plenty District Council:*
  - (i) That the Tauranga Western Bay Safer Communities Tactical Group decision to remain as an International Safe Community be endorsed.*

*(ii) That the report relates to an issue that is considered to be of medium significance in terms of the Councils' Significance and Engagement Policies.*

#### JG8.5 **Waiari Mauri Monitoring Proposal**

The Committee considered a report from the Tauranga City Council Cultural Coordinator and Manager Infrastructure Services dated 10 April 2019, as circulated with the agenda.

Mayor Webber welcomed members of the Waiari Kaitiaki Advisory Group who were presenting the report. Mr Maru Tapsell explained the spiritual significance of the Waiari River to local iwi.

Dr Kepa Morgan spoke to a tabled powerpoint presentation about the Mauri-o-Meter, a Mauri Monitoring Model that he had developed, and noted the following:

- The Mauri Model required the participation of all parties affected by an issue and the incorporation of their different world views.
- The process involved these world views being investigated to create indicators that could then be measured. These measurements accounted for positive and negative change.
- The model was applied to the Rena disaster, where there was a lack of scientific data to establish the pre-Rena environment.
- The purpose of the Model was to establish the world views of those affected by a project and allow decision makers to take these views into account when making decisions.

In response to questions, the Elected Members were advised as follows:

- The weighting of the four elements of wellbeing considered in the model were not predetermined. They were looked at together to avoid isolating issues and so a determination could be made about how one wellbeing affected another.
- While the exploration of participants' world views upfront added to the cost of the project, there was a benefit in not having unknown factors coming out later on.
- The indicators were transferable within the area.
- In Dr Morgan's experience, people's world views may evolve and bring community understanding and a basis to find common ground.
- The Waiari Kaitiaki Advisory Group had decided that the Mauri-o-Meter was their preferred approach to monitoring the Mauri of the Waiari River.
- The Mauri Model provided a framework. It would need to be populated with the thresholds and indicators for the Waiari River.
- The resource consent for the Waiari River water supply was jointly owned by both Councils and Tauranga City Council was the lead agency for the project.
- The intention of the report was to inform the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee of



the Waiari Kaitiaki Advisory Group's decision to use the Mauri Model and the project was 100% funded by Tauranga City Council.

Mayor Webber noted considerable work had been done by the Bay of Plenty Regional Council regarding the topic of Mauri.

**Resolved:** Mayor Webber / Mayor Brownless

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

- (a) Receive the report by Tauranga City Council's Cultural Coordinator and Manager Infrastructure Services titled Waiari Mauri Monitoring Model Proposal.*
- (b) Accepts the Waiari Kaitiaki Advisory Group's decision to support the use of the Mauri Monitoring Model.*
- (c) Recognises that Tauranga City Council is the lead agency for the Waiari water supply project and, for the purpose of decision-making, it is a Tauranga City Council project.*
- (d) THAT the decision relates to an issue that is considered to be of low significance in terms of both the Tauranga City and Western Bay of Plenty District Councils' Significance and Engagement Policies.*

JG8.6

### **Sub-Regional Parks Relationship Agreement**

The Committee considered a report from the Reserves and Recreation Planner and Manager: Parks and Recreation from Tauranga City Council and the Recreation Planner and Manager: Reserves and Facilities from the Western Bay of Plenty District Council dated 10 April 2019, as circulated with the agenda.

In response to questions, staff advised as follows:

- Parks 3 and 4 on the flow chart on page 83 of the agenda were to provide for the possibility that Tauranga City Council may also have parks located in Tauranga where they would be the lead agency and receive support from Western Bay of Plenty District Council.
- It was important that both Councils agreed on purchasing decisions regarding future parks.

**Resolved:** Mayor Webber / Councillor Clout

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

- (a) Receive the report titled Sub-Regional Parks Relationship Agreement.*

- (b) *Recommends to Tauranga City Council and Western Bay of Plenty District Council to adopt and sign the Sub-Regional Parks Relationship Agreement included in Attachment A.*
- (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.*

JG8.7

**TECT All Terrain Park Capital Works Programme**

The Committee considered a report from the TECT All Terrain Park Manager Operations dated 10 April 2019, as circulated with the agenda.

**Resolved:** Councillor Williams / Mayor Webber

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

- (a) *Receive the report titled TECT All Terrain Park Capital Works Programme.*
- (b) *Recommends to Tauranga City Council and Western Bay of Plenty District Council that:*
- i. *The TECT All Terrain Park Capital Works Programme for 2019/20, 2020/21 & 2021/22 of \$1,810,000 (as listed) be approved and included in the 2019/20 Annual Plan and subsequent Annual Plans.*
  - ii. *The TECT All Terrain Park Capital Works Programme be funded from the TECT All Terrain Park forestry income reserve and external grants if available.*

<b>Project</b>	<b>FY 2019/2020</b>	<b>FY 2020/2021</b>	<b>FY 2021/2022</b>
Electricity Feeder Upgrade	\$530,000		
Water Bore	\$90,000		
Water Bore Power Supply	\$30,000		
Fire Protection & Response	\$250,000		
Hood Road extension		\$190,000	
Security Cameras		\$30,000	
Events Space Electricity Network Extension		\$125,000	

Motorsport Entrance Relocation		\$170,000	
Kiwicamp			\$350,000
Events Space Boundary Fence			\$45,000
<b>Total for year</b>	<b>\$900,000</b>	<b>\$515,000</b>	<b>\$395,000</b>

- (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:** Councillors Williams / Clout

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

- In Confidence Minutes of Meeting No. JG7 of the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee held on 5 December 2018*
- Decision Report from Tauranga City and Western Bay of Plenty District Councils - Appointment of Board Members 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>In Confidence Minutes of Meeting No. JG7 of the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee held on 5 December 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 minutes.</i>
<i>Decision Report from Tauranga City and Western Bay of Plenty District Councils - Appointment of Board Members 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>Protect the privacy of natural persons, including that of deceased natural persons.</i>

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## Western Bay of Plenty District Council

### Council

## Decision Report from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - Waiari Mauri Monitoring Model Proposal

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### Summary

The following is a decision adopted by the Joint Governance Committee on 10 April 2019 relating to the Waiari Mauri Monitoring Model Proposal.

**The report is provided for information purposes only.**

### Remit from the Joint Governance Committee

#### JG8.5      **Waiari Mauri Monitoring Proposal**

The Committee considered a report from the Tauranga City Council Cultural Coordinator and Manager Infrastructure Services dated 10 April 2019, as circulated with the agenda.

Mayor Webber welcomed members of the Waiari Kaitiaki Advisory Group who were presenting the report. Mr Maru Tapsell explained the spiritual significance of the Waiari River to local iwi.

Dr Kepa Morgan spoke to a tabled powerpoint presentation about the Mauri-o-Meter, a Mauri Monitoring Model that he had developed, and noted the following:

- The Mauri Model required the participation of all parties affected by an issue and the incorporation of their different world views.
- The process involved these world views being investigated to create indicators that could then be measured. These measurements accounted for positive and negative change.
- The model was applied to the Rena disaster, where there was a lack of scientific data to establish the pre-Rena environment.
- The purpose of the Model was to establish the world views of those affected by a project and allow decision makers to take these views into account when making decisions.

In response to questions, the Elected Members were advised as follows:

- The weighting of the four elements of wellbeing considered in the model were not predetermined. They were looked at together to avoid isolating issues and so a determination could be made about how one wellbeing affected another.
- While the exploration of participants' world views upfront added to the cost of the project, there was a benefit in not having unknown factors coming out later on.
- The indicators were transferable within the area.
- In Dr Morgan's experience, people's world views may evolve and bring community understanding and a basis to find common ground.
- The Waiari Kaitiaki Advisory Group had decided that the Mauri-o-Meter was their preferred approach to monitoring the Mauri of the Waiari River.
- The Mauri Model provided a framework. It would need to be populated with the thresholds and indicators for the Waiari River.
- The resource consent for the Waiari River water supply was jointly owned by both Councils and Tauranga City Council was the lead agency for the project.
- The intention of the report was to inform the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee of the Waiari Kaitiaki Advisory Group's decision to use the Mauri Model and the project was 100% funded by Tauranga City Council.

Mayor Webber noted considerable work had been done by the Bay of Plenty Regional Council regarding the topic of Mauri.

**Resolved:** Mayor Webber / Mayor Brownless

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

- (a) Receive the report by Tauranga City Council's Cultural Coordinator and Manager Infrastructure Services titled Waiari Mauri Monitoring Model Proposal.*
- (b) Accepts the Waiari Kaitiaki Advisory Group's decision to support the use of the Mauri Monitoring Model.*
- (c) Recognises that Tauranga City Council is the lead agency for the Waiari water supply project and, for the purpose of decision-making, it is a Tauranga City Council project.*
- (d) THAT the decision relates to an issue that is considered to be of low significance in terms of both the Tauranga City and Western Bay of Plenty District Councils' Significance and Engagement Policies.*

Date  
Subject

16 April 2019  
Decision Report from Tauranga City Council / Western Bay of  
Plenty District Council Joint Governance Committee - Waiari Mauri  
Monitoring Model Proposal

Open Session

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## Recommendation

***THAT the report from the Senior Governance Advisor dated 16 April 2019 titled Decision Report from Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - Waiari Mauri Monitoring Model Proposal be received.***

  
Aileen Alty  
Senior Governance Advisor

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## Western Bay of Plenty District Council

### Council

# Recommendatory Report from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - Tauranga Western Bay Safer Communities Tactical Group Decision to Remain an International Safe Community

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#### Summary

Council is required to consider the recommendations and resolve accordingly. The following options are available to Council and where appropriate the preferred option has been recommended.

Please note the following is a recommendation only.

The Council to resolve to:

- a. adopt as recommended
- b. to modify
- c. refer to another Committee
- d. to decline (giving reasons) and refer back to the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee

#### **Recommendation from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - 10 April 2019**

#### **JG8.4 Tauranga Western Bay Safer Communities Six-Monthly Update Report**

The Committee considered a report from the Tauranga City Council Safer Communities Coordinator dated 10 April 2019 as circulated with the agenda.

Tauranga City Council's Safer Communities Coordinator spoke to the report supported by the Community Development Manager and advised the following:

- The key achievements of the group were outlined.
- The programme had flourished being run from the Tauranga City Council.

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## Recommendation

- 1. THAT Council endorses the decision by the Tauranga Western Bay Safer Communities Tactical Group to remain as an International Safe Community.***
- 2. THAT the report relates to an issue that is considered to be of medium significance in terms of Councils' Significance and Engagement Policies.***

*K. S. Elder*

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Kirstie Elder  
**Governance Manager**



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## Western Bay of Plenty District Council

### Council

## Recommendatory Report from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - Sub-Regional Parks Relationship Agreement

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### Summary

Council is required to consider the recommendations and resolve accordingly. The following options are available to Council and where appropriate the preferred option has been recommended.

Please note the following is a recommendation only.

The Council to resolve to:

- a. adopt as recommended
- b. to modify
- c. refer to another Committee
- d. to decline (giving reasons) and refer back to the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee

### Recommendation from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - 10 April 2019

#### JG8.6                    **Sub-Regional Parks Relationship Agreement**

The Committee considered a report from the Reserves and Recreation Planner and Manager: Parks and Recreation from Tauranga City Council and the Recreation Planner and Manager: Reserves and Facilities from the Western Bay of Plenty District Council dated 10 April 2019, as circulated with the agenda.

In response to questions, staff advised as follows:

- Parks 3 and 4 on the flow chart on page 83 of the agenda were to provide for the possibility that Tauranga City Council may also have parks located in Tauranga where they would be the lead agency and receive support from Western Bay of Plenty District Council.

- It was important that both Councils agreed on purchasing decisions regarding future parks.

**Resolved:** Mayor Webber / Councillor Clout

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

- (a) Receive the report titled Sub-Regional Parks Relationship Agreement.*
- (b) Recommends to Tauranga City Council and Western Bay of Plenty District Council to adopt and sign the Sub-Regional Parks Relationship Agreement included in Attachment A.*
- (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.*

### Staff Comments

Staff support the recommendation in accordance with the report titled Sub-Regional Parks Relationship Agreement as considered by the Joint Governance Committee on 10 April 2019.

### Recommendation

- 1. THAT Council adopt and sign the Sub-Regional Parks Relationship Agreement included in Attachment A.***
- 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.***

*K. E. Elder*

Kirstie Elder  
**Governance Manager**

**Attachment A****TAURANGA CITY COUNCIL AND  
WESTERN BAY OF PLENTY DISTRICT COUNCIL  
SUB-REGIONAL PARKS RELATIONSHIP AGREEMENT****1. Parties to the Agreement**

Tauranga City Council (TCC) and Western Bay of Plenty District Council (WBOPDC) hereafter referred to as “the Councils”.

**2. Purpose of the Agreement**

To recognise the way that the Councils will continue to work together to establish and develop a network of sub-regional parks that provide recreational opportunities and protect significant landscapes for the enjoyment of both current and future generations.

**3. Background**

TCC and WBOPDC adopted the Joint Council Policy on Sub-Regional Parks in 2000. This Policy was reviewed and updated in 2012. This Policy recognises the need to secure land for sub-regional parks to meet recreational needs and to protect areas of natural and cultural significance.

The Policy signals the intent of the Councils to co-operate to secure, develop and maintain land for sub-regional parks.

The Councils agreed to priorities and criteria to be used as a basis for securing sub-regional parks.

The Councils agreed to develop partnerships with other agencies and organisations that have common interests in sub-regional parks.

The Councils have jointly purchased three parks: Papamoa Hills Cultural Heritage Regional Park (now in Bay of Plenty Regional Council ownership), Huharua Park and the TECT All Terrain Park, in accordance with the Joint Council Policy on Sub-Regional Parks.

A sub-regional parks relationship agreement was in place from 2006 until 2011.

This agreement was prepared in 2019 to reflect the current structure and operations.

## Attachment A

### 4. Scope of the Agreement

This agreement applies only to the parks included in the Joint Council Policy that have been secured, being Huharua Park and TECT All Terrain Park. If further parks are secured in the future (e.g. passive coastal park) these will also be included in this agreement. The agreement does not apply to the Papamoa Hills Cultural Heritage Park as this is now in Regional Council ownership.

A sub-regional park is the name used to link back to the Joint Council Policy developed by the Councils and to recognise the different status of these parks to other parks and reserves. It does not have to be applied to the name of the Park. It is recognised that the Joint Council Policy may be reviewed in the future and that this may result in additional park categories and priorities being established.

### 5. Purpose of the Relationship

The Councils are committed to working together to achieve the objectives of the Joint Council Policy on Sub-Regional Parks. This relationship recognises the value of working together to achieve common goals and successful outcomes. To do this the Councils will:

- Work together in good faith and share information in an open manner
- Clearly identify their roles and responsibilities in the acquisition, development, management and monitoring of the sub-regional parks network
- Provide a flexible structure that can adapt to unanticipated situations and opportunities
- Respond to sub-regional park opportunities in a timely and coordinated manner
- Make best use of available resources to achieve these goals
- Work together to identify community needs and community priorities
- Jointly celebrate success and achievements

### 6. Key Considerations and Assumptions

The Councils recognise that the following matters need to be considered in the acquisition, development, management and monitoring of the sub-regional parks network:

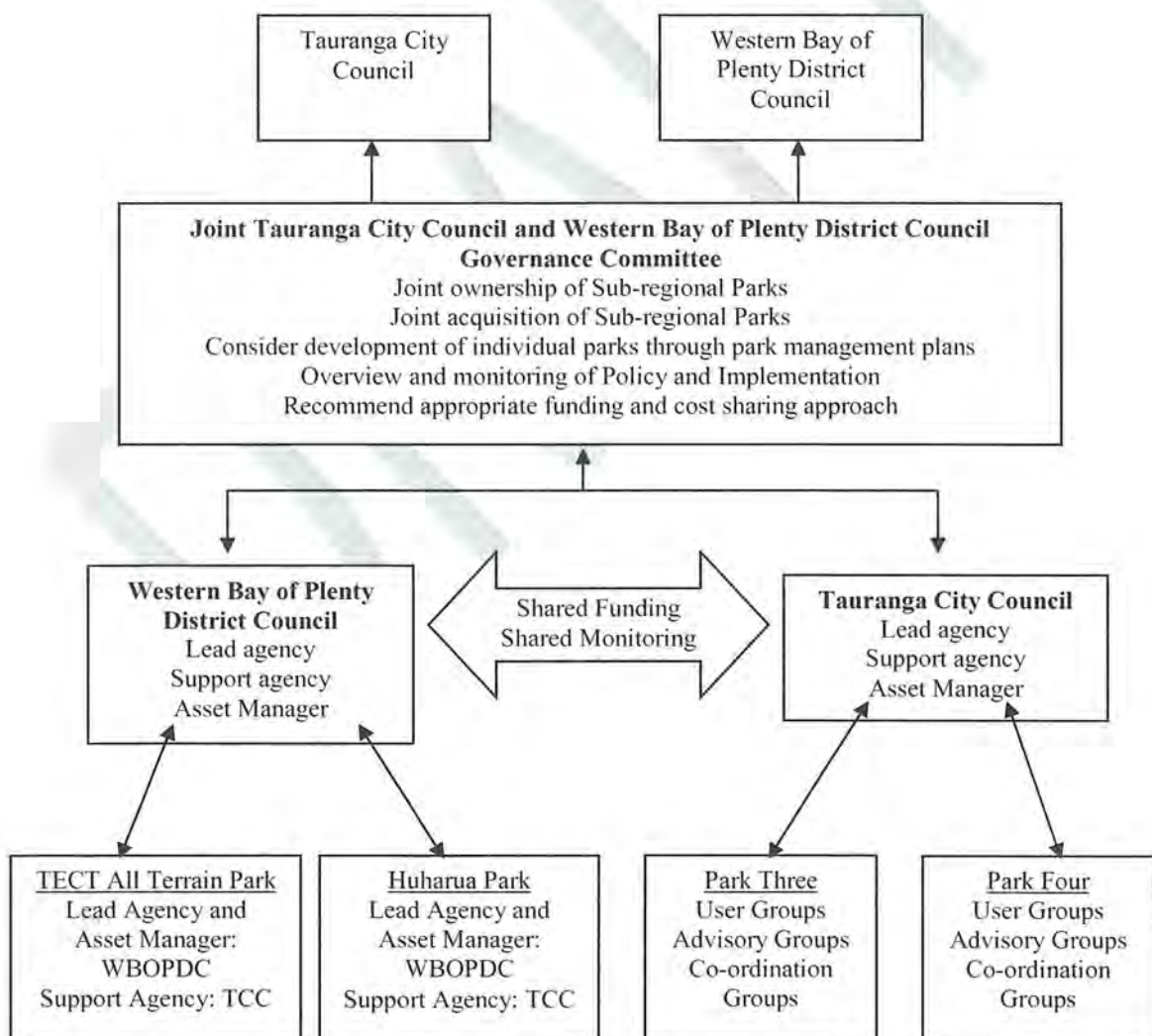
- Identify clear strategic linkages and linkages to community outcomes
- Avoid duplication of governance structure and delivery
- Encourage opportunities for the establishment of user/advisory groups to provide input into park acquisition, development, management and monitoring
- Use the Councils Maori Forum and Tangata Whenua Collective to guide tangata whenua involvement in the acquisition, development, management and monitoring of the sub-regional parks network

## Attachment A

- Apply the most appropriate legislation on a park by park basis depending on the purpose and intended use of the park
- Undertake the management of parks as part of the Councils existing delivery operations
- Consider a range of funding sources to assist in the acquisition, development, management and monitoring of the sub-regional parks network, and work together and support each other in securing these funding opportunities.

The Councils recognise that on a park by park basis there may be additional agreements with third parties to recognise sponsorship or naming right agreements. These will be recognised in the relevant schedules.

### 7. Sub-Regional Parks Network Structure



## Attachment A

### 8. Roles and responsibilities of lead agency and support agency

The role of lead agency and support agency is determined on a case by case basis.

#### Lead Agency

- Coordination role for acquisition, development, management and monitoring to ensure successful delivery of the park
- Ensure integration of park into the relevant asset management plan
- Procurement of service delivery
- Provides ongoing communication to support agency on acquisition, development, management and monitoring of the park
- Shared funding with support agency and other identified funding sources
- Asset manager for the park
- Alerts support agency of significant issues and opportunities
- Applies own administration policies to park unless otherwise agreed to through park management plans and asset management plans
- Ensures third party agreements are adhered to
- Responsible for coordination of external interest groups

#### Support Agency

- Inputs into acquisition, development, management and monitoring at both a governance and staff level
- Shared funding with lead agency and other identified funding sources.
- Staff representatives input into Joint Project Team
- Ensures integration of park into relevant asset management plan

### 9. Cost sharing approach

The Councils agree that they shall each contribute to the cost of acquisition, development, management and monitoring of sub-regional parks using the following methodology:

- For existing parks, the capital and operational expenditure cost sharing agreement is outlined in Schedule 1.
- For new parks, capital and operational expenditure cost sharing to be determined on a case-by-case basis.

TCC and WBOPDC will work together to develop an annual list of projects and initiatives.

## Attachment A

### Significance and Engagement Policy

The Councils will apply their own Significance and Engagement Policy to their Council reports. Joint Governance Reports are required to refer to the Significance and Engagement Policy of the Council that has initiated the report.

### 10. Term of the agreement

The term of this agreement shall be from the date of signing until 30 September 2025.

The terms and conditions of the agreement will be reviewed as agreed between the parties and no later than 30 April 2025.

### 11. Schedule to this Agreement

The attached schedules to this agreement outline:

- Specific circumstances relating to the development, management and monitoring of the Huharua Park
- Specific circumstances relating to the development, management and monitoring of the TECT All Terrain Park

## SCHEDULE

### Huharua Park

Lead Agency: WBOPDC  
Support Agency: TCC

Any revenue collected is offset against any expenditure.  
The net cost is shared between WBOPDC and TCC with a 50% / 50% split.  
This applies to both capital and operational expenditure.

### TECT All Terrain Park

Lead Agency: WBOPDC  
Support Agency: TCC

At the time that future forestry revenue is projected to exceed future forestry expenditure, the available forestry revenue may be used on park development. Until that time, forestry revenue must be ring-fenced for use for forestry expenditure only.

Any other revenue collected is offset against any other expenditure. The net cost is shared between WBOPDC and TCC with a 50% / 50% split.  
This applies to both capital and operational expenditure.



**Attachment A**

Signed by Affixing the Common Seal of the Western Bay of Plenty District Council, in the presence of the:

\_\_\_\_\_ Mayor

\_\_\_\_\_ Chief Executive

Signed by Affixing the Common Seal of the Tauranga City Council, in the presence of the:

\_\_\_\_\_ Mayor

\_\_\_\_\_ Chief Executive

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## Western Bay of Plenty District Council

### Council

# Recommendatory Report from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - TECT All Terrain Park Capital Works Programme

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#### Summary

Council is required to consider the recommendations and resolve accordingly. The following options are available to Council and where appropriate the preferred option has been recommended.

Please note the following is a recommendation only.

The Council to resolve to:

- a. adopt as recommended
- b. to modify
- c. refer to another Committee
- d. to decline (giving reasons) and refer back to the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee

#### **Recommendation from the Tauranga City Council / Western Bay of Plenty District Council Joint Governance Committee - 10 April 2019**

##### JG8.7      **TECT All Terrain Park Capital Works Programme**

The Committee considered a report from the TECT All Terrain Park Manager Operations dated 10 April 2019, as circulated with the agenda.

**Resolved:**      Councillor Williams / Mayor Webber

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

*(a) Receive the report titled TECT All Terrain Park Capital Works Programme.*

*(b) Recommends to Tauranga City Council and Western Bay of Plenty District Council that:*

- i. *The TECT All Terrain Park Capital Works Programme for 2019/20, 2020/21 & 2021/22 of \$1,810,000 (as listed) be approved and included in the 2019/20 Annual Plan and subsequent Annual Plans.*
- ii. *The TECT All Terrain Park Capital Works Programme be funded from the TECT All Terrain Park forestry income reserve and external grants if available.*

Project	FY 2019/2020	FY 2020/2021	FY 2021/2022
Electricity Feeder Upgrade	\$530,000		
Water Bore	\$90,000		
Water Bore Power Supply	\$30,000		
Fire Protection & Response	\$250,000		
Hood Road extension		\$190,000	
Security Cameras		\$30,000	
Events Space Electricity Network Extension		\$125,000	
Motorsport Entrance Relocation		\$170,000	
Kiwicamp			\$350,000
Events Space Boundary Fence			\$45,000
<b>Total for year</b>	<b>\$900,000</b>	<b>\$515,000</b>	<b>\$395,000</b>

- (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.*

### Staff Comments

Staff support the recommendation in accordance with the report titled TECT All Terrain Park Capital Works Programme as considered by the Joint Governance Committee on 10 April 2019.

**Recommendation**

- 1. THAT Council approve the TECT All Terrain Park Capital Works Programme for 2019/20, 2020/21 and 2021/22 of \$1,810,000 (as listed below) and that it be included in the 2019/20 Annual Plan and subsequent Annual Plans.**

<b>Project</b>	<b>FY 2019/2020</b>	<b>FY 2020/2021</b>	<b>FY 2021/2022</b>
Electricity Feeder Upgrade	\$530,000		
Water Bore	\$90,000		
Water Bore Power Supply	\$30,000		
Fire Protection & Response	\$250,000		
Hood Road extension		\$190,000	
Security Cameras		\$30,000	
Events Space Electricity Network Extension		\$125,000	
Motorsport Entrance Relocation		\$170,000	
Kiwicamp			\$350,000
Events Space Boundary Fence			\$45,000
<b>Total for year</b>	<b>\$900,000</b>	<b>\$515,000</b>	<b>\$395,000</b>

- 2. THAT the TECT All Terrain Park Capital Works Programme be funded from the TECT All Terrain Park forestry income reserve and external grants if available.**
- 3. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.**

Date  
Subject

10 April 2019  
Recommendatory Report from the Tauranga City Council / Western  
Bay of Plenty District Council Joint Governance Committee - TECT  
All Terrain Park Capital Works Programme

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Open Session

*K.E. Elder*

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Kirstie Elder  
**Governance Manager**