



AGENDA

Ordinary Council meeting Monday, 2 August 2021

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Monday, 2 August 2021

Time: 10.30am

**Location: Tauranga City Council
Council Chambers
91 Willow Street
Tauranga**

Please note that this meeting will be livestreamed and the recording will be publicly available on Tauranga City Council's website: www.tauranga.govt.nz.

**Marty Grenfell
Chief Executive**

Terms of reference – Council

Membership

Chairperson	Commission Chair Anne Tolley
Members	Commissioner Shadrach Rolleston Commissioner Stephen Selwood Commissioner Bill Wasley
Quorum	<u>Half</u> of the members physically present, where the number of members (including vacancies) is <u>even</u> ; and a <u>majority</u> of the members physically present, where the number of members (including vacancies) is <u>odd</u> .
Meeting frequency	As required

Role

- To ensure the effective and efficient governance of the City
- To enable leadership of the City including advocacy and facilitation on behalf of the community.

Scope

- Oversee the work of all committees and subcommittees.
- Exercise all non-delegable and non-delegated functions and powers of the Council.
- The powers Council is legally prohibited from delegating include:
 - Power to make a rate.
 - Power to make a bylaw.
 - Power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan.
 - Power to adopt a long-term plan, annual plan, or annual report
 - Power to appoint a chief executive.
 - Power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement.
 - All final decisions required to be made by resolution of the territorial authority/Council pursuant to relevant legislation (for example: the approval of the City Plan or City Plan changes as per section 34A Resource Management Act 1991).
- Council has chosen not to delegate the following:
 - Power to compulsorily acquire land under the Public Works Act 1981.
- Make those decisions which are required by legislation to be made by resolution of the local authority.
- Authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council.
- Make appointments of members to the CCO Boards of Directors/Trustees and representatives of Council to external organisations.
- Consider any matters referred from any of the Standing or Special Committees, Joint Committees, Chief Executive or General Managers.

Procedural matters

- Delegation of Council powers to Council's committees and other subordinate decision-making bodies.
- Adoption of Standing Orders.
- Receipt of Joint Committee minutes.
- Approval of Special Orders.
- Employment of Chief Executive.
- Other Delegations of Council's powers, duties and responsibilities.

Regulatory matters

Administration, monitoring and enforcement of all regulatory matters that have not otherwise been delegated or that are referred to Council for determination (by a committee, subordinate decision-making body, Chief Executive or relevant General Manager).

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- 1 OPENING KARAKIA**
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- 6 CHANGE TO THE ORDER OF BUSINESS**

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Council meeting held on 26 July 2021

File Number: A12727959

Author: Jenny Teeuwen, Committee Advisor

Authoriser: Robyn Garrett, Team Leader: Committee Support

RECOMMENDATIONS

That the Minutes of the Council meeting held on 26 July 2021 be confirmed as a true and correct record.

ATTACHMENTS

1. Minutes of the Council meeting held on 26 July 2021



MINUTES

**Ordinary Council Meeting
Monday, 26 July 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, 26 JULY 2021 AT 1.30PM**

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), Susan Jamieson (General Manager: People & Engagement), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy & Growth), Gareth Wallis (General Manager: Community Services), Carlo Ellis (Manager: Strategic Maori Engagement), Kathryn Sharplin (Manager: Finance), Tracey Hughes (Financial Insights and Reporting Manager), Jim Taylor (Transactional Services Manager), Mohan De Mel (Treasurer), Jeremy Boase (Manager: Strategy & Corporate Planning), Josh Logan (Team Leader: Corporate Planning), Hemi Leef (Corporate Solicitor), Anne Blakeway (Manager: Community Partnerships), Ariell King (Team Leader Policy), Ross Boreham (Civic Communications Specialist), Ceilidh Dunphy (Community Relations Manager), Coral Hair (Manager: Democracy Services), Robyn Garrett (Team Leader: Committee Support), Raj Naidu (Committee Advisor) and Jenny Teeuwen (Committee Advisor)

EXTERNAL Clarence Susan, Audit NZ
Warren Goslett, Audit NZ

1 OPENING KARAKIA

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

2 APOLOGIES

Nil

3 PUBLIC FORUM**3.1 Mr Jordan Williams – New Zealand Taxpayers Union****Key points**

- Mr Williams was the Executive Director of the NZ Taxpayers Union. He was accompanied by Ms Kim Williams, a spokesperson for the Tauranga Ratepayers Alliance.
- The protest taking place outside on the street was noted.
- 356 submissions to the 2021-2031 Long-term Plan (LTP) had been received from members and supporters of the Tauranga Ratepayers Alliance.
- Tauranga rates were already among the highest in the country. At the end of the period for the LTP, Tauranga would have by far the highest rates in New Zealand.
- It had been 'sneaky' for Council to use the \$1 per day claim.
- Council's current burrowing equated to approximately \$11,000 per household, and this would go up to \$30,000 per household; within the realm of Auckland and Christchurch.

- Those protesting outside of the Council chambers wanted their city and democracy back. If elections were not held next year, this movement would get larger and they would continue to protest.

The Commission Chair thanked Mr Williams 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 14 to 18 June 2021

RESOLUTION CO14/21/1

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the minutes of the Council meeting held on 14 to 18 June 2021 be confirmed as a true and correct record.

CARRIED

7.2 Minutes of the Council meeting held on 24 and 25 June 2021

RESOLUTION CO14/21/2

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Stephen Selwood

That the minutes of the Council meeting held on 24 and 25 June 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 Adopt Tauranga City Council Long-term Plan 2021-2031

External Clarence Susan, Audit NZ
Warren Goslett, Audit NZ

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

Commission Chair comment

Tauranga City Council's Long-term Plan (LTP) had been delayed by a month to ensure a better consultation process with the community over what were some very difficult decisions that needed to be made. The month of consultation enabled wide discussions across the city and gave the Commissioners a greater understanding of the needs of the various communities of Tauranga. The city had been overwhelmed by rapid growth and there was considerable resentment of that growth and what it meant for the existing residents. The former council were acknowledged for beginning the LTP work. The Commission had improved the focus on community facilities and amenities for existing residents as well as providing for growth and infrastructure for the future of Tauranga city. The Commission Chair, Anne Tolley, thanked everyone who contributed to the process; 1,800 submitters and the several hundred who gave oral submissions. She also thanked the TCC staff for 18 months of hard work. The LTP being adopted today would be a hugely significant plan that set a clear path forward for Tauranga city, both for the existing residents and for those who came to live here in the future.

RESOLUTION CO14/21/3

Moved: Commissioner Stephen Selwood
Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Adopts the Schedule of User Fees and Charges for 2021/22 (**Attachment 1**) with the 2021-2031 Long-term Plan;
- (b) Approves the 2021-2031 Long-term Plan (including Revenue and Finance Policy, Financial Strategy and Infrastructure Strategy) as set out in **Attachment 2**;

CARRIED

RESOLUTION CO14/21/4

Moved: Commissioner Bill Wasley
Seconded: Commissioner Stephen Selwood

- (c) Receives the audit report relating to the Long-term Plan, pursuant to section 94(1) of the Local Government Act 2002;

CARRIED

Mr Clarence Susan from Audit New Zealand was then asked to present the auditor's report.

Auditor's comments

- The plan provided a reasonable basis for long-term, integrated decision-making and co-ordination of the Council's resources and accountability to the community. The information and assumptions underlying the forecast information in the plan were reasonable and the disclosure pages represented a complete list of the disclosures required and accurately reflected the information drawn from the plan.
- Three areas were highlighted; uncertainty over three waters reforms, uncertainty over the delivery of the capital programme, and the breach of the statutory deadline.

The Commissioner Chair thanked Mr Susan for his overview.

RESOLUTION CO14/21/5

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

- (d) Adopts the Audited 2021-2031 Long-term Plan pursuant to section 93 of the Local Government Act 2002;
- (e) Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the 2021-2031 Long-term Plan before going to print.

CARRIED

Attachments

- 1 Audit Opinion Report - Audit NZ
- 2 Long-term Plan 2021-2031 - Amended Pages 226 and 227
- 3 Long-term Plan 2021-2031 - Amended Page 281

11.2 2021/2022 Rates Resolution**Commission Chair comment**

The Commission was aware of the fact that there was a significant increase in both residential and commercial rates; this had been raised with the Commissioners on many occasions during the consultation process. The Commission was concerned for those residents on fixed incomes for whom a rates increase would be difficult. They had requested that staff work on simplifying the process for rates deferment and to work with Local Government New Zealand who were also working on a national rates deferment scheme. It was hoped that a system would be up and running by next year. Generally there had been acceptance from most people that rates needed to increase in order to provide what the community was asking for, support was on the premise that TCC delivered for the community.

In response to questions

- The previous council had several targeted rates e.g. for 'The Excelsa', stormwater and resilience. The increase in the number of targeted rates for 2021/2022 was in response to public feedback and to provide more transparency.
- Pages 16 and 17 of the LTP document provided a clear explanation of the residential and commercial rates. In particular, Page 16 clearly showed what made up the total residential rates for a median house, which included everything as well as the new waste kerbside service. The increase for a median house would be \$368 per annum, and this divided by 365 days equated to near enough \$1 per day. The benefits of the investment were significant. It would improve the sustainability and liveability of the city, provide better community amenities and enable the funding of infrastructure that would help to contain the city's growth. An increase of \$7 per week was considered good value for money.

RESOLUTION CO14/21/6

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Sets the following rates under the Local Government (Rating) Act 2002, in accordance with the relevant provisions of the Council's Long Term Plan 2021-2031 and the Funding Impact Statement in the Long Term Plan for the 2021/2022 rating year, on rating units in the city for the financial year commencing on 1 July 2021 and ending on 30 June 2022.

The rates and charges specified are inclusive of Goods and Services Tax at the prevailing rate.

i. General Rate

A general rate set under section 13(2) (b) of the Local Government (Rating) Act 2002 at:

- A rate of \$0.00249736 in the dollar of capital value on all residential rateable rating units in the City.
- A rate of \$0.00399578 in the dollar of capital value on all commercial rateable rating units in the City.

(“residential” and “commercial” are as defined in the Funding Impact Statement).

ii. Uniform Annual General Charge

A uniform annual general charge set under section 15(1)(b) of the Local Government (Rating) Act 2002 at:

- A rate of \$199.00 per separately used or inhabited part of a rateable rating unit.

iii. Waste Collection Rate

A uniform targeted rate for the kerbside waste collection services, set under section 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002, on all rating units in the City on which there is one or more residential use and that will be provided with the standard waste collection service, at:

- A rate of \$210 per standard waste service capacity provided for each residential use on each rating unit in the City.

iv. Garden Waste Rate (optional)

Uniform targeted rates for garden waste collection services, set under section 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002, on all rating units in the City used for residential purposes and that will be provided with the garden waste collection service, at:

- A rate of \$95 for each garden waste bin (two weekly collection).
- A rate of \$60 for each garden waste bin (four weekly collection).

v. Wastewater Rate

A differential targeted rate for wastewater, set under sections 16(3)(b) and 16(4)(b) of the Local Government (Rating) Act 2002 at:

- A rate of \$538.88 for each water closet or urinal in a connected rating unit in the city.
- A rate of \$269.44 per separately used or inhabited part of a rating unit for any serviceable rating units in the city.

(“separately used or inhabited part of a”, “connected” and “serviceable” rating units, are defined in the Funding Impact Statement).

A rating unit used primarily as a residence for 1 household will not be treated as having more than 1 water closet or urinal.

vi. Stormwater Rate

A targeted rate for stormwater infrastructure investment, set under section 16(3)(a) and 16(4) (b) of the Local Government (Rating) Act 2002 at:

- A rate of \$0.00004562 in the dollar of capital value on all residential rateable rating units in the City.
- A rate of \$0.00007298 in the dollar of capital value on all commercial rateable rating units in the City.

vii. Water Supply Rates

Volumetric rate

A targeted rate for metered water supply set under section 19(2)(a) of the Local Government (Rating) Act 2002 at:

- A rate of \$2.90 per cubic metre of water supplied.

Base rate

A differential targeted rate per connection on every rating unit in the City which is provided with a metered water supply service, set under sections 16(3)(b) and 16(4)(b) of the Local Government (Rating) Act 2002, calculated on the basis of the nature of the connection size as follows:

Meter Size	Amount
20mm	\$35.00
25mm	\$66.00
32mm	\$66.00
40mm	\$273.00
50mm	\$540.00
80mm	\$1,079.00
100mm	\$1,329.00
150mm	\$1,329.00
200mm	\$1,329.00
250mm	\$1,329.00

viii. Water Supply Rates (unmetered)

Unmetered rate

A uniform targeted rate on every rating unit in the City which is provided with and connected to an unmetered water supply service, set under sections 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002, at:

- A rate of \$804.00 for each separately used or inhabited part of a rating unit as defined in the Funding Impact Statement.

ix. Economic Development Rate

A targeted rate for economic development in the City, set under section 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002 at:

- A rate of \$0.00053944 in the dollar of capital value on every commercial rateable rating unit (as defined in the Funding Impact Statement).

x. Mainstreet Rates

Targeted rates for Mainstreet organisations, set under section 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002, at:

- A rate of \$0.00053479 in the dollar of capital value for every commercial rating unit in the Tauranga Mainstreet rating area as defined in the Funding Impact Statement.
- A rate of \$0.00084437 in the dollar of capital value for every commercial rating unit in the Mt Maunganui Mainstreet rating area as defined in the Funding Impact Statement.
- A rate of \$0.00180928 in the dollar of capital value for every commercial rating unit in the Greerton Mainstreet rating area as defined in the Funding Impact Statement.
- A rate of \$0.00033422 in the dollar of capital value for every commercial rating unit in the Papamoa Mainstreet area as defined in the Funding Impact Statement.

xi. Special Services Rates

'The Lakes' Targeted Rate

A uniform targeted rate for additional levels of service in relation to maintenance and renewal of street gardens, street trees, footpaths and the removal of litter from ponds provided to 'The Lakes' subdivision, located at Pyes Pa, set under section 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002, at:

- A rate of \$99.90 per rating unit located within 'The Lakes' subdivision as defined in the Funding Impact Statement.

'The Coast Papamoa' Targeted Rate

A uniform targeted rate for additional levels of service in relation to maintenance and renewal of street trees and footpaths provided to 'The Coast Papamoa' subdivision, located at Papamoa, set under section 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002, at:

- A rate of \$34.02 per rating unit located within 'The Coast Papamoa' subdivision as defined in the Funding Impact Statement.

'The Excelsa' Targeted Rate

A uniform targeted rate for additional levels of service in relation to maintenance and renewal of street gardens, street trees and up lights under trees provided to 'The Excelsa' subdivision, located at Papamoa, set under section 16(3)(b) and 16(4)(a) of the Local Government (Rating) Act 2002, at:

- A rate of \$50.32 per rating unit located within 'The Excelsa' subdivision as defined in the Funding Impact Statement.

xii. Resilience Rate

A targeted rate for resilience infrastructure investment in Water, Wastewater, Stormwater, Transportation and Emergency Management, set under section 16(3)(a) and 16(4) (b) of the Local Government (Rating) Act 2002 at:

- A rate of \$0.00001175 in the dollar of capital value on all residential rateable rating units in the City.
- A rate of \$0.00001880 in the dollar of capital value on all commercial rateable rating units in the City.

xiii. Transportation Rate

A targeted rate for Transportation infrastructure investment, set under section 16(3)(a) and 16(4) (b) of the Local Government (Rating) Act 2002 at:

- A rate of \$0.00004200 in the dollar of capital value on all residential rateable rating units in the City.
- A rate of \$0.00006719 in the dollar of capital value on all commercial rateable rating units in the City.

xiv. Community Rate

A targeted rate for Community amenity investment, set under section 16(3)(a) and 16(4) (b) of the Local Government (Rating) Act 2002 at:

- A rate of \$0.00011959 in the dollar of capital value on all residential rateable rating units in the City.
- A rate of \$0.00019134 in the dollar of capital value on all commercial rateable rating units in the City.

- (b) That all rates (except the water supply volumetric rate set under section 19 and the water supply base rate for metered connections under section 16 of the Local Government (Rating) Act 2002) be payable in two equal instalments due on:
- 31 August 2021 and
 - 28 February 2022.
- (c) That all metered water rates will, except as to high users, be invoiced on a quarterly basis dependant on when the water meters are read, in accordance with the table below headed "Due dates and penalty dates for rates for metered water supply". The due dates will also be specified on the invoice. Rating units, which are considered high users of water (namely having an average consumption more than 5m³ per day) will be invoiced monthly, and these rates will be due on the first Thursday after 23 days following the date of the invoice.
- (d) That the Council authorises the addition of penalties to rates that are not paid by the due date, as follows, in accordance with sections 57 and 58 of the Local Government (Rating) Act 2002, and delegates authority to the Manager Finance to apply penalties in accordance with this regime:

- (i) a charge of 10% on so much of any rates instalment after 1 July 2021 which is unpaid after the relevant due date (except for the volumetric rate under section 19 and the water supply base rate for metered connections under section 16 of the Local Government (Rating) Act 2002) will be applied on:

Instalment due date	Penalty Date
31 August 2021	9 September 2021
28 February 2022	9 March 2022

- (ii) a charge of 10% on so much of any of the volumetric rate under section 19 and the water supply base rate for metered connections under section 16 of the Local Government (Rating) Act 2002 invoiced after 1 July 2021 and which is unpaid after the due date will be applied on whichever is the next consecutive date following the due date of the invoice to which the penalty applies, being:

Water Penalty Date
28 October 2021
3 February 2022
28 April 2022
28 July 2022

Due dates and penalty dates for rates for metered water supply and connection

Week	Area	Q1 Due date	Q2 Due date	Q3 Due date	Q4 Due date
1	Mt Maunganui North, Omanu, Arataki	26-Aug-21	11-Nov-21	17-Feb-22	19-May-22
2	Mt Maunganui Industrial, Matapihi, Arataki, Te Maunga, Papamoa West	26-Aug-21	18-Nov-21	24-Feb-22	26-May-22
3	Papamoa West / East	02-Sep-21	25-Nov-21	03-Mar-22	02-Jun-22
4	Papamoa East / South, Kairua, Welcome Bay	09-Sep-21	02-Dec-21	10-Mar-22	09-Jun-22
5	Welcome Bay, Hairini, Poike, Pyes Pa	16-Sep-21	09-Dec-21	17-Mar-22	16-Jun-22
6	Hairini, Maungatapu, Greerton, Gate Pa,	23-Sep-21	16-Dec-21	24-Mar-22	23-Jun-22
7	Tauranga Central/ South, Sulphur Point, Judea	30-Sep-21	23-Dec-21	31-Mar-22	30-Jun-22
8	Te Reti, Brookfield, Judea, Otumoetai	07-Oct-21	13-Jan-22	07-Apr-22	07-Jul-22
9	Bellevue, Otumoetai, Matua	14-Oct-21	20-Jan-22	14-Apr-22	14-Jul-22
10	The Lakes, Bethlehem	21-Oct-21	27-Jan-22	21-Apr-22	21-Jul-22
All <i>(including High users)</i>	Penalty Added Date	28-Oct-21	03-Feb-22	28-Apr-22	28-Jul-22

- (e) Where a ratepayer makes any payment that is less than the amount now payable, the Council, will apply the payment firstly to any rates outstanding from previous rating years and then proportionately across all current year rates due.

CARRIED

11.3 Adoption of the Final 2021/22 Development Contributions Policy

Commission Chair comment

The increases to development contributions had been widely commented on during the oral submissions as well as in the wider discussion the Commissioners had had with the community. It was a significant increase in recognition of the significant investment being made, particularly in the provision of water. The increase to citywide development contributions had been larger than signalled and a transitional regime would be implemented to stagger the increase. Paragraph nine of the agenda report provided a full explanation of how the transitional regime would work.

RESOLUTION CO14/21/7

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Adopts the 2021/22 Development Contributions Policy.
- (b) Delegates to the General Manager: Strategy and Growth the authority to rectify any minor errors or omissions that are identified in the 2021/22 Development Contributions Policy prior to final publication.

CARRIED

11.4 Borrowing Programme 2021-2022

Commission Chair Comment

It was acknowledged that the borrowing programme was large but it was necessary to deliver a large capital programme. Borrowing allowed the costs to the various beneficiaries to be spread fairly over a period of time.

RESOLUTION CO14/21/8

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives Report – Borrowing Programme 2021-2022;
- (b) Approves the Borrowing Resolution for the 2021-2022 financial year:
 - i. The borrowing of \$193,700,000 (the “Borrowing”). This Borrowing being made up of:
 - \$127,375,000 of new loans approved for the financial year 2021-2022
 - \$66,225,000 of maturing loans during the financial year 2021-2022;
 - That in addition a bank overdraft facility of \$100,000 be retained.
 - ii. The borrowing is to be secured against the rates revenue of Council under the Debenture Trust Deed.
 - iii. That the Council may also fund the capital expenditure programme and its working capital requirements from its cash reserves and other internal / external sources of funds.
- (c) Approves that authority is delegated to the Chief Executive and the General Manager Corporate Services, subject to the Local Government Act 2002 and the Treasury Policy, to:

- i. determine the details and timing of the Borrowing whether in this financial year or in the future and to raise long or short-term loans, whether by one or more bank facilities or other facilities, or by one or more issues of stock, whether by internal funding or external, and whether by wholesale issue or by private placement to habitual investors, to yield a maximum external borrowing identified in (b)(i) above, of \$193,700,000 secured under the Debenture Trust Deed as the Chief Executive and General Manager Corporate Services consider appropriate and in accordance with the Council's Treasury Policy; and
 - ii. execute all loan and security documentation in relation to the Borrowing on behalf of Council, including any loan and/or credit agreements and stock certificates, investment statement and any other documents which Council may be required to enter into in respect of the borrowing, and to give one or more certificates in respect thereof for the purposes of Section 118 of the Local Government Act in respect of Council's entry into such borrowing security or related documentation.
- (d) Approves that authority is delegated to the General Manager Corporate Services to borrow internally to manage the funding requirements, subject to availability of internal funding and reassign approved borrowings between activities for approved projects.
 - (e) Approves that authority is delegated to the General Manager Corporate Services to enter into interest rate risk management transactions with institutions with whom the Council has interest rate risk management documentation in place as and when he considers appropriate, subject to the limits set out in Council's Treasury Policy.

CARRIED

11.5 2021-2031 Long-term Plan - Other topics

The Commissioners had had the opportunity to review the submission responses and provide feedback to staff. Everyone who had made a submission to the LTP would receive a written response by the end of August.

RESOLUTION CO14/21/9

Moved: Commissioner Stephen Selwood
Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Approves staff comments on submissions relating to other topics in **Attachments 1**.
- (b) Approves staff comments on submissions relating to development contributions in **Attachment 2**.
- (c) Authorises the Chief Executive and General Managers to make amendments to Council's proposed response comments to each submission point in **Attachments 1 and 2**, to refine wording and style prior to responses being sent to submitters no later than one month after the adoption of the LTP.

CARRIED

11.6 Adoption of Community Funding Policy

RESOLUTION CO14/21/10

Moved: Commissioner Bill Wasley
Seconded: Commission Chair Anne Tolley

That the Council:

- (a) Adopts the Community Funding Policy 2021, noting the following:
 - (i) That the Match Fund will be retained as a separate fund to promote a pathway for projects to be supported from initiation to establishment;
 - (ii) That applicants to the Community Grant Fund are not required to “match” any Council funded amount with their own funds, noting that all grants will recognise Council’s role as a complementary funder through prioritising those organisations that have actively sought other funding, prior to approaching Council;
 - (iii) That the minimum funding amount for the Community Grants Fund is \$10,001;
 - (iv) That applications for amounts less than \$10,000 will be referred to the Community Development Match Fund; and
 - (v) That the policy and the amount of the Community Grant Fund will be reviewed within the next 18 months to align with the Annual Plan planning cycle.
- (b) Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Community Funding Policy 2021 before it is published.

CARRIED

12 DISCUSSION OF LATE ITEMS

Nil

13 PUBLIC EXCLUDED SESSION

Nil

14 CLOSING KARAKIA

Carlo Ellis, Manager: Strategic Maori Engagement, closed the meeting with a karakia.

The meeting closed at 2.15pm.

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 2 August 2021.

.....
CHAIRPERSON

8 DECLARATION OF CONFLICTS OF INTEREST

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

9.1 Petition - Pembroke Drive flat seal

ATTACHMENTS

- 1. Petition to Commissioners to obtain flat seal on streets/roads - Tauranga City - A12727429**  

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

11 BUSINESS

11.1 12th Avenue Community Issues Update

File Number: A12653323

Author: Jane Barnett, Policy Analyst

Ariell King, Team Leader: Policy

Authoriser: Barbara Dempsey, General Manager: Regulatory & Compliance

PURPOSE OF THE REPORT

1. To provide an update on the Twelfth Avenue community issues.
-

RECOMMENDATIONS

That the Council:

- (a) Receives the Twelfth Avenue Community Issues Update Report.
-

EXECUTIVE SUMMARY

2. Council received two petitions regarding homelessness and behaviour in the Twelfth Avenue area on the 10 May 2021. One of the petitions requested an alcohol ban be put in place.
3. Council considered this request at the Council meeting on the 21 June 2021. In response, Council asked staff to investigate the process and conditions for a temporary alcohol ban, to continue to work with the Police to implement an action plan for Twelfth Avenue, and to report back on the progress in six weeks' time.
4. The problems faced by the residents of Twelfth Avenue stem from the underlying issue of homelessness in our city. Homelessness is deeply complex and is driven by structural issues, system failures (such as poverty and lack of employment opportunities) and individual vulnerabilities or circumstances (such as trauma, exposure to family violence, mental health and addictions, relationship breakdowns, ill health and episodes of imprisonment).
5. A temporary alcohol ban does not address this underlying issue and is more than likely to result in displacement, moving the problems of litter, waste and feeling unsafe to another part of the city.
6. Several statutory criteria must be met before introducing a new alcohol-free area. In particular, Council must be satisfied that there is evidence of a high level of crime and disorder caused, or made worse by alcohol consumption in that same area.
7. Western Bay of Plenty Police have reviewed the evidence and concluded that *'there is no demonstrable link between alcohol and offending in and around Twelfth Avenue, as a result Police will not be in a position to support the imposition of a liquor ban in that area'*.
8. Council has been working with the Police and other organisations to help address the concerns and problems faced by the Twelfth Avenue residents. One of the business owners reported, on 14 July 2021, that this work has reduced the problems. This message was reiterated on 22 July 2021 when it was reported that they were *'very pleased with the response and current positive change'*.

BACKGROUND

9. On 10 May 2021, two petitions were presented to Council. One requested that 'Council stop all homeless people from being on our street' – Twelfth Avenue. The second petition requested an alcohol ban in the Twelfth Avenue area.
10. At the Council meeting on 21 June 2021, based on the available evidence in accordance with the Section 147 of the Local Government Act, staff did not recommend putting in place an alcohol ban. Instead, the recommendation was for Council to continue to work with the Police to investigate an action plan to help address the underlying issue.
11. Western Bay Police also did not support a temporary alcohol ban.
12. Council directed staff to investigate the process and conditions for a temporary alcohol ban, and continue to work with Police to implement an action plan for Twelfth Avenue. This report responds to this direction and reports back on the progress made to date.

DISCUSSION

The issue

13. The underlying issue is complex. Homelessness results from the cumulative impact of structural factors, system failures and individual circumstances. The problems experienced by the residents of Twelfth Avenue, litter, waste and feeling unsafe, all stem from people being homeless and displaced.
14. An alcohol ban will not address this underlying issue. If an alcohol ban did result in moving these problems from Twelfth Avenue, the same problems are likely to pop up and occur elsewhere in the city.
15. The only way to prevent these problems occurring for Tauranga as a whole, is to address the broader issue of homelessness. This is not something Council can do on its own. However, Council can respond to any resulting problems as soon as they occur, and continue to collaborate with support agencies to help ensure people receive support.

Actions and progress

16. On the 23 June 2021, Council's Safe and Resilient Communities Advisor, Council's Bylaws Officer and the Community Constable for Twelfth Avenue, visited the Twelfth Avenue community. They spent time with Paul Billingham (alcohol ban petition coordinator) to discuss his concerns. They also connected with a person who has been rough sleeping in the area.
17. As a result of this visit:
 - an extensive clean-up of the area was carried out and any clean ups required in the future can now be responded to much more rapidly; and
 - Council's Community Development team have activated our Kāinga Tupu: Growing Homes (Western Bay of Plenty Homelessness Strategy) contacts to reach out for support for the person rough sleeping in the area.
18. Information has been passed on to help ensure the person rough sleeping has access to support services.
19. Council's Bylaw Officer has been visiting the area regularly to check in with the community and monitor the area.
20. Police have, as and when demand allows, been making visits to the area.
21. Council's Safe and Resilient Communities Advisor has been making regular contact with Paul Billingham. On 14 July 2021, Mr Billingham reported a significant improvement. He also noted that other business owners had reported that they were impressed with the change and how rapidly it had been dealt with.

Potential future actions

22. Council provides support for a collection of services (the Western BOP Provider Network) to come together and discuss collaborating on services and projects to support those experiencing homelessness. Council also funds the coordinator position for the Kāinga Tupu work programme and has significantly funded projects for the first year of operation.
23. The following are some additional options that Council may wish to investigate:
 - Broadening the scope of the Tauranga Intensive Case Management Group (initiated through Kāinga Tupu, now led by BOPDHB and Police through the 'Navigate' programme). The current scope focuses on supporting people experiencing homelessness who also have complex addictions and/or mental health, **and** a history of recidivist offending. Broadening the scope of this approach would enable a greater number of complex clientele to receive intensive case management between agencies. The current limitation to broadening the scope is staff capacity.
 - Developing an outreach team within Council (or through external provider contract) to undertake community liaison work to respond to community concerns.
 - Developing a city-wide approach instead of a number of separate community action plans. Developing action plans for different neighbourhoods, displaces the issue into another area and ultimately does not reduce or eliminate the issue, and further exacerbates issues of enforcement.

Legal requirements for a Temporary Alcohol-free area

24. Clause 8 of Council's Alcohol Control Bylaw 2018 (the Bylaw) allows Council, through publicly notified resolution, to put in place alcohol-free areas for a specific time period and/or event ('temporary alcohol-free area').
25. The Bylaw is enforced by the NZ Police. The Local Government Act provides the enforcement powers to the Police. Council's Bylaw Officers do not have powers to enforce alcohol-free areas.
26. At the 21 June 2021 Council meeting, Council directed staff to investigate the process and conditions for a temporary alcohol ban.
27. The Local Government Act 2002 (the Act) requires that before putting in place an alcohol ban, Council must be satisfied that the following statutory conditions are met:
 - the ban is justified as a reasonable limitation on people's rights and freedoms (section 147A(1)(a));
 - evidence of a high level of crime and disorder that can be shown to have been caused or made worse by alcohol consumption in that same area (section 147A(1)(b)(i)); and
 - the alcohol ban is appropriate and proportionate in the light of that crime and disorder (section 147A(1)(b)(ii)).
28. Before making a decision on a temporary alcohol ban, Council must also comply with the general decision-making requirements under the Act. Section 77(1) requires that all reasonably practical options for the achievement of the objective of a decision are identified, and their advantages and disadvantages are assessed. This could include considering the nature, severity and frequency of alcohol-related crime and disorder, alternative solutions, and whether an alcohol ban would result in displacement of the crime and disorder, or any other associated problems such as litter and people not feeling safe.
29. Under the Bylaw, if a resolution is passed to put in place an alcohol ban, a minimum 14 days public notice shall be given prior to the alcohol ban taking effect. In the past, residents of temporary alcohol-free areas have also been notified directly.

30. Signs would also be required before Police may activate the power of search under the Act. As set out in the Alcohol Control Areas 21 June 2021 report, the indicative estimate for signage and public notification and communications is \$4,000.

Consideration of evidence for a Temporary Alcohol-free area

31. To put in place an alcohol-free area in Twelfth Avenue, Council must be satisfied that there is evidence of a high level of crime and disorder shown to have been caused or made worse by alcohol consumption in the area.
32. Evidence in the form of community feedback, Police data and complaints to Council is set out below for consideration.

Community feedback

33. Feedback from the Twelfth Avenue community presenting the petitions provided some evidence of crime (break in), but there was no conclusive evidence that this crime was caused by alcohol consumption in the area.
34. There was a strong message that some residents felt threatened and intimidated by the presence of people gathering in the area; *'some people won't go past them as they are very intimidating'*, *'staff felt unsafe and intimidated'*. They also reported (and provided photos) of the litter and mess in the area; *'the mess that is left behind is terrible'*.
35. More recently, the business owner who initiated the petition for an alcohol ban has reported that progress has been made. The resident who initiated the other petition also reported on 22 July 2021 that there was *'no one about at the moment; it has been bliss'*.

Police data

36. In response to the petition received by Council on 10 May 2021, Western Bay Police compared the temporal and spatial distribution of calls for service and incidents in the Twelfth Avenue area with Brookfield. Brookfield has a permanent 24-hour, seven-day-a-week alcohol ban in place under the current bylaw. Brookfield is the same sized area with a similar use. It has a small shopping centre close to residential areas. The Police reported that; *'whilst there are naturally differences in the jobs attended, the data at the Twelfth Avenue site does not show any major inconsistencies with the compared area'* (Brookfield).
37. The evidence provided by the call out data did not indicate a higher level of crime and disorder in Twelfth Avenue, when compared to a similar area with an existing alcohol ban.
38. It is also important to note that not all the calls for service may be directly attributable to alcohol.
39. Police concluded that *'there is no demonstrable link between alcohol and offending in and around Twelfth Avenue and as a result, Police will not be in a position to support the imposition of a liquor ban in that area'*.
40. More recently Police have reported a small increase in the number of calls for service and incidents in the Twelfth Ave area. This slight increase was expected as residents and business owners have been encouraged to report any concerns and incidents to ensure these can be addressed effectively.
41. Police retain their position, of not supporting an alcohol ban in the area.

Council complaints

42. Council has received five complaints since March 2021 reporting incidents in Twelfth Avenue. These complaints reported drinking in a public place, rubbish, bags and blankets left on the street and at times, obstruction of entrances and aggressive behaviour.

43. Council's Bylaws Officer responded to four of these reports by visiting the area and asking those drinking to relocate, also asking the owner of the blankets and bags to store them in a tidy pile. The other complaint was regarding threatening aggressive behaviour so the person reporting this was asked to contact the Police directly.

Conditions for a Temporary Alcohol Ban

44. If Council takes the view that the available evidence shows a high level of crime and disorder resulting from alcohol consumption in the area, and that a temporary alcohol ban is the most effective way of addressing this problem, decisions on the conditions of the ban then need to be made:
 - Time period for the ban – in accordance with section 147A(1)(b)(ii) of the Act, this must be appropriate and proportionate in the light of the crime and disorder experienced in the area. Council must also be satisfied that the ban is justified as a reasonable limitation on people's rights and freedoms
 - Spatial area of the ban – Attachment A includes 3 possible options. Option 1 proposes the section of Twelfth Avenue where the initial problems were occurring. Option 2 extends this coverage up to Edgumbe Road, and option 3 includes Eleventh and Thirteenth Avenues
45. Based on their experience, Police report that the problems arising from homelessness will move to other parts of the city if a ban is put in place. Therefore, each option is likely to have a corresponding displacement impact and this must be considered when reviewing the options.

ANALYSIS

46. The problems experienced by the Twelfth Avenue community stem from the underlying issue of homelessness.
47. A two-staged response is currently being undertaken. Some actions respond to the problems and some help to support those rough sleeping on Twelfth Avenue.
48. A direct response to the waste and litter problem has been activated so that residents and business owners do not have to deal with this, and it is cleaned up promptly.
49. A greater Police and Council presence in the area is likely to help residents and business owners feel safer. This is linked to more effective communication and reporting channels for ongoing issues and concerns.
50. Council's Safe and Resilient Communities Advisor and Bylaws Officer have engaged with the community, both residents and those rough sleeping in the area. Information on the person rough sleeping has been forwarded to support services.
51. On balance, the staff's assessment of the available evidence is that it fails to meet the legal criteria required for an alcohol ban to be put in place. Implementing a temporary alcohol ban, without meeting the legal requirements, puts Council at risk of being legally challenged.
52. Even if there was sufficient evidence of a high level of crime and disorder, an alcohol ban is not considered the most effective way of addressing the problems. Displacement would occur and the same problems are likely to arise in a different area.
53. It is not possible for Council to address homelessness and all its complexities on its own. However, Council can play an important role in responding to any resulting problems as soon they occur, and continuing to collaborate with support agencies to help ensure people receive support. This has been illustrated by the progress made to date at Twelfth Avenue.

FINANCIAL AND LEGAL IMPLICATIONS CONSIDERATIONS

- 54. The financial and legal considerations are covered in the discussion section above. The indicative costs to put in place a temporary alcohol ban is \$4,000.
- 55. The key legal risk is a legal challenge to the decision to implement a ban. If this risk was to eventuate there would be associated financial implications. These are unable to be quantified at this point in time due to the unknown nature of any potential legal challenge.

SIGNIFICANCE AND ENGAGEMENT

56. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
57. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region;
 - (b) any persons who are likely to be particularly affected by, or interested in, the issue; and
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
58. In accordance with the considerations above, the recommendation to receive this report is considered of low significance. However, the underlying issue facing the city (as outlined above) is significant.
59. Taking into consideration the above assessment, that receiving this report is of low significance, officers are of the opinion that no further engagement is required.

NEXT STEPS

60. Council staff will continue to engage with Twelve Avenue residents, Police and other community support agencies, to monitor the situation and support the community where possible.
61. Council's Safe and Resilient Communities Advisor will continue to follow up on the person who was rough sleeping on Twelve Avenue, by checking in and working with the relevant support agencies.

ATTACHMENTS

1. **Option 1_Cameron12thDevonport - A12722015** [↓](#) 
2. **Option 2_Edgecumbe12thDevonport - A12722018** [↓](#) 
3. **Option 3_13thCameron11th - A12722020** [↓](#) 

11.2 Council-Controlled Organisations' Final Statements of Intent 2021/2022 to 2023/2024

File Number: A12632815

Author: Josephine Meuli, CCO Specialist

Anne Blakeway, Manager: Community Partnerships

Authoriser: Gareth Wallis, General Manager: Community Services

PURPOSE OF THE REPORT

1. The purpose of this report is to provide the final Statements of Intent 2021/2022 to 2023/2024 for Tauranga City Council's five council-controlled organisations; Bay Venues Limited, Tauranga Art Gallery Trust, Tourism Bay of Plenty, Bay of Plenty Local Authority Shared Services, and Local Government Funding Agency, as required by the Local Government Act (2002).

RECOMMENDATIONS

That the Council:

- (a) Receives the Council-Controlled Organisations' Final Statements of Intent 2021/22 to 2023/24 report.
- (b) Receives and approves Bay Venues Limited's final Statement of Intent 2021/22 to 2023/24 (Attachment 1).
- (c) Receives and approves Tauranga Art Gallery Trust's final Statement of Intent 2021/22 to 2023/24 (Attachment 3).
- (d) Receives and approves Tourism Bay of Plenty's final Statement of Intent 2021/22 to 2023/24 (Attachment 5).
- (e) Notes that Western Bay of Plenty District Council (WBOPDC), as joint shareholder, will receive the final Statement of Intent 2021/22 to 2023/24 for Tourism Bay of Plenty at their Council meeting on 12 August 2021.
- (f) Receives and approves Bay of Plenty Local Authority Shared Services Statement of Intent 2021/2022 to 2023/24 (Attachment 7).
- (g) Receives and approves Local Government Funding Agency Statement of Intent 2021/2022 to 2023/24 (Attachment 9).

EXECUTIVE SUMMARY

2. Bay Venues Limited (BVL), Tauranga Art Gallery Trust (TAGT), Tourism Bay of Plenty (TBOP), Bay of Plenty Local Authority Shared Services Limited (BOPLASS), and the Local Government Funding Agency (LGFA) are council-controlled organisations and as such, are required to prepare a Statement of Intent (SOI) and provide a copy to their shareholder, Tauranga City Council, by 30 June each year.
3. Draft Statements of Intent for BVL, BOPLASS, TAGT, TBOP and LGFA were considered by Council on 12 April 2021 and feedback provided to the boards.
4. After receiving and considering Council's feedback on their draft Statements of Intent, the boards of BVL, TAGT, TBOP, BOPLASS and LGFA have adopted their final Statements of Intent for 2021/2022 to 2023/2024.
5. An analysis of each council-controlled organisation's final Statement of Intent was undertaken, with particular reference to the shareholder feedback provided in April. All five

council-controlled organisations' Statements of Intent meet the statutory requirements as outlined in schedule 8, section 9 of the Local Government Act (2002).

6. Commentary from the boards of BOPLASS and LGFA is provided.
7. The final Statement of Intent for TBOP will be considered by Western Bay of Plenty District Council at their Council Committee meeting on 12 August 2021.

BACKGROUND

Consideration of Statements of Intent

8. In accordance with the Local Government Act 2002 (LGA), council-controlled organisations are required to provide their draft Statements of Intent to Council by 1 March each year. This document is intended to cover the next three financial years.
9. Council considered the draft Statements of Intent for BVL, TAGT, TBOP, BOPLASS, and LGFA at a Council meeting on 12 April 2021 and the shareholder's feedback was provided to each council-controlled organisation's board.
10. The shareholder feedback provided is outlined under the individual sections below.
11. The council-controlled organisations are required to consider Council's comments on the draft Statement of Intent prior to submitting their final Statement of Intent by 30 June each year.
12. All entities met the deadline and statutory requirements outlined in schedule 8, section 9 of the Local Governance Act (2002).

Changes from draft to final Statement of Intent

13. A discussion of the key changes from the draft to final Statement of Intent are outlined in paragraphs 14 to 33 below. The council-controlled organisations have generally updated their Statements of Intent to reflect the feedback from Council.

Bay Venues Limited (BVL)

14. BVL's final Statement of Intent was received on 6 May 2021. BVL addressed the majority of Council feedback in their final Statement of Intent, including:
 - Participate in regular meetings with TCC to review alignment of BVL's implementation of the TCC set strategic direction for the organisation (Objective 8, page 13).
 - Build relationship between TCC executive and governance structures, and BVL – quarterly meetings to set scene for ongoing collaboration (Objective 8, page 13).
 - Work with Council to review the new Board arrangements within 12 months of establishment (Objective 8, page 13).
 - Participate in working towards a TCC Group and co-branding when promoting any activity, service or facility receiving council funding (Objective 7, page 13).
 - Working with council to position the organisation, and the public perception as an integral part of council's business operations (Objective 7, page 13).
 - Build relationship with mana whenua as the kaitiaki of the land upon which our community facilities are located (Objective 8, page 13).
 - Looking for opportunities to deliver operational efficiencies through shared-service delivery models with Council (Objective 7, page 13).
 - Working with Council to reorganise BVL's finance structure and funding model (Objective 14, page 14).
 - Investigate options around a methodology to report on the empirical evidence on the social and environmental impact that BVL facilities and programmes have on the community (Objective 13, page 14).

- Going to the market to recruit a permanent Chief Executive for the organisation (Objective 9, page 14).
 - Review the Remuneration Strategy to move the organisation towards paying the living wage for all staff (Objective 9, page 14).
15. There is no specific commentary within BVL's final Statement of Intent on the following two requests from Council in their feedback to the draft Statement of Intent:
- (i) Investigate by 30 September 2021 the viability of moving community halls and community centres back under the direct control of Council; and
 - (ii) Investigate options regarding avoidance of competition within the private sector by BVL.
16. However, at the first meeting of the new BVL Board on 5 July, the Board and the Acting Chief Executive drew up an action plan of the recommendations coming out of the strategic review and agreed on timelines and responsibilities. This plan refers to point (i) above as being led by TCC staff, supported by BVL, to be completed by 1 February 2022. Point (ii) above is also included in the plan, to be led by the BVL Executive, supported by BVL and TCC staff, with a date to be confirmed by the Acting Chief Executive.
17. A copy of Council's Shareholder Feedback letter is provided as Attachment 2 and BVL's final Statement of Intent as Attachment 1. Staff are satisfied that the board have responded appropriately to Council's shareholder feedback.

Tauranga Art Gallery Trust (TAGT)

18. TAGT's final Statement of Intent was received on 30 June 2021. TAGT addressed the majority of Council feedback in their final Statement of Intent, including:
- Additional work has been undertaken by TAGT on the Toi Tu Tauranga Strategy 2025, with diversity included as an anchor (page 4).
 - Partnering with tangata whenua as a strategic priority has been included in Strategic Alignment (page 6) and Stakeholder Engagement (page 12):
 - Reflect the unique character and needs of the Tauranga community, visitors and tangata whenua (page 6).
 - TAGT is inclusive and promotes partnerships with tangata whenua, values culture and diversity, and where people of all ages and backgrounds are included, feel safe, connected and healthy.
 - Deliver 12 offsite education outreach visits in the first year (2021-2022).
 - Appropriate and increased use of te reo Māori (as part of Māori engagement strategy) (High).
 - Diverse, skilled and experienced staff (High).
 - Stronger inclusion of te reo Māori throughout the Statement of Intent.
 - Working collaboratively with Tauranga City Council and other council-controlled organisations on the development of a new Statement of Intent template (page 11).
 - Updated financial information (page 18), including removing the Civic Art Collection as an income and updating trustee remuneration to align with the increase from TCC's recent remuneration review.
 - Developing a Social Return of Investment (SROI) assessment and strategy in the non-financial performance framework (page 10), to better calculate economic impact and strategically raise TAGT's Return on Investment (ROI).
19. A copy of Council's Shareholder Feedback letter is provided as Attachment 4 and TAGT's final Statement of Intent as Attachment 3. Staff are satisfied that TAGT has addressed the Commissioners' feedback in its revised final Statement of Intent.

Tourism Bay of Plenty (TBOP)

20. TBOP's final Statement of Intent was received on 30 June 2021. TBOP addressed the majority of Council feedback in their final Statement of Intent, including:
 - TBOP will work with council on the development of a council-controlled organisations' draft Statement of Intent template and common key performance indicators for the Statement of Intent (section 3.1, page 4.)
 - Identify opportunities to assist with the development of walking and cycling infrastructure planning, and promote walking and cycling experiences in the Western Bay of Plenty (section, 3.2 (8), page 5).
21. It is noted that TBOP still need to amend the TCC level of funding from the \$2,342,721 they have detailed on page 21 of the Statement of Intent, to reflect what is included in the Long-Term Plan, i.e. \$2,342,724.
22. It is also noted that TBOP's final Statement of Intent has revised the Strategic Priorities and Success measures section (pages 13-16), as the initial draft document included measures from 2020:
 - External focus areas – economic comparison from May 2020:
 - Total visitor spend YE May 2021: up 18%
 - Domestic visitor spend YE May 2021: up 27%
 - International visitor spend YE May 2021: down 51%
 - Employment comparison from May 2020:
 - Tourism jobs down 759 from 8,209 to 7,450
 - Cultural comparison from May 2020:
 - Four new iwi relationships: total of 11
 - Social – measuring resident sentiment towards tourism:
 - Tauranga residents: down 10% from 76% to 66%
 - Western Bay of Plenty district residents: no change at 72%
 - Whakatane residents: up from 75% to 79%
 - Internal focus areas:
 - TBOP team: employee engagement survey down from 80% to 76%
23. A copy of Council's Shareholder Feedback letter is provided as Attachment 6 and TBOP's final Statement of Intent as Attachment 5.
24. Staff are satisfied that TBOP have incorporated Council's shareholder feedback into the final Statement of Intent document.

Bay of Plenty Local Authority Share Services (BOPLASS)

25. BOPLASS's final Statement of Intent was received on 22 June 2021. There are no remarkable changes between the draft and the final document (Attachment 7).
26. Staff were advised that the BOPLASS board approved the final Statement of Intent for circulation to the shareholders on 21 June 2021.
27. The BOPLASS Ltd Statement of Intent for 2021-2024 is now being circulated to councils and following this will be published on the BOPLASS website.
28. The BOPLASS Board acknowledged the support received from this council in the past year and is looking forward to another successful year.
29. A copy of Council's Shareholder Feedback letter is provided as Attachment 8 and BOPLASS's final Statement of Intent as Attachment 7.

Local Government Funding Agency (LGFA)

30. LGFA's final Statement of Intent was received on 30 June 2021 and is provided as Attachment 9.
31. The following points regarding LGFA's final Statement of Intent 2021/22 are worth noting, referred to in the LGFA letter to shareholders (Attachment 10):
 - The Statement of Intent performance targets are similar to the previous year's target, except for the market share target which has been set at 80% (previous year 85%). The 80% target is consistent with periods prior to last year.
 - There remains some uncertainty within the Statement of Intent forecasts relating to the amount of both councils' borrowings and LGFA bond issuances. These are largely dependent on the timing of councils borrowing.
 - Large borrowing increases are planned by councils in their draft Long-Term Plans and these will be influenced by the ability of councils to deliver on their capital expenditure programmes.
 - Profitability remains strong and is forecast at \$33.8 million over the three-year period.
 - No change to the Dividend Policy and return to shareholders expected at LGFA fixed rate bond cost of funds plus 2.0% over the medium term.

STRATEGIC / STATUTORY CONTEXT

32. The Statement of Intent is a key governance and planning document. Engaging with each council-controlled organisation throughout the development of the annual Statement of Intent is one of the ways Council can influence the entity across its work programme.
33. The Statement of Intent development and feedback process is a key way for Council to ensure alignment with its strategic community outcomes.

FINANCIAL CONSIDERATIONS

34. Budgets for BVL, TAGT and TBOP, including Tauranga City Council's contributions, are included in the final Statements of Intent.

LEGAL IMPLICATIONS / RISKS

35. Each of the council-controlled organisation has met their legislative requirements under the Local Government Act (2002).
36. Council must have strong justification for requiring additional charges to the final Statement of Intent once signed off by the boards.

CONSULTATION / ENGAGEMENT

37. It is not required or expected to consult on a Statement of Intent under the Local Government Act.

SIGNIFICANCE

38. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
39. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the decision.











(c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.

40. In accordance with the considerations above, criteria and thresholds in the Significance and Engagement Policy, it is considered that the decision is of medium significance as the adoption of the Statement of Intent and the activities of council-controlled organisations would have an impact on a sub group of people within the city and it is likely these documents will be of moderate public interest.

NEXT STEPS

41. The council-controlled organisations will be informed of Council's consideration of this report and of Council's resolutions.
42. Western Bay of Plenty District Council (WBOPDC), as joint shareholder, will receive the final Statement of Intent 2021/22 to 2023/24 for Tourism Bay of Plenty at their Council meeting on 12 August 2021.
43. The Statements of Intent for 2021/2022 to 2023/2024 will be made public via the Tauranga City Council website.

ATTACHMENTS

1. **BVL final Statement of Intent 2021/2022 to 2023/2024 - A12666192** [↓](#) 
2. **Shareholder feedback to BVL's draft Statement of Intent 2021/2022 to 2023/2024 - A12670694** [↓](#) 
3. **TAGT final Statement of Intent 2021/2022 to 2023/2024 - A12690256** [↓](#) 
4. **Shareholder feedback to TAGT's draft Statement of Intent 2021/2022 to 2023/2024 - A12670720** [↓](#) 
5. **TBOP final Statement of Intent 2021/2022 to 2023/2024 - A12690274** [↓](#) 
6. **Shareholder feedback to TBOP's draft Statement of Intent 2021/2022 to 2023/2024 - A12670678** [↓](#) 
7. **BOPLASS final Statement of Intent 2021/2022 to 2023/2024 - A12690343** [↓](#) 
8. **Shareholder feedback to BOPLASS's draft Statement of Intent 2021/2022 - A12462476** [↓](#) 
9. **LGFA final Statement of Intent 2021/2022 to 2023/2024 - A12690329** [↓](#) 
10. **LGFA Letter to shareholders - A12690328** [↓](#) 

11.3 Kerbside Roll out

File Number: A12692349

Author: Sam Fellows, Manager: Environmental Regulation

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. To provide an update on the first three weeks of the kerbside service.

RECOMMENDATIONS

That the Council:

- (a) Receives the report: Kerbside Roll out

DISCUSSION

2. In those first three weeks residents in our city recycled or composed 863.17 tonnes of material through our kerbside collection service.
3. The amount of food waste collected has increased each week to a total, so far, of 197.12 tonnes. Previously, much of this food waste would have gone to landfill where it produces methane gas or down insinkorators rather than being turned into high quality compost.
4. The tonnes for these first three weeks are set out below:

	Week 1	Week 2	Week 3	Total
Food	47.7	72.09	77.33	197.12
Glass	72.88	78.61	75.95	227.44
Recycling	105.82	140.02	112.42	358.26
Green Waste	9.8	28.6	41.95	80.35
Rubbish	151.63	238.94	243.38	633.95

These figures are correct as at the time of writing. Updated statistics, including week 4 information, will be tabled at the meeting.

5. The Material Recycling Facility has commented that the material coming to the facility has much less contamination than was expected compared to what other cities saw at a similar stage in the service roll-out.
6. Additionally, volumes at the transfer stations are much lower.
7. In the first three weeks of the service our contact centre received around 7,000 calls. The key themes of the calls comprised queries re:
 - (a) what goes in what bins
 - (b) what day is collection
 - (c) checking if tags were required
 - (d) garden waste requests
 and complaints re: missed collections and not receiving bins.
8. Early themes we picked up on were people putting the bins out on the wrong day and not getting bins out by 7am. We have been advertising these messages extensively to ensure

bins get picked up, make sure those bins that were genuinely missed are collected and that this issue does not continue to happen.

9. We have had a higher than expected late sign up to the garden waste service. This has resulted in delays in delivering these and other bins to some residents. We have increased resourcing to reduce these delays.

NEXT STEPS

10. We will continue to monitor the volumes coming in, the levels of contamination and we will apply education and communication strategies where required and appropriate.
11. We will also begin the process of fielding interest for those wanting to upsize and downsize bins in the second year of service and start rolling those bins out.

ATTACHMENTS

Nil

11.4 Traffic & Parking Bylaw Amendment No.31

File Number: A12695015

Author: Will Hyde, Senior Transportation Engineer

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. To obtain approval from the Commission to introduce amendments to the appropriate Attachments within the Traffic and Parking Bylaw 2012

RECOMMENDATIONS

That the Council:

- (a) Receives the Traffic and Parking Bylaw 2012 Amendments Report.
- (b) Adopts the proposed amendments to the Traffic and Parking Bylaw 2012 Attachment as per Appendix B, effective from 3 August 2021.

EXECUTIVE SUMMARY

2. A number of minor amendments to the bylaw are proposed to reflect and support operational and safety needs on the road network.
3. This report sets out amendments to the following:
 - (a) Attachment 1: Restricted Turning
 - (b) Attachment 7.1: No Parking Behind Kerb
 - (c) Attachment 7.2: Prohibited Stopping and Standing of Vehicles
 - (d) Attachment 7.9: Parking Time Restrictions
 - (e) Attachment 7.21: Passenger Service and Other Vehicle Stands (Stopping Places for Buses)
4. The proposed amendments are summarised in Appendix A, with the detailed changes to the Bylaw text set out in Appendix B.

BACKGROUND

5. Council adopted the Traffic and Parking Bylaw 2012 (the 'Bylaw') on 23 October 2012 and it came into effect on 1 November 2012. The purpose of the Bylaw is to facilitate traffic management and parking control measures in respect of roads, public places, parking areas and other transport assets owned or managed by Council.
6. The Traffic and Parking Bylaw 2012 includes Attachments each of which lists various traffic and parking restrictions. Council can amend the Attachments by Resolution.
7. Amendments to the Bylaw are presented to Council for approval three to four times annually so that any enforcement of parking restrictions can be carried out as required.
8. The amendments listed in the appendices have been identified through the development of minor safety projects; through communications from residents and businesses; or form part of larger projects which need to be enacted as the projects develop.

STRATEGIC / STATUTORY CONTEXT

9. The amendments achieve the vision and strategic transport priorities to help make our network safer and easier for people to get around the city.

FINANCIAL CONSIDERATIONS

10. Negligible – the associate costs can be accommodated within existing budgets.

LEGAL IMPLICATIONS / RISKS

11. The bylaw amendment is needed to allow enforcement of previously resolved items.

CONSULTATION / ENGAGEMENT

12. Where these amendments form a part of larger projects – i.e. Oropi Road Safety Improvements – consultation has been carried out with affected residents and businesses as part of the development and approval process of those projects.
13. Consultation is not required for minor stopping and parking amendments, or other minor amendments to support safety and operational improvements.





SIGNIFICANCE

14. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
15. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the decision.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
16. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT

17. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

ATTACHMENTS

1. **Appendix A - T&P Bylaw Amendment 31 - A12702967**  
2. **Appendix B - T&P Bylaw Amendment 31 - A12702968**  

12 DISCUSSION OF LATE ITEMS

13 PUBLIC EXCLUDED SESSION

RESOLUTION TO EXCLUDE THE PUBLIC

RECOMMENDATIONS

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 - Direct Appointment - accommodation fit-out costs</p>	<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)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</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>

14 CLOSING KARAKIA