



Tauranga City

MINUTES

**Ordinary Council meeting
Monday, 28 November 2022**

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**MINUTES OF TAURANGA CITY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE BOP REGIONAL COUNCIL CHAMBERS, REGIONAL HOUSE, 1 ELIZABETH
STREET, TAURANGA
ON MONDAY, 28 NOVEMBER 2022 AT 9.30AM**

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

IN ATTENDANCE: Marty Grenfell (Chief Executive), Paul Davidson (Chief Financial Officer),
Barbara Dempsey (General Manager: Community Services), Nic Johansson
(General Manager: Infrastructure), Sarah Omundsen (General Manager:
Regulatory and Compliance), Gareth Wallis (General Manager: City
Development & Partnerships), Phil Kai Fong (Team Leader: Strategic
Property), Rachael Williams (Strategic Property Advisory), Jack Furnish
(Water Engineer), Peter Bahrs (Manager: Water Services), Anne Blakeway
(Manager: City Partnerships), Sanjana France (CCO Specialist), Coral Hair
(Manager: Democracy & Governance Services), Robyn Garrett (Team
Leader: Governance Services), Sarah Drummond (Governance Advisor),
Janie Storey (Governance Advisor)

1 OPENING KARAKIA

Commissioner Shadrach Rolleston gave the opening karakia

2 APOLOGIES

APOLOGY

RESOLUTION CO22/22/1

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the apology for absence received from Commissioner Stephen Selwood be accepted.

CARRIED

3 PUBLIC FORUM

3.1 Kalani Tarawa - Ngai Tamarāwaho

Key points

- Mr Tarawa noted that he was standing in for Mr Buddy Mikaere.
- The consideration on the classification of the proposal to develop a cultural centre was amazing to hear.
- Grew up in Auckland as his hapū had to leave Tauranga as the family land had been taken from them. He grew up in an area that was not his whenua and a place he had no connection to.
- The whanau came home every Christmas, and it was through those visits that he understood where he was from - where the bones and blood of ancestors were, and the connection with Tauranga moana and the land.

- There was nothing that could be done to change the injustices of the past, but he was glad that the city had come to maturity and had looked to provide a way forward that accepted and respected both cultures.
- Withstanding the objections of the last 180 years, iwi were grateful the public objections were getting smaller and less frequent.
- The cultural centre would unite both sides and respect the true history. There was no shame in what had happened - it happened and could not be changed.
- Noted the opportunity to establish a brighter future for their grandchildren and those that will follow, with all being proud to say they were from Tauranga.
- There was a significant shift this year for Māori with the celebration of Matariki. Schools had been celebrating it for over a decade, but to finally have it recognised signalled a significant shift in attitude.
- Mr Tarawa hoped that the Commissioners supported what had been tabled in the report as the area desperately needed a cultural centre.
- Mr Tawara's great great grandfather had been killed during the wars; he had grown up with the local stories.
- It was such an honour to see the realisation of the dream.

Discussion points raised

- The Commissioners thanked Mr Tawara for attending the meeting and sharing his support for the facility.

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 2 November 2022

RESOLUTION CO22/22/2

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the minutes of the Council meeting held on 2 November 2022 be confirmed as a true and correct record.

CARRIED

7.2 Minutes of the Council meeting held on 7 November 2022

RESOLUTION CO22/22/3

Moved: Commissioner Shadrach Rolleston
Seconded: Commissioner Bill Wasley

That the minutes of the Council meeting held on 7 November 2022 be confirmed as a true and correct record.

CARRIED

7.3 Minutes of the Council meeting held on 14 November 2022

RESOLUTION CO22/22/4

Moved: Commissioner Bill Wasley
Seconded: Commissioner Shadrach Rolleston

That the minutes of the Council meeting held on 14 November 2022 be confirmed as a true and correct record.

CARRIED

8 DECLARATION OF CONFLICTS OF INTEREST

Nil

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

To be held later in the meeting at item 12

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

11 BUSINESS

11.1 Partial Reclassification of Gate Pā Recreation Reserve - Deliberations

Staff Paul Davidson, Chief Financial Officer
Rachael Williams, Strategic Property Advisor
Phil Kai Fong, Team Leader: Strategic Property

Key points

- Acknowledged the comments made by Kalani Tawara regarding the cultural centre creating a brighter future for local children and grandchildren.
- Two late submissions were received from St George Street residents; recommended that these be received.
- The Gate Pa tennis club had not raised any concerns with how the matter was progressing.
- One St George Street resident had raised concerns around carparking for the centre and the reserve. The submitters had been responded to confirming that no decision had been made around carparking. If the centre proceeds Council would work with affected parties on the best locations for parking.

In response to questions

- Any carparking issues still needed to go through a process of consenting. There was a commitment by the Council to work through these with local residents.
- The next step was negotiating the lease provisions with the Trust and involving Council's Spaces and Places team to see what impact the centre would have on the reserve management plan. It was expected that this would commence early in the new year.
- Any funding sought would be led by the Pukehinahina Trust.
- The Trust was made up of Ngai Tamarāwaho, historians, other tangata whenua and members of the community and was the result of the community working together. One of the main drivers was to educate Tauranga Moana about the history of Tauranga. Council would lease the land to the Trust and the Trust would liaise with Ngai Tamarāwaho.

Discussion points raised

- An additional resolution was added to allow negotiations to commence with the Pukehinahina Trust and engagement with Spaces and Places with regards to the Reserves Management Plan.
- Staff thanked for the work done in terms of the report and the engagement that had taken place.
- The issue was one from the early 2000's and it was good to get a resolution; expectation that the Council would honour those earlier agreements.
- The location was sensible as it was a historic place for Pukehinahina and Tauranga Moana and all the tribes that heeded the call to come and support the local tribes against threat of invasion. The site was of local, regional and national significance and the only pa site in an urban environment.
- It was important to tell the history of the area.

RESOLUTION CO22/22/5

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Partial Reclassification of Gate Pā Recreation Reserve - Deliberations".
- (b) Confirms the attached submissions, including objections, in response to the public and tangata whenua consultation on the proposal have been considered (**Attachment 1**).
- (c) Receives two further late submissions (**Attachment 2**).
- (d) Confirms the partial reclassification of that part of the Gate Pā Recreation Reserve shown as Section 1 on SO 584235 (**Attachment 3**) from recreation reserve to historic reserve.
- (e) Agrees that consultation be commenced accordingly with regards to lease negotiations with the Pukehinahina Trust and the Spaces and Places activity in relation to the Reserve Management Plan.

CARRIED

11.2 Civil Defence Emergency Management Controller Endorsement

Staff Barbara Dempsey, General Manager: Community Services

Key points

- Remove recommendation (c) in the report as it was no longer needed.

RESOLUTION CO22/22/6

Moved: Commissioner Bill Wasley
Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Civil Defence Emergency Management Controller Endorsement".
- (b) Endorses the following nomination for Tauranga City Council's Local Controller:
 - (i) Sarah Omundsen – General Manager: Regulatory & Compliance

CARRIED

11.3 Temporary Road Closure Report 2022 2023 Addendum 2

Staff Nic Johansson, General Manager: Infrastructure Services

Key points

- No feedback had been received from the consultation.
- The events were repeat events and any issues had been sorted out in previous years.

In response to questions

- Concern was raised at the closure of one lane of Trumans Lane by Waka Kotahi and how this would affect the proposed event closures.
- It was agreed that the matter be looked at and the plans be provided to the Commissioners outlining how the traffic would flow through the area and the exact timing of the closures.

Discussion points raised

- It was requested that the public be made aware of the events, the road closures for the event and those proposed by Waka Kotahi.

RESOLUTION CO22/22/7

Moved: Commissioner Bill Wasley
Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Temporary Road Closure Report 2022 2023 Addendum 2".
- (b) Pursuant to Clause 11(e) of the Tenth Schedule of the Local Government Act 1974, grants approval to close the roads and car parks listed on Attachment A to ordinary vehicular traffic on the dates and during the hours stated for the purposes of facilitating safe and successful operations during the following events in Tauranga.

CARRIED

11.4 Backflow Prevention Device Installation Cost Recovery

Staff Nic Johansson, General Manager: Infrastructure Services
Jack Furnish, Water Engineer
Peter Bahrs, Manager: Water Services

Key points

- The programme was being implemented as part of the new water legislative requirements to keep the community safe.
- All properties were protected with back flow devices according to the amount of risk posed.
- The changes introduced for the quality drinking water rules regarding backflow included a survey being conducted throughout the city on a five-yearly basis to ensure the backflow device installed at each property was suitable for that property.
- The changes took effect on 14 November 2022 and TCC had to comply by 1 January 2023.
- Option 1 in the report was recommended, whereby the Council would undertake the changes using a maintenance contractor and then charge the property owner for the installation. Rationale for this option included that this would tighten up the scrutiny on the time frame needed for updating and the time taken to do it.

In response to questions

- The city consisted of approximately 50,000 properties with areas being sectioned over the five years, and the surveys undertaken on a rotating basis.
- There were a number of ways a property could be checked including a desk top study, pool fencing surveys, aerial maps, LIM's, visual inspections and the comprehensive data that the Council had on each property. Staff would also co-ordinate with staff from other activities such as pool inspection co-ordinators to ensure that site visits were minimised.
- Staff would work with the owner of the premises if a change was required regarding the likely cost implications.

RESOLUTION CO22/22/8

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Backflow Prevention Device Installation Cost Recovery".
- (b) Approves Tauranga City Council installing the required backflow prevention device and on-charging the full costs of the device and installation back to the customer.

CARRIED

11.5 Letters of Expectation 2023-2024 for Council-Controlled Organisations

Staff Gareth Wallis, General Manager: Central City Development

Sanjana France, CCO Specialist

Anne Blakeway, Manager: City Partnerships

Key points

- The letters were linked to the strategic direction and framework for the entities and for Council.

Discussion points raised

- The expectation was that the CCO's would utilise the Council's logo and branding.

RESOLUTION CO22/22/9

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Letters of Expectation 2023-2024 for Council-Controlled Organisations".

- (b) Approves the Letter of Expectation from Tauranga City Council to Bay Venues Limited (Attachment 1).
- (c) Approves the Letter of Expectation from Tauranga City Council to Tauranga Art Gallery Trust (Attachment 2).
- (d) Approves the Letter of Expectation from Tauranga City Council to Tourism Bay of Plenty (Attachment 3), noting that Western Bay of Plenty District Council, as joint shareholder, will take a separate letter to their Council meeting on 8 December 2022.

CARRIED

12 DEPUTATIONS, PRESENTATIONS, PETITIONS

A petition was tabled by Mr Mark Kimber as follows:

*“A Tragedy Waiting to Happen - Dangerous Bethlehem Pedestrian Crossing Removal.
The aim of this petition is to have the unmarked, traffic light controlled Pedestrian Crossing at the corner of Moffat Road and Tamatea Arikunui Drive, (State Highway 2) removed due to the inherent dangers.*

With no warning signs and the crossing less than 50 meters passed a busy roundabout, this leaves inadequate time or distance to view the roadway before encountering the crossing.

By completing and signing this petition you are confirming that you have read, seen or heard about what has been described as a tragedy waiting to happen.

Join us in this petition to remove the pedestrian crossing before it claims more victims.”

Mr Kimber spoke to the petition noting the following:

- The pedestrian crossing north of the roundabout at Bethlehem was dangerous and people wanted it removed to make the area safer.
- Mr Kimber showed a video taken while using the crossing where a car came straight through the red light and nearly hit him.
- There was inadequate timing with the changing of the lights from green to red to allow the traffic to stop in time.
- He had asked many of the people who signed the petition what they thought should happen - comments received included:
 - There were a high number of near misses with cars coming off the side roads; wanted to see an overpass before someone was killed. Drivers were in a hurry.
 - Had lived in the area for 15 years and the road was more dangerous since the crossing had been installed as people were driving through the area and were not aware of the sudden light change. There was also a high fence at the crossing.
 - A local business manager who had been working in the area for a year and had family in the area noted an accident where two people had lost their lives. Considered it only a matter of time before that happened again. She regularly witnessed people crossing the road and not waiting for the lights or moving further up the road to cross. Many people pushed the button to activate the lights and then did not wait for them to change.
 - The proximity of the roundabout did not allow time for people to stop for the red light. It also impacted the view of drivers when they were looking to give way to traffic on their right - they were looking right not to the side or upwards where the signage and lights were.
 - The crossing was a risk to cars - the ability for traffic to flow and travel was risky as the traffic was always heavy.
 - Witnessed multiple times people crossing when it was not a green light, or running across thinking they had time. It was impossible for turning traffic to see the crossing; vehicles sometimes swerved across lanes to avoid a rear end collision. Remove the two crossings and put in a pedestrian overpass or underpass.

- There was a Bethlehem community Facebook page and Mr Kimber had screen shot some of the comments for the Commissioners to read. Some people supported the crossing, some were against and others provided suggestions of what to do such as installing an underpass.
- The petition was signed by about 700 people and had been collected from the Bethlehem shopping centre.
- Comments had also been provided online, but no results had been seen on those as yet, so Mr Kimber was unable to present results to the meeting.
- There was a garden in the middle of the roundabout which also obscured the vision to the crossing.
- Suggestions included improving and clearing the roundabout to improve traffic visibility and putting in signage before the crossing.
- There was no amber light - only red and green - so there was no time to react from the change of the colours. Inclusion of an amber light would give the traffic more warning.
- Suggested installation of a floodlight beside the crossing that would turn on when the pedestrian crossing button was pushed.

Discussion points raised

- Commissioner Tolley noted that they would consider the tabled petition and comments and would seek a report from staff regarding possible improvements.
- Appreciation was passed on to Mr Kimber for attending the meeting and the time and energy he had put in to gathering the petition signatures and talking with the community.
- Mr Kimber noted that any change would be for the better.

RESOLUTION CO22/22/10

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

- (a) That the Bethlehem Community Crossing petition be accepted.
- (b) That staff be requested to provide a report, including Waka Kotahi involvement, on the issues raised with regards to the pedestrian crossing at Bethlehem.

CARRIED

13 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

RESOLUTION CO22/22/11

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
13.1 - Public Excluded Minutes of the Council meeting	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to

<p>held on 2 November 2022</p>	<p>of deceased natural persons</p> <p>s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied</p> <p>s7(2)(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>result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>13.2 - Public Excluded Minutes of the Council meeting held on 7 November 2022</p>	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</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>
<p>13.3 - Appointment of Board Members to the Boards of Tauranga Art Gallery Trust and Tourism Bay of Plenty</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)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of</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>

	the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied	
13.4 - Appointment of Commissioner(s) and List Member(s) for Tauranga City Council District Licensing Committee	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - 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

14 CLOSING KARAKIA

Commissioner Shadrach Rolleston closed the meeting with a karakia.

The meeting closed at 10.50 am.

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 12 December 2022.

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CHAIRPERSON