



MINUTES

**Ordinary Council meeting
Monday, 13 September 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, 13 SEPTEMBER 2021 AT 10.30AM**

PRESENT: Commission Chair Anne Tolley, Commissioner Shadrach Rolleston, Commissioner Stephen Selwood (via video link) and Commissioner Bill Wasley

IN ATTENDANCE: Marty Grenfell (Chief Executive), Christine Jones (General Manager: Strategy & Growth), Barbara Dempsey (General Manager: Regulatory & Compliance), Anne Payne (Strategic Advisor), Coral Hair (Manager: Democracy Services), Robyn Garrett (Team Leader: Committee Support) and Jenny Teeuwen (Committee Advisor)

Via video link:

Susan Jamieson (General Manager: People & Engagement), Gareth Wallis (General Manager: Community Services), Brigid McDonald (Manager: Strategic Investment & Commercial Facilitation) and Ariell King (Team Leader: Policy)

1 OPENING KARAKIA

Mr Puhirake Ihaka opened the meeting with a Karakia.

2 APOLOGIES

Nil

3 PUBLIC FORUM

3.1 Te Rangapū Mana Whenua o Tauranga Moana - Puhirake Ihaka and Whitiora McLeod - Acquisitions and Disposals Policy

Key points

- Tangata whenua had worked with Tauranga City Council (TCC) on the review of the policy for around five to six years. The Tangata Whenua Collective relationship with TCC had now been for 20 years.
- The policy was important for tangata whenua and had always been in the forefront of thinking.
- The policy acknowledged Council's honouring of the principles of the Treaty of Waitangi, and was a sign of the good faith with this, and previous, Councils.
- Te Rangapū believed that TCC had consulted with tangata whenua as much as they could have.
- Te Rangapū were in favour of the right of first refusal (RFR) as it gave tangata whenua the opportunity of fairly getting back the land that TCC no longer needed, regardless of how the land had been acquired originally.
- Offering the land back at market value did not disadvantage anyone.
- Te Rangapū believed the need for two valuations was unnecessary and a waste of ratepayer money.
- The 60 day timeframe gave tangata whenua time to consult. It would not always be possible to get everyone together in a shorter timeframe.

In response to questions

- Each hapū had their own list of council owned land that they were interested in.
- A market valuation did not take into account the tapu or cultural value attached to the land for tangata whenua, so tangata whenua needed to be able to provide their own valuation to provide balance.
- Hapū could undertake assessments to determine whether properties up for disposal had any cultural value or the value was commercial only, but Council would need to provide a list of what properties were available for disposal first so that hapū could identify which properties they were interested in, and then carry out assessments for those properties.
- A Council list of properties up for disposal, and pre-assessments undertaken by tangata whenua for properties they were interested in, would provide a level of certainty that would enable shortened timeframes when properties came up for disposal.
- Experience from the past indicated that tangata whenua providing a list of properties of interest to Council first had not always come to any fruition.

The Commission Chair thanked Mr Ihaka and Mr McLeod for their 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 30 August 2021****RESOLUTION CO17/21/1**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the minutes of the Council meeting held on 30 August 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

Nil

11 BUSINESS

11.1 Deliberations on the draft Tauranga City Council Acquisitions and Disposals Policy

Staff Christine Jones, General Manager: Strategy & Growth
Brigid McDonald, Manager: Strategic Investment & Commercial Facilitation
Ariell King, Team Leader: Policy

In response to questions

- The process to classify property for the purposes of disposal, Section 5.6 of the Policy, needed to be made clearer about what was staff process and what was formal process i.e. Council decision required. This also needed to be made more explicit in the flowchart in Attachment A.
- Decisions about whether land was up for disposal would be made by Council.
- A transparent list of properties up for disposal was needed so that hapū could research those they were interested in. This would provide an 'early line of sight' and reduce timeframes when properties come up for disposal.
- Council's list of properties up for disposal was not currently publicly available. A number of the properties had constraints and these would need to be identified in any list that was made public. The list of properties up for disposal did not always align with the Long Term Plan or Annual Plan process.
- It had been agreed, subsequent to a meeting between elected members with tangata whenua in August 2020, that the inclusion of an atypical properties category was unnecessary and was strongly opposed, so the draft policy did not include the 'atypical' category and therefore, the views of the wider community were unknown regarding the potential addition of this category.
- The Zespri site on Maunganui Road was an example of an atypical property as the site was large and unique with a range of potential development opportunities. These types of properties were reasonably rare.
- Council had not previously used bright-line tests. Conditions were usually managed through the sale and purchase agreement.
- The proposed 45 working day timeframe (nine weeks) for the RFR and resolving disputes processes allowed for the tikanga process to take place. If an 'early line of sight' was built in to the RFR process, and there was the provision for exceptions in the resolving disputes process, tangata whenua would be comfortable with a 30 working days (six weeks) timeframe. The timeframes could be looked at again in two years' time when the policy was reviewed.
- When the market value of a property was not agreed, the agreed scope for that valuation between iwi/hapū and Council would be dealt with on a case by case basis. This needed to be better defined in Attachment A.
- If the price offered for a property on the open market was 10% less than the value determined by an independent valuer, then what happened with the property needed to come back to Council for a decision.
- A definition of 'working days' needed to be included in Section 3: Definitions of the policy.

As amended by
Council resolution
(CO18/21/2)
dated 4 October
2021

RESOLUTION CO17/21/2

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the Deliberations on the draft Tauranga City Council Acquisitions and Disposals Policy report.

- (b) Requests that staff report back to the next Council meeting with a revised policy incorporating amendments as discussed at this meeting including:
- (i) Proposed amendments in red, with the exception of 45 working days to be changed to 30 working days.
 - (ii) Inclusion of the 'atypical' property category as highlighted in orange in Attachment 1.
 - (iii) Removal of the offer back requirements and replace with a decision to be made by Council.
 - (iv) Various clarifications to Attachment A.

CARRIED

11.2 Amendment to to the Keeping of Animals Bylaw 2018

Staff Barbara Dempsey, General Manager: Regulatory & Compliance

RESOLUTION CO17/21/3

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Amends the Keeping of Animals Bylaw 2018 to provide for the issuing of formal notices under the Bylaw.

CARRIED

11.3 Annual Report on Dog Control Policy and Practices 2020/2021

Staff Barbara Dempsey, General Manager: Regulatory & Compliance

The Commission Chair thanked staff for their work in this area.

RESOLUTION CO17/21/4

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the Annual Report on Dog Control Policy and Practice 2020/2021 report; and
- (b) Pursuant to Section 10A of the Dog Control Act 1996, adopts the Tauranga City Council Report on Dog Control Policy and Practices for 2020/2021.

CARRIED

11.4 Strategic Framework Refresh Project Update

Staff Christine Jones, General Manager: Strategy & Growth
Anne Payne, Strategic Advisor

RESOLUTION CO17/21/5

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the Strategic Framework Refresh Project Update report; and
- (b) Notes that the Strategic Framework Refresh Project aims to be delivered by July 2022.

CARRIED

11.5 Tauranga's Non-Compliance with National Policy Statement - Urban Development Capacity Requirements

Staff Christine Jones, General Manager: Strategy & Growth

Key points

- TCC would not be able to comply with the requirements of the National Policy Statement for Urban Design (NPS-UD) and this would have huge consequences for Tauranga’s population.
- It was important that it was noted that there were significant risks that were not all of Tauranga’s own making.
- The letter was a political document that all Commissioners had signed.

RESOLUTION CO17/21/6

Moved: Commission Chair Anne Tolley
 Seconded: Commissioner Bill Wasley

That the Council receives the report “Tauranga’s Non-Compliance with National Policy Statement – Urban Development Capacity Requirements”.

CARRIED

12 DISCUSSION OF LATE ITEMS

Nil

13 PUBLIC EXCLUDED SESSION

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CO17/21/7

Moved: Commissioner Shadrach Rolleston
 Seconded: Commissioner Stephen Selwood

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
13.1 - Public Excluded Minutes of the Council meeting held on 30 August 2021	s6(b) - The making available of the information would be likely to endanger the safety of any person 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

	<p>s7(2)(b)(i) - The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(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>13.2 - Tauranga Art Gallery Trust - Board Performance Review, 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>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>

CARRIED

At 12.47pm, the meeting resumed in the Open session of Council.

14 CLOSING KARAKIA

Commissioner Shadrach Rolleston closed the meeting with a Karakia.

The meeting closed at 12.48pm.

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 4 October 2021.

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CHAIRPERSON