



MINUTES

**Ordinary Council Meeting
Monday, 12 April 2021**

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**MINUTES OF TAURANGA CITY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE TAURANGA CITY COUNCIL, COUNCIL CHAMBERS, 91 WILLOW STREET,
TAURANGA
ON MONDAY, 12 APRIL 2021 AT 10.30AM**

PRESENT: Commission Chair Anne Tolley, Commissioner Shadrach Rolleston, Commissioner Stephen Selwood, and Commissioner Bill Wasley

IN ATTENDANCE: Marty Grenfell (Chief Executive), Paul Davidson (General Manager: Corporate Services), Barbara Dempsey (General Manager: Regulatory & Compliance), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy & Growth), Gareth Wallis (General Manager: Community Services), Carlo Ellis (Manager: Strategic Maori Engagement), Russell Troup (Director of Transport), Clare Cassidy (Team Leader: Transport Safety), James Woodward (Delivery Manager), Jane Groves (Stormwater Programme Leader), Anne Blakeway (Manager: Community Partnerships), Josephine Meuli (Council Controlled Organisations Specialist), Coral Hair (Manager: Democracy Services), Robyn Garrett (Team Leader: Committee Support), Raj Naidu (Committee Advisor), and Jenny Teeuwen (Committee Advisor)

EXTERNAL: Warwick Lampp (Electoral Officer)

1 OPENING KARAKIA

Carlo Ellis, Manager: Strategic Maori Engagement, opened the meeting with a Karakia.

2 APOLOGIES

Nil

3 PUBLIC FORUM

3.1 Mr Andy Wichers - No. 1 Road

Key points

- Residents at the lower end of No. 1 Road wanted to convey their concerns about the community engagement for the Waiāri water pipeline project and the effect it would have on residents and road users of No. 1 Road.
- Communication from the contractor at the beginning of the project stated that the impact to residents and road users would be minimal as the road did not require to be dug up.
- Tauranga City Council's (TCC) communication stating that a lane closure was actually required and for up to five weeks, came unexpectedly a few days before Christmas and stated work would begin in mid February. The lane closure would require vehicles to make a loop trip of around 18 kilometres. New Zealand's largest kiwifruit packing operation was on the road and up to 1,000 vehicles used the road daily. The added travel and time cost had a large impact on the regular road users and was a significant disincentive to employees.
- The project was then delayed to end of March, at the beginning of the kiwifruit harvest.
- All attempts by the residents to get TCC to work with them to find better solutions were responded to in an authoritarian manner.

- Residents observed that the contractor was not adhering to the health and safety requirements for the site that had been given as the main reason for the lane closure. They responded by ignoring the traffic safety management plan and the situation quickly escalated. CCTV cameras were close by so the escalation had been recorded.
- The residents asked that a review be undertaken in to how the communications for this project was managed so that lessons could be learned and such escalations did not happen again.

The Commission Chair thanked Mr Wichers for his presentation.

3.2 Mr Rob Paterson - Māori Ward

A copy of the document tabled by Mr Paterson can be viewed on Tauranga City Council's website in the Minutes Attachments document for this council meeting.

Key points

- A petition against the adoption of a Māori Ward in Tauranga had contained over 6,200 signatures.
- Mr Paterson understood that TCC already had at least one Māori liaison officer, a joint Māori committee, and iwi representatives on all TCC committees.
- Mr Paterson observed that a Māori seat could be gained with less than 1,000 votes, whereas a general council seat would require around 8,000 votes.
- There was no public mandate for Māori wards with usually around 70-80% of people opposed to Māori wards.
- Mr Paterson advocated for a public referendum to decide the matter.

In response to questions

- Only those on the Māori electoral roll could vote for a Māori ward seat; however, being on the Māori roll was not a requirement to stand as a candidate for the Māori ward seat in a local body election.

The Commission Chair thanked Mr Paterson for his presentation.

Attachment

- 1 Presentation - Mr Paterson - Māori Ward

3.3 Mr Richard Prince - Māori Ward

A copy of the document tabled by Mr Prince can be viewed on Tauranga City Council's website in the Minutes Attachments document for this council meeting.

Key points

- Mr Prince was opposed to the removal of the right to petition for a poll that had achieved the 5% level to demand a referendum.
- Mr Prince had been involved in the collection of the signatures for the petition opposing a Māori ward in Tauranga.
- Māori had the same rights as everyone else and did not need patronising or undemocratic leg-ups.
- The community had overwhelmingly spoken; it did not want councils divided by ethnicity and expected councils to honour the democratic principles.

The Commission Chair thanked Mr Prince for his presentation.

Attachment

1 Presentation - Mr Prince - Māori Ward

3.4 Mr Buddy Mikaere - Māori Ward**Key points**

- Mr Mikaere spoke in support of the affirmative decision for a Māori ward in Tauranga, on behalf of all tangata whenua.
- The Māori ward was established under due process and in accordance with legislation enacted by a democratically elected government.
- There had been a positive impact from having Māori input into, and votes on, council committees.
- Locally, the Bay of Plenty Regional Council was a good example of having successful Māori ward representation.
- Mr Mikaere expressed thanks and gratitude to the previous mayor and those councillors who had voted for the establishment of a Māori ward in Tauranga.

The Commission Chair thanked Mr Mikaere for his presentation.

4 ACCEPTANCE OF LATE ITEMS

Nil

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6 CHANGE TO THE ORDER OF BUSINESS

Nil

7 CONFIRMATION OF MINUTES**7.1 Minutes of the Council meeting held on 29 March 2021****RESOLUTION CO5/21/1**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the minutes of the Council meeting held on 29 March 2021 be confirmed as a true and correct record.

CARRIED

8 DECLARATION OF CONFLICTS OF INTEREST

Nil

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

10.1 Māori Ward

Staff Coral Hair, Manager: Democracy Services
Carlo Ellis, Manager: Strategic Maori Engagement

RESOLUTION CO5/21/2

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Māori Ward".
- (b) Adopts the recommendation of the Tangata Whenua/Tauranga City Council Committee and confirms the decision of 25 August 2020 to establish a Māori ward for the 2022 election (Option 1).

CARRIED

11 BUSINESS

11.1 Executive Report

Staff Paul Davidson, General Manager Corporate Services
Barbara Dempsey, General Manager: Regulatory & Compliance
Susan Jamieson, General Manager: People & Engagement
Nic Johansson, General Manager: Infrastructure
Christine Jones, General Manager: Strategy & Growth
Gareth Wallis, General Manager: Community Services
Jane Groves, Stormwater Programme Leader

Commissioner comments and responses to Commissioner questions

- Strategy and Growth
 - City Plan review
 - The Ministry for the Environment had confirmed that TCC should be proceeding with the City Plan review.
 - It was requested that the Resource Management Act 1991 (RMA) review and the impacts that would have on how growth and development was managed in our cities and regions, be discussed at the next Zone Two meeting. The Chief Executive would request that this be included on the agenda.
- Infrastructure Services
 - Kerbside recycling
 - More communication regarding the benefits of the scheme was needed e.g. most residents (80%) would end up paying considerably less than going through private contractors, the amount of waste going to landfill would be halved, and a culture of recycling would be started that had already existed in many cities throughout the country for decades. Communications would ramp up over the next few weeks. Another benefit was also highlighted - a large proportion of health and safety incidents/accidents under the umbrella of council work was rubbish collection related. The new trucks were better designed ergonomically and it was expected that health and safety issues for those working on the trucks would be significantly reduced.
 - There had been 7,500 sign ups to the garden waste bin option to date – there was a fortnightly or monthly option for this.
 - The opportunity to opt for a smaller sized rubbish bin would be available for year two.

- Cameron Road
 - o Bus shelters - there were a number of suppliers for 3D printed concrete that could be used for bus shelters. This innovation was still in the early stages and there were issues including structural integrity and sustainability. Any 3D printed bus shelter model would still have to adhere to code before they could be installed. It was worthwhile to investigate this option further to ensure the best use of modern technology was being made, particularly in terms of cost effectiveness.
 - o A public and factual report which provided evidence of the consultation process for the Cameron Road project over the last few years including the feedback from workshops and drop-in sessions would be provided to the Commissioners that could then be used as a reference document to guide future discussion.
 - o The multi-modal objective of Stage One would be carried into Stage Two. Stage One and the business case for Stage Two had been Crown Infrastructure Partners (CIP) funded. Stage Two would begin immediately following Stage One. Future messaging needed to be about the whole Cameron Road project (Stage One and Stage Two) which would take place over the next five to six years.
 - o Messaging for the project going forward also needed to better connect the improvements to public amenities with the intensification of the corridor. The City Plan changes that were currently under review would offer the greatest opportunity for change and an opportunity for TCC to tell a story about what the peninsula would look like in the future.
- Three waters reform
 - o Tangata whenua would be kept informed and have an active role in the process to avoid issues and challenges in the future.
 - o It was requested that the Three Waters Reform be discussed at a future TCC/Tangata Whenua informal meeting to allow all parties to move forward on the same page.
 - o Third tier staff were acknowledged for the work carried out on the Three Waters Contract 2021 project, the collaborative approach taken, and their ability to look forward regarding the operations and maintenance.
- Planting at Palm Beach West Reserve
 - o The Stage One Landscape Plan was part of the stormwater discharge consent. If changes to the Landscape Plan were to be made, TCC would need to go back to the Bay of Plenty Regional Council (BOPRC) for advice on whether re-consultation of the Landscape Plan was required.
 - o The planting was an ecological enhancement programme of work which had benefits for the stormwater corridor and had general wide-spread public support.
 - o Eight and a half hectares of planting had already been completed without complaint, with only one further hectare to go, which was in the area of contention.
 - o The views of tangata whenua had also been taken into account.
 - o A resolution passed by Council in mid-2020 had requested that staff re-engage with the residents, tangata whenua and the wider community. The result of the re-engagement and the advice received from BOPRC regarding not planting out the remaining one hectare would be reported back to Council in early August 2021.
- People and Engagement
 - The restructure of the Communications and Engagement team would provide a more geographical community focus to each piece of engagement, rather than a project focus. For larger issues, the Commissioners would be consulted on, and have input into, the type of engagement approach that was being proposed. Further information on specific engagement approach styles that might be taken or were available would be workshopped with Commissioners.
 - It was important that Te Rangapū Mana Whenua o Tauranga Moana and tangata whenua were kept up to date, not just on issues happening locally, but also the RMA reform and other things coming out of central government.

- The Commissioners acknowledged and thanked Ceilidh Dunphy for her assistance to the commissioners and congratulated her on her new role as Community Relations Manager.
- Regulatory and Engagement
 - Emergency Management - a report which included current thinking regarding tsunami sirens and other methods available for warning people, would be presented to Council on 27 April. The Emergency Management team had a role in community training and awareness and they would be working with communities to develop their own specific community response plans.
- Community Services
 - Venues and Events – the Historic Village team were commended for the role they played in the successful multi-ethnic event held at the Village a few weeks ago.
- Corporate Services
 - Elder Housing – staff would investigate and report back whether the land at Hinau St was gifted to the Mt Maunganui Borough Council for the purpose of elder housing.

RESOLUTION CO5/21/3

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council receives the Executive Report.

CARRIED

Staff Action

The following report be provided to the Commissioners:

- A factual report providing evidence of the consultation process for the Cameron Road project over the last few years including the feedback from workshops and drop-in sessions.

The report is to be made available to the public.

11.2 Meetings schedule April - December 2021

Staff Coral Hair, Manager: Democracy Services

RESOLUTION CO5/21/4

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Meetings schedule 2020".
- (b) Adopts Attachment 1 as the meetings schedule for the period April to December 2021.

CARRIED

11.3 2020 Speed limit review

Staff Nic Johansson, General Manager: Infrastructure Services
Russell Troup, Director of Transport
Clare Cassidy, Team Leader: Transport Safety

Commissioner comments and responses to Commissioner questions

- Links Ave - although Links Ave met the criteria for a speed limit reduction, this would have a significant flow on effect on nearby roads which were already over-burdened.

- Papamoa Beach Road – the proposed speed reduction to 50km was to gain consistency along the length of the route and also to accommodate a large number of pedestrian crossing movements, particularly from the retirement villages. The reduction was in line with Waka Kotahi guidance and also consistent with some community feedback received. Noise was also a factor in this area; there was evidence to support that lower speeds reduced noise.
- Papamoa Beach Road, Tara Road and Totara Street had all been identified as having a high safety risk by Waka Kotahi Mega Maps. There was an opportunity on Tara Road to make engineering changes. There was no opportunity on Papamoa Beach Road and Totara Street to change the engineering environment due to the number of pedestrians and cyclists and a high volume of entrances with slow moving heavy vehicles entering and exiting onto the road, particularly on Totara Street.
- Variable speed zones like the ones outside schools and over the Kaimais acted as a warning that something had changed in terms of the conditions.
- Although Totara Street was very busy at peak times and during the day, it was much quieter at night and could benefit from a variable speed limit. Links Ave would also benefit from having a variable speed limit with traffic being greatly reduced out of normal peak school opening and closing times.
- All speed changes went through a consultative process and also sign-off by Waka Kotahi and any trials for variable speed limits on Totara Street and Links Ave would also need to go through this process.
- The overall objective was to generally improve safety and one way to measure the success or otherwise of speed limit changes was to monitor the crash rates on these roads. Before and after speeds were also monitored looking at the 85th percentile - what speed the most people travelled at, as well as the standard deviation.
- It was suggested that this type of monitoring could be undertaken for Totara Street in peak and off-peak times to ascertain the variance of speeds and whether a variable speed limit would work before any changes to the speed limit were made.
- It was recommended that a decision on Totara Street be deferred pending further investigation.
- It was also recommended that a trial of variable speed be undertaken for Links Ave. This would require Waka Kotahi approval and community consultation in the local area.
- At a site visit of Links Ave, the Commissioners noticed and commented on the speed of the buses. Staff would feed this information back to BOPRC.

RESOLUTION CO5/21/5

Moved: Commissioner Stephen Selwood

Seconded: Commission Chair Anne Tolley

That the Council:

- (a) Receives the 2020 Speed limit review report.
- (b) Receives submissions on the proposed speed limit changes.
- (c) Resolves that, pursuant to Land Transport Rule Setting of Speed Limits 2017, Rule 54001/2017 and the Speed Limit Bylaw 2009, be amended by making changes to the Schedules (as shown in attachment A) to reflect the following:
 - (i) Ohauti Road: Extend existing 50km/h south to 100m south of Adler Drive.
 - (ii) Welcome Bay Road: Remove existing 60km/h zones so that the urban 50km/h limit extends from Welcome Bay Lane to 260m east of Ranginui Road.
 - (iii) Kaitemako Road: Extend existing 50km/h limit south to 300m south of Panorama Drive; install 80km/h Limit between 300m south of Panorama Drive and the Western Bay of Plenty Boundary.
 - (iv) Pyes Pa Road: Install 50km/h limit from the SH29A intersection to 80m south of Kennedy Road.

- (v) Oropi Road: Install 60km/h limit between the SH29A intersection and the intersection with Wood Road.
- (vi) Parton Road: Extend 50km/h limit from east of Gordon Spratt Reserve to 200m south of the Tara Road Roundabout.
- (vii) Tara Road: Install a 60km/h limit in the section between Doncaster Drive and Parton Road. Retain the existing 80km/h speed limit on the section west of Doncaster Drive.
- (viii) Domain Road: No change.
- (ix) Maranui Street and Papamoa Beach Road: Change existing 60km/h sections to 50km/h so that Papamoa Beach Road and Maranui Street are 50 km/h for the full length.
- (x) Aquinas College: Install variable 40km/h limit on Pyes Pa Road from a point 200m north of Joyce Road to 35m north of Freeburn Road.
- (xi) Tauranga Intermediate School: Install variable 40km/h limit on Fraser Street from a point 100m north of Brook Street to 17th Avenue; Eighteenth Avenue from Fraser Street to Grace Road; Grace Road from Eighteenth Avenue to Kaka Street.
- (xii) Matua School: Install variable 40km/h limit on Levers Road from a point 25m south-west of Sylvania Drive to 30m east of Woods Avenue.
- (xiii) Golden Sands School: Install variable 40km/h limit on Golden Sands Drive from a point 200m east of Kapuka Street to 20m south of Wairakei Avenue.
- (xiv) Taumata School: Install variable 40km/h limit on Kennedy Road between the western end of Mortlake Heights and Flack Street; Mortlake Heights from 15m west of Audax Lane to Kennedy Road; Te Ranga Memorial Drive from Kennedy Road to Tunbridge Street.
- (d) Requests staff provide a report on Totara Street with regards to crash, variable speed, and community consultation data.
- (e) Requests staff undertake consultation on variable speed limits on Links Avenue around the school, and provide a report.

CARRIED

11.4 Capital Programme Reporting

Staff Nic Johansson, General Manager: Infrastructure Services

Commissioner comments and responses to Commissioner questions

- Cameron Rd Stage One – a significant budget amount had been brought forward into this financial year in order to carry out the renewal of a significant amount of buried pipe work; the extent of which had not been known when the budget had been originally set.
- The reason for the variance for the historic development contributions funded neighbourhood reserve would be reported back.
- Streetlight LED Upgrade – the risk that Waka Kotahi funding may be taken away was being highlighted. The funding needed to be drawn down by the end of this financial year but there were COVID related supply issues that were putting that timeline at risk. The Commissioners would raise this with Waka Kotahi when they met.
- Te Maunga and Waiāri Treatment Plants – it was important to understand the risks upfront; however, it had been difficult to foresee all the risks that had arisen. The provisions for the Long Term Plan (LTP) needed to be sufficiently robust in terms of risk assessment.
- Western Active Reserve Capital Works – the planning component for this was still being worked on, and was about getting an active reserve in the western corridor area.
- Suggested additions and improvements to the report included:

- show “on time” and “on budget” for projects
- report back on project benefits realisations for the future
- add a column to the supporting spreadsheets around Risk and Mitigation (before the Commentary column)
- It was announced that David Moore had been appointed as the manager for the Capital Projects Assurance Division (CPAD).

RESOLUTION CO5/21/6

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Stephen Selwood

That the Council receives the report, Capital Programme Reporting.

CARRIED

Staff Action

The following additions and improvements to be considered for inclusion in the Capital Programme Reporting report:

- show “on time” and “on budget” for projects
- report back on project benefits realisations for the future
- add a column to the supporting spreadsheets around Risk and Mitigation (before the Commentary column)

At 1.07pm, the meeting adjourned.

At 1.47pm, the meeting resumed.

11.5 CCO Draft Statements of Intent 2021/2022 to 2023/2024

Staff Anne Blakeway, Manager: Community Partnerships
Josephine Meuli, Council Controlled Organisations Specialist

Commissioner comments and responses to Commissioner questions

- The Statements of Intent were still only in draft form and TCC would provide feedback on required amendments to the Council Controlled Organisations. Amendments would be incorporated into the final Statement of Intent documents.
- Feedback for the Tauranga Art Gallery Trust included:
 - It was expected that a requirement to engage with iwi, tangata whenua or mana whenua be enunciated in the Statement of Intent. It was also expected that there would be tangata whenua representation on the Board.
 - When the revenue received from Council was divided by the visitor numbers, this currently worked out as a subsidy of \$25 per visit which was quite high. It was suggested that a Key Performance Indicator (KPI) be added around cost per visit and that reducing over time.
 - Online and physical visits were recorded as one total. It would be helpful to know what the split was and where increases were happening.
- The Community Outcomes had been revised since the letters of expectation had been sent out in December 2020. The new revised Community Outcomes would be included in the feedback so that Statements of Intent could be updated to align with these.

RESOLUTION CO5/21/7

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the CCO Draft Statements of Intent 2021/2022 to 2023/24 report.
- (b) Receives the draft Statements of Intent (SOIs) for Tauranga City Council’s council-controlled organisations (CCOs); Bay of Plenty Local Authority Shared Services Limited (BOPLASS), Tauranga Art Gallery Trust (TAGT), Tourism Bay of Plenty (TBOP), and the Local Government Funding Agency (LGFA) for 2021/22 to 2023/24, and include feedback from the Commissioners into the shareholders feedback.
- (c) Notes that the draft Statement of Intent for Bay Venues Limited (BVL) will come to Council separately on 27 April 2021, along with shareholder feedback that incorporates the recommendations from the recent BVL strategic review.
- (d) Notes that as joint shareholder of TBOP, Western Bay of Plenty District Council (WBOPDC) will be asked to approve the shareholder comments on the draft Statement of Intent for TBOP at their 27 April 2021 Council meeting.

CARRIED

12 DISCUSSION OF LATE ITEMS

Nil

13 PUBLIC EXCLUDED SESSION

RESOLUTION CO5/21/8

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<p>13.1 - Public Excluded Minutes of the Council Meeting held on 29 March 2021</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

	s7(2)(j) - the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage	
13.2 - 2021 Appointment of Trustees to the Boards of Tauranga Art Gallery Trust and Tourism Bay of Plenty	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.3 - Cameron Road procurement and delivery model	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

At 2.16pm, the meeting resumed in the open session.

14 CLOSING KARAKIA

Commissioner Shadrach Rolleston closed the meeting with a Karakia.

The meeting closed at 2.17pm.

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 27 April 2021.

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CHAIRPERSON