AGENDA

Strategy, Finance and Risk Committee Meeting
Monday, 16 August 2021

I hereby give notice that a Strategy, Finance and Risk Committee Meeting will be held on:

Date: **Monday, 16 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 – Strategy, Finance & Risk Committee

Membership

Chairperson	Commission Chair Anne Tolley
Deputy chairperson	Dr Wayne Beilby – Tangata Whenua representative
Members	Commissioner Shadrach Rolleston Commissioner Stephen Selwood Commissioner Bill Wasley Matire Duncan, Te Rangapū Mana Whenua o Tauranga Moana Chairperson Te Pio Kawe – Tangata Whenua representative Rohario Murray – Tangata Whenua representative Bruce Robertson – External appointee with finance and risk experience
Quorum	Five (5) members must be physically present, and at least three (3) commissioners and two (2) externally appointed members must be present.
Meeting frequency	Six weekly

Role

The role of the Strategy, Finance and Risk Committee (the Committee) is:

(a)   to assist and advise the Council in discharging its responsibility and ownership of health and safety, risk management, internal control, financial management practices, frameworks and processes to ensure these are robust and appropriate to safeguard the Council's staff and its financial and non-financial assets;

(b)   to consider strategic issues facing the city and develop a pathway for the future;

(c)   to monitor progress on achievement of desired strategic outcomes;

(d)   to review and determine the policy and bylaw framework that will assist in achieving the strategic priorities and outcomes for the Tauranga City Council.

Membership

The Committee will consist of:

- four commissioners with the Commission Chair appointed as the Chairperson of the Committee
- the Chairperson of Te Rangapū Mana Whenua o Tauranga Moana
- three tangata whenua representatives (recommended by Te Rangapū Mana Whenua o Tauranga Moana and appointed by Council)
- an independent external person with finance and risk experience appointed by the Council.

Voting Rights

The tangata whenua representatives and the independent external person have voting rights as do the Commissioners.

The Chairperson of Te Rangapu Mana Whenua o Tauranga Moana is an advisory position, without voting rights, designed to ensure mana whenua discussions are connected to the committee.

Committee's Scope and Responsibilities

A. STRATEGIC ISSUES

The Committee will consider strategic issues, options, community impact and explore opportunities for achieving outcomes through a partnership approach.

A1 – Strategic Issues

The Committee's responsibilities with regard to Strategic Issues are:

- Adopt an annual work programme of significant strategic issues and projects to be addressed. The work programme will be reviewed on a six-monthly basis.

- In respect of each issue/project on the work programme, and any additional matters as determined by the Committee:

  - Consider existing and future strategic context

  - Consider opportunities and possible options

  - Determine preferred direction and pathway forward and recommend to Council for inclusion into strategies, statutory documents (including City Plan) and plans.

- Consider and approve changes to service delivery arrangements arising from the service delivery reviews required under Local Government Act 2002 that are referred to the Committee by the Chief Executive.

- To take appropriate account of the principles of the Treaty of Waitangi.

A2 – Policy and Bylaws

The Committee's responsibilities with regard to Policy and Bylaws are:

- Develop, review and approve bylaws to be publicly consulted on, hear and deliberate on any submissions and recommend to Council the adoption of the final bylaw. (The Committee will recommend the adoption of a bylaw to the Council as the Council cannot delegate to a Committee the adoption of a bylaw.)

- Develop, review and approve policies including the ability to publicly consult, hear and deliberate on and adopt policies.

A3 – Monitoring of Strategic Outcomes and Long Term Plan and Annual Plan

The Committee's responsibilities with regard to monitoring of strategic outcomes and Long Term Plan and Annual Plan are:

- Reviewing and reporting on outcomes and action progress against the approved strategic direction. Determine any required review/refresh of strategic direction or action pathway.

- Reviewing and assessing progress in each of the six (6) key investment proposal areas within the 2021-2031 Long Term Plan.

- Reviewing the achievement of financial and non-financial performance measures against the approved Long Term Plan and Annual Plans.

B. FINANCE AND RISK

The Committee will review the effectiveness of the following to ensure these are robust and appropriate to safeguard the Council's financial and non-financial assets:

- Health and safety.

- Risk management.

- Significant projects and programmes of work focussing on the appropriate management of risk.

- Internal and external audit and assurance.

- Fraud, integrity and investigations.

- Monitoring of compliance with laws and regulations.

- Oversight of preparation of the Annual Report and other external financial reports required by statute.

- Oversee the relationship with the Council's Investment Advisors and Fund Managers.

- Oversee the relationship between the Council and its external auditor.

- Review the quarterly financial and non-financial reports to the Council.

B1 - Health and Safety

The Committee's responsibilities through regard to health and safety are:

- Reviewing the effectiveness of the health and safety policies and processes to ensure a healthy and safe workspace for representatives, staff, contractors, visitors and the public.

- Assisting the Commissioners to discharge their statutory roles as "Officers" in terms of the Health and Safety at Work Act 2015.

B2 - Risk Management

The Committee's responsibilities with regard to risk management are:

- Review, approve and monitor the implementation of the Risk Management Policy, Framework and Strategy including the Corporate Risk Register.

- Review and approve the Council's "risk appetite" statement.

- Review the effectiveness of risk management and internal control systems including all material financial, operational, compliance and other material controls. This includes legislative compliance, significant projects and programmes of work, and significant procurement.

- Review risk management reports identifying new and/or emerging risks and any subsequent changes to the "Tier One" register.

B3 - Internal Audit

The Committee's responsibilities with regard to the Internal Audit are:

- Review and approve the Internal Audit Charter to confirm the authority, independence and scope of the Internal Audit function. The Internal Audit Charter may be reviewed at other times and as required.

- Review and approve annually and monitor the implementation of the Internal Audit Plan.

- Review the co-ordination between the risk and internal audit functions, including the integration of the Council's risk profile with the Internal Audit programme. This includes assurance over all material financial, operational, compliance and other material controls.

This includes legislative compliance (including Health and Safety), significant projects and programmes of work and significant procurement.

- Review the reports of the Internal Audit functions dealing with findings, conclusions and recommendations.
- Review and monitor management's responsiveness to the findings and recommendations and enquire into the reasons that any recommendation is not acted upon.

B4 - External Audit

The Committee's responsibilities with regard to the External Audit are:

- Review with the external auditor, before the audit commences, the areas of audit focus and audit plan.
- Review with the external auditors, representations required by commissioners and senior management, including representations as to the fraud and integrity control environment.
- Recommend adoption of external accountability documents (LTP and annual report) to the Council.
- Review the external auditors, management letter and management responses and inquire into reasons for any recommendations not acted upon.
- Where required, the Chair may ask a senior representative of the Office of the Auditor General (OAG) to attend the Committee meetings to discuss the OAG's plans, findings and other matters of mutual interest.
- Recommend to the Office of the Auditor General the decision either to publicly tender the external audit or to continue with the existing provider for a further three-year term.

B5 - Fraud and Integrity

The Committee's responsibilities with regard to Fraud and Integrity are:

- Review and provide advice on the Fraud Prevention and Management Policy.
- Review, adopt and monitor the Protected Disclosures Policy.
- Review and monitor policy and process to manage conflicts of interest amongst commissioners, tangata whenua representatives, external representatives appointed to council committees or advisory boards, management, staff, consultants and contractors.
- Review reports from Internal Audit, external audit and management related to protected disclosures, ethics, bribery and fraud related incidents.
- Review and monitor policy and processes to manage responsibilities under the Local Government Official Information and Meetings Act 1987 and the Privacy Act 2020 and any actions from the Office of the Ombudsman's report.

B6 - Statutory Reporting

The Committee's responsibilities with regard to Statutory Reporting relate to reviewing and monitoring the integrity of the Annual Report and recommending to the Council for adoption the statutory financial statements and any other formal announcements relating to the Council's financial performance, focusing particularly on:

- Compliance with, and the appropriate application of, relevant accounting policies, practices and accounting standards.
- Compliance with applicable legal requirements relevant to statutory reporting.
- The consistency of application of accounting policies, across reporting periods.
- Changes to accounting policies and practices that may affect the way that accounts are presented.

- Any decisions involving significant judgement, estimation or uncertainty.

- The extent to which financial statements are affected by any unusual transactions and the manner in which they are disclosed.

- The disclosure of contingent liabilities and contingent assets.

- The basis for the adoption of the going concern assumption.

- Significant adjustments resulting from the audit.

Power to Act

- To make all decisions necessary to fulfil the role, scope and responsibilities of the Committee subject to the limitations imposed.

- To establish sub-committees, working parties and forums as required.

- This Committee has **not** been delegated any responsibilities, duties or powers that the Local Government Act 2002, or any other Act, expressly provides the Council may not delegate. For the avoidance of doubt, this Committee has **not** been delegated the power to:
  - o   make a rate;
  - o   make a bylaw;
  - o   borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan (LTP);
  - o   adopt the LTP or Annual Plan;
  - o   adopt the Annual Report;
  - o   adopt any policies required to be adopted and consulted on in association with the LTP or developed for the purpose of the local governance statement;
  - o   adopt a remuneration and employment policy;
  - o   appoint a chief executive.

Power to Recommend

To Council and/or any standing committee as it deems appropriate.

Order of Business

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Strategy, Finance and Risk Committee Meeting held on 28 June 2021

File Number: A12681657

Author: Jenny Teeuwen, Committee Advisor

Authoriser: Robyn Garrett, Team Leader: Committee Support

RECOMMENDATIONS

That the Minutes of the Strategy, Finance and Risk Committee Meeting held on 28 June 2021 be confirmed as a true and correct record.

ATTACHMENTS

1. Minutes of the Strategy, Finance and Risk Committee Meeting held on 28 June 2021

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MINUTES

Strategy, Finance and Risk Committee Meeting

Monday, 28 June 2021

Order of Business

MINUTES OF TAURANGA CITY COUNCIL

STRATEGY, FINANCE AND RISK COMMITTEE MEETING
HELD AT THE TAURANGA CITY COUNCIL, COUNCIL CHAMBERS, 91 WILLOW STREET,
TAURANGA
ON MONDAY, 28 JUNE 2021 AT 10.30AM

PRESENT: Commission Chair Anne Tolley, Commissioner Shadrach Rolleston, Commissioner Stephen Selwood, Commissioner Bill Wasley, Dr Wayne Beilby, Mr Te Pio Kawe, Ms Rohario Murray, Mr Bruce Robertson and Ms Matire Duncan

IN ATTENDANCE: Marty Grenfell (Chief Executive), Paul Davidson (General Manager: Corporate Services), Susan Jamieson (General Manager: People & Engagement), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy & Growth), Jeremy Boase (Manager: Strategy & Corporate Planning), Anne Payne (Strategic Advisor), Sarah Searle (Strategic Advisor), Andy Mead (Manager: City & Infrastructure Planning), Alistair Talbot (Team Leader: Transport Strategy & Planning), Ross Hudson (Strategic Advisor), Carlo Ellis (Manager: Strategic Maori Engagement), Steve Burton (Director of City Waters), Angelique Fraser (Health & Safety Change Manager), Kathryn Sharplin (Manager: Finance), Coral Hair (Manager: Democracy Services), Robyn Garrett (Team Leader: Committee Support), Raj Naidu (Committee Advisor) and Jenny Teeuwen (Committee Advisor)

1   OPENING KARAKIA

Commissioner Shadrach Rolleston opened the meeting with a karakia.

2   APOLOGIES

Nil

3   PUBLIC FORUM

Nil

4   ACCEPTANCE OF LATE ITEMS

Nil

5   CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6   CHANGE TO ORDER OF BUSINESS

Nil

7   CONFIRMATION OF MINUTES

7.1   Minutes of the Strategy, Finance and Risk Committee meeting held on 21 June 2021

COMMITTEE RESOLUTION SFR3/21/1

Moved: Commissioner Bill Wasley
Seconded: Mr Bruce Robertson

That the minutes of the Strategy, Finance and Risk Committee meeting held on 21 June 2021 be confirmed as a true and correct record, with the following correction:

(a)   Item 9.1 – Representation Review – reference to STV being effective with larger numbers referred to multi member wards rather than numbers of voters.

CARRIED

8   DECLARATION OF CONFLICTS OF INTEREST

The following conflicts of interest were declared:

(a)   Ms Rohario Murray declared a conflict of interest in relation to item 9.4 – Legislative Reform Update, as she was an employee of the Ministry for the Environment.
(b)   Commissioner Shadrach Rolleston declared a conflict of interest in relation to item 9.4 – Legislative Reform Update, as he was currently a contractor for the Ministry for the Environment.

9   BUSINESS

Marty Grenfell, Chief Executive, reported that due to timeframes, the Non-Financial Monitoring Report was not included in the agenda. This report would be made publicly available on Tauranga City Council's (TCC) website for the Committee to refer to. The next Non-Financial Monitoring Report would be reported back to the Committee as part of the Annual Report.

9.1   Outline work programme for the Committee

Staff   Christine Jones, General Manager: Strategy and Growth
              Jeremy Boase, Manager: Strategy & Corporate Planning

At 10.39am, Te Pio Kawe entered the meeting.

Questions and discussion points
- The matters included in the work programme were not currently listed in priority order. It was suggested that in the next report, some of the key early priorities be listed first and then the reminder of the list phased down from there.
- The environment strategy was a refresh and update of work done earlier.
- It was suggested that a risk analysis for the next elections be included in the work programme for discussion by this Committee around the end of the March quarter.
- The Marine Strategy included the Marine Precinct.
- The Wairoa River strategy was a separate joint piece of work with Western Bay of Plenty District Council (WBOPDC) and Bay of Plenty Regional Council (BOPRC).

COMMITTEE RESOLUTION SFR3/21/2

Moved: Commission Chair Anne Tolley
Seconded: Commissioner Stephen Selwood

That the Strategy, Finance and Risk Committee receives the outline work programme for the Committee per Attachment 1, and requests that staff provide a revised version to the next meeting of the Committee, taking into account any feedback during or subsequent to the meeting, and including any responses provided to the Long-Term Plan (LTP) submissions.

CARRIED

9.2   Strategic Framework for Tauranga City Council

Staff   Christine Jones, General Manager: Strategy and Growth
            Jeremy Boase, Manager: Strategy & Corporate Planning
            Anne Payne, Strategic Advisor

Questions and discussion points

- It was suggested that a short and sharp city vision consultation be undertaken along the lines of Christchurch's "Share an idea" engagement process. This approach might reach a broader audience in a reasonably compressed timeframe. It was important to get alignment and traction for the vision of the city with the wider community and not just groups of interest. Any engagement must be meaningful and needed to be carried through.
- It was suggested that care be given to the use of the phrase "out of scope" as this suggested that what was out of scope was not up for discussion.
- It was also suggested that the term "Strategic Framework" may not capture the interest of the intended audience.
- An external reference group of some kind would be needed. It was expected that some or all of those on the City Futures governance group may flow through to the new group.
- Measures for what success looked like were important. The community needed to be able to identify with a goal, a target, a measure and an outcome that they could align to.
- Time constraints were a concern particular in terms of engaging with Tangata Whenua.
- It was noted that TCC had a large resource to use, while some iwi did not, and it was a challenge for them to respond in a meaningful way to any engagement/consultation.
- A key message received from all groups that TCC were working with was that they were keen to participate but wanted assurance that something would come from it.

COMMITTEE RESOLUTION SFR3/21/3

Moved: Dr Wayne Beilby
Seconded: Mr Bruce Robertson

That the Strategy, Finance and Risk Committee:

(a)   Supports a focussed Council-led approach to the development of a city vision, drawing on information received through prior engagement processes and seeking further community input through a further defined engagement process.

(b)   Approves a strategic framework refresh for Tauranga City Council, building on existing strategies, plans and information received through prior engagement processes, and identifying and filling key gaps in the existing strategic framework.

(c)   Approves the previously planned multi-partner citywide City Futures Project being superseded by the strategic framework refresh for Tauranga City Council, with elements of the City Futures Project being incorporated into the latter project as noted in this report.

(d)   Recognises and sincerely thanks contributors to the City Futures Project to date for their time and input. Members of the governance group and the wide range of workshop participants have provided valuable insights that will be used as input to Tauranga City Council's strategic framework refresh work.

CARRIED

9.3   Sustainability Stocktake and Next Steps

Staff   Christine Jones, General Manager: Strategy and Growth
             Jeremy Boase, Manager: Strategy & Corporate Planning
             Sarah Searle, Strategic Advisor

Questions and discussion points
- A mixture of desktop research and speaking with other councils in New Zealand had been undertaken, looking to benchmark against councils of a similar size. One of the key findings was that TCC was one of the few councils that did not have a dedicated statement around climate change and how that was being approached.
- Although challenging in some places, in terms of how TCC was perceived by some key stakeholders, the report was a great platform to move forward from.
- If the proposed approach was approved, engagement plans and governance structures would be created and brought back to a future meeting of this Committee for direction.
- As an organisation, TCC needed to take the lead and show leadership in this space.
- The lens that Tangata Whenua had regarding sustainability was important.
- The performance snapshot on page 49 provided a good baseline. It was suggested that care be given to the placement of some of the terms around marae, and reference to the Tangata Whenua of Tauranga Moana be included.

COMMITTEE RESOLUTION SFR3/21/4

Moved: Commissioner Stephen Selwood
Seconded: Commissioner Bill Wasley

That the Strategy, Finance and Risk Committee:

(a)   Receives this report and the attached Sustainability Stocktake.

(b)   Endorses the approach and next steps for development of the council's sustainability framework as outlined in this report.

CARRIED

9.4   Legislative Reform Update

Staff   Christine Jones, General Manager: Strategy and Growth
             Jeremy Boase, Manager: Strategy & Corporate Planning

Questions and discussion points
- It was important that oversight of the reforms was not lost in the overall work programme.
- There was concern that the reforms, while necessary, were not being managed in a connected and co-ordinated manner.
- It was requested that the Committee be updated regularly on the legislative reforms as things were likely to change.
- The timeframes were a risk and the organisation needed to be nimble while continuing with the work programme.

COMMITTEE RESOLUTION SFR3/21/5

Moved: Commissioner Bill Wasley
Seconded: Commission Chair Anne Tolley

That the Strategy, Finance and Risk Committee receives the report titled 'Legislative Reform Update'.

CARRIED

9.5   Growth & Land Use Projects Progress Report - June 2021

Staff   Christine Jones, General Manager: Strategy and Growth
             Andy Mead, Manager: City & Infrastructure Planning

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

Questions and discussion points
- The changes from the freshwater reform needed to be known to complete technical reporting and to finalise the identification of protected areas. Once draft provisions were notified, how and what progress could be made would be known. Progress on how this was looking would be reported back to the next meeting of this Committee.
- A project plan for the spatial planning for Otumoetai/Brookfield/Mount/Arataki areas would be similar to the plan for Te Papa. The Otumoetai/Brookfield spatial plan was likely to be first.
- The SmartGrowth joint spatial plan tied together all the information that already existed and identified gaps, so a consultative process was not required.
- An update of the Tauriko West urban area structure planning and the proposed direction for key issues would be provided later in the year.
- Development feasibility work for intensification had already been done so there was a good understanding of the cost structure and prices required to make those types of projects viable.
- The Te Puna greenfield area had been identified by the Urban Form and Transport Initiative (UFTI) for possible development post 30 years. The Committee would be updated on the UFTI work done for this at the next meeting.
- The Tauriko West planning strategy included a green corridor between the river and where the urban development started. It had been identified that the river edge needed to be protected in a much broader way than just a standard 20 metre esplanade strip and this would be updated as planning work progressed.
- Growth areas had already been signalled with iwi and hapu through Smartgrowth and the UFTI work.

COMMITTEE RESOLUTION SFR3/21/6

Moved: Commissioner Stephen Selwood
Seconded: Dr Wayne Beilby

That the Strategy, Finance and Risk Committee receives the Growth & Land Use Projects Progress Report – June 2021.

CARRIED

Attachment

1   Tabled map - Tauranga Urban Growth

9.6   Transport Strategy and Planning Progress Report - June 2021

Staff   Christine Jones, General Manager: Strategy and Growth
             Andy Mead, Manager: City & Infrastructure Planning
             Alistair Talbot, Team Leader: Transport Strategy & Planning

In response to questions, suggestions and discussion points
- Concern was expressed that the emphasis was still on business cases, in particular for the SH29/Tauriko, Hewletts/Totara/Hull, and Turret Road/15th Ave projects. There seemed little prospect of these projects being delivered within the next ten years. Staff were looking to work as efficiently as possible through the business case process for those projects and

continued to look at what could be done in the interim. It was suggested that perhaps alternative funding mechanisms needed to be found to make these projects happen sooner. Private financing with revenue streams to repay debt was suggested.
- TCC was currently awaiting an update from the Ministry of Transport in regards to the investigation for a rapid rail link to Tauranga.
- The Takitimu North Link (TNL) stage two had included a new highway out to Omokoroa with an interchange at Omokoroa; however, Waka Kotahi now had no funding to deliver that project. There were no short to medium term replacement improvements for the intersection. Active discussions were underway between WBOPDC and Waka Kotahi to find a solution.

COMMITTEE RESOLUTION SFR3/21/7

Moved: Commissioner Bill Wasley
Seconded: Ms Rohario Murray

That the Strategy, Finance and Risk Committee receives the Transport Strategy and Planning Progress Report – June 2021.

CARRIED

At 12.33pm, the meeting adjourned.

At 1.16pm, the meeting resumed.

Item 9.10 - Representation Review - Options for pre-engagement, was taken next, as Donald Riezebos, Principal Advisor to Local Government Commission, who was attending via video link, was only available at that time.

9.10   Representation Review - Options for pre-engagement

Staff   Susan Jamieson, General Manager: People & Engagement
                Carlo Ellis, Manager: Strategic Māori Engagement
                Coral Hair, Manager: Democracy Services

External   Donald Riezebos, Principal Advisor to Local Government Commission (via video link)

A copy of the staff presentation and tabled map for this item can be viewed on Tauranga City Council's website in the Minutes Attachments document for this committee meeting.

In response to questions, suggestions and discussion points
- An "at large" type option that was one general ward with up to 10 councillors, plus one Māori ward would be compliant; however, the downside to this was that voters on the general roll would be able to vote for up to 10 councillors while those on the Māori roll could only vote for the one Māori ward councillor.
- Trends indicated that there were very few councils taking up a completely at large system; around half a dozen councils had a mixed system, but the large majority had an all ward system.
- All proposed options had the number of councillors increasing. It was suggested that there needed to be at least one option where the number of councillors was the same as currently, plus one Māori ward councillor.
- Electors only had the option to move from one roll to another every six years. There would be no opportunity for this prior to the next election.
- It was suggested that the extra numbers required for Judea/Brookfield under Option 2B be taken from Otumoetai/Matua rather than Te Papa to keep the boundaries better in line with the State Highway.
- There was general consensus for four options to be presented for public consultation.
- A question regarding community boards would be included in the public consultation.

- The options for public consultation would be approved by council on 12 July, with public consultation beginning on 15 July.
- Iwi and hapu boundaries had been taken into consideration for Option 2B.
- The possibility of changes to ward names would be part of the community consultation.

COMMITTEE RESOLUTION SFR3/21/8

Moved: Commission Chair Anne Tolley
Seconded: Commissioner Stephen Selwood

That the Strategy, Finance and Risk Committee recommends that the Council approves the following options for pre-engagement with the community on the representation arrangements for the 2022 election, subject to compliance:

a)	Option 1:	10 Councillors – 7 from 3 general wards, 1 Māori ward councillor and 2 at large councillors.
b)	Option 2A:	12 councillors – 11 from 6 general wards, 1 Māori ward councillor.
c)	Option 2B:	12 councillors – 11 from 11 general wards and 1 Māori ward councillor, with an adjusted Brookfield/Judea ward boundary.
d)	Option 3:	10 councillors – 1 general ward with 9 councillors and 1 Māori ward councillor.

CARRIED

Attachments

1   Presentation - Representation Review
2   Map - Option 2B

Item 9.7 was taken next.

9.7   Submission on the Infrastructure Commission's Draft Strategy

Staff   Christine Jones, General Manager: Strategy and Growth
              Ross Hudson, Strategic Advisor

Questions and discussion points
- The following changes were suggested:
    - C2:5 – TCC should push back on this and highlight the risks of having six different Acts and the need for a more joined up legislative planning law Local Government reform agenda.
    - Add in that spatial planning needed to be locked into local, regional or central government funding.

COMMITTEE RESOLUTION SFR3/21/9

Moved: Commissioner Stephen Selwood
Seconded: Commissioner Bill Wasley

That the Strategy, Finance and Risk Committee endorses the draft submission to the Infrastructure Commission's draft strategy 'Infrastructure for a Better Future', incorporating amendments agreed at this meeting.

CARRIED

9.8 Three Waters Reform Programme Update

Staff Nic Johansson, General Manager: Infrastructure
Carlo Ellis, Manager: Strategic Māori Engagement
Steve Burton, Director of City Waters

Questions and discussion points
- The Mayors, CEs and staff of 16 councils had been working together to present a collective case to the Minister. There was confidence that TCC was in step with Tangata Whenua but this was not consistent across all of the 16 councils.
- An announcement was expected on Wednesday of this week.
- There was concern regarding stormwater as it was an essential part of a city's design and would be difficult managed from a distance.
- It was important that Tangata Whenua were able to continue to monitor consents through advisory groups post the reforms.
- There was good alignment amongst the 16 councils to make the transition process happen.

COMMITTEE RESOLUTION SFR3/21/10

Moved: Mr Bruce Robertson
Seconded: Commissioner Bill Wasley

That the Strategy, Finance and Risk Committee:

a) Receives the report; and

b) Endorses TCC's continued involvement in the collaborative workstreams being undertaken by the Waikato/Bay of Plenty Three Waters Reform Consortium (WaiBoP), the intent of which is to be an "early adopter" of a multi-regional water entity approach.

CARRIED

9.9 2021 Q2 Mental Health and Wellbeing

Staff Susan Jamieson, General Manager: People & Engagement
Angelique Fraser, Health & Safety Change Manager

In response to questions, suggestions and discussion points
- It was suggested that TCC look at some kaupapa Māori mental health and wellbeing models.
- The one-off snapshot survey was by Local Government New Zealand (LGNZ) and was specific to mental health and wellbeing. TCC would undertake a much broader survey in September that would have elements of those types of questions to enable some benchmarking.
- There was a raft of initiatives planned, including mental health advocates who would be trained in mental health first aid.
- TCC's overall survey score of 68% was middle of the road for the participating councils.
- It was acknowledged that stable governance had made a difference to the wellbeing of the Executive Team and staff. It was suggested that this trend needed to be seen in the report.

COMMITTEE RESOLUTION SFR3/21/11

Moved: Commissioner Shadrach Rolleston
Seconded: Commissioner Stephen Selwood

That the Strategy, Finance and Risk Committee receives the report: 2021 Q2 Mental Health and Wellbeing.

CARRIED

9.11   Audit New Zealand - report to the Commissioners on the audit of the LTP Consultation document 2021-31

Staff   Paul Davidson, General Manager: Corporate Services
            Kathryn Sharplin, Manager: Finance

COMMITTEE RESOLUTION SFR3/21/12

Moved: Dr Wayne Beilby
Seconded: Commissioner Stephen Selwood

That the Strategy, Finance and Risk Committee:

(a)   Receives the report from Audit New Zealand on the audit of the 2021-31 LTP consultation Document.

(b)   Notes the audit findings to be taken into account in preparation of the final LTP.

CARRIED

10   DISCUSSION OF LATE ITEMS

Nil

11   PUBLIC EXCLUDED SESSION

RESOLUTION TO EXCLUDE THE PUBLIC

COMMITTEE RESOLUTION SFR3/21/13

Moved: Ms Rohario Murray
Seconded: Mr Bruce Robertson

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
11.1 - Cyber Security Update	s7(2)(c)(ii) - 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 otherwise to damage the public interest s7(2)(e) - the withholding of the information is necessary to avoid prejudice to measures that prevent or mitigate material loss to members of the public	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

| | s7(2)(j) - the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage | |

CARRIED

At 2.48pm, the meeting resumed in the open session.

12   CLOSING KARAKIA

Commissioner Shadrach Rolleston closed the meeting with a karakia.

The meeting closed at 2.49pm.

The minutes of this meeting were confirmed as a true and correct record at the Strategy, Finance and Risk Committee meeting held on 16 August 2021.

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CHAIRPERSON

8   DECLARATION OF CONFLICTS OF INTEREST

9 BUSINESS

9.1 Amendments to the Use of Toxic Agrichemicals for Vegetation Management Policy

File Number: **A12395409**

Author: **Emma Joyce, Policy Analyst**

Paul Dunphy, Delivery Manager

Authoriser: **Gareth Wallis, General Manager: Community Services**

PURPOSE OF THE REPORT

1. To approve amendments to the Use of Toxic Agrichemicals for Vegetation Management Policy (the policy) (attachment one).

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

(a) Receives the Amendments to the Use of Toxic Agrichemicals for Vegetation Management Policy report.

(b) Agrees to amend the Use of Agrichemicals for Vegetation Management Policy by:

(i) Replacing the current provision requiring Council to approve amendments to 'Schedule 1 – List of Approved Products', with a provision that amendments to Schedule 1 can be made where staff and TAAF agree.

(ii) Adding a provision that approval of the Chief Executive is required for amendments to 'Schedule 1 – List of Approved Products' where staff and TAAF disagree.

(iii) Adding a provision to allow for trials of new agrichemicals to determine efficiency and effectiveness of a product in controlling unwanted vegetation.

(iv) Requiring TAAF to provide input into the objectives, parameters and timeframes for any trial of a new agrichemical.

(v) Deleting references to all signage provisions except a statement noting compliance with regional air rules.

(vi) Deleting references to "toxic" from the policy.

(vii) Revising the layout of Schedule 1 to the policy to better illustrate that a common product name is provided as a reference only and Council may use a different product name with the same active ingredient.

(viii) Revising Schedule 1 to allow oxadiazon to be used on Links Avenue Reserve for the purposes of completing the trial and delete the reference in Schedule 1 of the policy to oxadiazon only being used in the 2018/2019 financial year.

EXECUTIVE SUMMARY

2. The Projects Services and Operations Committee (PSOC), upon the recommendation of staff and Council's Toxic Agrichemicals Advisory Forum (TAAF), requested a review of the policy in late 2020. Work on the review commenced in early 2021 with discussions held with TAAF and key staff to identify any issues with the current policy.

3. Staff and TAAF agreed that the policy remains fit for purpose and there was no cause for a major review of the policy. While the policy mandates a more precautionary approach to agrichemical use than other local authorities, council's overall approach to agrichemical use remains consistent with other councils. This report recommends some minor amendments to

the policy to allow for increased operational efficiency and to reflect recent changes in regional rules for agrichemical use.

4. A copy of the policy with recommended amendments showing as tracked changes is appended as Attachment One.

BACKGROUND

5. The primary objective of the policy is to protect the public health of Tauranga residents through implementing controls on agrichemicals used to control weeds and manage unwanted vegetation. Other objectives are the protection of the environment from agrichemical use and enabling council to undertake effective vegetation management.

6. Recognising that agrichemicals can have a harmful impact on people and the environment, the policy ensures Council takes a precautionary approach ("prudent avoidance") to the use of agrichemicals by limiting agrichemicals to those on the list of approved products (Schedule 1). The policy also mandates TAAF to represent community views on agrichemicals use and requires staff to seek feedback from TAAF before recommending to Council any amendments to schedule 1.

7. The policy has been reviewed once (in 2014) since its adoption in 2009. The finding of that review was the policy was fit for purpose but recommended some changes to internal processes to support better record keeping, and to implement a standard procedure for determining if a product should be added or removed from the schedule of approved products. New products have been added to the schedule almost annually since 2014.

8. Staff supported TAAF's request for a review of the policy through their 2020 annual report to PSOC. The review commenced in early 2021 with a series of focused discussions with staff and TAAF to identify any areas where the policy was not achieving its objective to protect public health or impacting on council's ability to undertake vegetation management and weed control. Staff also reviewed policies and practices of other local authorities to identify any inconsistences with this council's policy. As in 2014, Tauranga's policy was found to be broadly similar to that of other councils but exhibited a stronger precautionary approach.

9. TAAF contacted staff in March 2021 requesting that the policy review not be progressed. They noted that that there were no major issues with the policy, that amendments to Schedule 1 do not require a full policy review, and that the community would be busy preparing submissions to the draft long-term plan.

10. In general, staff agreed that there are no issues driving a major review of the policy. Staff supported retention of the policy as it ensured the community had visibility over weed control and vegetation management practices. However, there are minor amendments to the policy that would make it more efficient for operational staff. Issues for consideration through this policy review are as follows:

    •   allowing products to be added to Schedule 1 where staff and TAAF are in agreement without seeking Council approval;

    •   providing for trials of new products;

    •   signage provisions in the policy;

    •   requirements for notification of intended agrichemical use; and

    •   removing use of the word "toxic".

11. This draft report and the draft policy were provided to TAAF for their feedback and comment. This feedback is appended as Attachment Two and incorporated into the discussion where relevant.

STRATEGIC / STATUTORY CONTEXT

12.   Councils across New Zealand are interested in ways to reduce the use of agrichemicals. This Council supported a 2019 remit to the Local Government New Zealand conference on reduction of agrichemical use.

13.   The Environmental Protection Agency (EPA) is statutorily responsible for approving all agrichemicals used in New Zealand.

OPTIONS ANALYSIS

Issue 1: Process for amending Schedule 1 (list of approved products)

14.   At present, Council (or the relevant Committee) is required to approve all additions or deletions to Schedule 1 following consideration of advice from TAAF and staff. The draft policy amendment suggests that the schedule can be updated where TAAF and staff agree to a proposed addition or deletion to schedule 1.

15.   The amendment is 5.3.2 of the draft policy.

16.   Table 1 below outlines the advantages and disadvantages of proceeding with the amendment or retaining the status quo.

Issue 1.1 – Amendments to schedule 1 where staff and TAAF agree

	Option	Advantages	Disadvantages
1.1.1	Amendments to Schedule 1 can be made where staff and TAAF agree **(Recommended)**	• Better reflects the operational nature of the decision. • Supported by TAAF as reduces burden of reporting to Council. • Consistent with other councils.	• May not provide assurance of governance oversight of agrichemical use.
1.1.2	All amendments to Schedule 1 require Council approval (status quo)	• Provides assurance of governance oversight of agrichemical use.	• Operational decision made at governance level. • Inconsistent with other councils to seek governance approval for operational matter.

Issue 1.2 – Amendments to schedule 1 where staff and TAAF disagree

17.   Should Council agree to option 1.1.1 above, the policy needs to outline a process when staff and TAAF disagree on amendments to Schedule 1. This decision could be delegated to the Chief Executive as an operational matter, or retained by Council to be consistent with the current policy.

	Option	Advantages	Disadvantages
1.2.1	Decision on amendments where staff and TAAF disagree delegated to Chief Executive. **(recommended)**	• Better reflects the operational nature of the decision. • Consistent with other councils.	• Not supported by TAAF. • No governance oversight of new products added to Schedule 1.

1.2.2	Decisions on amendments to Schedule 1 where staff and TAAF disagree made by Council (or committee with delegated authority) (status quo)	• Provides assurance of governance oversight of agrichemical use. • TAAF's preference is to have Council approve amendments to Schedule 1 where there is disagreement between staff and TAAF. • Consistent with current policy.	• Operational decision made at governance level. • Inconsistent with other councils to seek governance approval for operational issue.

18.   There are no changes proposed to the criteria (outlined at clause 5.3.4) used to assess whether a product should be added or removed from Schedule 1. Consideration must be given to any or all seven criteria before determining if a product should be added to or removed from Schedule 1. Provision (clause 5.3.5) is retained in the policy for products to be approved subject to certain conditions, such as only using a certain application method or only to control a specific plant pest.

Issue 2: Trials

Issue 2.1 – Providing for trials

19.   In line with the principle of "prudent avoidance" (avoiding the use of new to market agrichemicals), there is currently no policy provision allowing council staff to trial a new product to determine its effectiveness in controlling unwanted vegetation. At present, undertaking trials (such as the recent trial of oxadiazon at three sportsfields summarised in the other matters section below) requires the product to be added to Schedule 1 for a specific time period. Trials may provide information that enables staff and TAAF to assess the product for permanent addition to Schedule 1.

20.   There are three options Council could consider in determining whether to allow for trials of products (noting only EPA approved products are permitted to be used).

- provide for trials with assessment based only on effectiveness and efficiency in controlling unwanted vegetation; or

- provide for trials with assessment based on effectiveness and efficiency in controlling unwanted vegetation and information on human health effects; or

- do not provide for trials (status quo).

21.   Table 2 outlines the advantages and disadvantages of providing for trials in the policy or retaining the status quo.

	Option	Advantages	Disadvantages
2.1.1	Add provision to the policy allowing for trials of products to determine effectiveness and efficiency in controlling unwanted vegetation. **(recommended)**	• Ensures the policy allows flexibility to trial potentially more efficient, cost effective products before seeking addition to Schedule 1. • Aligns with policy objective to enable effective vegetation management. • Recognises the responsibility of the EPA to identify any human health effects. • Allows for optimisation of	• Not supported by TAAF.

	Option	Advantages	Disadvantages
		reserves (particularly active reserves) resulting in less turnaround time between seasons. • Containment of defined trial area can be controlled to address access or time concerns if required.	
2.1.2	Add provision to the policy allowing for trials of products to determine effectiveness and efficiency in controlling unwanted vegetation and human health effects.	• Supported by TAAF. • More in line with the principle of prudent avoidance and protection of public health.	• Scientific testing for human health effects outside Council's operational scope (human health effects addressed by EPA). • High costs of testing.
2.1.3	Do not provide for trials of new products in the policy. (status quo)	• In line with principle of prudent avoidance.	• Requires staff and TAAF to undertake full process to add a product to schedule for limited trial. • Not allowing trials potentially limits time available for sports turf due to turnaround times between seasons. • Council may miss opportunities to trial products that are lower cost, more effective, or supporting sustainability objectives. • Ability to optimise the use of available community space may be lost. • Potential that Council does not meet policy objective to provide for effective vegetation management.

Issue 2.2 – TAAF approval of trial objectives and parameters

22. The draft policy provides for TAAF to have input into the objectives, parameters and timeframes of trials (draft provision 5.2.3). However, there is no requirement for TAAF to approve a trial. While TAAF note their support for trials, their preference is that the policy requires their approval before proceeding with trial.

	Option	Advantages	Disadvantages
2.2.1	Require TAAF approval for all trials.	• Reflects intention of policy for decisions on agrichemical use to be made collaboratively with TAAF.	• Some trials supported by staff may not proceed.

2.2.2	TAAF to only have input into the objectives, parameters and timeframes of the trial. **(recommended)**	• Ensures TAAF have reasonable input into decisions about trials.	• Trials may go ahead without TAAF support. • TAAF's preference is that the parameters (particularly time limits) are agreed with them before proceeding.

Issue 3 – Signage

23. The attached draft policy removes the current signage provisions requiring signage advising of recent spraying to remain in place for a minimum of 48 hours after application. Reference is retained to requiring compliance with regional rules set through the Regional Natural Resources Plan (Plan Change 13 – Air Quality). Signs are required to remain in place while spraying is in progress, until all airborne spray has settled, and the agrichemical has dried on its target surface. All signs must be removed within five days.

24. The current provision for signs requires them to remain in place for a minimum of 48 hours after applications. While this is in line with the overall precautionary nature of the policy, it is more efficient for contractors to remove signs once spraying is concluded or within 24 hours.

25. There are two options available to the Council – remove signage provisions noting that the regional rules apply or to retain the current provisions.

	Option	Advantages	Disadvantages
3.1	Remove all signage provisions from the policy except for reference to compliance with regional rules. **(recommended)**	• Achieves compliance and consistency with regional rules. • More operationally efficient to remove signs within 24 hours of application. • Minimises risk of casual visitors assuming agrichemical application is ongoing, or area remains unsafe.	• Not supported by TAAF. • May be considered not in line with the overall precautionary nature of the policy.
3.2	Retain current signage provisions, including requirement for signs to be in place for 48 hours after spraying.	• Maintains awareness that agrichemicals have recently been used. • Achieves compliance with regional rules. • TAAF preference is to retain current rules.	• Inconsistent with regional rules (i.e. more demanding than regional rules). • Casual visitors may assume agrichemical application is ongoing or area remains unsafe. • Operationally inefficient.

Issue 4 – Use of "toxic"

26. Staff note that the use of toxic is redundant as most agrichemicals are by definition toxic to vegetation. It is also highly emotive language. Council could choose to retain or delete the references to toxic.

	Option	Advantages	Disadvantages
5.1	Delete references to "toxic" from the policy. **(recommended)**	• Consistent with other councils.	• Nil

	Option	Advantages	Disadvantages
		• Removes redundant and emotive language from the policy.	
5.2	Retain references to "toxic" in the policy (status quo).	• TAAF prefer to retain "toxic" in line with overall precautionary nature of the policy.	• Inconsistent with other councils. • Use of redundant and emotive language.

Other matters

27.   In 2018, the Environment Committee approved a trial of oxadiazon for use on Blake Park and Oceandowns Reserve by amending Schedule 1 to allow for the product to be used until 2020. The trial sought to identify if using the pre-emergent to control weed species would enhance the establishment of warm season grasses. Developing more active reserves with warm season grasses addresses climate change effects (drought resistance) and supports sustainability objectives. Although there is evidence of public health effects of pre-emergent in food crops, TAAF supported a trial that would determine if the product behaved as predicted by the manufacturer, in a local context and when used on sports turf fields. The cost of the trial of oxadiazon at three reserves was approximately $70,000 excluding GST.

28.   Schedule 1 currently notes that oxadiazon can only be used during the 2018/2019 financial year in two reserves. However, the Oceandowns development was delayed a year requiring the product to be used outside that time period. With the agreement of TAAF, the trial of this product was extended to Links Avenue Reserve. It is recommended that the schedule be updated to confirm the use of oxadiazon at Links Avenue Reserve and to delete reference to the financial year.

29.   The layout of Schedule 1 has been altered so that the column providing an example product name is not placed first. This makes it clearer to the casual reader of the policy that other product brand names may be used where the active ingredient is the same. This statement has previously been captured as a footnote. The change in layout is supported by TAAF.

30.   Under new regional rules, a notice on Council's website meets requirements for public notice of agrichemical use. As such, the policy has been updated to reflect this change. However, the policy continues to note the option of additional notification channels to acknowledge other methods people can receive information.

31.   Where necessary, references used in the policy have been updated to reflect changes in the title and definitions used in applicable Bay of Plenty Regional Council plans.

FINANCIAL CONSIDERATIONS

32.   There are no financial considerations arising from the recommended options.

LEGAL IMPLICATIONS / RISKS

33.   There are no legal implications or other risks arising from the recommended options.

CONSULTATION / ENGAGEMENT

34.   Staff first met with TAAF in March 2021 to discuss the policy review and got an initial understanding of the issues they wanted considered through a review. A follow up email from TAAF indicated that they did not see a full review as being necessary with issues around signage and amendments to schedule 1 able to be actioned outside a review process.

35.   A copy of this report and the draft policy were provided to TAAF for feedback in late May 2021. Their views are incorporated above and provided as attachment two.

36.   No other external consultation or engagement was undertaken.

SIGNIFICANCE

37. 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.

38. 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, proposal, decision, or matter

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

39. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issues addressed, and recommendations made, in this report are of low significance. However, it is acknowledged that agrichemical use, particularly glyphosate, is of high significance to many in our community.

ENGAGEMENT

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

NEXT STEPS

41. The policy will be amended in accordance with the decisions made at this meeting.

42. Council is currently reviewing how it supports community advisory groups. Subject to the outcomes of that review, there may be a requirement to review the role of, and Council support to TAAF.

ATTACHMENTS

1. **Use of Agrichemicals for Vegetation Policy 2021 (draft June 2021) - A12639300** ⇩ 🗎
2. **TAAF Commentary on 2021 policy review - A12633828** ⇩ 🗎

USE OF ~~TOXIC~~ AGRICHEMICALS FOR VEGETATION MANAGEMENT POLICY

Policy type	Council		
Authorised by	Council		
First adopted	17 November 2008	**Minute reference**	M08/131
Revisions/amendments	27 April 2010 22 November 2011 13 November 2012 14 September 2015 8 August 2016 27 February 2018 23 October 2018 XX XX 2021	**Minute references**	M10/29.3 M11/86.3 M12/74.5 M15/64.5 M16/51.4 M18/11.7 M18/92.6
Review date	This policy will be reviewed every five years or as required.		

1.   PURPOSE

1.1   The primary objective of this policy is to protect public health.

1.2   Other objectives include:

- the protection of the wider environment from undue harm (including the protection of domestic pets and ~~bird life~~birdlife from harm), and
- the provision of effective vegetation management on Council-maintained land.

2.   BACKGROUND

2.1   The Health Act 1956 states that it is *"…the duty of every local authority to improve, promote and protect public health within its district…"*.

2.2   The Health and Safety at Work ~~in Employment~~ Act ~~1992~~2015, the Hazardous Substances and New Organisms Act 1996~~,~~ and the Regional Natural Resources Plan ~~the Regional Air Plan and the Regional Water and Land Plan~~ all include requirements that relate to the safe use of ~~toxic~~ agrichemicals.

2.3   The Biosecurity Act 199~~6~~3, the National Plant Pest Accord and the Regional Pest Management ~~Strategy~~ Plan detail Council's responsibilities regarding the management of plant pests.

3.   DEFINITIONS

Term	Definition
Active reserves	Active reserves are as identified in the Tauranga Reserves Management Plan.
Agrichemicals	are any substance, whether organic or inorganic, manufactured or naturally occurring, ~~inorganic or organic, man-made or naturally occurring,~~ modified or in their original state, that ~~are~~ is used in any agricultur~~ale~~, pastoral, horticultur~~e~~al or related activity, to eradicate, modify or control undesirable flora and fauna. For the purposes of this policy, ~~this~~ it includes agricultural compounds and ~~definition~~ excludes ~~any~~ fertiliser.[1]
Council	refers to Tauranga City Council - the elected member body representing Tauranga City
Council-maintained land	means land that is maintained by, or on behalf of, Council. It does not include land that is owned by Council but which has been leased to another organisation.
Prudent avoidance	means avoiding the use of products newly-approved for commercial use, and removing from use products where experts have major reservations over the safety of the product.
~~Strategy and Policy Committee~~	~~means the Strategy and Policy Committee of the Tauranga City Council or another Committee of Council with similar terms of reference.~~
~~Toxic~~	~~means capable of causing ill-health in, or injury to, human beings.[2]~~
~~Toxic~~ Agrichemicals Advisory Forum	is as established in section 5.4 of this policy.

4.   PRINCIPLES

4.1   Council recognises that some ~~toxic~~ agrichemicals have a significant adverse effect on some people within the community.

4.2   Council also recognises that some ~~toxic~~ agrichemicals may have a significant impact on the wider environment.

4.3   Council's preference is to use non-chemical methods of vegetation control whenever practical.

4.4   Council has responsibilities for the management of plant pests on Council-maintained property. Council also has responsibilities to allow fit-for-purpose use of land that it maintains.

4.5   To meet these responsibilities, Council accepts that some use of ~~toxic~~ agrichemicals for vegetation management will be necessary.

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[1] Source: Adapted from definition of agrichemicals in the Bay of Plenty Regional ~~Air Plan.~~Natural Resources Plan

[2] ~~Source: Hazardous Substances and New Organisms Act 1996~~

Use of Agrichemicals for Vegetation Policy 2021 (draft June 2021) (A12536969)Use of Agrichemicals for Vegetation Policy 2021 (amendment)

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4.6   In accepting some use of ~~toxic~~ agrichemicals, Council will take a "prudent avoidance" approach when considering the use of specific ~~toxic~~ agrichemicals.

4.7   Council will proactively seek to reduce the use of ~~toxic~~ agrichemicals on Council-maintained land.

5.   POLICY STATEMENT

5.1   Scope

5.1.1   This policy applies to all Council-maintained land. It does not apply to land that is owned by Council but leased to another organisation.

5.1.2   Where a piece of land is maintained jointly with another local authority (for example, sub-regional parks), the policy approach to vegetation management and the use of toxic agrichemicals shall be that of the lead agency.

5.1.3   Those applying ~~toxic~~ agrichemicals on behalf of Council are bound by this policy.

5.2   Use of ~~toxic~~ agrichemicals

5.2.1   Council's preference is to not use ~~toxic~~ agrichemicals for the purposes of vegetation management. However, in order to carry out effective and efficient vegetation management Council recognises that the use of ~~toxic~~ agrichemicals will occur in some circumstances.

5.2.2   Council may undertake temporary trials of agrichemicals to determine their effectiveness and efficacy in controlling unwanted vegetation in Tauranga. Trials will not consider matters already addressed by the Environmental Protection Agency in approving a product for use in New Zealand.

5.2.3   The Agrichemicals Advisory Forum must have input into the objectives, parameters and timeframes for any trials.

5.2.4   Council notes that the principle of prudent avoidance may not apply when undertaking trials.

5.3   Determining acceptable ~~toxic~~ agrichemicals and circumstances of use

5.3.1   ~~Toxic~~ Aagrichemicals that Council has approved for use on Council-maintained land are listed in Schedule 1 to this policy.

5.3.2   Amendments to Schedule 1, including a change in application method or intended use, can be made where both staff and the Agrichemicals Advisory Forum (the Forum) are in agreement.

5.3.3   A proposed amendment to Schedule 1 will be referred to the Chief Executive for a decision where staff and the Forum disagree on the proposed amendment or any circumstances of use. ~~Amendments to Schedule 1 will be made by resolution of the Strategy and Policy Committee following consideration of information from staff and from the Toxic Agrichemicals Advisory Forum.~~

5.3.4   In considering potential amendments to Schedule 1, ~~the Strategy and Policy Committee may~~ consideration will be given ~~consider~~ to any or all of the following:

·   The toxicity of the agrichemical and the potential for harm to public health (with preference given to lower toxicity agrichemicals)

·   The potential effects on the wider environment both negative and positive (for example the removal of invasive weeds)

      · The intended use of the agrichemical (for example, general vegetation management, as a precursor to restoration projects, specific removal of plant pests, etc)

      · The intended location of that use (for example, close to playgrounds, on sportsfields, in hard-to-get-to gullies, etc)

      · The way the agrichemical is to be used (for example, spraying, swabbing, drill-and-pour, etc)

      · The effectiveness of the agrichemical, particularly as compared to alternative approaches

      · The cost of the agrichemical, particularly ~~as~~ when compared to alternative approaches.

5.3.5　The above considerations and any subsequent amendments to Schedule 1 may result in a ~~toxic~~ agrichemical being approved for use:

      · On an individual job-by-job or project-by-project basis, and/or

      · On a particular type of land, for example for use on sports fields, and/or

      · For a particular intended use, for example for the removal of a specific plant pest, and/or

      · For a combination of land-type and use, or

      · For general use, or

      · For general use with specific restrictions, for example a restriction on use near waterways.~~, or~~

      · ~~With any other specifications or restrictions as determined by the Strategy and Policy Committee.~~

5.4　**~~Toxic~~ Agrichemicals Advisory Forum**

5.4.1　The ~~Toxic~~ Agrichemicals Advisory Forum ~~(the Forum)~~ is a forum of interested and knowledgeable people who can assist ~~the Strategy and Policy Committee~~Council in its determination of acceptable toxic agrichemicals and their circumstances of use.

5.4.2　Where appropriate the Forum will raise issues of concern or respond to issues raised by other parties (for example a proposal to add or delete an agrichemical from Schedule 1).

5.4.3　The Forum is not a formally constituted committee of Council and there will be no Councillor membership on the Forum.

5.5　**Operational procedures**

Standards

5.5.1　All applications of ~~toxic~~ agrichemicals on Council-maintained land by or on behalf of Council will comply with New Zealand Standard 8409: 2004 Management of Agrichemicals (or subsequent updates).

Spray-free register

5.5.2　Council will maintain a spray-free register of individuals or organisations who wish not to have ~~toxic~~ agrichemicals used by or on behalf of Council close to their property.

5.5.3　With regards to the application of ~~toxic~~ agrichemicals to a property's street frontage, registration of that property on the spray-free register means that toxic agrichemicals will not be used by or on behalf of Council on that street frontage.

5.5.4   With regards to the application of ~~toxic~~ agrichemicals on other Council-maintained land adjacent to, or in the vicinity of, a particular property, registration of that property on the spray-free register means that registered individuals or organisations will be specifically informed in advance of the application of any toxic agrichemicals taking place if requested.

5.5.5   Individuals and organisations who are included on the register will be informed by email of all proposed spraying in the city.

<u>Notification of the application of agrichemicals</u>

5.5.6   Council will comply with the specific notification requirements included in the ~~operative Regional Air Plan~~Regional Natural Resources Plan. Notice of intended agrichemical use will be placed on Council's website~~-.~~. Additional notification may also occur in print media~~,~~ and in Council's own publications.

~~Compliance with these requirements will occur through public notices in the Bay of Plenty Times~~Additional notification may also occur in free newspapers in print media. ~~, on Council's website, and in Council's own publications.~~

<u>Signage</u>

5.5.7   Council will comply with the relevant ~~specific~~ signage requirements ~~included in the operative Regional Air Plan.~~outlined in the Regional Natural Resources Plan.

~~In addition to those requirements, Council will ensure that signs stating that toxic agrichemicals have been applied will remain in place for 48 hours after the time of application.~~

5.5.8   Such signs will be erected at all reasonably identifiable entrances to the location[3] where ~~the toxic~~ agrichemicals have been applied.

5.6   Monitoring and reporting

5.6.1   Council will collect, collate, monitor and ~~report~~ make publicly available information on the use of agrichemicals on Council-maintained land. ~~This information will be made publicly available in appropriate formats.~~

5.6.2   Such information will, on an annual basis, be used by Council to consider progress made towards its goal of reducing the use of agrichemicals on Council-maintained land.

6.   RELEVANT DELEGATIONS

6.1   The Chief Executive has delegated authority and the authority to sub-delegate in respect to all other provisions within this policy.

7.   REFERENCES AND RELEVANT LEGISLATION

Biosecurity Act 1993

Hazardous Substances and New Organisms Act 1996

Health and Safety ~~in Employment~~at Work Act ~~1992~~2015

Health Act 1956

Local Government Act 2002

National Plant Pest Accord

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[3] For small reserves, the "location" will be the entire reserve. However, for large reserves such as Kopurererua Valley or Carmichael Reserve, "location" is the part of the reserve where agrichemicals have been applied.

NZS 8409:2004 Management of Agrichemicals

~~Regional Air Plan – Environment Bay of Plenty~~

Regional Pest Management ~~Strategy~~ Plan ~~– Environment Bay of Plenty~~

~~Regional Water and Land Plan – Environment Bay of Plenty~~Regional Natural Resources Plan

Resource Management Act 1991

Tauranga Reserves Management Plan

8.   **ASSOCIATED POLICIES/PROCEDURES**

Growing Tauranga Green - Vegetation Strategy – Tauranga City Council

~~(Note that this strategy includes an action to identify a specific reserve to be maintained using techniques other than the use of chemicals.~~

9. SCHEDULES

~~List of toxic agrichemicals approved for use for the time being~~ Schedule 1: List of approved products

~~Effective date: 1st February 2009~~

~~with~~

Active Ingredient(s)[4]	Notes (in accordance with Section 5.3)	Example common product name
Fatty acids	For control of weeds in the road corridor	AGPRO BIO-Safe
Chlorantraniliprole	For use within active reserves[5] to control pest insects in turf. Not to be used within 25 metres of waterways. Effective 13/11/12.	Acelepryn[6]
Amitrole Ammonium thiocyanate Sulphamic acid	For bamboo control	Activated Amitrole
Azoxystrobin	For control of fungal diseases on grass cricket wicket blocks, subject to its use being prohibited within 48 hours of scheduled use by children. Not to be used within 25 metres of waterways.	Amistar Fungicide
2,4-D acid Dicamba	For vine control, only as a precursor for restoration sites. Location restricted to bush areas, gullies, banks, and wild areas with limited public access. Not to be used within 25 metres of waterways. Additional signage required advising public not to enter the site	Banvine
Alpha - Cypermethrin	For use within active reserves[7] to control pest insects in turf. Effective 27/4/10	Bestseller
Bacillus thuringiensis[7]	For control of fungus on annuals	Biobit
Emulsifiable vegetable oils Polyethoxylated esters	Used in conjunction with other toxic agrichemicals to reduce spray drift	Codacide oil
Imidacloprid	For control of fungus on annuals	Confidor
Picloram Triclopyr	For use on turf to kill Onehunga weed	Conquest (previously known as Tordon Gold)
Copper	For control of fungus	Copper hydroxide
Canola oil	For control of black spot and viruses on roses	Eco-Oil

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[4] Source: New Zealand Nnovachem Agrichemical Manual 2012 2020/2021 (published by Agri Media Ltd) unless otherwise stated.
[5] Active reserves are identified in the Tauranga Reserves Management Plan.
[6] To be reassessed every three years for up-to-date toxicity date – resolution M12/74.5 dated 13 November 2012.
[7] Source: www.greenbook.net (product label)

Active Ingredient(s)[4]	Notes (in accordance with Section 5.3)	Example common product name
Metsulfuron-methyl ester	For use on the pest plant species specified below in any location provided (a) a 2-metre buffer is applied if any water body[8] is located within the vicinity of control works, and (b) control works are not to be undertaken on or above vegetation in any water body: • Wild ginger • Gorse • Bushy asparagus • Climbing asparagus • Arum lily / green goddess • Italian arum • Montbretia • Canna lily • Crinum lily • Elephant's ear • Ivy spp. • Fruit salad plant • Narrow leaved palm lily spp. • Strawberry guava • Taro • Ti • Tuber ladder fern • Aloe vera • Cherry spp. • Periwinkle For all locations, application will be by methods that minimise the quantity of chemical used (e.g. using direct, limited application methods like weed wiping, stump swabbing and spot spraying where it is practicable).	Escort
Trifloxystrobin	For use on grass cricket wickets to control fungus. Not to be used within 25 metres of waterways. Effective 13/11/12.	Flint[9]
Haloxyfop Diethylene glycole	For use on pest grass species such as kikuyu and African feather grass	Gallant
Triclopyr	For use on climbing plant pests including, but not restricted to, blackberry, honeysuckle, convolvulus	Grazon
Mecoprop-P, Bromoxynil and Ioxynil	For use on reserves where organised sporting club activities occur, to control broadleaf weeds only. Not to be used within 25 metres of waterways.	Image

[8] A water body means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area (Resource Management Act 1991, Part 1 Interpretation and application).

[9] To be reassessed every three years for up-to-date toxicity date – resolution M12/74.5 dated 13 November 2012

Active Ingredient(s)[4]	Notes (in accordance with Section 5.3)	Example common product name
Flazasulfuron	For use within active reserves[7] to control weeds in couch grass turf. Not to be used within 25 metres of waterways. The contractor shall document all use of Katana over the 12 months from 13 November 2012 (date, area sprayed, application rate, comments of effectiveness at two week and six week intervals after application). Effective 13/11/12.	Katana[10]
Propyzamide Ethylene glycol	For control of weeds in couch grass turf	Kerb (previously known as Kerb-Flo)
Trinexapac-ethyl	For use within active reserves to regulate turf growth.	Moddus
Neem Seed Extract	For general use to control insect pests.	Neem (previously known as Neem 900EC)
Ethofumesate Ethylene glycol	For use within aActive rReserves[7] to control annual grasses. Effective 27/4/10	Nortron
Pine oil	For general maintenance use.	Organic Interceptor
Pine oil and fatty acids Capric/caprylic acid	For general maintenance use.	Organic Weedfree and Weedenz
Oxidiazon	For use on Blake Park-, and Oceandowns and Links Avenue Reserves turf projects. in years 2018/19. Effective 23/10/18	Oxa-Pro
2,4-D ethylhexyl ester	For control of thistles and broadleaf weeds in large pastures	Pasture-Kleen
Organo-silicone modified polydimethysiloxane	Used in conjunction with other toxic agrichemicals to enhance penetration	Pulse Penetrant
Pyrethrins[11]	For general use to control insect pests. Schedule-1 rejects the additive Piperonyl butoxide. Effective 13/11/12.	Pyrethrum
Metalaxyl-M	For use on grass cricket wickets to control fungus. Not to be used within 25 metres of waterways. Effective 13/11/12.	Ridomil Gold[12]
Glyphosate	For general maintenance use	RoundUp
Triforine[13]	For control of rust on roses	Saprol
Myclobutanil Tau-fluvalinate[149]	For use in controlling black spot, aphids and other insect pests	Super Shield
Picloram Triclopyr	For gorse and honeysuckle control, and for stump-swabbing of hard-to-kill plant pests such as morning glory.	Tordon Brush Killer
Hexazinone	For use in controlling pampas in estuarine areas	Velpar Granules

Active Ingredient(s)[4]	Notes (in accordance with Section 5.3)	Example common product name
Clopyralid	For use on turf to kill Onehunga weed and other broad-leafed weeds	Versatil
Picloram	For stump-swabbing of hard-to-kill plant pests	Vigilant
Benzalkonium chloride	For use within ~~A~~active ~~r~~Reserves[6] to control of fungus and algae. ~~Effective 27/4/10~~	Yield

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[10] To be reassessed every three years for up-to-date toxicity date – resolution M12/74.5 dated 13 November 2012.

[11] http://www.mgk.com/Crop-Protection/PyGanic_1_4.aspx

[12] To be reassessed every three years for up-to-date toxicity date – resolution M12/74.5 dated 13 November 2012.

[13] www.ermanz.govt.nz

[14] www.ermanz.govt.nz

Use of Agrichemicals for Vegetation Policy 2021 (draft June 2021) (A12636868Use of Agrichemicals for Vegetation Policy 2021 amendment) 16/06/202117/06/202126/05/2021

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TAAF Comments on Report to Strategy, Finance and Risk Committee Meeting 28-06-21 authored by Emma Joyce Policy Analyst and Paul Dunphy Delivery Manager

Italic words copied from report. **Bold words are TAAF addition, preferred wording or comment**
RECOMMENDATIONS
That the Strategy, Finance and Risk Committee:
(a) Agree to amend the Use of Agrichemicals for Vegetation Management Policy by;

(i) replacing the current provision requiring Council to approve amendments to schedule 1 with a provision noting that amendments to schedule 1 can be made automatically where staff and TAAF agree and a provision noting that~~-~~approval of the Chief Executive is required for amendments to schedule 1 where staff and TAAF disagree **TAAF does not support this change.**
Where staff/TAAF disagree the proposed amendment is to be referred to the policy governance.
Draft policy clause 5.3.5 refers

(ii) adding a provision in the policy to allow for trials of new **toxic** *agrichemicals to determine efficiency and* ~~*effectiveness*~~ **efficacy** *of a product in controlling unwanted vegetation* **TAAF supports this proposal.**
Comment: Any such trials must only proceed with TAAF approval Draft policy clause 5.2.3 refers

(iii) deleting references to all signage provisions except a statement noting compliance with regional air rules **TAAF does not support this change.**
Comment: Existing signage provisions should not be changed Draft policy clause 5.5.7 refers

(iv) deleting references to "toxic" from the policy **TAAF does not support this change.**
Comment: All references to "toxic" should remain in the policy as the use of the word here, is specific to this policy and defined therein Draft policy clause 5.3.5 refers

(v) revising the layout of schedule one to the policy to better illustrate that the trade product name is provided as a reference only and Council may use a different product name with the same active ingredient
Comment: TAAF supports this proposal

(vi) revising schedule 1 to allow oxadiazon to be used on Links Avenue Reserve and delete the reference to oxadiazon only being used in the 2018/2019 financial year from schedule 1 of the policy.
TAAF does not support this change.
Comment: No changes to Schedule 1 should be made until recommendation *(i)* above is fully considered

EXECUTIVE SUMMARY
4. A copy of the policy with recommended amendments showing as tracked changes is appended at attachment one.
Comment: The format of the attached policy document is different to the policy copies held by TAAF

BACKGROUND

6. The policy has been reviewed once (in 2014) since its adoption in 2009. The finding of that review was the policy was fit for purpose but recommended some changes to internal processes to support better record keeping and to implement a standard procedure for determining if a product should be added or removed from the schedule of approved products. New products have been added to the schedule almost annually since 2014.

Comment: The last sentence is contrary to TAAF records

7. Staff supported TAAF's request for a review of the policy through their 2020 annual report to PSOC. The review commenced in early 2021 with a series of focused discussions with staff and TAAF to identify any areas where the policy was not achieving its objective to protect public health or impacting on council's ability to undertake vegetation management and weed control. Staff also reviewed policies and practices of other local authorities to identify any inconsistencies with this

council's policy. As in 2014, Tauranga's policy was found to be broadly similar to that of other councils but exhibited a stronger precautionary approach.

Comment: The existing policy objectives and principles are:

1. PURPOSE

1.1 The primary objective of this policy is to protect public health.
1.2 Other objectives include:
• the protection of the wider environment from undue harm (including the
protection of domestic pets and bird-lifebirdlife from harm), and
• the provision of effective vegetation management on Council-maintained land.

Is the intention for TCC to be leaders in terms of vegetation control or be content to be just another local authority?

8. *TAAF contacted staff in March 2021 requesting that the policy review not be progressed. They noted that that there were no major issues with the policy, that amendments to schedule 1 do not require a full policy review, and that the community would be busy preparing submissions to the draft long-term plan.*

Comment: TAAF believed that the appetite for policy review would be limited due to LTP considerations therefore suggested that the review be delayed until after the adoption of the LTP. There has however been a review and rewrite of the policy. This evidenced by the stated purpose of the report and draft revised policy attached to the report

9. *In general, staff agreed that there are no issues driving a major review of the policy. Staff supported retention of the policy as it ensured the community had visibility over weed control and vegetation management practices. However, there are minor amendments to the policy that would make it more efficient for operational staff. Issues for consideration through this policy review are as follows;*

• *Allowing products to be added to schedule 1 where staff and TAAF are in agreement without seeking Council approval*   **This is supported by TAAF**
• *Providing for trials of new products*   **This is supported by TAAF**
• *Signage provisions in the policy*   **This is not supported by TAAF**
• *Removing use of the word "toxic".*   **This is not supported by TAAF**

OPTIONS ANALYSIS

Issue one: Process for amending schedule 1 (list of approved products)

13. *The amendment is 5.3.4 of the draft policy.*

14. *Table 1 below outlines the advantages and disadvantages of proceeding with the amendment or retaining the status quo.*

Comment: Provision of options in tabular format ease options comparisons but including *"(Preferred)"* in bold letters indicates that staff are simply asking for rubber stamping. This does not indicate the TAAF position on any proposal

TAAF supports option 1.1.1 *Amendments to schedule 1 can be made automatically where staff and TAAF agree (no Council approval required)*

15. *Should Council agree to option 1.1.1 above, the policy needs to outline a process when staff and TAAF disagree on amendments to schedule 1. This decision could be delegated to the Chief Executive as an operational matter or retained by Council to be consistent with the current policy.*

TAAF does not support item 1.2.1, this is inconsistent with existing policy purpose. Policy clause 1.1 states "The primary objective of this policy is to protect public health."

TAAF supports item 1.2.2 *Decisions on amendments to schedule 1 where staff and TAAF disagree made by Council (or committee with delegated authority)*

Issue two: Trials

Issue 2.1 – Providing for trials
17. In line with the principle of "prudent avoidance" (avoiding the use of new to market agrichemicals), there is currently no policy provision allowing council staff to trial a new product to determine its effectiveness in controlling unwanted vegetation. At present, undertaking trials (such as the recent trial of oxadiazon at three sportsfields summarised in paragraphs 20 to 21 below) requires the product to be added to schedule 1 for a specific time period. Trials may provide information that enables staff and TAAF to assess the product for permanent addition to schedule 1.
18. There are three options Council could consider in determining whether to allow for trials of products (noting only EPA approved products are permitted to be used).
• *Provide for trials with assessment based only on effectiveness in controlling unwanted vegetation,*
• *Provide for trials with assessment based on effectiveness in controlling unwanted vegetation and information on human health effects*
• *Do not provide for trials (status quo),*
19. Table 2 outlines the advantages and disadvantages of providing for trials in the policy or retaining the status quo.

TAAF does not support item 2.1

TAAF supports item 2.2. with the additional proviso that trial parameters including time limitations be agreed with TAAF before proceeding. It should be noted that TAAF does not accept the validity of all EPA statements. The wording of the draft policy clause 5.2.2 is not acceptable to TAAF

Oxadiazon trial

21. Schedule 1 currently notes that oxadiazon can only be used during the 2018/2019 financial year in two reserves. However, the Oceandowns development was delayed a year requiring the product to be used outside that time period. With the agreement of TAAF, the trial of this product was extended to Links Avenue Reserve. It is recommended that the schedule be updated to confirm the use of oxadiazon at Links Avenue Reserve and to delete reference to the financial year.

This contrary to the existing policy, clause 5.3.2 states "Amendments to Schedule 1 will be made by resolution of the Strategy and Policy Committee following consideration of information from staff and from the Toxic Agrichemicals Advisory Forum." No changes to Schedule 1 should be made until report recommendation *(i)* is fully considered. There has been no application for the permanent addition of Oxadiazon

Issue 3 Signage:

22. The attached draft policy removes the current signage provisions requiring signage advising of recent spraying to remain in place for a minimum of 48 hours after application. Reference is retained to requiring compliance with regional rules set through the Regional Natural Resources Plan (Plan Change 13 – Air Quality). Signs are required to remain in place while spraying is in progress, until all airborne spray has settled, and the **toxic** *agrichemical has dried on its target surface. All signs must be removed within five days.*

23. The current provision for signs requires them to remain in place for a minimum of 48 hours after applications. While this is in line with the overall precautionary nature of the policy, it is more efficient for contractors to remove signs once spraying is concluded or within 24 hours.

24. There are two options available to the Council – remove signage provisions noting that the regional rules apply or to retain the current provisions.

TAAF does not support item 3.1 *remove signage provisions noting that the regional rules apply*

TAAF supports item 3.2. *retain the current provisions.*

Comment: TAAF supports change to policy sign provisions and have previously suggested to TCC staff a signage review and upgrade. To this end TAAF wish to work with staff to achieve

clear informative, appropriate signage. The Proposed change will be a down grade of the existing inadequate sign requirements.

Comments on Option 3.2 disadvantages

- Risk of vandalism or theft of signs as signs are not promptly removed

This risk is not difficult to address

- Casual visitors may assume agrichemical application is ongoing or area remains unsafe

The purpose of signs is to inform visitors toxic agrichemical application is current or ongoing and the area remains unsafe. This is consistent with clause 1 of the policy

- Operationally inefficient

Operational efficiency can not be substituted for the protection of public health

Issue 4 - Use of "toxic"

25. Staff note that the use of toxic is redundant as most agrichemicals are by definition toxic. It is also highly emotive language. Council could choose to retain or delete the references to toxic.

Comment: As per the Grosafe website agrichemicals are defined in NZS8409 as plant protection products (herbicides, insecticides, fungicides), veterinary medicines, fumigants used in rural situations and agricultural use of detergents and sanitizers except those used in dairying.

www.growsafe.co.nz/StandardManual/Agrichemicals

The chemicals on schedule 1 are predominately herbicides and are toxic to humans, especially children and animals. To say an agrichemical is by definition 'toxic' is incorrect and the status quo of retaining references to 'toxic' in the policy should be maintained.

Other Matters

27. Under new regional rules, a notice on Council's website meets requirements for public notice of agrichemical use. As such, the policy has been updated to reflect this change.   Draft policy clause 5.5.6 refers

Comment: TAAF does not support this proposal

NEXT STEPS

39. Council is currently reviewing how it supports community advisory groups. Subject to the outcomes of that review, there may be a requirement to review the role of, and Council support to TAAF.

Report item 39 suggests there may not be a future role for TAAF. This in itself would require a review of the policy which item 39 infers is not needed at this time. TAAF exists by Council mandate as evidenced by draft policy clause 5.4 reproduced below

5.4 Toxic Agrichemicals Advisory Forum

5.4.1 The Toxic Agrichemicals Advisory Forum (the Forum) is a forum of interested and knowledgeable people who can assist the Strategy and Policy CommitteeCouncil in its determination of acceptable toxic agrichemicals and their circumstances of use.

5.4.2 Where appropriate the Forum will raise issues of concern or respond to issues raised by other parties (for example a proposal to add or delete an agrichemical from Schedule 1).

5.4.3 The Forum is not a formally constituted committee of Council and there will be no Councillor membership on the Forum

<u>Comments on draft policy changes not noted in report</u>

==Numbers here are draft policy clause numbers==

5.2 Use of toxic agrichemicals
5.2.2 Council may undertake temporary trials of agrichemicals to determine their effectiveness and efficiency in controlling unwanted vegetation in Tauranga. Trials will not consider matters already addressed by the Environmental Protection Agency in approving a product for use in New Zealand.

Comment: This will allow TCC staff/contractors to use anything approved by EPA without consulting TAAF or any other persons/groups

5.2.3 The Agrichemicals Advisory Forum must have input into the objectives, parameters and timeframes for any trials.

Comment: This is omitted from the report recommendations

5.5 Operational Proceedures
5.5.6 Additional notification may also occur in print media, and in Council's own publications.
Comment: This should read "Additional notification will also occur....." There are still many people in Tauranga who are not familiar with the use of electronic devices to find information on websites It appears that TCC are adopting a minimal effort approach to agrichemical use, not considering the needs and/or the health of residents. Prevention is cheaper and preferable to cure

5.5.7 Council will comply with the relevant specific signage requirements included in the operative Regional Air Plan.outlined in the Regional Natural Resources Plan. In addition to those requirements, Council will ensure that signs stating that toxic agrichemicals have been applied will remain in place for 48 hours after the time of application.
Comment: Clause should read *"All signage shall comply with TCC vegetation control signage standard".* As previously proposed, this standard should be developed conjointly by TCC and TAAF

5.6 Monitoring and Reporting
5.6.1 Council will collect, collate, monitor and ~~report~~ make publicly available information on the use of agrichemicals on Council-maintained land. ~~This information will be made publicly available in appropriate formats~~
Comment: "This information shall be accessible by TAAF*"* should be substituted for the strike out as the strike out will prevent total access by TAAF

9.2   Resource Management Issues and Options for the Tauranga City Plan

File Number: **A12608002**

Author: **Janine Speedy, Team Leader: City Planning**

Authoriser: **Christine Jones, General Manager: Strategy & Growth**

PURPOSE OF THE REPORT

1.   The purpose of this report is to endorse options to engage with stakeholders, tāngata whenua and the community on key issues identified previously by Council as part of the City Plan Review or future plan changes should the City Plan Review not proceed.

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

(a)   Receives the Resource Management Issues and Options for the Tauranga City Plan report.

(b)   Endorses the options to be considered for key resource management issues for the City Plan set out in Attachment 1.

(c)   Notes that options to address each key issue will be included in a discussion document seeking community, tāngata whenua and stakeholder feedback and may be altered or amended in respect of feedback received.

EXECUTIVE SUMMARY

2.   The next Tauranga City Plan will address an array of issues in accordance with the requirements of the Resource Management Act 1991 (RMA), national policy direction and the National Planning Standards 2019. As part of the City Plan Review process key issues were identified by the previous Council and through key stakeholder feedback.

3.   There is significant uncertainty around whether the City Plan review will be completed due to the current resource management reforms. Should this be the case, this preliminary issues and options work on key issues would be utilised instead to consider future plan changes and the development of a new (likely regional) plan under the proposed Natural and Built Environments Act.

4.   Issues and options papers have been prepared to confirm options to be considered for each key issue, where Council has a choice as to whether and how the City Plan might address that issue. In some cases a combination of options may be appropriate.

5.   This report seeks endorsement of options for these key issues, included as Attachment 1. These key issues and options will be included in a discussion document for engagement in October 2021. Feedback received through engagement will inform Council's direction on these issues.

6.   At this point, staff are not seeking direction on the preferred option for each issue, but confirmation of the options that have been identified. Staff will come back to the Committee following the completion of stakeholder, tāngata whenua and community engagement to seek direction on next steps.

BACKGROUND

7.   The Urban Form and Transport Committee approved a list of key issues for the City Plan review at its meeting on 24 November 2020, following a Council workshop held on 23 September 2020. The key issues cover the areas of managing growth, built environment, natural environment and sustainability, cultural values and infrastructure.

8. Each of the key issues identified is categorised into the following three groups:

    (a) Significant or complicated issues where Council has discretion on how to address the issue, or the role of the City Plan is unclear. In some cases, progressing a particular option may require unbudgeted investigation or technical work.

    (b) Other issues where Council also has discretion on how to address the issue, and whether the City Plan has a role.

    (c) Issues where Council has no option, such as managing natural hazard risk, with direction set through national and/or regional policy.

9. Options papers for each of the issues under group 'a' and 'b' above have been prepared and included as Attachment 1. This is to assist in further investigation and technical work to be undertaken around any particular option. Options papers for group 'c' are not considered necessary.

10. Papers have been prepared for each key issue, outlining what the issue is, how it fits in the strategic context and considering the possible options. The pros and cons and whether the option has been implemented elsewhere are considered as part of the options. An example paper is included as Attachment 2.

11. Endorsement is sought from the Committee on the options for key issues as these are considered significant to implementation of higher order documents and the direction for the discussion document.

STRATEGIC / STATUTORY CONTEXT

12. The Resource Management Act 1991 (RMA) sets out the management of subdivision, use and development for Tauranga City through the City Plan. The City Plan must also give effect to current national policy statements and the regional policy statement and must adhere to the National Planning Standards.

13. The role the City Plan can take in addressing some issues for the City may be limited or is better addressed through other legislation or Council strategies and policies, or by other parties.

14. The government is currently advancing significant resource management reforms which put in doubt whether the City Plan review project will be progressed to notification. We are awaiting more definitive advice on this matter. At this stage a 'no regrets' approach to advancing the City Plan review is being undertaken and no formal process would be commenced until there is certainty on this matter.

FINANCIAL CONSIDERATIONS

15. There are no financial considerations associated with this report. The cost associated with the City Plan Review is proposed through the Long-Term Plan 2021-2031 as agreed by the Urban Form and Transport Development Committee on 21 July 2020.

LEGAL IMPLICATIONS / RISKS

16. Section 32 of the RMA requires Council to evaluate options to address resource management objectives. The options for key issues identified will form part of the section 32 report on a chapter by chapter basis.

17. Some options have legal implications for Council, and these are noted in the options papers.

CONSULTATION / ENGAGEMENT

18. Workshops with stakeholders were held in early March 2021 to identify issues and possible solutions or opportunities. Two hui have been held with iwi and hapu on 30 March and 20 April 2021 to identify issues for tāngata whenua, and specifically those key issues within the 'Cultural Values' section of the key issues table included as Attachment 1.

19.   A second series of workshops is planned for July to consider in more detail how the City Plan might address stakeholder and tāngata whenua issues and concerns.

20.   Key issues and options are to be presented to the community, tāngata whenua and stakeholders in late-September 2021 through a set of topic-based discussion documents.

SIGNIFICANCE

21.   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.

22.   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 matter.

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

23.   In accordance with the considerations above, criteria and thresholds in the policy, the City Plan Review has been identified as high significance that has high public interest, however confirmation of options to address key issues provided in this report is of low significance.

ENGAGEMENT

24.   Taking into consideration the above assessment, that the decision is of low significance, the proposed engagement on key issues and options is an appropriate response.

NEXT STEPS

25.   The options to address the key issues will form part of the topic-based discussion documents to be made available for stakeholder, tāngata whenua and community feedback in late-September 2021. Feedback will inform the development of the draft City Plan (or alternative future plan changes) and shape how each issue is addressed. Information in the discussion documents will be prepared for the community and key stakeholders to be interactive with feedback sought through an online survey and other means.

26.   Once feedback has been received, direction will be sought from the Committee on next steps.

ATTACHMENTS

1.   **Summary Table - Key Resource Management Issues and Options - 1 June 2021 - A12603108** ⇩ 📄

2.   **Key Issues and Options - Housing Affordability - May 2021 - A12619892** ⇩ 📄

Key Resource Management Issues and Options Summary Table

Key Issue	Issue Statement or Outcome Sought	Options for City Plan (excludes wider Council response to issue)
Managing Growth		

Housing Affordability	Houses are increasingly unaffordable for many living, or wanting to live, in Tauranga.	1. Continue with existing policy direction set out through SmartGrowth and the Future Development Strategy such as Te Papa Spatial Plan, future spatial planning and Plan Change 26 (Housing Choice).
		
		2. Non-RMA response - leadership role, local initiatives and partnerships such as:
		
		  a) Creation of an Urban Development Authority (UDA)
		  b) Council-led development and partnerships
		  c) Council support of non-profit housing trusts
		  d) Targeted Rates
		
		3. Investigate the introduction of mandatory Inclusionary Zoning provisions in the City Plan

Housing Choice	Providing a range of housing types across the City to best meets the needs of existing and future residents.	1. Rely on existing City Plan rules which encourages standalone dwellings across the city and Government approaches through the NPS-UD 2. City Plan – Policy Approach. *Promote a diverse range of residential types and sizes in different zones and larger developments* 3. City Plan – Incentives-based approach. Provide *incentives for development to incorporate range of housing types in exchange for additional floor area.* 4. City Plan – Rules Approach – Density and Typology. *Through a rule framework require a diverse range of residential densities and typologies in different zones.* 5. City Plan – Rules Approach – Dwelling size. *Through the rule framework require a range of housing sizes and bedrooms within each development to accommodate the differing needs of occupants*

Covenants	Covenants over large areas of the city have restricted future redevelopment and intensification of sites.	1. No active role for Council. Recognises that covenants are dealt with under the Property Law Act 2007. 2. Non-regulatory influence. *This may include voluntary agreements with developers and advocating for changes to current legislation.*
Commercial Hierarchy/Centres	Current Commercial Zone has resulted in unintended conflicts with land uses. The commercial zones need to enable economic efficiency and vibrancy of Tauranga's centres, to deliver amenity, transport choice and services to Tauranga communities	1. Granular Zoning: Full suite of National Planning Standard tools. *Use a suite of zones to distinguish areas/centres/corridors, each with its own outcomes and interventions.* 2. Flat Commercial Zoning: Narrow suite of National Planning Standard tools. *Apply a single commercial zone to a wide range of commercial centres/areas/corridors* 3. Inclusive Centre Zones *Provide strong centres-based policy to provide a vibrant, productive centre*
Industrial Land	Providing sufficient industrial land within Tauranga and across the western Bay of Plenty sub-region for business and economic growth while managing conflict with other land uses.	1. Rely on existing policy framework for industrial activities *Provides one industrial zone across large areas and bespoke rule framework for some industrial areas.* 2. Review spatial application of industrial zones and re-write of the industrial zones *Appropriate rule frameworks to provide for industrial uses using National Planning Standard zones and managing effects associated with industrial land, particularly the management of sensitive areas.*
Built Environment		
Visitor Accommodation	Managing the amenity effects of visitor accommodation and potential impacts on housing supply, rental housing, social housing and housing affordability within Tauranga City.	1. Rely on existing City Plan approach *Manage and regulate traditional forms of visitor accommodation such as hotels and motels.* 2. Existing approach widened to address various accommodation scenarios 3. Address supply and location, amenity and compliance in conjunction other measures. *This may include registration, differing development contributions, or rating visitor accommodation premises differently from residential dwellings*

Summary Table Key Issues and Options - City Plan Review 1 June 2021   2

Universal Design	Providing buildings that are **designed** to make them accessible to all people, regardless of age, disability or other factors.	1. No statutory requirements for universal design in development in City Plan 2. Mandatory universal design requirements in the City Plan. 3. Incentives approach - Provide incentives for universal *design within developments.*
Urban Design	Ensuring quality well designed urban form outcomes for Tauranga that provides built form amenity for the City's future communities.	1. Rely on existing policy approach with limited urban design guidance within the City Plan 2. Require Urban Design outcomes through City Plan *Provide a framework of urban design objectives, policies and rules.* 3. Establish an Urban Design Panel 4. Non-RMA response – education and urban design guidelines
Natural Environment and Sustainability		
Tree Protection	Whether the City Plan protects significant trees on private land and the implications of relevant City Plan provisions on the landowners such as what is considered minor works.	1. Retain existing notable and significant groups of trees and provisions 2. Review notable tree register and provisions 3. Remove notable tree protections
Energy Efficiency	Promoting or requiring energy efficiency in new development.	1. Rely on existing City Plan which provides general objective and policy direction and provides some energy efficiency initiatives as a permitted activity 2. Incentivise, and enable/encourage energy efficiency in the City Plan for new developments 3. Mandatory requirements in City Plan for energy efficiency use to be incorporated into development
Water Efficiency	With continued growth of Tauranga and the effects of climate change, the amount of water we use and way we are currently using is unsustainable.	1. No regulatory requirements for water efficient measures and water sensitive design for new development, but provide policy direction 2. Incentivise, and enable/encourage water efficient measures and water sensitive design through the City Plan 3. Mandatory water efficient measures and water sensitive design requirements in the City Plan

Summary Table Key Issues and Options - City Plan Review 1 June 2021   3

		4. Promote a bylaw to address water efficient measures and water sensitive design measures
		5. Address water efficient measures and water sensitive design measures through the Infrastructure Development Code
Water Quality	The Tauranga Harbour and rivers and streams in Tauranga are degraded.	4. Maintain the low level of City Plan provisions to influence water quality outcomes
		5. Develop provisions for the City Plan to implement an integrated management approach to water quality and give effect to the NPS for Freshwater
		6. Implementation of water quality projects through council funded capital works projects
		7. Implementation through a bylaw and/or development code
Cultural Values		
Viewshafts	Whether protecting viewshafts in the development of our growing city is important, and if so, how should viewshafts be protected.	1. Continued use of existing viewshafts from Marae to Mauao and framework which measures the viewshaft from the permitted height of the relevant zone.
		2. Review how viewshafts are measured in the City Plan and consider spatial planning outcomes including any desires for potential new viewshafts
Significant Maori Areas	How to recognise and protect areas of cultural significance to tāngata whenua.	1. Retain existing Significant Maori Areas within the City Plan
		2. Review existing Significant Maori Areas and potential to incorporate new sites in the City Plan
		3. Include further provisions to protect 'other' sites of significance
		4. Use non-regulatory mechanisms
Papakāinga (Housing) on Māori Land	How to enable the development and construction of Māori freehold and multiple-owned land for papakāinga housing and other forms of development.	1. Rely on existing framework for papakāinga through the Rural Zone and specific zones with updates
		2. Provide additional opportunities for development

Infrastructure		
Roading Hierarchy	Whether the City Plan Road Hierarchy is an appropriate classification system to manage Tauranga's transport network and whether it aligns with other strategic road hierarchies, including the One Network Framework, Urban Form Transport Initiative and Western Bay of Plenty Transport System Plan.	1. Rely on existing road hierarchy as set out in section 5 of the planning maps which focuses on land use and subdivision control. 2. Review road hierarchy to align with regional and central government strategies and resolve any conflicts between classifications
Infrastructure Development Code	Ensuring that subdivision and development in the City mitigates adverse environmental effects by meeting Tauranga City Council's requirements and standards for infrastructure design and performance.	1. Maintain the IDC as non-statutory document, but review and if needed, update, the Chapter 12 Appendices through the City Plan Review. 2. Incorporate the entire IDC into the City Plan by reference 3. Implement the IDC using a bylaw under the Local Government Act 2002 4. Implement the IDC through resource consent conditions 5. Adopt the IDC under the Local Government Act 2002

Key Issues and Options – City Plan Review

Issue – Housing Affordability

What is the Issue?

Houses are increasingly unaffordable for many living, or wanting to live, in Tauranga.

Strategic Context

There are significant affordability challenges currently for housing in Tauranga City in terms of both house prices and rents. There has been a significant divergence between growth in household incomes and house prices and rents over several decades, which is being exacerbated by different housing needs across the community and limited supply compared with demand.
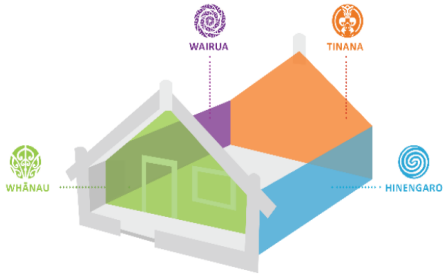
The National Policy Statement on Urban Development 2020 requires councils to make planning decisions to improve housing affordability by supporting competitive land and development markets.

Housing affordability is a national issue for communities across New Zealand. The *SmartGrowth Future Development Strategy 2018* seeks sufficient development capacity to enable delivery of housing in the most cost-effective manner and through a range of housing types. More recently the *Urban Form and Transport Initiative Final Report 2020* seeks to increase the amount of social and affordable housing delivered in the sub-region, at the right size and in the right locations.

Principles

Principle	Commentary
Central government requirements	The National Policy Statement on Urban Development 2020 (NPS-UD) requires Council to make planning decisions to improve housing affordability by supporting competitive land and development markets.
	The NPS-UD identifies Tauranga as a 'Tier 1 urban environment', and accordingly sets requirements around development capacity for housing and housing bottom lines, together with the objective of planning decisions that improve housing affordability. Analysis undertaken by councils must include the effect planning decisions on the affordability and competitiveness of the local housing market.
Previous Council direction and decision-making	Key decisions
	• *DC362 Growth Funding Review: Economic Growth and Affordable Housing Incentives* (Council, 29 November 2011) Potential to introduce targeted reductions to development contributions for specific purposes, eg affordable housing. Resolution was not to change approach to charging development contributions.
	• *DC20 Advancing Housing Affordability* (Council, 16 February 2016) Report considered Council's possible actions in respect of the SmartGrowth Action 10E5 Housing Affordability Pilot Project affordable housing initiatives. Resolution included reviewing the City Plan provisions (through the Compact City project) to ensure they enable a range of housing choices/typologies to be developed including

	more affordable options like duplexes, small lot detached housing (Plan Change 26).
• *DC108 Housing Policy Options for Greenfield Development – Tauriko West and Te Tumu Plan Changes* (City Transformation Committee, 5 June 2018) Discussion about various options involved in the delivery of social and affordable housing through inclusionary zoning, reductions to development contributions, betterment/value uplift levies, and partnerships with housing trusts. Resolution was to progress with plan changes (and other mechanisms) to provide for minimum density requirements, minimum requirements to deliver mix of housing typologies, minimum percentage of one and two bedroom houses in each development.
Strategic alignment	*SmartGrowth Strategy 2013* - improving housing affordability is captured as part of growing a sustainable economy.

SmartGrowth Future Development Strategy 2018 (FDS)- identifies housing affordability as a sub-regional issue, and seeks sufficient development capacity to enable delivery of housing in the most cost-effective manner and through a range of housing types.

Urban Form and Transport Initiative (UFTI) - seeks to increase the amount of social and affordable housing delivered in the sub-region, at the right size and in the right locations.

Kainga Tupu Homelessness Action Plan – includes actions for the City Plan to consider to aid housing supply. |
| Implementability | Council can consider:

• Embedding either mandatory inclusionary zoning principles in City Plan provisions – viability of development and developer acceptance would be key implementability issues;
• Continue with existing strategic policy direction to increase housing supply, housing variety and lobbying of central government for legislative solutions;
• A proactive approach to non-City Plan mechanisms for increasing housing affordability, including leveraging off publicly-owned land – implementation will involve the establishment of vehicles/structures (such as Council-controlled organisations) which are not currently in place. |
| Alignment with Council's community outcomes and principles | **We are inclusive, and value our culture and diversity** - *Tauranga is a city that recognises and values culture and diversity, and where people of all ages and backgrounds are included, feel safe, connected and healthy.*

Affordability of housing is key to ensuring social inclusion, and provides for diverse and connected communities. |

Key Issues and Options - Housing Affordability - City Plan Review, May 2021 (A12517631)   2

Well-being approach	This issue relates to the economic and social aspects of the four well-beings quadrant.
Risk of Acting or Not Acting	**Risk of acting** • Conflict with development sector about need for/nature of any new planning interventions. • Potential to not achieve housing affordability outcomes if correct "levers" are not used. • Risk of planning interventions being overtaken by circumstances, particularly through government directives • Risk that options progressed are unable to be implemented through the current legislative framework. **Risk of not acting** • Potential for continued degradation of housing affordability. • Reputation loss for Council if unable to provide appropriate housing for its community. • Loss of sector of the workforce which requires access to lower cost housing (ie, lower-paid employees deciding to relocate out of the sub-region because of housing affordability).

Options

Option 1 – Investigate the introduction of mandatory Inclusionary Zoning provisions in the City Plan

Inclusionary zoning provides councils with the ability to implement a planning system in recognition of the concept of planning gain or value uplift. Typically, value uplift and capture tools such as inclusionary zoning will take the form of setting aside a minimum percentage of units within a residential development to be affordable to households at a particular income level. It may take the form of vesting of land or payment of financial contributions by developers into nominated housing land trusts.

Mandatory schemes will either incentivise through the provision of density bonuses[1], or can disincentivise the creation of single standalone dwellings. Importantly, it is noted in most literature that affordable housing tools such as inclusionary zoning must work together, not in isolation with policy, regulatory and market tools, including government funding.

Overseas experience demonstrates limited uptake of voluntary inclusionary zoning requirements, therefore the discussion in this report is directed towards mandatory provisions.

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[1] Other regulatory incentives to the developer, can include: reductions in or waivers of consent fees or fast-tracking where a consent is required; access to Council-owned land at low or no cost; reductions in development contributions and rates; height/site coverage bonuses

Key Issues and Options - Housing Affordability - City Plan Review, May 2021 (A12517631)   3

Pros: Provides council with the opportunity to regulate the provision of affordable housing, and potentially help reduce upward pressure on local land/house prices.

Cons: Resistance from development community as inclusionary zoning is perceived as indirect taxation and represents reductions in profit margins. Can result in less houses being produced, at a higher cost, as market-rate units effectively need to subsidise the non-market housing component. Inclusionary zoning does not immediately address contributory factors such as the high cost of land – newly released land in suburban areas will be benchmarked against previously developed areas. If not seamlessly integrated into a development, inclusionary zoning can result in adverse social issues such as stigmatisation and residential economic segregation. Host community objections to affordable housing and perceptions of characteristics of occupants, and concerns about devaluation of property values in proximity to affordable housing[2]. If affordable stock enters the broader market and the price is bid up, the problem of insufficient supply is compounded – therefore buyer qualification, longevity of price restrictions attached, retention mechanisms, and allowable appreciation need to be controlled. The measure of affordability would have to be carefully defined. As set out in the local government remit it is currently very challenging to implement workable inclusionary zoning provisions under existing legislation. No council in NZ has successfully implemented mandatory requirements for inclusionary zoning through a district plan.

Financial implications: Reporting to understand the viability of using inclusionary zoning in greenfield v brownfield development including price points and effect on developer profit margins. Costs associated with legal challenge to the establishment of inclusionary zoning provisions in City Plan. Potential costs associated with establishing an entity to manage contributions. The costs to Council associated with adjusting revenue stream (from consent fees/development contributions waiver) or other incentive schemes where complementary "levers" are utilised.

Other Councils considering Inclusionary Zoning:

Queenstown Lakes District Council

Policies and practices creating a supply of affordable housing in Queenstown were initiated in 2004 through non-RMA 'stakeholder deeds involving allocating of 5% of land for affordable housing as part of the plan change process to rezone rural land to residential subdivision. The deeds set the eligibility criteria and required the housing to be transferred to the ownership and management of not-for-profit entity Queenstown Lakes Community Housing Trust (QLCHT).

An attempt to incorporate inclusionary zoning provisions into District Plan resulted in a prolonged legal challenge. Provisions became a matter of assessment, rather than rules-based and mandatory.

QLDC is proposing to notify a plan change prior to the end of 2021 which will strengthen the requirements for affordable housing within the District Plan.

Auckland City Council

A resource management approach to addressing affordable housing was advanced by including mandatory inclusionary zoning provisions (and retention mechanisms) in the Draft and Proposed Auckland Unitary Plan (PAUP), requiring a 10% contribution of all new housing developments to be retained as affordable housing. The policy required compulsory inclusionary zoning in greenfield areas and was voluntary in brownfield areas. The redevelopment of brownfield areas was to be accompanied by a bonus scheme (potentially extra storeys or additional building coverage). This approach was not supported

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[2] Analysis of house price data from Queenstown found no significant negative impact on house price changes (Sense Partners, *Inclusionary Zoning – The evidence from Queenstown*, 3 April 2017)

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by the Independent Hearings Panel, as it was considered that provisions could not be directly linked to effects arising from the plan, and were therefore not appropriate under the RMA.

A voluntary inclusionary zoning approach using development bonuses for developments providing affordable housing was also investigated. However, this approach was considered unviable in the Auckland Unitary Plan context as there are no density controls through the majority of residential zones.

<u>Porirua City Council</u>

Did not introduce affordable housing as it was too difficult to define and has the potential to become timebound. A non-RMA Residential Incentives Policy had no uptake.

<u>Hamilton City Council</u>

Currently investigating inclusionary zoning.

Tauranga context

If PC26 provisions are retained as notified, an enabling framework will be provided. With no or minimal density standard requirements, the incentive of extra density for affordable housing provision to complement an inclusionary zoning framework does not exist. Incentives of extra height (over and above the increases in height proposed as part of PC26) would have to be weighed against profitability considerations (ie, higher construction costs inherent in building multi-storey buildings), and community acceptance issues. Incentives and alternative levers are discussed further in Option 3.

Option 2. Continue with existing policy approach

This option pursues existing strategic policy direction and settings formulated through SmartGrowth work on the Future Development Strategy (FDS). The development of the Te Papa Spatial Plan, future spatial planning projects and the policy framework contained in PC26 provides for concentration of growth and an "up" response to contribute to the "out" of greenfield development.

Part of this response includes engagement with central government for legislative solutions, with Council proposing or supporting remits through Local Government New Zealand (LGNZ) in 2019, (Remit 10) on Social Housing[3], and 2020 (Remit 2[4]).

Pros: Follows the pathway that has been consulted on, so the community has a level of comfort with policy direction which is designed to create and enable capacity. Funding has already been provided for within the Long-term Plan.

Council continues to provide input as necessary to influence policy and regulatory settings at a national level. Utilises a collective "voice" to articulate the difficulties in the housing affordability space faced by territorial authorities through LGNZ. It is not necessary to substantively adjust policy settings or direction taken by council.

Cons: Whilst work has been undertaken to investigate the full range of interventions contemplated by the FDS (targeted rates, development, strategic land acquisition, inclusionary zoning, shared equity in new housing, urban development agencies, local government led development)[5], this option does not implement them. The market continues to supply properties at a rate which keeps prices high – 'no land developer or builder is going to build faster than they can sell... if they did, they'd be cutting their own financial throats.'[6]

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[3] https://www.lgnz.co.nz/assets/b669b814a0/2019-AGM-Remits.pdf
[4] https://www.lgnz.co.nz/assets/2020-AGM-Remits-V2.pdf
[5] Proposed SmartGrowth Future Development Strategy 2018, page 53
[6] https://www.nzherald.co.nz/business/land-bankers-sitting-pretty/3UFCHA63IJGENVPKO25KLZ52JE/

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Incentives to increase the supply side of the equation will not automatically translate into greater housing affordability – current market conditions favour larger stand-alone housing for the middle and high end of the housing market.

Council has lack of certainty that housing affordability will be prioritised on schedule of legislative interventions by central government. Problems with the creation of housing supply (including affordable stock) will be compounded by deficits in infrastructure available to service this housing, and the ability of councils to fund it. If policy direction through a National Policy Statement requires the creation of affordable housing but funding for necessary infrastructure is not provided by central Government, council would be placed under greater fiscal pressure.

Financial implications: Costs associated with continuation of workstream and with continuation of joint initiatives with other councils.

Option 3 - Non-RMA response - leadership role, local initiatives and partnerships

A research report for UFTI (*Tools for increasing social and affordable housing in the Western Bay of Plenty*, March 2020) promulgates a number of work tranches that could be explored in the affordable housing space.

These include:
   a) *Creation of an Urban Development Authority (UDA)*
   b) *Council-led development and partnerships*
   c) *Council support of non-profit housing trusts*
   d) *Targeted Rates*

Research in the affordable housing space promulgates alternative levers such as development contributions/fees waivers.

Pros: Allows council to be proactive in creating opportunity for affordable housing.

a) As a council-controlled organisation (CCO), a UDA would ensure greater operating efficiency including taxation benefits and access to a wider range of funding sources. Being arm's length from the local authority means that financial risk from activities or ventures involving other parties is ring-fenced.

Cons: a) Establishment of a UDA would require a comprehensive body of work to understand the local development market and context. There would be a considerable time lag before a UDA could generate affordable housing. The scale of the undertaking of CCOs need to justify establishment and operational costs. Tension can exist from the profit-led nature of a CCO and the delivery of community outcomes.

b) and c) General resistance by the community to publicly-owned land being taken out of direct Council control/ownership. Deriving income through increases in rates to support a public good is not generally supported by sectors of the community which do not benefit from that good, so rates-based funding of a community housing provider has the potential to be politically unpopular.

d) Levying of a targeted rate on banked land could produce inequitable results where there are genuine reasons for not developing, eg collective ownership situations. Use of a targeted rate to provide for affordable housing could present a legal challenge and has not been utilised by any other council to date – the Local Government Rating Act is generally used to fund infrastructure and services that benefit identifiable taxpayers rather than in support of a public good.

Development contributions/fees waivers may be insufficient to incentivise the delivery of affordable units as part of a development and this cost of infrastructure would need to come from other areas, such as rates. It would be necessary to consider alternative scenarios

which compensate the developer for less than market returns on affordable housing provided. An example would be the payment developers receive in Minneapolis for voluntarily delivering a higher proportion of affordable homes than those required under inclusionary housing requirements.[7]

Financial implications: Legal costs to establish the required ownership/partnership vehicles (CCOs) and oversight. CCO establishment, overhead and operational costs including audit costs. Legal challenges to ownership changes or rating proposals.

Queenstown Lakes District Council

Contributed land from developers, together with financial support from Housing NZ, is managed by QLCHT which delivers rental or leasehold arrangements, with the Trust retaining land ownership in perpetuity and leasing to homeowners at a concessional rate. The dwelling is purchased from the Trust and any value increase is capped at an annual CPI rate or equivalent, and must be sold back into the Trust's pool of buyers.

Auckland City Council

A council-controlled organisation (Panuku) manages council's property portfolio and leads urban development projects by leveraging the council's property portfolio, partnering with other entities rather than building properties itself. Funding is by a combination of Long-term Plan council funding and reinvestment of sales, along with partnering with government, iwi, not-for-profit and commercial developers. Targeted rates are also being considered.

Hamilton City Council

Hamilton City Council approved the establishment of the Waikato Community Lands Trust in 2019 to help address housing affordability. This a community owned trust to follow the Queenstown Lakes model holding land in perpetuity to provide access to affordable housing for the benefit of the community. Hamilton City Council committed an initial $2 million to the Trust as a seed funding for purchasing land.

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[7] Ryan, K. and Russell, S., *Tools for increasing social and affordable housing in the Western Bay of Plenty – Research for the Urban Form and Transport Initiative*, March 2020

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9.3 Three Waters Reform Programme Update

File Number: A12695030

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Kathryn Sharplin, Manager: Finance

Authoriser: Paul Davidson, General Manager: Corporate Services

PURPOSE OF THE REPORT

1. To inform the Strategy, Finance and Risk Committee (SFRC) of the direction, issues, opportunities, and matters relating to the national Three Waters Reform Programme, which is being led by the Department of Internal Affairs (DIA); and

2. To share information about regional and local collaborative initiatives involving Tauranga City Council (TCC) which are linked to readiness for water reforms.

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

(a) Receives the report Three Waters Reform Programme Update; and

(b) Recommends to Council that it continue to support Tauranga City Council's involvement in collaborative workstreams with other local authorities in the Water Entity B area, as proposed by the Department of Internal Affairs.

DISCUSSION

Background

3. The Three Waters Reform Programme Update presented to the SRFC on 28th June 2021 signalled significant decisions and announcements would be forthcoming from Cabinet during late June / early July 2021.

4. This paper summarises the key steps taken by DIA since the last report was tabled, as well as the ongoing collaborative work undertaken by the *Waikato/Bay of Plenty Three Waters Reform Consortium* (WaiBoP) of which TCC is a member.

Central Government / DIA update

5. On 30th June 2021, the Minister of Local Government Hon. Nanaia Mahuta announced the Cabinet proposal to establish four water entities across New Zealand to deliver the three water services currently delivered by 67 local authorities.

6. An overview of the proposed new system for three waters service delivery is summarised in the diagrams below:

A new system for three waters service delivery

DIAGRAM 1
JUNE 2021

1. A CASE FOR CHANGE

This Government has ambitions to significantly improve the safety, quality, resilience, accessibility, and performance of three waters services, in a way that is efficient and affordable for New Zealanders. This is critical for:

- public health and wellbeing;
- environmental outcomes;
- economic growth and employment;
- housing and urban development;
- adapting to the impacts of climate change;
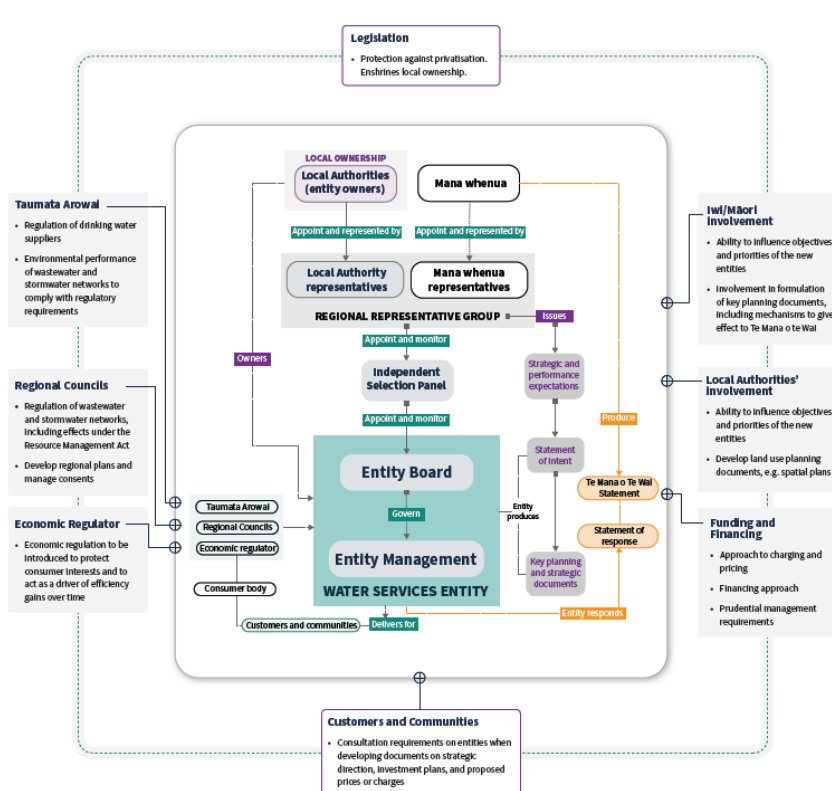- mitigating the effects of natural hazards.

Government also wants to ensure it delivers on Treaty-related obligations, including by improving outcomes for Iwi/Māori in relation to three waters service delivery.

Integral to this is effective infrastructure delivery, underpinned by an efficient, high-performing, financially-sustainable, and transparent three waters system.

2. KEY DESIGN FEATURES

- Maintaining local authority ownership of water services entities;
- Protecting against privatisation;
- Retaining influence of local authorities and mana whenua over strategic and performance expectations;
- Providing the necessary balance sheet separations from local authorities; and
- An integrated regulatory system.

3. A NEW WATER SERVICES SYSTEM

Legislation
- Protection against privatisation.
- Enshrines local ownership.

Taumata Arowai
- Regulation of drinking water suppliers
- Environmental performance of wastewater and stormwater networks to comply with regulatory requirements

Regional Councils
- Regulation of wastewater and stormwater networks, including effects under the Resource Management Act
- Develop regional plans and manage consents

Economic Regulator
- Economic regulation to be introduced to protect consumer interests and to act as a driver of efficiency gains over time

LOCAL OWNERSHIP
Local Authorities (entity owners) — Appoint and represented by — Local Authority representatives

Mana whenua — Appoint and represented by — Mana whenua representatives

REGIONAL REPRESENTATIVE GROUP — Issues

Appoint and monitor

Independent Selection Panel

Appoint and monitor

Entity Board — Govern — Entity Management
WATER SERVICES ENTITY

Owners: Taumata Arowai, Regional Councils, Economic regulator, Consumer body

Strategic and performance expectations

Statement of Intent

Te Mana o Te Wai Statement — Produce

Statement of response — Entity responds

Key planning and strategic documents — Entity produces

Customers and communities — Delivers for

Customers and Communities
- Consultation requirements on entities when developing documents on strategic direction, investment plans, and proposed prices or charges

4. OBJECTIVES FOR THE CROWN/MĀORI RELATIONSHIP

Enabling greater strategic influence to exercise rangatiratanga over water services delivery.

A Integration of Iwi/Māori rights and interests within a wider system.

B Reflection of a holistic te ao Māori perspective.

C Supporting clear account and ensure roles, responsibilities, and accountability for the relationship with the Treaty partner.

D Improving outcomes at a local level to enable a step change improvement in delivery of water services for Iwi/Māori.

Iwi/Māori involvement
- Ability to influence objectives and priorities of the new entities
- Involvement in formulation of key planning documents, including mechanisms to give effect to Te Mana o te Wai

Local Authorities' involvement
- Ability to influence objectives and priorities of the new entities
- Develop land use planning documents, e.g. spatial plans

Funding and Financing
- Approach to charging and pricing
- Financing approach
- Prudential management requirements

5. A PARTNERSHIP-BASED REFORM

Government will continue to work in partnership with Iwi/Māori and local authorities.

A large scale communication effort is required to ensure local government support reform.

Further decisions are yet to be taken by Cabinet on the arrangement for transition to, and implementing, the new system.

A new system for three waters service delivery

The number and boundary of entities needs to balance scale with other factors

DIAGRAM 2
JUNE 2021

1. FACTORS CONSIDERED TO DETERMINE NUMBER AND BOUNDARIES

A range of factors have been analysed to help determine how many entities there should be, and their boundaries:

A Potential to achieve scale benefits from a larger water service delivery entity to a broader population/customer base.

B Alignment of geographical boundaries to encompass natural communities of interest, belonging and identity including rohe/takiwā.

C Relationship with relevant regulatory boundaries including to enable water to be managed from source to the sea - ki uta ki tai.

Applied economic analysis, informed by international evidence, provides further confidence that each entity would need to serve a connected population of at least 600,000 to 800,000 to achieve the desired level of scale.

The preferred approach is to create four new water services entities, and to enable all communities to benefit from reform.

2. PROPOSED BOUNDARIES

Government has agreed to a preferred set of entity boundaries. However, the Government remains interested in continuing discussion with local government and Iwi/Māori most affected by the proposed boundary choices. In particular:

1 South Island entity
Whether there should be a single entity covering the whole of the South Island, or instead take an approach that uses the Ngāi Tahu takiwā.

2 Taranaki region
Which entity would include the Taranaki region, taking into account ki uta ki tai, whakapapa connections, and economic geography/community of interests.

3 Hauraki Gulf
Whether to include other districts surrounding the Hauraki Gulf, enabling a more integrated approach to the management of the Hauraki Gulf marine catchment.

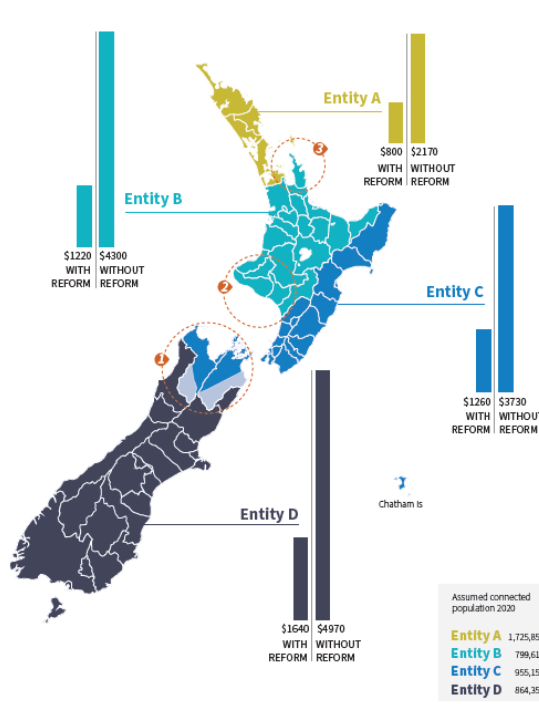*The map highlights the recommended boundaries.*

3. OUR INTENTION IS THAT ALL COMMUNITIES BENEFIT FROM REFORM

Latest estimates indicate that the amount of investment required to:

- provide for future population growth
- replace and refurbish existing infrastructure
- upgrade three waters assets to meet drinking water and environmental standards

Is in the order of
$120 billion to $185 billion
over the next 30 to 40 years.

4. PROJECTED HOUSEHOLD COSTS 2051

Entity A
$800 WITH REFORM | $2170 WITHOUT REFORM

Entity B
$1220 WITH REFORM | $4300 WITHOUT REFORM

Entity C
$1260 WITH REFORM | $3730 WITHOUT REFORM

Entity D
$1640 WITH REFORM | $4970 WITHOUT REFORM

Chatham Is

Assumed connected population 2020
Entity A 1,725,850
Entity B 799,610
Entity C 955,150
Entity D 864,350

The figures presented above for household bills with and without reform set out what an average household would be likely to pay for three waters services in 2051, in today's dollars, based on analysis by the Water Industry Commission for Scotland.

A weighted average figure is presented for household bill estimates without reform, to account for the wide variance between council pricing policies. This weighted average figure reflects the proportion of the connected population that resides in each council area relative to neighbouring councils within the relevant water services entity.

5. POTENTIAL IMPACTS

Difference in household costs

Average household costs for most councils on a standalone basis in 2051 are likely to range from between $1,910 to $8,690.

The scale of investment required between now and 2051, would require average household costs to increase by between three to 13 times in real terms for rural councils, between two and eight times for provincial councils and between 1.5 and seven times for metropolitan councils.

Average household costs
$500 / $2,580 (2021)
$1,910 / $8,690 (2051)

Source: Water Industry Commission for Scotland Analysis 2021
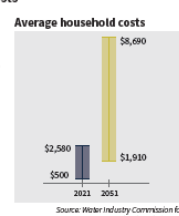
Current household costs

Currently there are a wide range of current (2019) average household costs.

	LOW	HIGH	MEDIAN	MEAN
Metro	$500	$1,920	$1,050	$1,120
Provincial	$610	$2,550	$1,120	$1,300
Rural	$210	$2,580	$1,340	$1,390

Source: Water Industry Commission for Scotland Analysis 2021

Current costs are not necessarily a good reflection of what funding is required to meet the full costs of economic depreciation (that is, to provide resources for asset maintenance and renewal).

Potential economic impact of reform

The economic impact assessment estimates the impact of a material step up in investment in connection with reform, relative to the level of investment that might be expected in the absence of reform.

Change relative to counter-factual, 2022-2051

Net change in GDP p.a. over 30 years	▲	0.3% to 0.5%
Present value increase in GDP	▲	$14b to 23b
Average increase in FTEs	▲	5,850 to 9,260
Increase in average wages	▲	0.2% to 0.3%
Present value increase in taxes	▲	$4b to $6b

Source: Deloitte Three Waters Reform Economic Impact Assessment 2021

7.   Tauranga is proposed to be part of Entity B, together with 22 TLAs from the Waikato, Bay of Plenty, Taranaki and Manawatu regions.

Hamilton	Rotorua Lakes	Waikato
Hauraki	Ruapehu	Waipa
Kawerau	South Taranaki	Waitomo
Matamata-Piako	South Waikato	Western Bay of
New Plymouth	Stratford	Plenty
Opotiki	Taupo	Whakatane
Otorohanga	Tauranga	Whanganui
Rangitikei	Thames-Coromandel	
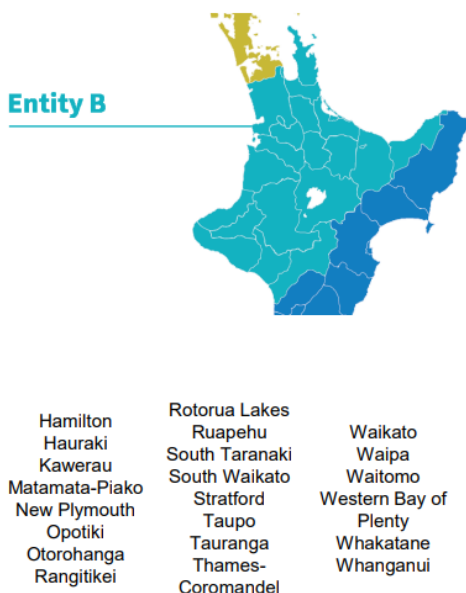
8.   While Councils in each entity's region would be the legislated owners on behalf of their communities, they will not be 'shareholders' and will not derive dividends from that ownership status.

9.   The DIA also released dashboards for each local authority as part of the announcement of entity boundaries. These dashboards were "… *created to help councils and their communities understand how elements of the three waters system are performing at a glance and the potential opportunities of reform for individual councils. They pull together information from across a number of sources into a consolidated evidence base for three waters reform*".

10.   The Tauranga dashboard is included below:
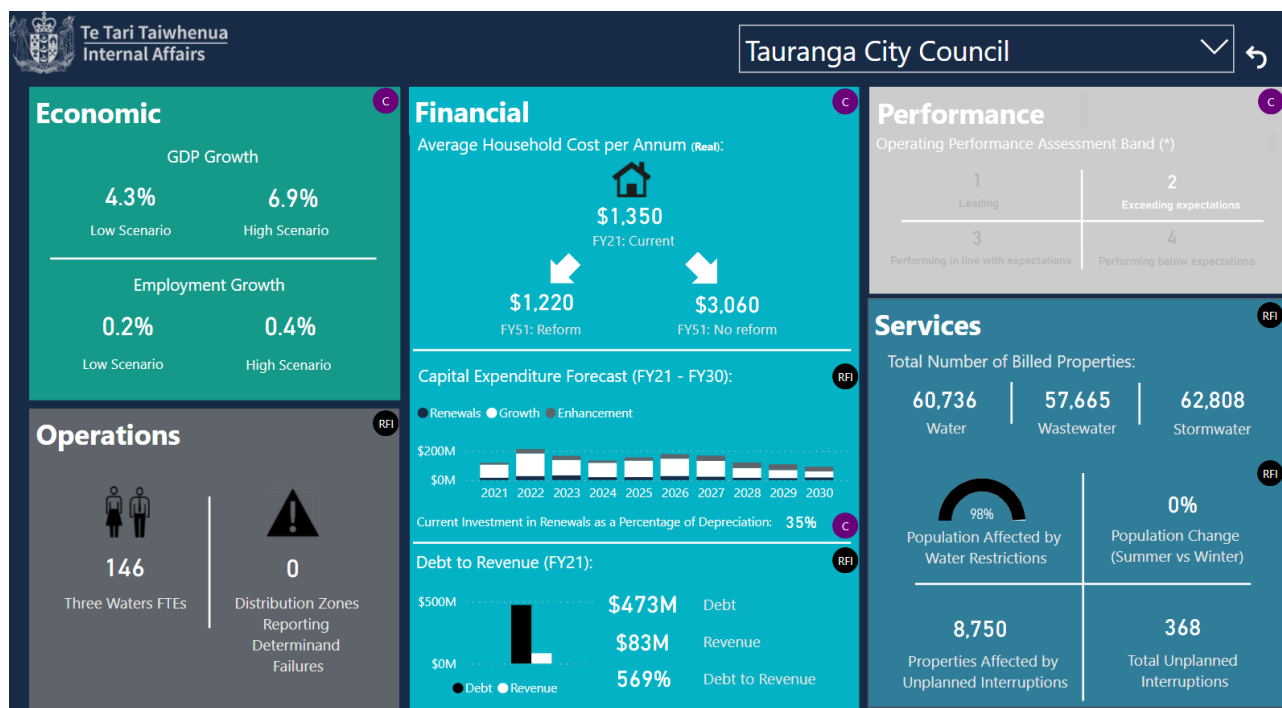
11.   The detailed financial modelling and assumptions undertaken by the Water Industry Commission for Scotland (WICS) on behalf of DIA, and on which the national proposal is based, has been individualised for each Council so that financial sensitivities can be better understood. The financial gains identified in the dashboard above are based on WICS assumptions for the region. These have not been verified by TCC staff because the regional detail has not been provided.   However, staff have applied our final LTP budgets and assumptions to the model, which supports savings in the future from reforms compared with TCC alone. The modelled savings seem realistic based on potential benefits of scale and expertise that are assumed to be associated with a regional entity.

12.   On 15th July 2021 the DIA announced the "Three Waters Reforms Programme – Support package" at the Local Government New Zealand (LGNZ) conference. Refer Three Waters Reform Useful Links, below.

13.   The package has been developed by Government in partnership with LGNZ and is intended to support the sector through the transition to the new water services delivery system.

14.   The package proposes to provide Tauranga $ 48,405,014 of financial support from the total national package of $2.5 Billion.

15.   At the time of writing this report, the detailed terms and conditions associated with this support package are unknown. Once further information is received, this will be reported to this Committee in more detail.

Partnership with Tauranga Moana tangata whenua

16.   We have committed to working closely in partnership with Te Rangapū Mana Whenua o Tauranga Moana (RMW) as information regarding the Three Waters Reforms becomes more available. TCC has involved mana whenua early, face to face and sharing as much information as possible as soon as it is received.

17.   RMW have received regular information updates from TCC staff and have advised clear principles they are advocating for in the reforms. In particular the preservation of mana whenua relationships with taonga is a high priority as well as the inclusion of mātauranga Māori to inform future management and provision.

18.   With Māori capability and capacity as a constant barrier and challenge, TCC has resourced a dedicated programme of Māori engagement to ensure any developments are well advised, well considered and that any potential solutions are well presented for consideration.

WaiBoP Consortium Work

19.   As previously reported, the work undertake WaiBoP partners is considered to compliment the work undertaken at a national level by DIA, not to replace it.

20.   Four WaiBoP workstreams have continued over the intervening period to develop a better understanding of the transition challenges across the participating Councils. Some work is in a holding pattern awaiting further Cabinet decisions and DIA announcements.

21.   The consortium is also starting to focus more time and effort on the development of a "balanced scorecard" approach to understanding the water services opportunities and challenges more comprehensively. This goes beyond a purely financial consideration, and aims to bring important service, community, cultural, customer, environmental, asset and other considerations into the conversation. This is a work-in-progress and will be built around the following key elements:

Service

- Drinking water standards & compliance
- Wastewater systems compliance & improved freshwater quality
- Robust /sustainable storm water network
- Non-council water supplies

Finance & Funding

- Council balance sheet & debt capacity
- Cost of service & efficiency savings
- Impact on rates / charges for 3 waters
- Residual council (incl. overheads)

Council preparedness for water reform

Key Considerations

Workforce, Delivery & Capability

- Workforce suitability and sustainability
- IT, asset management systems & processes
- Supply chain

Community & Wellbeing

- Iwi/Māori
- Local infrastructure issues and priorities
- Development and growth

22. On 7th July the Chief Executives of the original 16 WaiBoP Councils held a video conference meeting and agreed to reach out to the Taranaki and Manawatu Councils with the view to re-set the program. Following on from this, a face to face hui of the 22 TLAs was arranged to be held in Taupo on 5th August 2021.

NEXT STEPS

23. Central government has indicated the following upcoming milestones:

    (a)   A Cabinet meeting is likely to be held before the end of September to address implementation issues ("how" the reform will be done). Until this step is completed, there will be several unanswered questions for staff. A key question will be whether the reform will be compulsory or voluntary for Councils, and this may have significant implications on how the change is communicated and implemented.

    (b)   The four proposed entity boundaries require further clarification for some Councils (not TCC) - consultation with affected councils is expected to be completed before the actual boundaries are confirmed by September 2021.

    (c)   The overall water reform program is still on track to have future water services entities operational by July 2024.

24. TCC will seek further clarification on the terms and conditions associated with the Three Waters Reforms Programme Support Package during August 2021.

25. The WaiBoP consortium's Chief Executives will be meeting with Taranaki and Manawatu counterparts to reset and align future readiness work along the Entity B proposal boundaries.

26. As further Cabinet decisions on water reforms get announced, these will be workshopped with Commissioners and Rangapū, as well as any key findings emerging from the WaiBoP consortium's workstreams.

27. A summary of the balanced scorecard, work with mana Whenua, as well as other updates will be reported to Strategy Finance and Risk Committee on 20 September.

Three Waters Reform Useful Links

Three Waters Reforms Programme - Local dashboard FAQs announced on 30th June 2021

Three Waters Reforms Programme – Support Package announced on 15th July 2021

ATTACHMENTS

Nil

ATTACHMENTS

Nil

9.4   Revocation of policies

File Number: **A11859099**

Author: **Ariell King, Team Leader: Policy**

                       Jeremy Boase, Manager: Strategy and Corporate Planning

                       Vicky Grant-Ussher, Policy Analyst

Authoriser: **Christine Jones, General Manager: Strategy & Growth**

PURPOSE OF THE REPORT

1.   To consider rescinding a number of Council policies.

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

     (a)   **Rescind** the Māori Roadways Policy 1993

     (b)   **Rescind** the Car Parking Building Policy 1996

     (c)   **Rescind** the Guarantees Loan Funding Policy 1999

     (d)   **Rescind** the Interpretive Signage Policy 2005

     (e)   **Rescind** the Tauranga Marina Policy 2000

     (f)   **Rescind** the Petitions Policy 2001

     (g)   **Rescind** the Project Management Structure Policy 2005

     (h)   **Rescind** the Petitions in Council Public Places Policy 1991

EXECUTIVE SUMMARY

2.   A review of existing Council policies has been undertaken. The review process has identified eight Council policies that are out-of-date, no longer adding value, or are covered by other legal instruments or agreements. Therefore, it is recommended that these policies are rescinded. The policies recommended to be rescinded are provided in Attachment 1.

3.   Work has started on a second tranche of policies which require further analysis before rescinding. This analysis will be provided to the Council for consideration in late 2021.

BACKGROUND

4.   All adopted Council policies are presented on the council website: http://www.tauranga.govt.nz/council-documents-reports/bylaws-policies/policies.aspx.

5.   Regular reviews are undertaken to ensure policies that are no longer required are rescinded.

DISCUSSION

6.   Four policies have been identified that are out of date and no longer adding value (See Table One). These policies are rarely used and the policy team, in conjunction with the relevant business units, consider a council policy is no longer needed to achieve the desired outcome. Similar results could be achieved through existing council processes or by considering requests on a case by case basis.

Table One: Out of date policies

Policy	Advantages of rescinding	Disadvantages of rescinding
Māori Roadways 1993	This policy was created in response to several Māori roadways that needed upgrading that have now become formed roads. The policy has had little recent use as lately road upgrades have been through subdivision processes. The council can continue to consider requests for Māori roadways to be upgraded but on a case by case basis. **Recommended to rescind.**	Nil
Car Parking building 1996	This policy was adopted in 1996 and is used one or two times a year. When council receives a proposal to use a carparking building outside of opening hours in future we propose the property team consider the request on a case by case basis. This would include considering any recovery of operational costs involved. **Recommended to rescind.**	Nil
Guarantees Loan Funding 1999	This policy sets out specific loan conditions required when council acts as a guarantor to community groups seeking loan funds to protect the council's investments. We have received one request for a loan guarantee in the last three years and the loan and the conditions were considered by Council as part of the Annual Plan. It is expected similar outcomes would be achieved by the finance team assigning appropriate loan conditions on a case by case basis when providing loans for Council approval. **Recommended to rescind.**	Nil
Interpretive Signage 2005	This policy was adopted in 2005 when a heritage trail and museum were being considered. Core aspects of the policy such as when to use signage, the placement and content of signage and consultation procedures are now considered early in project planning for council projects to ensure consistency and appropriate content. **Recommended to rescind.**	Nil

7.   Table Two sets out the policies that are now covered by other agreements meaning the policies are no longer required.

Table Two: Policies now covered by other agreements

Policy	Advantages of rescinding	Disadvantages of rescinding
Tauranga Marina 2000	This policy sets out council's position on the Marina and form of licence agreement with the Tauranga Marina Society in order to provide affordable facilities for boat owners and Marina users. A renewed Marina agreement covers the content of the policy and the agreement is valid until 31 August 2050 making this policy redundant. **Recommended to rescind.**	Nil

Petitions 2001	This policy sets out the protocol for council to receive petitions. Similar rules for managing petitions are now included in the Council standing orders. Removing the policy will clarify the Council's process for petitions and better reflect current practice. **Recommended to rescind.**	Nil
Project Management Structure 2005	Successful delivery of projects and realisation of their intended benefits is one of the ways that Council can achieve its strategic direction and meet the needs and wants of our communities. Council's existing project governance framework policy and procedure was developed and adopted in 2005. It reflected what was intended at that point in time and has not been subject to a review. In practice it has been superseded by the development of the Project Lifecycle Process which is an internal system including templates and resources for project management at Council. Over the past 18 months a significant amount of time and effort has been undertaken to create and implement a new approach to project management. This has included the creation of the Capital Programme Assurance Division (CPAD). CPAD will support and enable all project delivery teams across Council with good industry practice frameworks, systems, reporting, processes, procedures and advice. The aim of CPAD is to become a centre of excellence for programme and project management so that guidance and support is provided for anyone undertaking a project or building a programme within Council. The Project Lifecyle Process will remain as the default project management framework until the CPAD introduces the new framework to the organisation. To ensure that there is no confusion regarding the correct framework it is necessary to rescind the outdated 2005 policy. **Recommended to rescind.**	Nil

8. Analysis of the Petitions in Council Public Places policy is provided in Table Three. We recommend rescinding this policy as the core aspects of the policy are covered through the Street Use and Public Places Bylaw. There is a minor implication of rescinding the policy (that orderly petitions could take places in council public places) however we do not consider this justifies retaining this policy.

Table Three: Policies now partially covered by other legal instruments

Policy	Rationale for rescinding	Implications of rescinding
Petitions in Council Public Places 1991	This policy sets out that petitions are not permitted in any council public places. However, the Street Use and Public Places Bylaw provides for 'events, parades and assembly' in public places subject to a number of conditions that would ensure people gathering signatures for a petition do not impede pedestrian access, create a nuisance or display unauthorised signage or structures. Public Place is defined as following in the bylaw: *means a place under the control of Council that at any time is open to or is being used by the public, whether free or for payment of a charge and includes every road, street, Footpath, court, alley, pedestrian mall, cycle track, lane, accessway, thoroughfare, Reserve, park, domain, beach, foreshore, and any other place of public recreation or resort.* **Recommended to rescind.**	Would allow orderly gathering of signatures for a petition in council public places.

SIGNIFICANCE

9.   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.

10.   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.

11.   In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the recommendations are of low significance.

CONSULTATION / ENGAGEMENT

12.   Based on the low level of significance of the recommendations it is not considered necessary to undertake community engagement as there is no significant anticipated impact from rescinding the policies.

NEXT STEPS

13.   The council website will be updated to reflect the decisions.

14.   Analysis on a second tranche of policies that could potentially be rescinded will be provided to Council for consideration in late 2021.

ATTACHMENTS

1.   **Appendix - policies to rescind - A12736277** ⬇ 📄

Carparking Building

M96/28.24 Corporate Strategy 22.4.96 (DC 234) 1240-0

That, as a matter of policy, the carpark building only be made available for use outside opening hours for the static displays of vehicles where the proceeds from the activity are made available to charity and all costs associated with the use of the carpark building are met by the users.

That, as a matter of policy, the designated carpark areas be made available for use outside opening hours. For charity events, the operational costs are to be met by the users. For commercial activities all costs are to be met by the users and a fee is to be paid to the Council as negotiated for the use of the designated carpark areas.

That for any use of designated carparks, other than carparking, the user obtains the necessary resource consents, building consents or other permits at their cost.

Use of Carparking Building on Designated Carparks on Sunday and Other Times When They are Not Used for Parking

M96/28.24 Corporate Strategy 22.4.96 (DC 234) 1240-0, 1240-6

A replacement report for this item had been previously circulated to members. Cr Adams expressed a concern regarding arrangements made for issues like the Have-a-Go free use of the car parking building. It was noted that the proposal did not preclude such use.

Moved Cr Faulkner/Seconded Cr Dillon

That it be Resolved

(a)   That the Chief Executive's Report (DC 234) be received.

(b)   That, as a matter of policy, the carpark building only be made available for use outside opening hours for the static displays of vehicles where the proceeds from the activity are made available to charity and all costs associated with the use of the carpark building are met by the users.

(c)   That, as a matter of policy, the designated carpark areas be made available for use outside opening hours. For charity events, the operational costs are to be met by the users. For commercial activities all costs are to be met by the users and a fee is to be paid to the Council as negotiated for the use of the designated carpark areas.

(d)   That for any use of designated carparks, other than carparking, the user obtains the necessary resource consents, building consents or other permits at their cost.

TCC Ref: 448969

GUARANTEES LOAN FUNDING

M99/115.2 Special Policy/Resources 7.12.99 (DC 711) 3700-0, 6360-158

Tauranga District Council adopt the following policy as outlined in respect of the provision of guarantees to community groups and organisations seeking loan funds.

That Council act as a guarantor of last resort in respect of loans granted to community groups and organisations, subject to the following conditions:

a)   The club to have a Strategic Plan / Business Plan in place.

b)   The Asset Manager (Facilities/Reserves) to approve expenditure.

c)   The production of a certificate from an independent Chartered Accountant which confirms the ability of the group or organisation to repay the loan sought (with supporting documentation as required by the Director of Finance.

d)   The production of annual audited accounts, including a report from the Auditor as to his/her opinion of the solvency of the organisation, and such other information as may be necessary, to satisfy the Director of Finance of the ability of the group or organisation to repay the loan sought.

e)   The term of any loan and guarantee not to exceed 10 years.

f)   Council to be notified immediately by the bank of any default by the club in relation to servicing the debt.

g)   Council to be given the right to attend club meetings, including the Annual General Meeting.

h)   Subject to appropriate legal and professional advice the transfer to the Council of assets of the group or organisation to the value of any amount outstanding in the event of default in respect of any guarantee granted.

If practicable the Director of Finance submit all requests for guarantees to the Council for approval prior to them being agreed to, or where this is not practicable, they be reported at its next meeting.

That Council, on the advice of the Director of Finance where appropriate, releases any existing personal guarantees given by members of community groups or organisations in favour of Council pursuant to the previous Loan Guarantee Funding Policy.

TCC Ref: 451378

COUNCIL SUPPORTING POLICY

POLICY TITLE:	**INTERPRETIVE SIGNAGE**
Lead Policy	
Minute Ref:	M05/88.4
Date of Adoption	**22 August 2005**

1.   POLICY OBJECTIVES

To ensure a consistent approach to the provision of Interpretive Signage throughout Tauranga City.

To raise awareness and understanding of significant sites in the city and contribute to the sense of place and unique identity of Tauranga City.

2.   PRINCIPLES

Council has a responsibility to promote social, environmental and cultural wellbeing. Interpretive Signage is one way of doing this.

Interpretive Signage can play a role in the telling of stories. These stories contribute to people's community pride, sense of ownership, and the unique identity of our city. It is also important to recognise that there could be varying stories about the same event and each has its place in our history.

Interpretive Signage is instrumental is sharing the untold history of a place and preserving the memories of a community. It also enables links to be made between today and what has happened in the past.

Interpretive Signage is a method of communication that has the ability to appeal to an audience through a variety of tools, irrespective of the viewer's language or reading level.

Council has responsibility for areas of cultural, historical and environmental significance. These areas contribute to our sense of place and it is important that the community are aware of their significance.

The importance of a site cannot always be captured by the site alone. Interpretive Signage plays a role in explaining an area's significance.

TCC Ref: 566745   Page 1

3.   **DEFINITIONS**

Interpretive Signage is a tool to communicate information to help residents and visitors appreciate and understand more about the environment, history and culture of a site or location.

4.   **BACKGROUND**

The need for an Interpretive Signage Policy arose out of a project investigating the development of a heritage trail through the inner city. It was recognised at this time that there were issues surrounding the development of Interpretive Signage across the city in regard to sites of environmental, historical and cultural significance.

The major issue highlighted was the need for consistency in the overall approach to Interpretive Signage, and ensuring that individual signs or projects are not undertaken in isolation from the network of Interpretive Signage across the city.

Tauranga City is experiencing considerable growth and there is a need to ensure that areas of environmental, historical and/or cultural importance were acknowledged, and these stories are preserved for existing and future generations.

5.   **POLICY STATEMENT**

5.1   **When to Use Interpretive Signage**

Council will provide Interpretive Signage to further the knowledge and understanding of residents and visitors about a place or event where:

- there has been a significant change in the area; **and/or**
- an important historical event has occurred; **and/or**
- the area is of environmental, historical and/or cultural significance; **and/or**
- areas area of such environmental, historical and/or cultural significance that they are noted in the district plan; **and/or**
- the area has important conservation values that need to be communicated.

5.2   **Consistency in Approach to Providing Interpretive Signage**

Council will provide Interpretive Signage that is appropriate and relevant to the location and subject and contributes to the city's sense of place. Tauranga City Council branding will be used on all Interpretive Signage developed, however its use will recognise the overall design of the sign, its content and location.

5.3   **Placement and Location**

Council will erect Interpretive Signage in a location that enhances, but does not detract from, the location or subject. This is to be planned as part of the overall project.

5.4   Content and Level of Information

Council will provide information at a level appropriate to the general public.

Council will provide information in the context of the city, and the region where appropriate, with consideration to, and not in isolation from, other sites.

The provision of further and more detailed information may also be made through other methods to further enhance knowledge, eg brochures or walking guides.

5.5   Interpretive Signage in Partnership

Council requires that all parties involved negotiate the most appropriate provision of Interpretive Signage. However all signs must still meet the provisions of the policy eg content, placement, consistency etc

When providing Interpretive Signage in partnership with others the appropriateness of branding can be negotiated and agreed upon by all parties involved

6.   RELEVANT DELEGATIONS

The Chief Executive or his/her delegate has responsibility for the implementation of this policy.

A reference group will be responsible for the approval of all Interpretive Signage content and design to ensure it meets policy standards.

7.   REFERENCES AND RELEVANT LEGISLATION

Tauranga City Council District Plan

Resource Management Act

Historic Places Act

TCC Ref: 566745   Page 3

Maori Road Ways

M 55.6 Policy 18.5.93

That discussions be held with appropriate Iwi representatives over the following draft guidelines for dealing with the control and maintenance of Maori roadways:

(1) In all cases, written application to Council on behalf of the owners be obtained, including consent of the owners as per Section 31 of the Local Government Act No. 2 1989.

(2) That only Maori roadways serving five or more households or such other level of community involvement that Council may, at its discretion, agree to be considered for legalisation.

(3) That the road reserve width be adequate for the existing service to be provided in terms of Council's Code of Practice for Development (12 m minimum width).

(4) That Council's involvement with traffic control and carriageway maintenance be subject to Council gaining legal interest in the roadway by way of having it declared a public road and, where necessary, the owners meeting a mutually agreed percentage of the cost to upgrade it to the required standard.

(5) That upon the terms outlined above being satisfied, Council will accept all further costs for maintaining the road to Council's network standards and confirm this in writing to all owners served by the roadway.

TCC Ref: 448968

USE OF PUBLIC SPACE AND PROPERTY

TAURANGA MARINA

M00/3.23 Policy/Resources 14.2.00 (DC 5) 8400-4

Council policy in respect of the Tauranga Marina be:

That Council provide and operate the Marina for the use of boat owners.

That the Marina be operated to provide affordable facilities for boat owners and Marina users.

That the existing contract with the Tauranga Marina Society to manage, operate, maintain and develop the marina, be continued, such contract to be on a performance basis with all obligations being the responsibility of the Marina Society, subject to approval by the Council, of any development work.

That Council adopt a new form of licence agreement on the following basis:

(i)   That the term of the licence be to 30 November 2020.

(ii)   That the transfer of licences be permitted but only on the basis that the term of the licence be for the balance of the term remaining on the licence i.e. it will still have a final expiry date of 30 November 2020.

(iii)   That the value of the berth be based on a current day construction value as assessed by a registered Quantity Surveyor on an annual basis.

(iv)   That the sale of a boat and berth together be permitted on the basis that strict provisions apply to ensure the value attached to the boat is in accord with its market value and that a statutory declaration be obtained from the parties to any sale and purchase to the effect that no other payment or consideration is made in respect of the matter.

That the Chief Executive ensure that the provisions of the Management Agreement between Council and the Marina Society are followed and monitored   to   ensure   compliance   is   achieved.

File No.: 2010-2

ADMINISTRATION LEAD POLICY

POLICY TITLE:	Project Management Structure
Minute Ref:	M02/132.9
Review Date:	October 2005

1. POLICY OBJECTIVES

- To ensure that Council consistently uses appropriate management structures when managing projects.

2. PRINCIPLES

- Use of the appropriate project management structure is critical to the potential success of a project.

- Good project management requires that responsibilities and accountabilities are identified and documented.

- While the project structures included in this policy are to be treated as 'standards', it is recognised that the specific circumstances of individual projects may require management and governance structures that do not follow these standards.

3. DEFINITIONS

Project

A project is any series of activities, other than routine processes or operational tasks, that possess all of the following characteristics:

- has a specific objective to be completed within certain specifications, and

- has defined start and finish dates, and

- utilises resources (money and/or people and/or equipment).

Project Management Group

A Project Management Group is a group of staff members and expert advisors that exercises a project overview and that assists the efforts of the Project Manager.

Project Manager

The person who heads up the project team and is assigned the authority and responsibility for conducting the project and meeting project objectives through project management.

Project Sponsor

The owner of the project business case. The Project Sponsor represents Council's interests in the project.

Project Steering Group

A Project Steering Group is a group of elected members and senior staff members that forms part of the governance structure overseeing the project. A Project Steering Group may also include community representatives, external experts or other external advisors.

Project Team

A Project Team is a team of people (staff members, consultants and in some instances community representatives) engaged by the Project Manager to undertake the project. Some of the Project Team members may also be part of the Project Management Group but this is not mandatory. In other circumstances a staff member may be included on the Project Team while his/her manager is included on the Project Management Group.

4.   BACKGROUND

Project Management Groups

The Project Management Group fulfils a management-level advisory role on the project. The Project Management Group will not be involved in significant day-to-day management of the project, but members will be required to use their expertise from time-to-time to assist the Project Manager.

The decision whether or not to use a Project Management Group is taken by the Project Sponsor. If the project is significantly complex to require a Project Steering Group, then a Project Management Group becomes mandatory.

Project Steering Groups

A Project Steering Group forms part of the governance structure overseeing the project.

> *The role of the Project Steering Group could be compared to the role of a Board of Directors in that they are not involved in the day-to-day management of the work, but rather set the broad direction to be implemented by the staff responsible for the day-to-day management and administration of the project.*

While the Project Steering Group undertakes a governance role for the project, membership of the Project Steering Group can be drawn from both the governance (elected members) and senior management arms of Council and from the community.

Project Types

- A project where both a Project Steering Group and a Project Management Group are included in the project management framework is referred to as a Scenario One project.

- A project where a Project Management Group is included in the project management framework, but where a Project Steering Group is not included is referred to as a Scenario Two project.

- A project where neither a Project Steering Group nor a Project Management Group is included in the project management framework is referred to as a Scenario Three project.

5.   POLICY STATEMENT

5.1.   Use of a Project Steering Group

- Where one or more of the criteria for a Project Steering Group are met, a Project Steering Group is ordinarily required to be included in the project management structure.

- Where one or more of the criteria for a Project Steering Group are met, a decision not to include a Project Steering Group in the project management structure is at the discretion of the Chief Executive, having taken advice from Council.

5.2.   Criteria for a Project Steering Group

The following criteria will be taken into consideration when determining whether a Project Steering Group is required for the project:

- Where the total project value exceeds $5 million.

- Where the project is a discrete part of a larger project the value of which exceeds $10 million.

- Where the project involves a significant degree of political or organisational risk.

- Where the project is subject to significant public interest or scrutiny.

- Where the project is linked to other significant projects with a high degree of inter-dependence.

5.3.   Use of a Project Management Group

- Where the project management framework includes a Project Steering Group, use of a Project Management Group is mandatory.

- Where one or more of the criteria for a Project Management Group are met, a Project Management Group is ordinarily required to be included in the project management structure.

- Where one or more of the criteria for a Project Management Group are met, a decision not to include a Project Management Group in the project management structure is at the discretion of the Chief Executive having taken advice from Council.

5.4.   Criteria for a Project Management Group

The following criteria will be taken into consideration when determining whether a Project Management Group is required for the project:

- Where a significant project is sufficiently diverse that the Project Manager can not be expected to have the necessary level of skills or experience in all facets of the project.

- Where the success of the project will be clearly advantaged by involving several different Council departments.

- Where there is no recent internal experience in completing a similar project.

- Any project where a "two heads are better than one" approach is likely to benefit the project outcomes.

5.5.   Roles and Responsibilities

- The attached standard roles and responsibilities will be applied to all project management scenarios.

- Variations to the standard roles and responsibilities for a project are at the sole discretion of the Chief Executive.

5.6.   Project Stages

- It is recognised that a single project may require different project management structures at different stages of the life of the project.

- It is recognised that membership of the Project Steering Group, the Project Management Group, and the Project Team may be different at different stages of the life of a project.

6.   RELEVANT DELEGATIONS

With the exception of items specifically requiring approval of the Chief Executive, implementation of this policy is delegated to Group Managers or their delegates.

Decisions to:

- Create a Project Steering Group, or

- Not to use a Project Steering Group despite one or more of the criteria being met, or

- Not to use a Project Management Group despite one or more of the criteria being met

are to be made by the Chief Executive having taken advice from Council.

7.   REFERENCES AND RELEVANT LEGISLATION

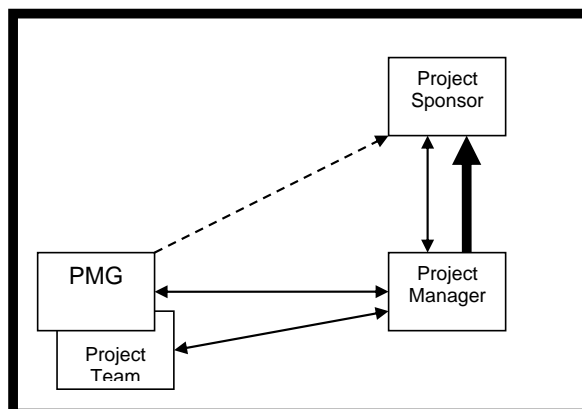See Appendix 1 for an overview of accountabilities and information flows for Scenario 1, 2 and 3 projects.

See Appendix 2 for roles and responsibilities under each Scenario.
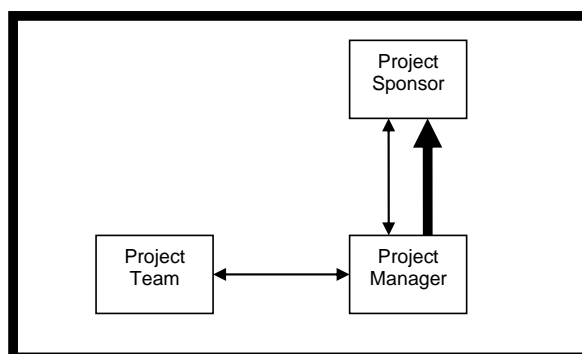
Scenario 1   Both Project Steering Group and Project Management Group required
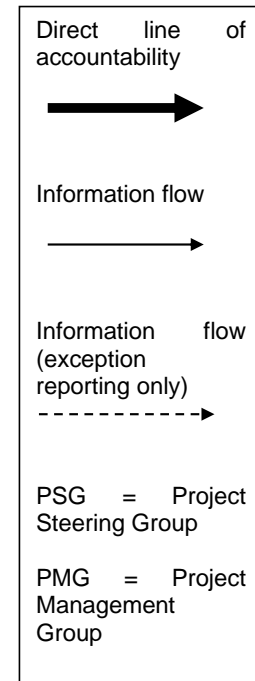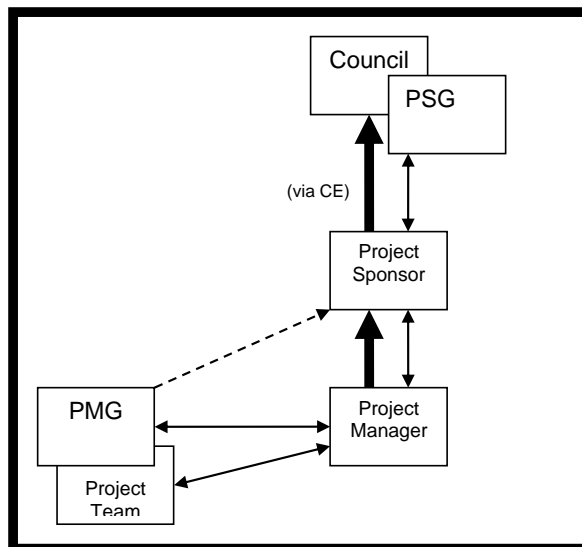
Scenario 2   Just Project Management Group required

Scenario 3   Neither Project Control Group nor Project Management Group used

PROJECT ROLES AND RESPONSIBILITIES

This document details the standard roles and responsibilities for the four main elements of project control used at Tauranga District Council:

- Project Steering Group

- Project Sponsor

- Project Management Group

- Project Manager

These terms, roles and responsibilities are standard and are to be used for all applicable projects. Variation of the roles and responsibilities is at the sole discretion of the Chief Executive.

There are three potential project management scenarios, with different defined roles and responsibilities for each. The three scenarios are:

	Project Steering Group	**Project Sponsor**	**Project Management Group**	**Project Manager**
Scenario 1	✓	✓	✓	✓
Scenario 2		✓	✓	✓
Scenario 3		✓		✓

Examples of project characteristics fitting the three scenarios (see Project Management Structure Administration Policy for a full list of circumstances where such groups may be appropriate).

Scenario 1
- Large and complex project

- High political sensitivity

- High degree of public scrutiny

- Project of a type not previously or recently undertaken by Council

- High community interest and a high level of community buy-in necessary to ensure success

Scenario 2
- Project requires significant input from a variety of Council departments

- Project of a type not previously or recently undertaken by Council

Scenario 3
- Project reasonably straightforward

- Significant in-house experience running similar projects

- Issues are well known or easy to identify

Note that the Project Sponsor will vary depending on the type of project. Typically, the Project Sponsor will be at the following level:

Appendix 2

Scenario 1   CE or Group Manager
Scenario 2   Divisional Manager
Scenario 3   Budget Holder (who may also be the Divisional Manager)

Appendix 2

Roles And Responsibilities	Scenario 1					Scenario 2			Scenario 3	
	PS	PSG Chair	PSG	PMG	PM	PS	PMG	PM	PS	PM
Initiates the project	✓					✓			✓	
Establishes initial project objectives subject to Council resolutions. Objectives may be adapted or amended by PSG later if applicable.	✓					✓			✓	
Establishes the accountability framework for the project (i.e. whether a PSG and/or PMG are required)	✓					✓			✓	
Acts as the 'project champion' to Council, CE or Group Manager	✓					✓			✓	
Is personally accountable to Council (via CE and Group Manager where applicable) for delivery of the project (on time, to budget, and meeting the agreed specifications)	✓					✓			✓	
'Owns' the project budget (even if individual line items are spread over other budgets)	✓					✓			✓	
Identifies potential members of the Project Steering Group who are likely to benefit the advancement of the project (Council may be required to make the final appointments)	✓					███	███	███	███	███
Selects the members of the Project Management Group (with input from PSG and PM where appropriate)	✓					✓			███	███
In an advisory capacity, ensures Project Steering Group remains focused on the project and doesn't become side-tracked (or at the least, identifies the potential risks to the PSG if and when they do become side-tracked)	✓					███	███	███	███	███

Appendix 2

Roles And Responsibilities	Scenario 1					Scenario 2			Scenario 3	
	PS	PSG Chair	PSG	PMG	PM	PS	PMG	PM	PS	PM
Responsible for reporting back to Council or the appropriate Committee (via CE and Group Manager where applicable) if it is proposed to significantly change the scope of the project post-evaluation (or if the cost is likely to significantly change)	✓					✓			✓	
Appoints the Project Manager	✓					✓			✓	
Receives regular reports from the Project Manager	✓					✓			✓	
Holds the Project Manager accountable for the delivery of the project	✓					✓			✓	
Approves detailed work plans and budgets at the beginning of each stage of the project	✓					✓			✓	
Liaises with the CE (via Group Manager where applicable) to ensure that the resources are made available to ensure the success of the project	✓					✓			✓	
If a Chairperson of the PSG is appointed:										
Ensures PSG operates within its responsibilities		✓								
Reviews reports before they are included on the PSG agenda		✓								
Manages PSG meeting agendas in consultation with Project Sponsor and Project Manager		✓								
Liaises with Project Sponsor and Project Manager		✓								

Appendix 2

Roles And Responsibilities	Scenario 1					Scenario 2			Scenario 3	
	PS	PSG Chair	PSG	PMG	PM	PS	PMG	PM	PS	PM
Provides a facilitative style of chairing that enables quality, participation and outcomes		✓								
If a Chairperson of the PSG is not appointed:										
Agree on how decisions will be made			✓							
Decide whether there will be a spokesperson for the PSG and, if so, appoint that spokesperson			✓							
Determine how matters of dispute will be resolved			✓							
Is a governance subset rather than a management function			✓							
Reviews strategic project objectives and recommends to Council			✓							
Guides the project strategically (defines the boundaries of the project)			✓			✓			✓	
Defines 'project success' (must be both measurable and quantifiable)			✓			✓			✓	
Monitors overall progress of the project			✓			✓			✓	
Receives regular reports from the Project Sponsor (with assistance from Project Manager)			✓							
Represents the consultative voice on the project			✓							
Reports to Council (via CE and Group Manager where applicable) on	✓		✓			✓			✓	

Appendix 2

Roles And Responsibilities	Scenario 1					Scenario 2			Scenario 3	
	PS	PSG Chair	PSG	PMG	PM	PS	PMG	PM	PS	PM
progress, risks and compliance with Council policy.										
Approves risk management plan			✓			✓			✓	
Approves the letting of contracts (subject to appropriate delegated authorities)	✓				✓	✓		✓	✓	✓
Appoints consultants (subject to delegated authorities)	✓				✓	✓		✓	✓	✓
Approves requests for proposals (following input from PM and PMG)	✓					✓			✓	
Approves the calling of tenders (following input from PM and PMG)	✓					✓			✓	
Oversees the tender process	✓					✓			✓	
Monitors progress against strategic project milestones	✓		✓	✓	✓	✓			✓	
Monitors progress against risk management plan	✓		✓	✓		✓	✓		✓	
Brings specialised knowledge and expertise to the project				✓			✓		▉	▉
Maintains a 'watching brief' over the daily management of the project to ensure consistent with strategic goals				✓			✓		▉	▉
Advises PM on evaluation of project options				✓			✓		▉	▉
Assists PM in the preparation of detailed work plans				✓			✓		▉	▉

Appendix 2

Roles And Responsibilities	Scenario 1					Scenario 2			Scenario 3	
	PS	PSG Chair	PSG	PMG	PM	PS	PMG	PM	PS	PM
Provides the breadth of skills required to assist the day-to-day management of the project and to help the Project Manager achieve the appropriate outcomes				✓			✓			
Provides peer review knowledge to assist Project Manager				✓			✓			
Provides peer review of financial estimates to ensure are accurate and complete				✓			✓			
Reports to Project Sponsor or Project Steering Group on progress, risks and compliance with Council policy as required (exception reporting).				✓			✓			
Assists in the development of a risk management plan				✓			✓			
Monitors progress of individual contracts					✓			✓		✓
Plans and directs the project to meet the time, cost, and performance objectives set by the Project Sponsor or Project Steering Group					✓			✓		✓
Manages available resources (staff, budget, etc) to meet the agreed objectives					✓			✓		✓
Undertakes day-to-day project management tasks					✓			✓		✓
Reports to the Project Sponsor					✓			✓		✓
Drafts reports for Council and the Project Steering Group (where applicable)					✓			✓		✓

Appendix 2

Roles And Responsibilities	Scenario 1					Scenario 2			Scenario 3	
	PS	PSG Chair	PSG	PMG	PM	PS	PMG	PM	PS	PM
Responsible for preparation of detailed work plan (with assistance from PMG where applicable)					✓			✓		✓
Evaluates project delivery options (together with advice from PMG)					✓			✓		✓
Develops and implements a risk management plan (in association with PMG)					✓			✓		✓
Assesses and reports project progress against risk management plan					✓			✓		✓
Convenes the Project Management Group as required					✓			✓		
Chairs Project Management Group					✓			✓		
Is personally accountable to the Project Sponsor for delivering the project within time and budget constraints					✓			✓		✓
NOT responsible for management of the project itself	✓	✓	✓	✓		✓	✓		✓	

PETITIONS

M01/5.11 Policy/Resources 12.02.01 (DC 3) 2120-7

That petitions from residents and ratepayers be reported to the appropriate Committee according to Council's Committee delegations once background information has been collected, provided that the petitioners receive advice of the estimated time that will be taken in collection of relevant background material.

That the petitioners be invited to attend the meeting at which the report is presented to speak to their petition and the report.

That the Chairman of the meeting set a time limit for the presentation by the petitioners.

PETITIONS IN COUNCIL PUBLIC PLACES

M 42.17 Policy 21.5.91

That it be Council Policy that petitions not be permitted in any Council Public Building.

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9.5   Draft Parking Strategy

File Number: **A12730700**

Author: **Peter Siemensma, Senior Transport Planner**

Authoriser: **Christine Jones, General Manager: Strategy & Growth**

PURPOSE OF THE REPORT

1.   To provide an overview of the draft Parking Strategy and to seek approval for public consultation.

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

(a)   Receives the Draft Parking Strategy Report.

(b)   Approves the draft Parking Strategy for public consultation.

EXECUTIVE SUMMARY

1.   Parking management plays an important role in the successful functioning of a City and its transport network. Successful parking management can contribute to:

- Improving the vibrancy of centres and people's access to them;
- Enabling a multi-modal transport system;
- Enabling a more compact urban form;
- Supporting access for all, by helping to prioritise space for those with the greatest need (e.g. mobility parking);
- Ensuring value for money and best use of resources by making sure that parking revenues cover the costs and that future investments would provide value for money.

2.   The Urban Form & Transport Initiative (UFTI) and the Western Bay of Plenty Transport System Plan (TSP) identify that parking management is a key lever to support the delivery of the Connected Centres programme and achieving its benefits. The direction provided by UFTI and the TSP is supported by the National Policy Statement on Urban Development 2020 (NPS-UD) which strongly encourages Councils to "*manage effects associated with the supply and demand of car parking through comprehensive parking management plans*".

3.   The draft Parking Strategy has been developed to guide Council's approach to the management of Council controlled parking spaces across the City. It provides an over-arching approach to guide Parking Management Plans for areas of the city that need specific attention due to existing high occupancy and/or areas where occupancy levels are expected to change in the near future due to significant planned land use change.

4.   The draft Parking Strategy proposes a 'graduated approach' to parking management whereby it looks to achieve a balance between occupancy and turnover of spaces, particularly in busy centres. A benchmark for optimal occupancy is around 85% of available spaces. This occupancy level means spaces are well used but people can still find a space if needed (i.e. 15% of spaces should be available). Pricing or time controls tend to be the approach applied to manage occupancy and availability of spaces where demand is regularly higher than the 85% benchmark.

5.   The draft Parking Strategy also proposes an integrated, incremental and responsive approach to its implementation. This means that changes to parking management should be linked to desired changes to the general transport system, or to the appeal of key centres as locations for higher density development, or increased activity and vibrancy. In terms of responsive, this means that management approaches will be considered where

parking issues are more pressing or where opportunities are presented. The ongoing monitoring and review of the parking management, including through community feedback, is important to delivering a responsive approach to parking.

6. The draft Parking Strategy outlines the way it is intended to manage parking in a range of circumstances and settings, covering:

    • Parking on residential streets
    • Kerbside space allocation, cycle parking and berm parking
    • Parking in centres
    • The prioritisation of parking space by vehicle type/reason for parking
    • Park and ride facilities
    • Parking enforcement and monitoring

7. The draft Parking Strategy has been developed through technical analysis, examination of best practice in New Zealand and overseas, and parking surveys and perception surveys. The package of analysis that has supported the development of the draft Strategy is available online on TCC's website. The draft National Parking Management Guidance, provided by Waka Kotahi, as well as recently developed parking strategies from other cities have been used to inform the development of the draft Parking Strategy.

8. The draft Parking Strategy recommends implementing the strategy through area-based 'Parking Management Plans' (PMP). A PMP is a location-specific plan that recommends changes to how parking management is undertaken, for example, in a centre, a neighbourhood, a reserve, or near a large employment site. It recognises that priority should be given to areas with high parking demand, which typically include centres. A PMP will include measures such as pricing and time limits. The 'next steps' section below provides an indicative programme for the development PMPs.

STRATEGIC / STATUTORY CONTEXT

9. UFTI identifies that parking management is a key lever to support the delivery of the Connected Centres programme and realising its benefits. This is supported by the National Policy Statement on Urban Development 2020 (NPD-UD) strongly encourages councils to "manage car effects associated with the supply and demand of car parking through comprehensive parking management plans".

FINANCIAL CONSIDERATIONS

10. Budget for implementation of the draft Parking Strategy, through detailed parking surveys, consultation and the development of Parking Management Plans (PMPs) has been included in the Long-Term Plan.

11. Future parking management, including pricing and time limits, once implemented, is likely to have costs and revenue implications and can be identified through the development of PMPs.

CONSULTATION / ENGAGEMENT

12. The Bay of Plenty Regional Council and Waka Kotahi have had involvement in the development of the draft Parking Strategy.

13. Subject to Council approval of the draft Parking Strategy the following consultation is proposed:

    a. Workshop with key Stakeholder Group; and
    b. Internet based surveys with the wider community to seek feedback on direction and approaches in the draft Strategy.

14. The feedback from this proposed consultation and engagement will help to identify any further changes to the draft Parking Strategy prior to it being reported to Council for final approval.

15. It is also noted that consultation and engagement will be undertaken as part of the development of the area (e.g. CBD) or topic based PMPs.

SIGNIFICANCE

16. 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.

17. 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, proposal, decision, or matter
   c. the capacity of the local authority to perform its role, and the financial and other costs of doing so.

18. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of <u>low to medium </u>significance. The draft Parking Strategy is aligned to direction provided by UFTI and the TSP and is also intended to support the City's well-being. Consultation on the draft Strategy is proposed allowing people to provide comment on the direction it proposes.

NEXT STEPS

19. Subject to approval of the draft Parking Strategy, staff propose to undertake the following next steps.
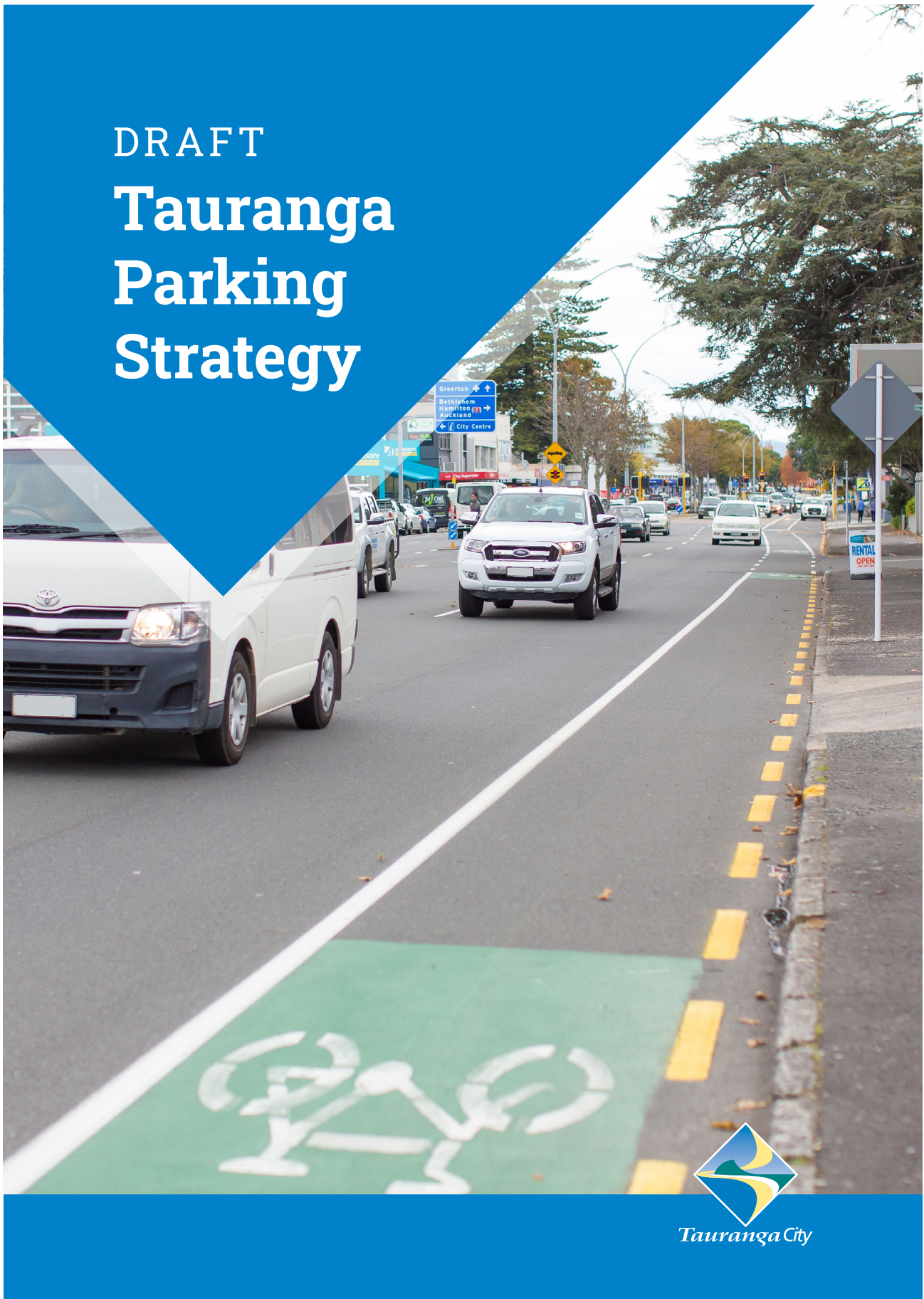
Step	Description	Timing
1.	Consultation on the draft Parking Strategy including: • Providing Draft Parking Strategy and all background information on TCC Website • Undertake Consultation as outlined above • Review, and summarised in a submission report. This will also include an update of the strategy to reflect the input from the consultation.	September/October
2.	Council approval of final Parking Strategy post consultation.	October/November
3.	Development of Parking Management Plans (PMP). Implementation of the City Centre PMP is likely to be prioritised for development first as the current CBD parking trial is planned to end in February 2022.	Subject to Council approval of the Parking Strategy

ATTACHMENTS

1.   **Draft Parking Strategy - A12736628** ⇩ 📄

DRAFT

Tauranga Parking Strategy

Contents

1. Purpose of this document

The purpose of this document is to guide Tauranga City Council's approach to the management of Council-owned and controlled parking spaces. It does this by identifying:

- The role of parking in the wider transport network;
- Current issues
- Outcomes that successful parking management can help to achieving;
- The approaches to be applied to managing parking and the circumstances under which parking management will be required; and
- Guidance on how, when and where changes to parking management would be considered.

As the issues and opportunities that parking presents are many and vary across different parts of the city, a variety of tailored parking management approaches are likely to be required. The principles and implementation guidance provided in this document support the delivery of that approach, including the development of place/area-based management (e.g. Parking Management Plans (PMP) or Bylaw changes), while also ensuring consistency in terms of the outcomes looking to be achieved.

Therefore, this document provides direction on:

- Parking in centres[1]
- Parking on residential streets
- Kerbside space allocation, cycle parking and berm parking
- The prioritisation of parking space by vehicle type/reason for parking
- Park and ride facilities
- Parking enforcement and monitoring

This draft Strategy does not provide specific direction on the management and supply of privately owned parking. However, it does provide direction to guide parking management in the City Plan.

As Tauranga grows and intensifies, it becomes more important to move higher numbers of people around using transport options that have less demand on space. This means we need to manage parking supply in ways that allow as many people as possible to access the areas and activities they need to, whether they are in a car or not.

[1] *"A centre not only refers to commercial centres, but can also be an activity centre such as a sports or events area, a beach or a reserve: basically a place many people want to visit, generally at the same time and thereby creating parking challenges."*

2. The development of the Draft Parking Strategy

A staged approach has been used to develop this draft Strategy, which is described in Table 1 (below). In summary, the staged approach included a process of scoping, followed by investigation and information gathering (including local surveys and consideration of best practice approaches) and option development.

Table 1: Development of the Parking Strategy

Stage	What this involved	Output
Project initiation	This stage involved scoping the project to identify key issues and opportunities associated with parking and how it's management can contribute to broader outcomes desired for the city. Issues and topics were suggested by key stakeholders, Councillors and staff. The initial preliminary findings were tested and developed further through a workshop with Councillors; key stakeholders were invited to these workshops.	Initial development of the key issues and opportunities to be investigated and considered by the project.
Information gathering	This stage focussed on undertaking investigations and gathering information to better understand the parking issues and opportunities and potential options to manage these. This work included an investigation of best practice approaches and a review of academic research of parking management approaches elsewhere. Importantly, this stage also included gathering information on local parking habits (e.g. through local parking surveys) and user values and perspectives (e.g. through resident and user perception surveys for the city centre and Mount Maunganui).	• 10 technical notes on parking management, financial viability, supporting mode shift, resident streets, kerbside space, types of parking, park and rides, monitoring and enforcement and electric vehicles • Parking counts and survey report (WSP) for the city centre and Mount Maunganui • Community Insight Report (PlaceScore) which provides visitors' views on what they value in the city centre and Mount Maunganui based on surveys. • Parking User Report (KeyResearch) which measured perceptions, attitudes and behaviours towards parking facilities in the city centre and Mount Maunganui.
Option development	This stage focussed on identifying the options that could be applied to manage parking. The options were tested and informed further through engagement with Councillors in a workshop. Key stakeholders were invited to attend this workshop.	Discussion document that tested different approaches for Parking Management in Tauranga's centres
Development of the draft Strategy	This stage focussed on drafting the Parking Strategy, taking into account all of the information gathered and feedback received through the earlier stages of the project.	Draft Parking Strategy

3. National Policy Direction

There is considerable existing national level policy direction and guidance relevant to parking management. The following provides an overview of relevant policy direction and guidance.

- Zero Carbon Act
- Land Transport Act
- Resource Management Act
- Government Policy Statement on Land Transport (GPS)
- Keeping Cities Moving
- National Policy Statement on Urban Development (NPS-UD)
- National Parking Management Guidance
- Vision Zero

The list above provides a snapshot of the travel and transport system related documents that guide council decision-making. There are other documents on different issues and topics of equal importance.

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4. The role of parking in Tauranga

Economically and socially vibrant centres rely on people living in them at reasonable densities, or are able to access these centres easily to work, for business, to shop, to learn, or for leisure activities. Parking is one means to enable this, particularly if it is convenient, affordable and allows turnover of spaces and thus availability of spaces for visitors. However, it should not take up excessive space that limits the uses, lowers the amenity and/or environmental value of the centre, or prohibits access and enjoyment by other ways of moving around; otherwise it will reduce the number of people in that centre and the activities available.

There is considerable policy direction and guidance for parking management at a sub-regional and Tauranga city level. At a sub-regional level, the Urban Form and Transport Initiative (UFTI) and the Western Bay of Plenty Transport System Plan (TSP) are relevant. At the city level, key relevant direction and guidance is provided in the following documents:

- Tauranga City Plan
- Tauranga's Street Design Guide
- Tauranga Walking and Cycling Economic Case (part of UFTI)
- Long-term Plan 2021-2024
- Community Outcomes 2020
- City Centre Strategy 2012
- Traffic and Parking Bylaw 2012
- Freedom Camping Bylaw 2019
- Te Papa Spatial Plan (intensification areas)
- Bay of Plenty Mode Shift Plan
- Housing Choice Plan Change 26 (intensification)

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4.1 Urban Form & Transport Initiative: Connected Centres programme

The population of the Tauranga and Western Bay of Plenty sub-region has doubled in the last 30 years to approximately 208,000 residents. The population of the sub-region is projected to continue grow to approximately 269,000 residents by 2050.

Accompanying the significant projected population growth is a significant projected increase in the demand for movement of people and goods. To support this demand, the Urban Form and Transport Initiative (UFTI) identified the Connected Centres programme. The Connected Centres programme would see more homes built in existing and new growth areas, increased and improved bus services, and improved walking and cycling connections developed. These concepts are based on strong local centres and connected neighbourhoods and will require a significant change in the way we live, work, learn, play and move in the future.

Centres are places where many people choose to be at the same time, and not only includes commercial business areas, but also include public recreational facilities like parks, reserves or swimming pools and beaches.

Both UFTI and the Western Bay of Plenty Transport System Plan (TSP) identify that parking management is a key lever to support the delivery of the Connected Centres programme and realising its benefits. UFTI focusses on the availability of parking, for which it identifies pricing and time limits are useful tools in some circumstances to manage this. UFTI also identifies that a change in parking pricing over time will be essential to increase turnover and encourage the shift to alternative modes in centres.

UFTI is implemented through a number of initiatives. Two key initiatives are the Te Papa Spatial Plan and City Plan Change 26 (Housing Choice) which provide a spatial and regulatory framework for the growth and development of parts of Tauranga.

The Te Papa Spatial Plan acknowledges that an efficient parking strategy is essential to the delivery of the anticipated intensification and mode shift in the Te Papa area. In addition, since the introduction of the National Policy Statement on Urban Development in 2020, on-site parking for new development has become optional rather than a requirement under the City Plan. This change, in combination with the intensification enabled by Plan Change 26, is expected to place more demands in the public realm (e.g. streets and kerbside berms) for parking. In anticipation of this, managing parking in intensification areas like Te Papa will be more important.

4.2 Parking and the transport network

Parking plays an important role in the successful functioning of the transport network, particularly for people who need or choose to travel by car, and it will continue to do so.

However, cars put high demands on space compared to other modes of transport, both on the road and when parked. In addition, in centres, vehicle movement and, at times, congestion can be caused by drivers searching for a parking space. These matters can impact the aspirations to develop vibrant centres.

As cities grow and intensify, the competing demands for the use of public space increases. Tauranga's Street Design Guide[2] and tool have been introduced to support the process to inform future changes. The options for the allocation of available public space, as always, needs to be carefully considered. Allocating, or providing more road space for cars and parking can become very costly. It can also exclude alternative, potentially more productive, uses of that public space. In addition, on-street parking can impact the ability for parts of the transport network to function and

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[2] The Street Design Guide was endorsed by the City Transformation Committee in December 2018

perform as intended (e.g. the allocation of parking on arterial routes can impact traffic flow or the allocation of that space for other modes of transport).

As Tauranga grows and intensifies, it becomes more important to move higher numbers of people around using transport options that create less demand on space. This means we need to manage parking supply in ways that allow as many people as possible to access the areas and activities they need to, whether in a car or not.

The right balance between provision for cars and provision for other modes and other land uses will shift as the city grows. An effective parking strategy will be responsive to short-term needs and local context, whilst enabling progress towards longer-term objectives to ensure that an economically and socially vibrant city is accessible for everyone and is financially and environmentally sustainable.

4.3 Council's role in parking

The Land Transport Act 1998 gives the council power to impose parking controls as a road controlling authority. We are responsible for managing road space for various purposes, including parking. We also have an enforcement role.

As a local authority, we also take into account the current and future interests of the community when making decisions. One of our core roles is the provision of public goods.

Parking restrictions are implemented through changes to the Traffic and Parking Bylaw, which requires resolution from Council. Those parking controls set by Tauranga's Traffic and Parking Bylaw 2012 are enforced through infringement fees. The infringement fees are set through the Land Transport (Offences and Penalties) Regulations 1999 administered by the Ministry of Transport.

The Bay of Plenty Regional Council is responsible for operating bus services in the region, and Waka Kotahi NZ Transport Agency is the road controlling authority for state highways. On-site parking spaces are generally delivered and maintained by private parties.

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5. Outcomes from parking management

Parking management has a key role in supporting the strategic direction for urban form and transport for Tauranga as described in the national, sub-regional and local level strategies and plans. The following identifies and describes how parking management can contribute to achieving the strategic outcomes identified in those documents.

Outcome 1: Improving vibrant centres and access to centres

Parking management can enable people to visit commercial, recreational and civic centres by helping to make sure visitors can find a place to park. It can also encourage people to consider walking, cycling or the use of a bus to visit centres and, in doing so, support vibrancy and access to centres. Parking management approaches that aim for 85% occupancy can generally enable sufficient availability for people to use and increases activity levels in a centre. In commercial centres increasing turnover can be an additional goal.

Outcome 2: Enable a multi-modal transport system

Parking management can incentivise the use of public transport, walking and cycling, and micro-mobility. In doing so, parking management can contribute to mode shift and the achievement of its outcomes.

Pricing parking is one management approach that can incentivise the uptake of other transport options. As an example, pricing all-day car parking in and around centres above the cost of a return public transport journey can be an effective tool for incentivising public transport use by commuters and as such, supporting a more multi-modal transport system.

Outcome 3: Enable a more compact urban form

Parking management through controls like supply and location can allow space to be used for functions other than parking. This can enable space previously used for parking to be reallocated to other uses, such as quality public spaces. It can also encourage higher density development, reduce congestion and encourage higher levels of foot traffic for local businesses.

Outcome 4: Supporting access for all

The use of a parking hierarchy helps to prioritise parking spaces to those with the greatest need. Allocating parking spaces for people with a disability would be generally prioritised to ensure access. Parking management on the other hand helps to move away from 'ratepayer-paid' to 'user pays'. It is noted that the operation of Tauranga's parking management (until 2019) was typically paid for by parking fees and enforcement. The construction and maintenance of spaces outside centres are generally ratepayer-paid. Statistics tell us that people with lower disposable incomes generally drive less, or don't drive at all, yet pay for city-wide parking spaces through their rates. A 'user pays' system will also help to support more affordable multi-modal transport options, for which the quality can be improved the more users there are. As such, a parking hierarchy and a 'user pays' approach helps to support access for different groups.

Outcome 5: Ensuring value for money and best use of resources

Making sure that council parking revenues cover the costs, as well as encouraging private providers in areas of with a lack of supply. The UFTI Final Report also aims to 'ensure value for money from the agreed strategic plan'. Value for money is a key objective in all business cases undertaken by council, and any future council investments in parking assets would need to provide value for money and efficient use of land.

6. Parking management approaches

In setting out ways to manage parking it is important to recognise that parking is required for a number of purposes, and each of these may need a different approach to management. Therefore, each local management approach needs to consider the context and circumstances for which parking is required, for example, a need for short-stay parking vs. a need for long-stay parking. It is also important to recognise that considerable public and private parking already exists which has influenced peoples travel decisions, the form and performance of the transport network, and the form and vibrancy of places.

Given this, an approach which is broadly described as **integrated**, **incremental** and **responsive** is intended.

- In terms of **integrated** and **incremental**, this means that changes to parking management should be linked to desired changes to the general transport system (like improvements to public transport services or to vehicle priorities on key arterial roads or streets), or to the appeal of key centres as locations for higher density development or increased activity and vibrancy.

- In terms of responsive, this means that management approaches will be considered where parking issues are more pressing (e.g. within centres) or where opportunities are presented (e.g. due to development or network improvement opportunities). A **responsive** approach to parking management also involves ongoing monitoring and review of the parking management approaches that are in place. This is to ensure they are achieving the outcomes intended, and if not can be reviewed to ensure their effectiveness.

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6.1 Parking occupancy in (and around) Tauranga's centres

We expect that, over time, all of Tauranga's key centres will require parking management that is developed incrementally and is responsive to change. A centre not only refers to commercial centres but can also be an activity centre (such as a sports or events area), a beach or a reserve, meaning a place many people want to visit, generally at the same time and thereby creating parking challenges.

In predominantly commercial areas some businesses will prefer a high turnover of spaces if they have multiple customers that only frequent their premises for a short time, such as a post office or coffee takeaway. Other businesses may prefer their visitors to stay longer, such as a cinema or a restaurant. However, other types of activity 'centres' such as reserves, beaches and recreational areas may need to focus on allowing for longer parking times.

Parking demand in centres can also vary at different times of the day, different days of week, or in different seasons, and with some areas catering for different activities.

Typical measures to balance interests in high parking demand areas will include the introduction of a time limit or a form of paid parking. These can vary by street, block or off-street parking area. For example, the heart of a predominantly commercial centre could be more popular than surrounding streets or nearby reserves, and therefore these prime spaces may require higher prices or shorter time limits to achieve optimal occupancy.

Usually, where parking management is aiming for a high turnover (such as commercial centres) and where pricing is also justified, mixing of time limits and pricing on the same parking bay should be avoided. Incremental pricing, where the first hour(s) have a low price, but visitors pay incrementally more for additional hours, should encourage turnover of spaces and allows people to have flexibility over how long they stay. This approach has also been shown in other cities to dramatically reduce the number of infringement tickets for overstaying and avoids visitors having to move their cars to a new spot or leave the centre altogether.

Our focus in centres is to provide flexibility and optimise the use of parking spaces. Long-stay parking and reserved (leased) spaces are likely to have a place in Tauranga's centres for the foreseeable future, but management approaches such as pricing and time controls, are likely required at levels that promote optimal use and high turnover in order to achieve the objectives of the Parking Strategy. Generally, commuters who need to travel by car would likely pay per hour at incrementally higher rates, and there would be exceptions for mobility parking users. Please see the approach to mobility parking below for more information.

In centres with pricing or time limits, there is a risk that users may try to avoid paying for parking or overstaying a time limit by parking behind the kerb, on the grass, or in a public reserve. This reduces the effectiveness of parking management, and as such should be prevented, in particular, near centres. The approach to berm parking is further discussed in the section below.

An 85% parking occupancy level for centres is intended. This is a 'graduated' parking management approach, and is explained in table 2 on the following page.

Table 2: Why 85% occupancy is important

Parking is well utilised	Easy to find a park	Implementation can be closely monitored	Delays increases in parking supply	Parking eventually pays for itself
85% occupancy ensures that the parking resource is well utilised. Using 85% occupancy as a benchmark for optimal utilisation, prices should increase when occupancy is above this level, or be lowered if parking spaces are under-occupied.	85% occupancy means than along any street or in any parking area around 1 park will be available for every 6-7 spaces provided. This gives visitors assurance that they can find a car park quickly and avoid delays to other traffic.	If restrictions are implemented gradually and 85% is the target occupancy rate, then this significantly reduces the chance of people and businesses avoiding the centre due to the increased parking restrictions.	Increasing off-street parking supply is expensive; for example, a new parking building would take over 50 years to pay off using current pricing. Parking spaces that are free to use, typically outside centres, are paid for by all ratepayers rather than the users.	Overtime the costs of parking will increase and reach a rate whereby the predicted revenue from the provision of new off-street parking exceeds the land, capital and operational costs of providing parking.

A PMP is intended to be the key tool to deliver the 85% graduated approach to parking occupancy in centres. This is discussed in section 7.

6.2 Parking on local streets

Generally, all members of the public will have equal opportunity to utilise public on-street parking in residential areas, this includes visitors of residents but also visitors to nearby amenities (e.g. a reserve).

As a result of the National Policy Statement on Urban Development, new developments are no longer required to provide on-site car parking spaces. This has the potential to increase the demand for parking on the streets in residential areas.

Where residential areas are in the vicinity of commercial centres or other large employment areas, higher occupancy levels are likely to occur during working days as commuters use them, whereas sport centres, event centres, reserves or beaches generally see higher use during the evenings or weekends.

When parking occupancy becomes, or is expected to become, an issue in the near future, council will consider making changes to parking management on streets in residential areas. An 85% occupancy rate will be used as a guide to help consider the need to investigate changes to parking management in residential areas.

A PMP is intended to be the key tool to deliver the 85% graduated approach to parking occupancy in residential areas. This is discussed in section 7.

6.3 Parking near schools

Similar to malls and private businesses, council has limited control over how schools manage their on-site parking supply, such as through City Plan or Notice of Requirement processes. However, council can influence how the road space, including on-street parking nearby schools, is managed. As with any 'centre' where many people visit at the same time, parking management will aim towards the optimal 85%.

Safe drop-off and pick-up locations are relevant, and fully aligns with the 'approach to prioritising different types of parking' in chapter 6. A school represents a 'centre' and thus prioritises safety with space for walking and cycling. Drop-off zones and bus stops would be prioritised over long-stay parking, however pick-up zones are hard to manage and enforce which can create safety issues. These are therefore not recommended near schools. Instead, short-term parking spaces in the vicinity, but away from the school gate can be used. Berm parking should not be permitted directly near schools.

When parking surveys indicate the need for a PMP near a school, we work together with the 'Travel Safe' team and schools.

6.4 Cycle parking[3]

Cycle parking, together with safe and attractive cycle infrastructure, is an essential element to enable trips by bike, e-bike, scooter or other mobility devices. Cycle parking is much more space efficient and affordable than car parking and should be considered as essential as car parking. Ten or more cycles can fit in the same space as one car. Future revisions of the City Plan will provide further details for private property on-site cycle parking requirements. Tauranga's Street Design Guide and Waka Kotahi's Cycle Parking Guidance[4] provides design considerations for cycle parking in public areas. The Kerbside Space Allocation Hierarchy (below) highlights the need for cycle parking primarily in centres and should be considered before allocating space to vehicle parking.

6.5 Parking on kerbsides and berms

The road or street is a public space and has different functions throughout the city depending on the priorities for that space. Tauranga's Street Design Guide provides classifications around street functionality and the relevance of both link (movement) and place.

The edge of road is also known as the 'kerbside' or the 'road margin'. Currently, most streets have a berm that can (informally) be used for vehicle parking, as also outlined in the Land Transport (Road User) Rule 2004[5]. These rules also set out that councils have the ability to introduce Bylaws, signs or markings to make exceptions to this rule.

Movement of people is the main objective for streets categorised as 'links' (this includes Arterial Roads), and therefore kerbside for moving people has generally a higher priority than parking or outcomes for public areas. On streets categorised as primarily a 'place', there can be multiple functions; for example, if a commercial centre sits on that road, the primary objective may be for businesses to operate and for people to shop, work or play, and the development of an attractive, accessible centre may be the highest priority.

In line with the Street Design Guide, Table 3 below (Kerbside Space Allocation Hierarchy) provides an overview of typical priorities for different types of streets in different types of areas in relation to parking. As shown in table 3, in general, safety, property access and moving people is typically a higher priority than vehicle parking. This does not mean that no parking would be available, but the hierarchy will be used as a guide to identify priorities where a street is planned to be upgraded or redesigned (using the Street Design Tool), or when a PMP is undertaken for a particular area.

Parking behind the kerb, also known as berm parking, can currently be restricted through a change of the Traffic and Parking Bylaw 2012[6] in tandem with erecting a sign. Berm space is typically used

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[3] *This includes parking for all existing and future Personal Mobility Devices, but referred to as cycle parking for simplicity*

[4] *Waka Kotahi NZTA provides further planning and design guidance: https://www.nzta.govt.nz/assets/resources/cycle-parking-planning-and-design/cycle-parking-planning-and-design.pdf*

[5] *https://www.legislation.govt.nz/regulation/public/2004/0427/latest/DLM303098.html*

[6] *Referred to in section 12.1 and 123, as well as the Traffic and Parking Bylaw attachments.*

for utilities, such as power cables, gas pipes, fibre networks and water pipes. In case of emergencies, utility providers will need to access utility cables at all times. Berm space, either planted or grassed, also adds to the amenity of a street which is an important aspect of Tauranga's adopted Street Design Guide. Especially in and around centres and schools, berm parking can reduce the effectiveness of parking management and is already subject to controls. A review of the approach to berm parking under the Traffic and Parking Bylaw could consider whether the current approach is still the most effective or whether it is appropriate to be updated.

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Table 3: Kerbside Space Allocation Hierarchy.

Priority	Main Street Typology[7]				
	Residential		Commercial / Activity Centre		Industrial
	Link	Place	Link	Place	Both Link and Place
Higher priority	Safety: reduced crash risk				
	Existing property access, space for utilities, and emergency vehicle access (e.g. ensure existing property access is retained and also accommodates vehicle movements along the street to access properties)				
	Footpath (e.g. new footpaths or widening to accommodate high demand from pedestrians)				
	Public transport and biking (e.g. public transport stops, bus lane, cycleway)			Public realm improvements (e.g. trees, landscaping, dining areas)	Public transport and biking (e.g. public transport stops, bus lane, cycleway)
	Other vehicle movements (e.g. cars, vans, trucks, motorbikes)	Public realm improvements (e.g. trees, landscaping, playgrounds)	Other vehicle movements (e.g. cars, vans, trucks, motorbikes)	Public transport and biking (e.g. public transport stops, bus lane, cycleway)	Other vehicle movements (e.g. cars, vans, trucks, motorbikes)
	Public realm improvements (e.g. trees, landscaping)	Mobility parking and other vehicle parking (see Parking Hierarchy for prioritisation of different parking types)	Mobility parking	Mobility parking	Cycle parking
	Mobility parking and other vehicle parking (see Parking Hierarchy for prioritisation of different parking types)	Other vehicle movements for other than residents and visitors (e.g. cars, vans, trucks, motorbikes)	Cycle parking	Cycle parking	Vehicle parking (see Parking Hierarchy for prioritisation of different parking types)
			Public realm improvements (e.g. trees, landscaping, dining areas)	Vehicle parking (see Parking Hierarchy for prioritisation of different parking types)	Public realm improvements (e.g. trees, landscaping, dining areas)
Lower priority			Vehicle parking (see Parking Hierarchy for prioritisation of different parking types)	Other vehicle movements (e.g. cars, vans, trucks, motorbikes)	

[7] Source: Tauranga Street Design Guide matrix

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6.6 Prioritising different types of parking in different areas (i.e. Parking Space Hierarchy)

This section outlines the priority level for a type of parking space, not the number of spaces. The parking hierarchies below only apply when a decision to allocate kerbside space for vehicle parking related activities has already been made.

Parking type is listed in Table 4 from higher priority (top) to lower priority (bottom). For example, short-stay parking is considered a higher priority in commercial centres to enable more visitors that can use a space increasing parking turnover and footfall, whereas enabling longer stays can be a goal for civic or recreational centres, and as such will help achieve the strategic outcomes.

This hierarchy does not necessarily mean that the most parking spaces will be provided to users at the top of the hierarchy, but rather that consideration to accommodating those users' needs should be given priority before considering how to accommodate the next group of users in the hierarchy. For example, if, in a particular context, the demand for car share parking is accommodated, there would be no need to reserve further parking for car share schemes and decision-makers could then move on down through the hierarchy to consider parking provision for other users. The same would apply to loading zones, particularly in centres and industrial areas. These are essential for the operation of centres and are often required at a specific location, such as near loading entrances.

Car share parking is considered to have a higher priority in the proposed hierarchy below. Car share can allow commuters to travel by alternative modes of transport, but still have access to a car for business meetings if required. This can free up other parking spaces for other users and therefore, is typically considered to have a higher priority.

Initiatives to encourage the uptake of more sustainable vehicles, aligned to carbon emission reduction may be considered in a PMP. This is aligned to the TSP, which identifies a further action to develop an electric and hydrogen vehicle uptake strategy. The TSP notes this could e.g. include parking incentives, charging infrastructure and fleet vehicle policies. Where third parties wish to introduce electric vehicle charging facilities, this will be expected to be on private land and/ or off-street. It should also be noted that electricity cords to charge a vehicle should not cross pathways from, for example, a house to an electric vehicle: pathways always need to be clear of any obstructions as electricity cords can cause a hazard to pedestrians.

The parking hierarchy (Table 4) below applies to all types of vehicles; for example, boat-trailers that are parked for a full day are considered as long-stay parking.

Table 4: Parking Hierarchy

	Residential	Commercial / Activity Centre	Industrial
Higher priority

Lower priority | Car share parking

Small PSV pickup/drop of spaces (inc taxi stands and loading spaces)

Short-stay motorcycle parking

Short-stay general parking

Long-stay motorcycle parking

Long-stay general parking | Car share parking

Small PSV pickup/drop of spaces (inc loading spaces)

Short-stay motorcycle parking

Short-stay general parking

Long-stay motorcycle parking

Long-stay general parking

Vehicle parking (see Parking Hierarchy for prioritisation of different parking types) | Car share parking

Short-stay motorcycle parking

Short-stay general parking

Long-stay motorcycle parking

Long-stay general parking |

6.7 Mobility parking

Mobility parking spaces (also known as 'accessible carparks', or disability parking) require prioritising.

Where mobility parking spaces are often full during the busiest times of the day, this highlights a need that one or more regular parking spaces may need to be retrofitted into mobility car parking spaces. It is for this reason that mobility parking is considered part of the Kerbside Space Allocation before designating how the remainder of parking spaces can be best utilised.

Parking management rules will still apply to mobility parking spaces but will acknowledge that users of these spaces may require more time.

Mobility parking spaces can sometimes need more space than other parking spaces, for example to support accessibility requirements of the user. Currently there is not consistent design guidance for mobility parking spaces. To ensure that mobility parking spaces are fit for purpose, at a suitable location, consistent and recognisable, council will work together with partners in promoting and/or developing a standardised design guidance.

6.8 'Park and ride'

Provision of 'park and ride' parking is an option at the periphery of cities, where dispersed communities need to access the city without incurring excessive fuel and parking costs and without adding to congestion on the city's arterial roads. Located in the right places, 'park and ride' facilities can expand the coverage of the public transport network. Suitable locations intercept car commuters in their journeys and can be located ahead of congested bottlenecks on the road network.

'Park and ride' facilities closer to urban centres are generally not considered a viable option to support agreed transport and urban development outcomes as they encourage people to drive into the city, leading to higher levels of congestion, and because they require more high value inner-city land to be used for parking. It is for this reason that 'park and ride' facilities are often developed at the city fringes, or even outside the urban boundaries.

Investments in 'park and ride' are investments in additional car parking and should only be considered when other parking management in centres have been exhausted and where the investment is financially viable. Land at the periphery of Tauranga is expensive and parking provision would be competing with demand for housing, industrial, commercial developments, open space and other infrastructure. 'Park and ride' also relies on frequent bus services from that location and the availability of those services, making the area more appealing for housing and commercial development.

The viability will rely on the relative costs and convenience of the 'park and ride' as compared to driving into the city and parking. Typical criteria for a 'park and ride' facility to be successful are the following:

- A cost and convenience advantage for users where the cost of a two-way bus ticket is lower than the cost of driving and parking in the centre;
- Traffic congestion on key routes to the centre, and bus priority that provides bus users a travel time advantage;
- Frequent public transport services that provide a reliable, regular and fast routes to a centre;
- Close proximity to main roads so the site is convenient to access for car drivers and bus users; and
- An attractive, convenient and safe environment.

UFTI and the TSP identify the need to explore the use and viability of 'park and ride'. Investigations are included in these programmes to determine how, when and where 'park and ride' facilities can contribute to the realisation of the benefits identified by UFTI and the TSP.

6.9 Assessing the cost of parking

The resource cost (or 'opportunity cost') is the value of an asset if this were used for another use. For a parking space, this would include the capital value of the land, the construction costs of the car parking and the operation and maintenance costs, and an estimate of the value of alternative uses. This information provides insights as to whether the current price of parking is covering the costs of supplying the space and whether parking is the best of use the space.

6.10 Increasing public parking supply in centres

Increasing the number of public parking spaces in a centre (e.g. city centre; reserve; nearby to school) by council will be assessed having regard to matters including local place-based objectives, the impact of parking management measures (e.g. time restrictions or pricing), the capacity of the local road network to cater for additional traffic, and financial viability (including costs and benefits). Evidence of the need for additional parking spaces is typically indicated by high parking prices (compared with similar centres and cities) along with consistently very high occupancy levels.

Providing additional car parking spaces can also be undertaken by the private sector. They can continue to do so, however typically, will only continue if it makes sense commercially. Where appropriate, pricing public parking space in line with the 85% occupancy benchmark will provide a signal to the market as to the viability of investment in parking. This may include future considerations of potential divestment of council parking assets to the private sector.

6.11 Events

Tauranga hosts several large events each year, many of these events occur on our public roads or on reserves and require a Traffic Management Plan (TMP). TMPs need to be approved by TCC before the event takes place. Larger events may even require a road to be closed temporarily. Road closures must be advertised to the public in order to meet legal requirements.

Walking, cycling and public transport options are priorities for TCC for moving people to and from events. TCC will investigate possibilities to encourage the use of public transport, walking and cycling for events in the first instance.

For events, council's Events team will work with the event organiser, the Temporary Traffic Management team, Bay of Plenty Regional Council, and other key stakeholders to develop the TMP for the event. Through this process council looks to:

• Ensure that mobility parking is being provided as close as possible to the event.
• Keep the loss of parking to the essential areas
• Provide a safe pedestrian environment where possible
• Provide sufficient public transport facilities whenever possible
• Communicate any loss of parking to local stakeholders prior to the event
• Retain, where possible, existing parking fees or time limits during events.
• Prioritise safety for those enjoying an event and minimise disruption to the rest of the network

7. Implementation

The following gives an overview to implementing the approaches to parking.

7.1 Parking Management Plan (PMP)

A PMP is a location-specific plan that recommends changes to how parking management is undertaken, for example, in a centre, a neighbourhood, a reserve, or near a large employment site.

The needs of all users can be assessed in a PMP, from deliveries and short-stay parking to taxi spaces, mobility parking spaces and residents. Engagement with local businesses, residents and/or visitors will be undertaken, this can be in the form of local surveys or drop-in sessions to understand the local parking needs.

A PMP may be used to respond to known problems, or to proactively contribute to wider transport and urban outcomes, and can include both short term and long term measures. A PMP can be informed by reliable survey data, the current parking management, and by an understanding of the resource cost of parking.

Before it is decided whether a PMP is needed or needs updating, council will undertake parking surveys in a particular area to provide detailed information about the number of parking spaces and occupancy levels. A PMP will be developed based on surveys and consultation, and will provide detailed recommendations on how parking can be best managed in a specific area. Typically this means the introduction of time limits, parking fees, or improved access by alternative modes.

Implementation of any parking management measures through a PMP will often require an update to the Transport and Parking Bylaw, which needs to be adopted by Council resolution before it is a legal requirement.

7.2 Triggers for preparing a PMP

This could include the following conditions:

- Where parking occupancy levels regularly exceed 85% at the busiest times of the day or where this is expected due to, for example planned intensification with fewer on-site parking provision (such as around centres in the Te Papa intensification area); or,
- Where parking occupancy levels are significantly lower than expected; or,
- Where there are safety and/or access issues for example emergency services, roading upgrades, kerbside changes, improved bus services, or road design changes that require council to make changes to parking.

It is expected that over time a PMP will be developed for all key centres in Tauranga to give effect to the strategic direction in UFTI and the TSP.

In case a minor change to parking is required, such as introducing a parking restriction for access or safety reasons or where local businesses ask for the introduction of a time limit, a PMP is not considered to be required. Generally, for changes that affect only a few spaces, a full PMP is not considered necessary. Typically, a PMP would be developed when a large number of spaces, or more than 25% of parking spaces within a 200 metres radius are considered to be affected, or where changes may impact on existing parking management nearby. Local consultation with nearby residents and businesses will then be undertaken where required.

7.3 Parking in residential areas

The prioritisation of resident parking by way of permits or a lease is not considered to be a useful or equitable intervention because it restricts the most optimal use of the space at any given time; for example, no one else could be using the space even if someone with a permit is not using it. Other parking management measures (such as time limits or pricing), may be appropriate and would be determined through the PMP, in order to cater for all different groups.

Where restrictions are brought in, exceptions may sometimes be required. For example, if there are time restrictions in a street and a contractor needs to park on-street to undertake work on a property there may be a need to overstay time limits. A 'parking space permit' can then be requested through the council website. Efficient parking management should aim for an 85% occupancy, which would mean there should typically be a space available for visitors as well as contractors.

7.4 Parking enforcement and technology

Parking enforcement is an essential component of parking management. Enforcement encourages compliance with restrictions and the turnover of vehicles to allow access to parking for everyone. Parking management was introduced for a reason: to manage demand and supply of parking better. Without parking enforcement evidence shows that some users may, over time, ignore time limits and refrain from paying for parking, undermining the parking management approach and the outcomes it aims to achieve. This then leads to drivers circling around in the hope of finding a space, and thus adding to congestion and delaying public transport services. Parking enforcement helps to reduce congestion by freeing up parking spaces.

Costs of infringement tickets are set at a national level, and council has no control over these prices. Council will continue to lobby to get more influence over these prices to reflect a fair balance between local parking fees and infringement prices.

Frequent monitoring and enforcement will primarily be focussed on centres[8] and areas of employment with other areas initiated based on complaints. Annual and long-term performance targets will be monitored to measure whether objectives are being met, with council being able to make any changes required should those targets not be met.

Parking surveys and parking enforcement techniques are constantly evolving. Where new innovations may improve efficiency of parking enforcement, then new techniques will be considered.

In areas where parking is priced, council will continue to assess new technologies to simplify the paying process, for example, the current smartphone app PayMyPark.

Council has also partnered with CCS Disability Action on a smartphone app called 'Access Aware', which shows the GPS location of the number of mobility parking spaces in the city. This helps drivers requiring a mobility parking space to find these spaces easily. Users can also report misuse of mobility parks which supports council enforcement activities.

New technology will also be used to provide better insight to visitors on availability: the parking buildings in the city centre provide digital information on the number of available spaces. Further signs along key arterial routes (and via online data) will be developed to better inform drivers on availability of parking spaces as well as typical journey times via different routes and modes of transport to improve access to Tauranga's centres.

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[8] *It is noted that enforcement for the use privately owned parking spaces, e.g. at malls or large shops, is not undertaken by council but up the owners of the land.*

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7.5 Revising the Tauranga City Plan

The majority of car parking spaces in Tauranga are located on private land. In the past, the City Plan had a requirement for new developments to provide a minimum number of car parking spaces. In 2020, the government introduced the National Policy Statement (NPS) on Urban Development that removed this requirement. On-site car parking can still be provided, but the decision of whether to provide parking spaces or not, is up the landowner or developer. Most streets in Tauranga currently have sufficient on-street parking spaces available, but it is noted that on-street parking cannot be relied upon when demand grows and reaches the 85%, a PMP may recommend making changes to managing on-street parking.

Through the City Plan review, council will investigate potential further regulation for the development and use of private car parking. The City Plan requires that large developments undertake a Transport Assessment, which addresses access safety and effects to the wider transport network. City Plan rules can, for example, influence the need for travel plans and the supply and the design of parking spaces. The Building Code also requires a certain amount of parking for people with restricted mobility to be provided. The National Policy Statement on Urban Development does recommend councils consider the requirement of minimum mobility car parking spaces and minimum cycle parking spaces. For apartment blocks or visitor parking at commercial developments a minimum number or percentage for electric vehicle charging points will need to be further assessed. Changes with regard to cycle parking have already been integrated in Plan Change 26, and further details on a required minimum number of mobility parking spaces and electric vehicle charging spaces will be further refined in the next review of the Tauranga City Plan.

7.6 Monitoring and review

Progress made in contributing to the broader outcomes will be reviewed against the measures of progress identified when developing PMPs.

These measures will be assessed on a three-yearly basis – linking into the Long-term Plan process.

A full review of the strategy is intended to be undertaken every five years following adoption – or when the need arises.

7.7 Undertaking frequent parking surveys

Council will undertake frequent car parking surveys in and around Tauranga's centres and other areas with potential parking issues, such as reserves. These surveys will investigate the issues related to parking supply and demand across the area. Priority areas will be those where issues have been identified by council staff or the public.

Parking surveys typically include: re-confirming existing parking management (if in place), which type of visitors it currently favours, the parking occupancy, parking turnover, average duration, etc. Surveys focus on the busiest part of the day, but in order to understand the full picture, surveys are often undertaken at different times of the day, and on different days of the week.

8. Background information

A. Discussion Document – Parking Management in Tauranga's Centres
B. Discussion Document – Parking on Residential Streets
C. Discussion Document – Park and Ride
D. Technical Note 1 – Parking Management in Major Centres
E. Technical Note 2 - Financial Viability of Council Supplying new public off-street parking
F. Technical Note 3 – Using parking to support public transport and active transport
G. Technical Note 4 – Parking on residential streets
H. Technical Note 5 – Kerbside Space Allocation
I. Technical Note 6 – Prioritising different types of parking
J. Technical Note 7 – Park and Ride
K. Technical Note 8 – Parking enforcement monitoring and technology
L. Technical Note 9 – Impact of autonomous vehicles on parking
M. Technical Note 10 – Electric vehicle charging infrastructure
N. Key Research Survey Report
O. PlaceScore Report – Care Factor
P. Parking Surveys in City Centre and Mount Maunganui
Q. The High Cost of Free Parking (D. Shoup)
R. National Parking Management Guidance (Waka Kotahi NZ Transport Agency)
S. Tauranga's Community Outcomes 2020
T. Te Papa Spatial Plan 2020-2050
U. Urban Form + Transport Initiative (UFTI, final report)
V. Western Bay of Plenty Mode Shift Plan
W. Western Bay of Plenty Transport System Plan (TSP)

9.6   Submission on changes to Māori and constituency processes

File Number: A12704757

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Authoriser: Susan Jamieson, General Manager: People & Engagement

PURPOSE OF THE REPORT

1.   To recommend a submission be sent to the Department of Internal Affairs (DIA) on aligning Māori and general ward processes in the Local Electoral Act 2001.

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

(a)   Receives the report "Submission on changes to Māori ward and constituency processes"; and

(b)   Recommends that the Council approves the draft submission in Attachment 1 to be sent to the Department of Internal Affairs on the discussion document "Changes to Māori ward and constituency processes.

EXECUTIVE SUMMARY

2.   The DIA is consulting on aligning Māori wards and general ward processes.   It is recommended that the Council make a submission. The Committee is asked to consider the draft submission and make any changes before the Council approves it to be sent.

BACKGROUND

3.   The DIA is consulting on the second stage of changes following the removal of the binding poll provisions from the Local Electoral Act 2001 (LEA), which will see 35 councils having Māori representation at the 2022 elections.

4.   Having two different processes is seen as confusing and DIA want to know how the separate processes can be brought closer together to make it easier for councils to make decisions about how communities are represented, so everyone understands how the system works.

5.   Requiring the two processes to be aligned would make the establishment of Māori wards easier to understand and easier for councils to consider and implement and there would be improved community consultation on decisions but provides less flexibility for councils. The DIA discussion document states that maintaining separate processes would require new decisions on how these processes are sequenced. With two separate processes councils would have a higher degree of flexibility about how they consult and make decisions, but some people could feel like they've been left out of the consultation process.

6.   DIA has identified six key differences between the Māori wards and general wards process that they are consulting on:

- The requirements for councils to consider ward systems;
- The timing of decisions;
- Opportunities for public input;
- Decision-making rights and the role of the Local Government Commission;
- How and when wards can be discontinued; and
- The types of polls that councils can hold.

7.   The discussion document released by the DIA is set out in Attachment 2 and sets out in more detail the six key differences that they are seeking feedback on. This feedback will help to determine how the law is improved.

8.   Further information is available on the DIA website https://www.dia.govt.nz/maori-wards including a regulatory impact assessment that provides a more detailed analysis of the possible options the Government could consider and an introductory video by the Minister of Local Government Nanaia Mahuta is available on:

    https://www.youtube.com/watch?v=cqiRGZf4pRg.

STRATEGIC / STATUTORY CONTEXT

9.   The Council has the ability to submit on discussion documents released by the Government. This is optional however the subject matter is considered to be of interest to the Council and feedback to the Government is recommended.

ISSUES

Issue 1 – Requirement to consider

10.   The discussion document asks whether councils should be required to consider Māori wards and if yes, how often.

11.   It is recommended that the response be yes, every council should consider Māori wards every six years (the same as general wards). This would ensure that no communities miss out on Māori wards being considered by their council.

Issue 2 – Timing of decisions

12.   The discussion document asks whether Māori ward decision-making should continue to take place in two stages.

13.   It is recommended that the two stages be kept (same as the current law) and that the time between 23 November and 1 March be used to provide more time for councils to decide about general wards. This time was previously set aside for the public to demand a poll and councils could not begin the representation review until after 1 March.

14.   The decision to establish Māori wards is needed prior to undertaking a representation review. It is a fundamental decision that warrants careful consideration taking into account the council's obligations to Māori under the Local Government Act 2002.

15.   The decision also impacts on the representation arrangements available to councils. Knowing in advance that a Māori ward has been established or not established gives councils certainty on this aspect of the representation review and has a direct impact on the options available to councils.

Issue 3 – Opportunities for public input

16.   The discussion document asks whether councils should be required to engage with their community when considering Māori wards. Currently there is no requirement to consult the public.

17.   It is recommended that wider public consultation is undertaken alongside targeted iwi/hapū consultation (the same as general wards). This would be consistent with the decision-making process for all matters considered to be significant and would enable the council to hear a range of views before making a decision. It is important that councils are required to consult iwi/hapū as the decision impacts those of Māori descent and is a decision made with consideration of the Treaty of Waitangi partnership responsibilities between iwi/hapū and the council.

18.   There is concern that opening up the matter for wider public consultation could lead to vitriol and racist sentiment being publicly expressed. This needs to be balanced against the rights

of the public to be able to put their views forward and be heard on any council decision, including Māori representation.

Issue 4 – Decision-making rights and role of Local Government Commission

19.   The discussion document asks what the role of the Local Government Commission (LGC) should be in relation to Māori wards.

20.   It is recommended that the LGC has no role and people cannot appeal a council's decision to create/not to create Māori wards (the same as the current law).

21.   The decision should sit with the council as it does at present.

Issue 5 – Discontinuance process and period in force

22.   The discussion document asks what a council should be required to do if it wishes to no longer have Māori wards and how long decisions to create Māori wards should stay in place.

23.   It is recommended that the council must consult with its community (the same as general wards) if it wishes to discontinue Māori wards.

24.   It is also recommended that the decision to create Māori wards stays in place until the council decides otherwise, but at least two election cycles (same as the current law).

Issue 6 – Types of polls

25.   The discussion document asks whether a council should retain the ability to initiate binding polls on general wards.

26.   It is recommended that the ability to initiate binding polls on general wards be removed (the same as Māori wards). Councils may still undertake non-binding polls if they choose.

Further Comments

27.   The discussion document asks for any further comments about how the Māori wards process and general wards process can be brought closer together.

28.   It is recommended that the following comments be included in the submission to highlight some of the anomalies of the current legislation around the creation of Māori wards.

29.   The formula for establishing the number of Māori members can result in some councils not being able to establish a Māori ward. It is recommended that the requirements to adhere to this formula be reviewed to enable a minimum of one Māori member for any council who chooses to establish a Māori ward, irrespective of the formula results.

30.   It is also recommended that the exclusion of "at large" councillors from the formula to establish a Māori member be removed. This would enable councils to choose an "at large option" e.g. Tauranga City Council must have six ward councillors to qualify for one Māori member which prohibits the at large option.

OPTIONS ANALYSIS

31.   The Committee has the option to recommend that the Council:

(a)   Make a submission to the DIA (recommended option)

This option provides for the Council to participate in the consultation process and express its views.

(b)   Not make a submission to the DIA.

This option would prevent the Council from putting forward its views.

FINANCIAL CONSIDERATIONS

32.   There are no financial considerations in making a submission to the DIA.

LEGAL IMPLICATIONS / RISKS

33.   There are no legal implications or risks in making a submission to the DIA.

SIGNIFICANCE

34.   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.

35.   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 matter.

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

36.   In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of low significance.

ENGAGEMENT

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

Click here to view the TCC Significance and Engagement Policy

NEXT STEPS

38.   Council considers recommendation on 23 August and approves submission to be sent to DIA to meet the deadline of 27 August 2021.

ATTACHMENTS

1.   **Submission on changes to Māori ward and constitency processes - A12706275** ⬇ 📄
2.   **Changes to Māori ward and constituency processes discussion document - Department of Internal Affairs July 2021 - A12689008** ⬇ 📄

Te Tari Taiwhenua
Internal Affairs

Te Kāwanatanga o Aotearoa
New Zealand Government

Response form
Changes to Māori ward and constituency processes

Privacy statement

Personal information you provide, including your name, email address, home location and Māori descent status, will be used to analyse submissions by location or Māori descent status and to follow up with you after submissions close.

Your name, home location, Māori descent status and the content of your submission will be published online. Your email address will not be published. It will be retained by the Department of Internal Affairs and used to send you updates about the outcome of the consultation. If you choose not to enter your email address, we'll be unable to follow up after the consultation has finished.

You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, please contact us at localelections@dia.govt.nz.

About you

Name

I am submitting as

☐ an individual
☑ on behalf of an organisation   Tauranga City Council

Email address if you wish to hear about the outcome of the consultation

My home city, district or region is

I identify as being of Māori descent   yes / no

1/6

Changes to Māori ward and constituency processes

Issue 1 – Requirement to consider

A) Should councils be required to consider Māori wards?

- ☑ Yes, every council (the same as general wards)
- ☐ Yes, but only councils that already have Māori wards
- ☐ Yes, but only councils that don't already have Māori wards
- ☐ No (the same as the current law)

B) If yes, how often?

- ☑ Every six years (the same as general wards)
- ☐ Another frequency

C) Do you have any other comments about this issue?

This would ensure all councils are required to consider Māori wards at the same time as they are required to review general wards.

Issue 2 – Timing of decisions

A) Should Māori ward decision-making continue to take place in two stages?

- ☑ Yes (the same as the current law)
- ☐ No – one stage (the same as general wards)

B) How should the time between 23 November and 1 March be filled?

- ☐ More time for councils to decide about Māori wards
- ☑ More time for councils to decide about general wards
- ☐ No changes (the same as the current law)

C) Do you have any other comments about this issue?

The decision to establish Māori wards is needed prior to undertaking a representation review as it is a fundamental decision that warrants careful consideration taking into account the council's obligations to Māori under the Local Government Act 2002. This decision also impacts on the representation arrangements available to councils. For example councils are limited to two choices once a decision to establish a Māori ward has been made - either mixed system (wards and at large) or wards only but prohibits the "at large" option. The formula for establishing the number of Māori members is related to the number of ward councillors, with at large councillors excluded from the formula.
Knowing in advance that a Māori ward(s) has been decided gives councils more time to determine their representation arrangements.

Issue 3 – Opportunities for public input

A) Should councils be required to engage with their community when considering Māori wards?

☑ Yes (the same as general wards)

☐ No, but they must have regard for iwi/hapū/whanau perspectives

☐ No (the same as the current law)

B) If yes, what type of engagement is best?

☑ Iwi/hapū dialogue

☑ Targeted consultation with people of Māori decent or on the Māori electoral roll

☑ Wider public consultation with the whole community

☐ Council to decide on a case-by-case basis

C) If your council considered Māori wards in 2020 or 2021, what type of engagement approach was used and how effective do you think this was?

Tauranga City Council considered Māori wards in August 2020. Engagement was undertaken with the Tangata Whenua Committee (a standing committee consisting of iwi representatives and councillors) who recommended to the Council that a Māori ward be established. There was no wider public consultation with the whole community, however, there were people speaking in the public forum sessions prior to council meetings when the decision was being considered.

While the Council did not facilitate public consultation on the subject, a public debate occurred which the councillors of the day would likely have been very aware of. Given the poll provisions were in place at this time, a valid demand to hold a poll on whether to establish a Māori ward was organised and received media attention.

D) Do you have any other comments about this issue?

It is recommended that wider public consultation is undertaken alongside targeted iwi/hapū consultation. This would be consistent with the decision-making process for all matters considered to be significant and would enable the council to hear a range of views before making a decision.

It is important that councils are required to consult iwi/hapū as the decision impacts those of Māori descent and is a decision made with consideration of the Treaty of Waitangi partnership responsibilities between iwi/hapū and the council.

There is concern that opening up the matter for wider public consultation could lead to vitriol and racist sentiment being publicly expressed. This needs to be balanced against the rights of the public to be able to put their views forward and be heard on any council decision, including Māori representation.

3/6

Issue 4 – Decision-making rights and role for Local Government Commission

A) What role should the Local Government Commission have in relation to Māori wards?

☐ People can appeal a council's decision to create / not to create Māori wards, and the Local Government Commission must decide

☑ No role and people cannot appeal a council's decision to create / not to create Māori wards (the same as the current law)

☐ No role but people can appeal a council's decision to create / not to create Māori wards to some other entity

B) If some other entity, then who should this be?

C) Do you have any other comments about this issue?

4/6

Issue 5 – Discontinuance process and period in force

A) What should a council be required to do if it wishes to no longer have any Māori wards?

- ☐ The council should be able to decide this on its own (the same as the current law)
- ☑ The council must consult with its community (the same as general wards)

B) How long should council decisions to create Māori wards stay in place?

- ☑ Until the council decides otherwise, but at least 2 elections
  (the same as the current law)
- ☐ Until the council decides otherwise, but at least 1 election and must be reviewed after
  2 elections (the same as general wards)
- ☐ 1 election only
- ☐ 2 elections only

C) Do you have any other comments about this issue?

Issue 6 – Types of polls

A) Should councils retain the ability to initiate binding polls on general wards?

- ☐ Yes (the same as the current law)
- ☑ No (the same as Māori wards)

B) Do you have any other comments about this issue?

Councils have the option of undertaking non-binding polls if they choose.

5/6

Further comments

Do you have any further comments you would like to share about how the Māori wards process and general wards process can be brought closer together?

The formula for establishing the number of Māori members can result in some councils not being able to establish a Māori ward. It is recommended that the requirements to adhere to this formula be reviewed to enable a minimum of one Māori member for any council who chooses to establish a Māori ward irrespective of the formula.

It is also recommended that the exclusion of "at large" councillors from the formula to establish a Māori member be removed. This would enable councils to choose an "at large option" e.g. Tauranga City Council must have six ward councillors to qualify for one Māori member which prohibits the at large option.
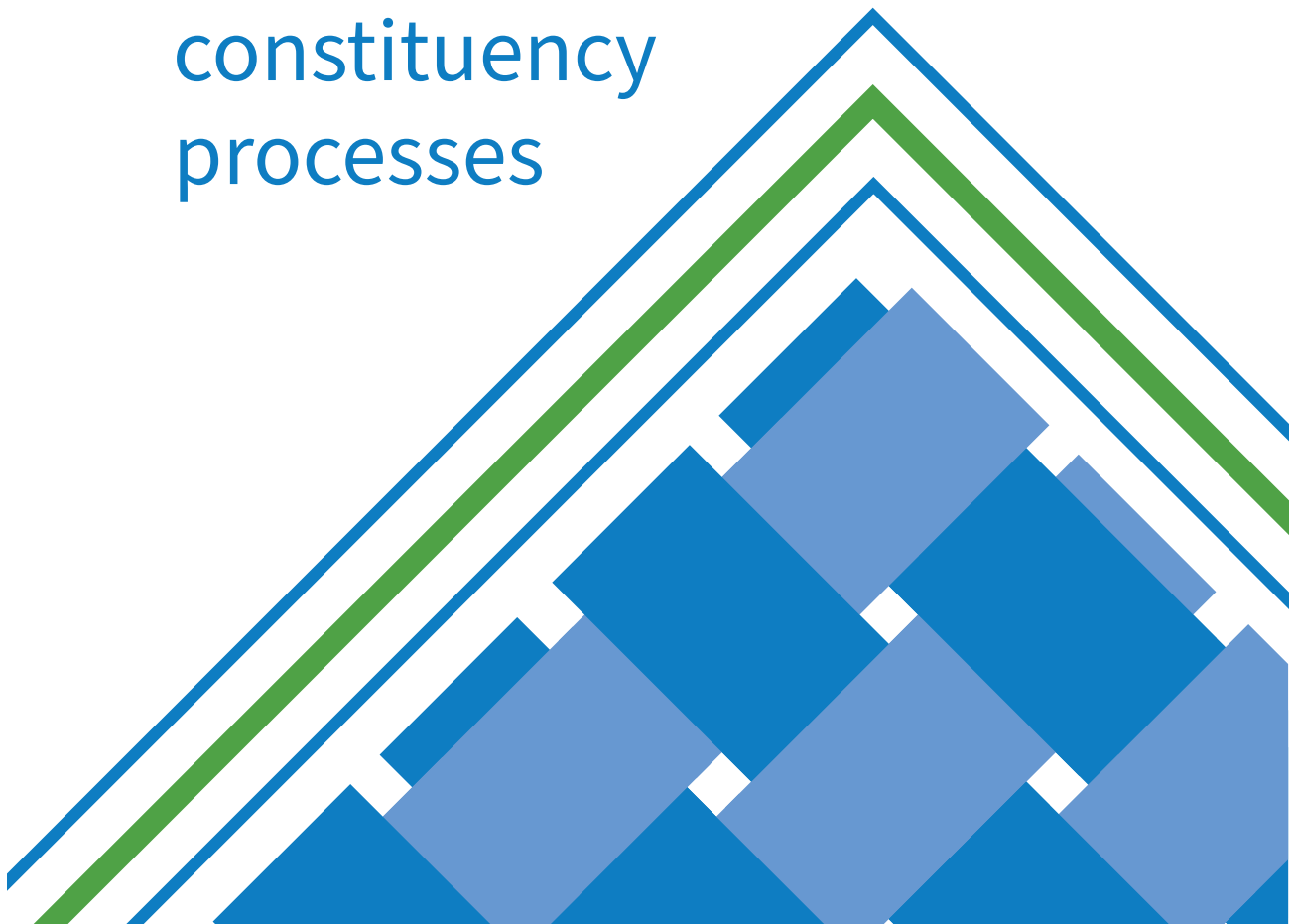
6/6

Te Tari Taiwhenua
Internal Affairs

Te Kāwanatanga o Aotearoa
New Zealand Government

Discussion document

Changes to Māori ward and constituency processes

Foreword from the Minister of Local Government

Our system of local democracy is unique.

Like many other countries, we are a representative democracy. Every three years, everyone gets to vote on who they want to be their advocate and make decisions on behalf of their local community.

The part that is special to Aotearoa New Zealand comes from our founding document, Te Tiriti o Waitangi/the Treaty of Waitangi, which forges a partnership at the heart of our nation. Through Te Tiriti, Māori have the right to be represented in democratic governance as Māori.

We are all used to Māori electorates at Parliament and local government can have Māori seats, too. Māori wards and Māori constituencies are an opt-in provision in the Local Electoral Act 2001 that ensure a guaranteed voice for Māori at the council table. But the rules for how councils consider Māori wards are not the same as the rules for how councils consider general wards.

The Government made a first step to better align the law earlier this year, by removing the poll provisions that unfairly prevented many councils from introducing Māori wards.

Now we are looking to improve the alignment of the Māori wards process and the general wards process. Bringing these processes closer together, and sequencing them where necessary, is important to create more opportunities for Māori to stand for election to local government and raise issues on behalf of Māori communities.

I hope that streamlined processes will also support public understanding and confidence in the local electoral system.

This discussion document asks you about six differences between the two current processes. We want to know whether you think anything needs to be done about them – and if so, what.

Please take the time to understand this kaupapa and share your views. Your feedback will be considered when the Government prepares another Māori wards amendment Bill for Parliament's consideration in 2022.

Hon Nanaia Mahuta
Minister of Local Government

2

Introduction

Māori wards and general wards ensure fair and effective representation of communities

It's important that local government elected members reflect the communities that live in their cities, districts and regions. Many councils use ward structures at their elections to ensure that representatives from different communities can be elected.

The Local Electoral Act 2001 provides councils with two different types of wards. These are commonly known as "Māori wards" and "general wards".

Councils consider Māori wards and general wards under separate processes

Councils are required to make decisions about Māori wards and general wards in two different ways, depending on what type of ward they are considering. Having two different processes has caused confusion and has been identified as a barrier for improving Māori representation in local government.

This document outlines the 6 key differences between the two processes under the following headings:

1. Any requirement for councils to consider ward systems,
2. Timing of decisions,
3. Opportunities for public input,
4. Decision-making rights and role for Local Government Commission,
5. Discontinuance process and period in force, and
6. Types of polls.

The Government is bringing the two processes closer together

In 2020 the Government began a two-stage process to align these processes more closely together.

The first stage of the changes was completed on 1 March 2021 with the enactment of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021. These changes were to:

- Remove all mechanisms from the Local Electoral Act 2001 for binding polls to be held on the establishment of Māori wards, and
- Provide councils with a fresh opportunity to make decisions on Māori wards in time for the 2022 local elections.

The second stage of changes is intended to provide an enduring process for councils to consider setting up Māori wards, by bringing even closer together the Māori wards process and general wards process.

3

Purpose of this consultation

This document outlines the different issues the Government needs to consider when deciding how to bring together the Māori wards process and general wards process.

We want to know whether you think these issues should be addressed, and if so how. Your feedback will help to determine how the law is improved.

This consultation is not about whether councils should have Māori wards, whether there should be binding polls on Māori wards, or whether there are other ways to improve Māori participation in local government. The Government has already agreed that establishing a Māori ward is a decision for councils to make. The Government now wants to improve how these decisions are made.

More information

Legislation

The Local Electoral Act 2001 is the primary legislation which sets the rules for councils to consider ward systems. You can read the Act in detail at www.legislation.govt.nz/act/public/2001/0035/latest/DLM93301.html.

- Section 19Z provides that a council may resolve to "divide the district into 1 or more Māori wards." This is commonly interpreted as establishing Māori wards. Decisions made under section 19Z are often described as the "initial decision" on Māori wards.
- Sections 19A–19Y set out the process councils must follow when creating general wards and for implementing Māori wards (if agreed under section 19Z). This process is called a representation review.
- Schedule 1A requires a council that has made an initial decision to establish Māori wards to then undertake a representation review.

Regulatory impact assessment

The Department of Internal Affairs has produced a regulatory impact assessment, which provides a more detailed analysis of the possible options the Government could consider. You can download a copy from the Department's website at www.dia.govt.nz/maori-wards.

4

Key terms

| Term	Definition
Councils	This term encompasses all local government authorities including district and city councils (also known as territorial authorities) and regional councils.
Wards and constituencies	These terms are the names for local government electoral divisions. The equivalent at Parliament is an "electorate". District and city councils have "wards". Regional councils have "constituencies". In common usage (and in this paper), the term "wards" can refer both to wards and constituencies.
Māori ward or Māori constituency	A Māori ward is a local government electoral division that provides representation for people on the Māori electoral roll.
General ward or general constituency	A general ward is a local government electoral division that provides representation for people on the general electoral roll. If a council has no Māori wards, then general wards also represent people on the Māori electoral roll. In legislation, general wards are only called "general" if it is necessary to contrast them to Māori wards.
Representation review	This term is the process for councils to decide how their communities are represented. Each council must complete a representation review at least every 6 years. Decisions made in a representation review include: • The total number of councillors • The names and boundaries of any general wards • If Māori wards were previously agreed, the names and boundaries of any Māori wards • Whether there will be any community boards, and if so the number of members, name and boundaries of each board Councils must consult with the public on their initial representation proposal and, after hearing feedback, decide their final representation proposal.

5

Term	Definition
Māori Electoral Population (MEP)	The MEP is a number that reflects how many people are on the Māori electoral roll and how many people of Māori descent who are not enrolled to vote yet but are likely to be on the Māori electoral roll in future (for example, those aged under 18).
	Each council has its own MEP calculated by Statistics New Zealand.
	The MEP is used to calculate the number of Māori ward councillor positions available.
	In contrast, the General Electoral Population (GEP) reflects all other electors. Each council also has its own GEP.
Polls and referendums	These terms describe when a council asks all members of its community to vote on a proposal. Polls and referendums can be binding (the community makes the final decision) or non-binding (the council makes the final decision, guided by community views).
Local Government Commission	This is an independent panel of members appointed by the Minister of Local Government. One member must have a knowledge of tikanga Māori. The role of the Local Government Commission is to hear and decide appeals and objections to councils' representation reviews. It must ensure that representation is fair and effective.

6
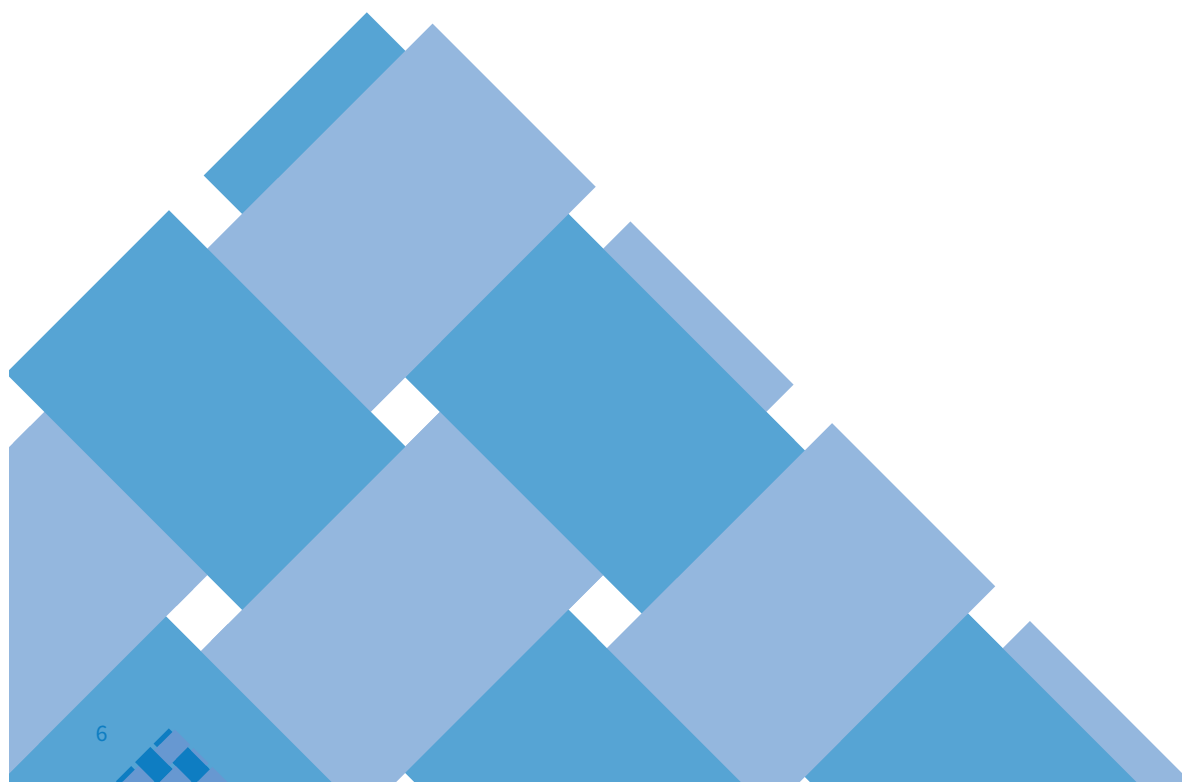
The current law – Separate processes for Māori and general wards

General wards process

General wards provide local government representation for electors on the general electoral roll. They might represent specific urban or rural communities within the district, city or region. If a council doesn't have Māori wards, then general wards represent everyone no matter which role they are on.

Councils consider general wards in a "representation review." They must conduct a representation review at least every 6 years between 1 March and 20 November in the year before the local government elections.

Representation reviews are when councils decide:

- how many councillors will be elected,
- whether any councillors will be elected "at-large" (by everyone),
- whether any councillors will be elected in (general) wards,
- where the boundaries of these wards will be, and
- the names of these wards.

The representation review process is also when councils make decisions about whether there will be any community boards, and if so what the boundaries and names of any community boards will be.

Councils must consult with the public on their initial representation proposal and may amend this following consultation with their community. The initial representation proposal needs to be published by 31 August and the consultation period lasts for at least 1 month.

Councils must consider feedback, then release a final representation proposal within 6 weeks of the consultation period closing, or by 20 November.

Appeals or objections on the final representation proposal can be made by:

- People who submitted on the initial representation proposal, if they feel that matters from their submission were not considered in the final representation proposal, and
- Anyone, if the final representation proposal is different to the initial representation proposal.

The Local Government Commission (an independent panel) determines the outcome of any appeals or objections to the final representation proposal. In addition, the final representation proposal must be referred to the Local Government Commission if the per-councillor population of any ward varies by more than 10% from the average per-councillor population of the whole district, city or region.

The Local Government Commission's decision must be made before 11 April of the following year.

7

Māori wards process

Māori wards provide local government representation for electors on the Māori electoral roll. They are similar to the Māori parliamentary electorates. Local government has a responsibility to consider the role of Māori in decision-making. Providing for dedicated representation for Māori through Māori wards is one way to do this.

Councils consider Māori wards in two stages.

First, an initial decision is made by 23 November two years before the local government elections. (As a one-off change for the 2022 local elections, this was extended to 21 May 2021.) There is no requirement to consult with the public on this decision. The council's decision is final and it cannot be appealed to the Local Government Commission.

If a council agrees to have Māori wards at the next election, it must have at least one Māori ward and at least one general ward. The council must conduct a representation review to determine detailed representation arrangements, including:

- how many councillors will be elected,
- whether any councillors will be elected "at-large" (by everyone),
- how many general wards there will be, and the names and boundaries of these,
- how many Māori wards there will be, and the names and boundaries of these, and
- decisions about community boards

The number of councillor positions for Māori wards and general wards is calculated proportionally to the council's Māori electoral population (MEP) and general electoral population (GEP), and also depends on how many councillors will be elected.

A representation review with Māori wards follows the same process as a representation review with only general wards, including:

- Public consultation on the council's initial representation proposal,
- Appeals and objections on the council's final representation proposal, and
- Final decisions made by the Local Government Commission, where necessary.

The decision to have (or not have) Māori wards cannot be changed by the Local Government Commission.

The image on the next page shows the timeline for councils to make decisions about representation.

8

	General wards	Māori wards
Year after last election		
By 23 November		Initial decision on Māori wards Will there be Māori wards?
Year before next election		
By 23 November	Initial representation proposal released, start of public consultation All general representation decisions	Initial representation proposal released, start of public consultation How will Māori wards be implemented?
6 weeks after consultation closes / by 20 November	Final representation proposal released, taking into account public feedback	Final representation proposal released, taking into account public feedback
4 weeks after final proposal / by 20 December	Last day for appeals or objections on the final representation proposal.	Last day for appeals or objections on the final representation proposal. No appeals possible on initial decision on Māori wards.
Election year		
By 11 April	Local Government Commission considers any appeals/objections and makes a determination. Can override any council decisions on basis of appeals/objections.	Local Government Commission considers any appeals/ objections and makes a determination. Can amend boundaries but not override initial decision on Māori wards.

9

Opportunity for change – Bringing the processes closer together

We're seeking your views on how the processes for Māori wards and general wards can be brought closer together.

Bringing the two processes more closely together would most likely make the establishment of Māori wards easier to understand and easier for councils to consider and implement. There would likely be improved community consultation on decisions but less flexibility for councils.

Alternatively, maintaining separate processes would most likely require new decisions to be made about how these processes are sequenced. Councils would have a high degree of flexibility about how they consult and make decisions, but having two separate systems could be confusing and some people could feel like they've been left out of consultation procedures.

There are 6 key differences between the two processes. Read more about these differences below and let us know what you think using the feedback form provided or by visiting the Department of Internal Affairs website www.dia.govt.nz/maori-wards.

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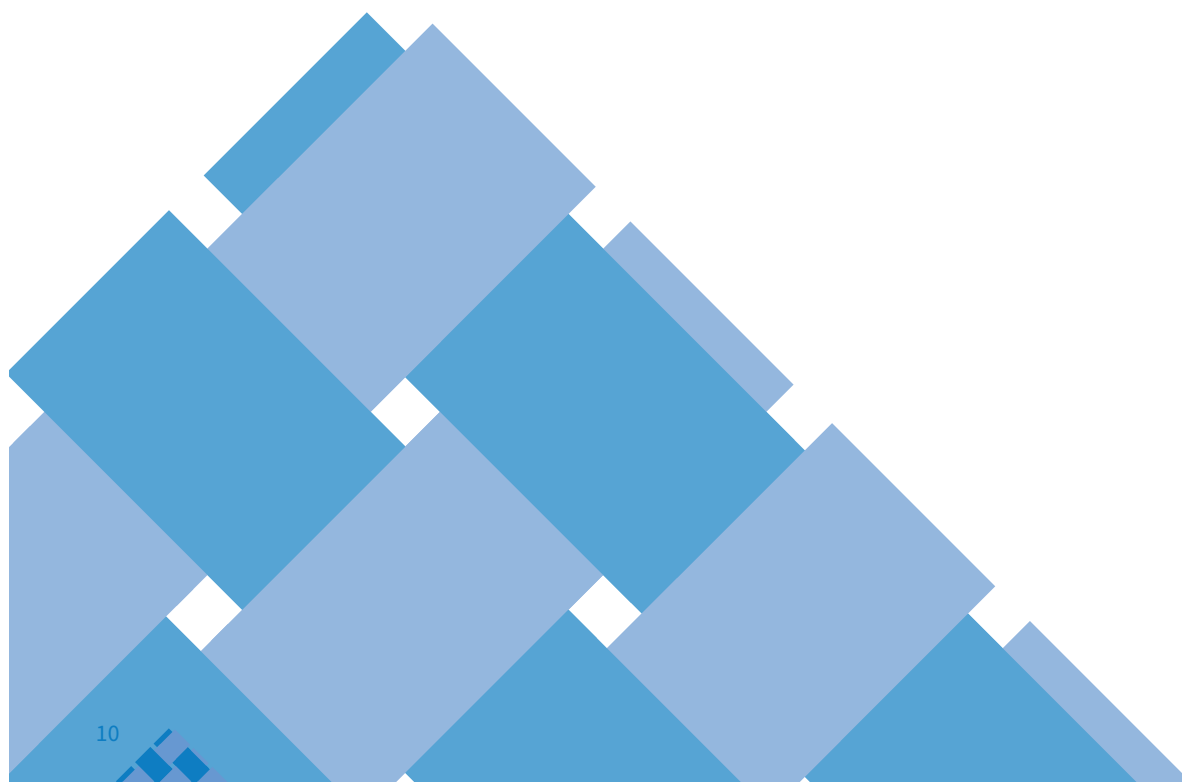
Issue 1 – Requirement to consider

Regular reviews of representation help to ensure that representation arrangements reflect current and future communities.

Councils are required to consider general representation arrangements at least every six years as part of their representation reviews. The six-year review period is designed to balance letting people get used to any changes and ensuring that representation arrangements are regularly updated to reflect changes in the city, district or region.

Councils can optionally consider Māori representation at any time. However, some councils are not able to consider Māori wards easily because the number of Māori ward councillor positions available for them might be 0 unless they increase the number of total councillor positions (this would reflect a low Māori Electoral Population or a low total number of councillors in that city, district or region).

Opportunity: Councils could be required to regularly consider Māori wards. The appropriate timeframe would need to be determined. A regular review period would ensure that no communities miss out on Māori wards being considered by their council. However, it might add additional bureaucracy for councils that are happy with their current arrangements or not able to easily create Māori wards.

Questions for discussion
A) Should councils be required to consider Māori wards? • Yes, every council (the same as general wards) • Yes, but only councils that already have Māori wards • Yes, but only councils that don't already have Māori wards • No (the same as the current law) **B) If yes, how often?** • Every six years (the same as general wards) • Another frequency (please state) **C) Do you have any other comments about this issue?**

11

Issue 2 – Timing of decisions

Māori wards decisions are made in two stages, while general wards decisions are made in one stage. The second stage of decisions about Māori wards is aligned to the general wards process already.

Before 2021, councils needed to make an initial decision about Māori wards before decisions about general wards. This was to allow time for citizens-initiated binding polls on Māori wards to be completed. Now that there are no more binding polls, there is a three-month gap between the last day for an initial decision on Māori wards (23 November) and the first day for an initial representation proposal (1 March).

Deciding whether there will be Māori representation before considering how any wards would be implemented gives certainty to the council and its communities of what will be considered in the representation review. This sequencing also means that councils can consider Māori wards in years when they would not be required to otherwise complete a representation review.

However, because the total number of councillors is not decided until after 1 March, the number of Māori ward councillor positions is usually not known when the council's initial decision on Māori representation is made by 23 November. This can cause uncertainty for the council and its communities.

Opportunity: The way that councils make decisions about Māori wards could change. Retaining a two-stage process would ensure that the initial Māori ward decision stays separate, may raise the profile of this decision, and may give clarity about the options available in the representation review. Alternatively, making all decisions about Māori wards and general wards at the same time in a single-stage process might be simpler for council administration and clearer for communities to understand.

Questions for discussion

A) Should Māori ward decision-making continue to take place in two stages?
- Yes (the same as the current law)
- No – one stage (the same as general wards)

B) How should the time between 23 November and 1 March be filled?
- More time for councils to decide about Māori wards
- More time for councils to decide about general wards
- No changes (the same as the current law)

C) Do you have any other comments about this issue?

12

Issue 3 – Opportunities for public input

Understanding community views can help to inform council decisions. Sometimes councils have the flexibility to decide how to engage with their community. At other times, councils are required to engage in a certain way and incorporate this feedback into final decisions.

For general wards, councils must publicise their initial representation proposal. Members of the public can submit their views on the proposal for at least 1 month. The council must consider these views when it decides its final representation proposal. The final representation proposal must be decided within 6 weeks of public consultation closing.

For Māori wards, the law doesn't require councils to engage with their communities in any particular way. Councils are required to have a Significance and Engagement Policy that sets out what types of decisions require public engagement and how they will engage. This gives them the flexibility to choose the best engagement method on a case-by-case basis. Councils have used a variety of methods to engage with their communities on Māori wards, including:

- Iwi dialogue,
- Targeted consultation with people of Māori descent or on the Māori electoral roll, and
- Wider public consultation with the whole community.

Opportunity: Councils could be required to engage with their communities when considering Māori wards, the same as for general wards. There are different options for how councils could engage. Councils could be required to use a specific process, or devise their own. Requiring a specific process would make it clear what councils need to do and how the community can participate. However, some processes might not suit some councils and specific requirements may limit local innovation.

Questions for discussion

A) **Should councils be required to engage with their community when considering Māori wards?**
- Yes (the same as general wards)
- No, but they must have regard for iwi/hapū/whanau perspectives
- No (the same as the current law)

B) **If yes, what type of engagement is best?**
- Iwi/hapū dialogue
- Targeted consultation with people of Māori decent or on the Māori electoral roll
- Wider public consultation with the whole community
- Council to decide on a case-by-case basis

C) **If your council considered Māori wards in 2020 or 2021, what type of engagement approach was used and how effective do you think this was?**

D) **Do you have any other comments about this issue?**

13

Issue 4 – Decision-making rights and role for Local Government Commission

Councils generally hold all decision-making rights for both Māori wards and general wards. This is because councils are elected to make decisions on behalf of their communities.

At the moment, if a council decides to create (or not create) Māori wards, this decision is final and cannot be appealed.

Members of the public may appeal or object to a council's final representation proposal on limited grounds (for example, if they don't think their submission during public consultation was fairly considered, or they don't like the changes made after public consultation). Members of the public cannot appeal or object to a council's final representation proposal on the grounds that they do not want the council to have Māori wards.

If there are appeals or objections to the final representation proposal, the Local Government Commission must decide what happens. The Local Government Commission has limited powers that can change how Māori wards are implemented, in the same way that it can change how general wards are implemented:

- The Local Government Commission can amend the total number of councillors to make representation more effective. This may change how many Māori ward councillor positions are available.
- The Local Government Commission can amend the names and boundaries of Māori wards where 2 or more Māori ward councillor positions are available.
- The Local Government Commission can require 2 or more Māori ward councillor positions to be elected from a single ward.

The Local Government Commission's decisions can be appealed to the High Court only if there are concerns the process was not followed correctly.

Opportunity: People could be allowed to appeal or object to a council's decision to create Māori wards. This could be the Local Government Commission or some other entity. If appeals or objections are allowed, this could provide for a "check and balance" on council decision-making. However, the power for making the final decision would shift away from the council and local community.

Questions for discussion

A) **What role should the Local Government Commission have in relation to Māori wards?**
- People can appeal a council's decision to create / not to create Māori wards, and the Local Government Commission must decide
- No role and people cannot appeal a council's decision to create / not to create Māori wards (the same as the current law)
- No role but people can appeal a council's decision to create / not to create Māori wards to some other entity

B) **If some other entity, then who should this be?**

C) **Do you have any other comments about this issue?**

14

Issue 5 – Discontinuance process and period in force

When representation arrangements change, it can be helpful for these to remain in place for more than one electoral cycle, so the community can get used to the changes over time. However, this means that there is limited ability to make further changes to representation arrangements in the short term even if these would be widely supported.

Representation arrangements might suit a community today, but in the future, the community's needs might change. Clear processes need to be place for representation arrangements to change so that they can reflect how communities evolve over time. Clear processes improve certainty for councils and communities by ensuring that everyone can understand how representation arrangements are decided.

Currently, if a council establishes Māori wards for the first time, the Māori wards will stay in place until the council decides otherwise. The first opportunity for the council to reconsider is two elections after the creation of Māori wards. However, councils have advised that the process to discontinue Māori wards, and return to combined general and Māori representation, is not sufficiently clear.

Councils' general ward representation arrangements stay in place for 2 elections, but councils may optionally change their general ward representation arrangements after every election. There is a clear process for changing between ward-based and at-large representation systems.

Opportunity: The Government could make it clearer about how councils change Māori representation arrangements. This would give everyone certainty about how future decisions can be made and enable representation arrangements to reflect future communities. The requirement that Māori wards stay in place for 2 elections could be relaxed so that councils can change their minds after each election. This would enable communities who disagree with the council's decision to advocate for change sooner, but changing the governance structure too often might cause confusion.

Questions for discussion

A) **What should a council be required to do if it wishes to no longer have any Māori wards?**
- The council should be able to decide this on its own (the same as the current law)
- The council must consult with its community (the same as general wards)

B) **How long should council decisions to create Māori wards stay in place?**
- Until the council decides otherwise, but at least 2 elections (the same as the current law)
- Until the council decides otherwise, but at least 1 election and must be reviewed after 2 elections (the same as general wards)
- 1 election only
- 2 elections only

C) **Do you have any other comments about this issue?**

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Issue 6 – Types of polls

Polls can help to measure community support for a proposal and inform council decisions. However, simple "Yes" / "No" polls can prevent minority voices from being heard. Community engagement can provide for more detailed feedback.

Binding polls on Māori wards have previously been described as an "almost insurmountable barrier" to improving Māori representation at local government. The Government has already decided that there will be no more binding polls on Māori wards. Councils may initiate non-binding polls on Māori wards, just like they can on any other topic relevant to local government.

Binding and non-binding polls can be held on general wards. This means that there is an inconsistency in which types of polls can be held for each type of ward. However, no council has ever held a binding poll on general wards and this ability could be removed to create consistency.

Opportunity: The inconsistency about which types of polls can be held for each type of ward could be fixed by removing the ability of councils to hold binding polls on general wards.

Questions for discussion
A) **Should councils retain the ability to initiate binding polls on general wards?**
• Yes (the same as the current law)
• No (the same as Māori wards)
B) **Do you have any other comments about this issue?**

Next steps

Your feedback on each issue will determine how the law is improved.
You can download a feedback form from the Department of Internal Affairs website at www.dia.govt.nz/maori-wards. You can also email your feedback to localelections@dia.govt.nz.

If you share your email address with us, we can send you updates about the outcome of the consultation including about any future law changes.
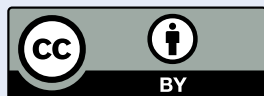
If any law changes are to be progressed, it is expected that these will need to be in place by the end of 2022 (in time for the new term of local government).

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**Te Tari Taiwhenua
Internal Affairs**

**Te Kāwanatanga o Aotearoa
New Zealand Government**

9.7 Submissions to the Proposed Government Policy Statement on Housing and Urban Development, the Select Committee Inquiry on the Natural and Built Environments Bill: Parliamentary Paper, and Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement.

File Number: A12729208

Author: Simon Banks, Project Leader: Urban Planning

Authoriser: Christine Jones, General Manager: Strategy & Growth

PURPOSE OF THE REPORT

1. To report to the Committee on the submissions lodged on the Proposed Government Policy Statement on Housing and Urban Development, the Select Committee Inquiry on the Natural and Built Environments Bill: Parliamentary Paper, and the Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement.

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

(a) Receives the submission (Attachment 1) on the Proposed Government Policy Statement on Housing and Urban Development lodged with Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development on 29 July 2021;

(b) Receives the submission (Attachment 2) to the Inquiry on the Natural and Built Environments Bill: Parliamentary Paper lodged with the Environment Select Committee on 4 August 2021; and

(c) Receives the submission (Attachment 3) on the Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement lodged with Bay of Plenty Regional Council on 10 August 2021.

DISCUSSION

Proposed Government Policy Statement on Housing and Urban Development (GPS-HUD)

2. Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD) is leading the development of the GPS-HUD, which is intended to communicate the long-term vision and change needed in housing and urban development in New Zealand.

3. The discussion document for the proposed GPS-HUD proposes a vision, outcomes, focus areas, actions, and ways of working to shape housing and urban development over the next 30 years. It sets out how Government and others will work together to make this happen, and shape future government policy, investment, and programmes of work.

4. As with other high growth councils around New Zealand, TCC has struggled to respond effectively to urban development pressures under the current system. A GPS that seeks to align the wide array of work programmes, policy, and actions across government in support of achieving housing and urban development outcomes is therefore welcomed.

5. TCC is largely supportive of the vision, outcomes, and focus areas – which are by nature high level and aspirational. However, we have some concerns over the actions required to deliver these outcomes, and have highlighted a number of specific matters that we think need to be addressed or focussed on in the final GPS-HUD, relating to:

(a) Housing and Urban Development Toolkit for Local Government;

(b) Infrastructure Funding;

(c) Roles and Responsibilities in the System;

(d)   GPS-HUD Direction and Support;

(e)   Development Costs and Economic Feasibility;

(f)   Alignment of Policy and Reform across Government; and

(g)   Central Government Agencies and Investment.

6.   A copy of the draft submission was distributed to the Commissioners on 23 July 2021 for review and comment. The consultation period closed on 30 July 2021 prior to the Strategy, Finance, and Risk Committee Meeting on 16 August 2021. As a result, the submission was finalised by staff and lodged with HUD on 29 July 2021.

7.   A copy of the submission is included as Attachment 1.

Select Committee Inquiry on the Natural and Built Environments Bill: Parliamentary Paper

8.   On 29 July 2021, public submissions were called for the Select Committee Inquiry on the Natural and Built Environments Bill: Parliamentary Paper. This inquiry is the first part of reforming the resource management (RM) system and replacing the Resource Management Act 1991 (RMA) with three new pieces of legislation.

9.   The Parliamentary Paper includes an "Exposure Draft" of the Natural and Built Environments Bill (NBA). The process is intended to test and improve the contents of the Bill before it goes into the formal Parliamentary process. The exposure draft provides an early look at key aspects of this legislation including:

(a)   the purpose of the NBA (including Te Tiriti o Waitangi clause) and related provisions;

(b)   the National Planning Framework; and

(c)   the Natural and Built Environments plans.

10.   The purpose of the Inquiry is to provide feedback to the Government on the extent to which the provisions in the exposure draft of the NBA will support the resource management reform objectives to:

(a)   protect, and where necessary, restore the natural environment, including its capacity to provide for the well-being of present and future generations

(b)   better enable development within environmental biophysical limits including a significant improvement in housing supply, affordability and choice, and timely provision of appropriate infrastructure, including social infrastructure

(c)   give effect to the principles of Te Tiriti o Waitangi and provide greater recognition of te ao Māori, including mātauranga Māori

(d)   better prepare for adapting to climate change and risks from natural hazards, and better mitigate emissions contributing to climate change

(e)   improve system efficiency and effectiveness, and reduce complexity, while retaining appropriate local democratic input.

11.   The select committee is also asked to collate a list of ideas (including considering the examples in the parliamentary paper) for making the new system more efficient, more proportionate to the scale and/or risks associated with given activities, more affordable for the end user, and less complex, compared to the current system.

12.   TCC supports in principle the Government objectives for RM reform. We welcome a reformed system that seeks to better enable development within environmental limits, better prepare for adaptation to climate change and risks from natural hazards, and to improve efficiency and reduce complexity.

13.   However, based on the proposed framework set out in the exposure draft (and discussed in the parliamentary paper), we are concerned that the objectives for reform will not be met and that existing challenges will be perpetuated. A summary of our key issues is outlined below:

(a)   The proposed system is unbalanced, focussing primarily on the natural environment and ignoring the built environment.

(b)   The proposed system is unlikely to improve efficiency and reduce complexity.

(c)   The regional framework for drafting Regional Spatial Strategies and NBA Plans will make it difficult to resolve significant housing and urban development challenges.

(d)   A more developed vison for the resource management system is required, which we have provided.

(e)   Partnership and resourcing of local government and tangata whenua must be appropriate for the scale of the changes proposed.

(f)   Further detail and engagement with local government is required to ensure the effectiveness of the proposed system.

14.   The working draft of the key issues table was discussed with the Commissioners on 20 July 2021, and an updated draft distributed to Commissioners on 23 July 2021 for review and comment. The final draft of the submission was distributed to the Commissioners on 29 July 2021.

15.   The submission period closed on 4 August 2021 prior to the Strategy, Finance, and Risk Committee Meeting on 16 August 2021. As a result, the submission was finalised by staff and lodged with the Environment Select Committee on 4 August 2021.

16.   A copy of the submission, including an A3 executive summary outlining our developed vision for the RM system and highlighting our key issues, is included as Attachment 2.

Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement

17.   Kaituna He Taonga Tuku Iho – A Treasure Handed Down (The Kaituna River Document) was a requirement of the Tapuika Claims Settlement Act 2014.

18.   The Kaituna River Document was prepared by Te Maru o Kaituna River Authority (a co-governance entity of iwi and council representatives) in consultation with iwi, hapū and the wider community. The Kaituna River Document's purpose is to promote the restoration, protection and enhancement of the environmental, cultural, and spiritual well-being of the Kaituna River and its tributaries.

19.   Bay of Plenty Regional Council (BOPRC) is required to change the Bay of Plenty Regional Policy Statement (RPS) to recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document to the extent that contents relate to resource management issues.

20.   Proposed Change 5 (Kaituna River) has been prepared under the RMA and is specific to the Kaituna River and its tributaries. The proposed change relates to freshwater so it must follow a new Freshwater Planning Process which is overseen by the Chief Freshwater Commissioner.

21.   TCC has previously provided feedback on the draft of Proposed Change 5, in October 2020. TCC noted their support for the Proposed Change and suggested changes to the significant issues statements, objectives and policies.

22.   Our suggested changes reflect significant projects which in some way will interface with the Kaituna River. These include the progression of growth planning in Papamoa East, including for the Te Tumu Urban Growth Area, the implementation of the Waiari Water Supply Scheme and continued provision for municipal water supply from this catchment to the communities.

23.   As part of the consideration of the Change to the RPS, we have considered the Objectives and Policies and whether a submission should be made. TCC's position is largely supportive of the proposed change however, we have identified concerns over the objectives and policies, and have highlighted a number of specific matters that could be addressed or focussed on to improve clarity and focus. The position taken is not to oppose these, rather support in part suggesting constructive changes to improve the objective and policy wording.

24. The working draft of the was shared with Commissioners on the 6 August 2021 for review and comment. The final draft of the submission was distributed to the Commissioners on the 10 August 2021, prior to lodgement.

25. The submission period closed on 10 August 2021 prior to the Strategy, Finance, and Risk Committee Meeting on 16 August 2021. As a result, the submission was finalised by staff and lodged with BOPRC on 10 August 2021.

26. A copy of the submission is included as Attachment 3.

NEXT STEPS

Proposed Government Policy Statement on Housing and Urban Development (GPS-HUD)

27. HUD will use the feedback provided to help inform the final GPS-HUD. A summary of submissions will be published alongside the final GPS-HUD before 1 October 2021.

Select Committee Inquiry on the Natural and Built Environments Bill: Parliamentary Paper

28. The Environment Select Committee will hear submissions from those parties who wish to speak in support of their submission. Our tangata whenua partners have requested that submissions are heard in Tauranga, and we have endorsed and supported this request.

29. After the committee has considered the public submissions and advice, it will share its findings and any recommendations in a report to Parliament. The deadline for the Select Committee to report back to parliament is 18 October 2021.

30. It is anticipated that ongoing engagement with Ministry for the Environment staff will continue following the Inquiry, as the bulk of the NBA and the accompanying Strategic Planning Act (SPA) are drafted. The full Bills for the NBA and SPA are expected to be introduced to Parliament in early 2022.

Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement

31. The freshwater planning process (FPP) provisions are set out in Section 80A and Part 4 of Schedule 1 to the RMA. This process is overseen by the Chief Freshwater Commissioner who has been appointed by the Minister for the Environment. Regional councils are required to use this planning process for any change to a regional plan or regional policy statement if it 'otherwise relates to freshwater'.

32. Following closure of submissions, the Chief Freshwater Commissioner will convene a freshwater hearings panel to hear submissions, report on the hearing, and make recommendations to the Regional Council. The Regional Council must decide whether to accept or reject each recommendation and notify the public and those who made submissions of its decisions. Appeal rights are restricted compared to the standard plan-making process.

33. It is anticipated that BOPRC will issue an updated timeline for Proposed Change 5 following the closure of submissions.

ATTACHMENTS

1. **Submission on proposed GPS for Housing and Urban Development - A12734229** ⇩ 📄
2. **Submission to Inquiry on the Natural and Built Environments Bill: Parliamentary Paper - A12749985** ⇩ 📄
3. **Submission on Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement - COVER LETTER and SUBMISSION - A12771221** ⇩ 📄

30 July 2021

Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development
PO Box 82
Wellington 6140

By email to: hud_gps@hud.govt.nz

Dear Sir/Madam

Proposed Government Policy Statement on Housing and Urban Development

Please find Tauranga City Council's submission on the proposed Government Policy Statement on Housing and Urban Development attached.

We will be pleased to discuss the matters raised in our submission, or to provide additional information and evidence if this would be useful.

Please direct any enquiries to:

Andrew Mead
Manager: City & Infrastructure Planning
P: 027 763 5762
E: andrew.mead@tauranga.govt.nz

We look forward to receiving advice about the outcomes of this consultation and the next steps in the process of publishing the proposed Government Policy Statement.

Yours faithfully

Anne Tolley
Commissioner – Chairperson
07 557 6618
anne.tolley@tauranga.govt.nz

Submission to

Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

Proposed Government Policy Statement on

Housing and Urban Development

July 2021

Introduction

1. Tauranga City Council (TCC) welcomes the opportunity to submit to Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD) on the discussion document for a Proposed Government Policy Statement on Housing and Urban Development (GPS-HUD). We are happy to discuss our submission further with you or provide additional information and evidence that would be of assistance. Enquires should be directed to:

    Andrew Mead, Manager: City & Infrastructure Planning
    027 763 5762
    andrew.mead@tauranga.govt.nz

2. TCC supports in principle the intent of the proposed GPS-HUD. As with other high growth councils around New Zealand, TCC has struggled to respond effectively to urban development pressures under the current planning system. We therefore welcome a GPS that seeks to align the wide array of work programmes, policy, and actions across government in support of achieving housing and urban development outcomes.

3. Rather than responding to each of the questions in the discussion document, the body of our submission focuses on our key issues and challenges for housing and urban development. These are generally linked to one or more of the questions in the discussion document. Further context and background for TCC's submission is provided in Appendix A.

Vision, Outcomes, Focus Areas, and "Ways of Working" of the GPS-HUD

4. TCC supports the Vision of the proposed GPS-HUD, that "*everyone in New Zealand lives in a healthy, secure and affordable home that meets their needs, within a thriving, inclusive and sustainable community*".

5. TCC therefore supports a GPS that seeks to steer government activity to more effectively enable quality housing and urban development. The proposed actions set out in the GPS-HUD are required to alleviate some of the problems felt within Tauranga and many other urban areas of New Zealand – such as housing unaffordability, housing capacity, homelessness, and poor transport connectivity.

6. We also support all four outcomes of the proposed GPS-HUD:

    a. *Thriving communities* - *Everyone is living in homes and communities that meet their employment, education, social and cultural wellbeing needs and aspirations — places that are affordable, connected, environmentally sustainable, safe and inclusive.*

    b. *Wellbeing through housing* - *All New Zealanders own or rent a home that is affordable, healthy, accessible, secure, and which meets their needs and aspirations.*

    c. *Partnering for Māori housing & urban solutions* - *Māori are determining their housing needs and aspirations, supporting whānau prosperity and inter-generational wellbeing, and deciding the means to achieve those aspirations.*

    d. *An adaptive and responsive system* - *The housing and urban development system is integrated, self-adjusting, and responsive to emerging challenges and opportunities.*

7. These outcomes align well with TCC's strategic objectives for housing urban development that are being developed through our SmartGrowth partnership, the Urban Form and Transport Initiative

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OBJECTIVE ID: A12704669

(refer to discussion below), the Te Papa Spatial Plan for intensification of existing urban areas and a range of other projects.

8. TCC supports the six focus areas outlined in the proposed GPS-HUD, although we note that further work may be needed to prioritise these matters and address conflicts between the focus areas where they arise. In particular, we support those focus areas that are most relevant to the role of local government. These include:

    a. *Ensure that more affordable houses are being built - Create a housing and urban land market that credibly responds to population growth and changing housing preferences, that is competitive and affordable for renters and homeowners, and is well-planned and well-regulated.*

    b. *Support resilient, sustainable, inclusive and prosperous communities - Our communities are well equipped to meet long-term climate, social, environmental, cultural and economic challenges and opportunities.*

    c. *Invest in Māori-driven housing and urban solutions - The right to self-determine better housing and urban development solutions for iwi and Māori should be realised.*

9. TCC agrees agree that the housing and urban development system needs to work differently, and therefore supports the four "ways of working" outlined in the proposed GPS-HUD:

    a. *Te Maihi o te Whare Māori - Government, Iwi and Māori work collaboratively to drive tailored and enduring solutions to meet Māori housing and urban development aspirations, engage early and often, and build capacity and capability to provide for Tino rangatiratanga.*

    b. *Place-based approaches - Communities need tailored solutions that work for them in each place, and solutions will need to be targeted and developed collaboratively to meet their needs.*

    c. *Genuine and enduring partnerships - Effective relationships, and coordinated planning, investment and decision-making delivers outcomes and supports capability and capacity building across the system.*

    d. *Sustainable and reliable funding - The system can rely on long-term, sustainable sources of funding and financing (both private and public) to support and incentivise housing and urban development outcomes.*

10. Despite the above, we note that the actions required to implement these four ways of working are many and complex, and our concerns around implementation of these ways of working form the bulk of our submission points outlined here. In particular:

    a. Building capacity and capability through partnership with Iwi and Maori, and across the wider housing and urban development system, will require significant resourcing from central and local government.

    b. The desire for place-based approaches to housing strongly conflicts with the direction of resource management reform, with a move towards spatial and regulatory planning at a regional level, rather than a local level.

    c. Delivering sustainable and reliable sources of funding and financing has long been recognised as a critical factor in delivering housing and urban development but has to date remained an elusive goal.

2   OBJECTIVE ID: A12704669

11. We acknowledge that there will be a range of challenges for councils relating to housing and urban development. This submission focuses on issues relevant to Tauranga City specifically, and urban areas more generally. The key submission points are expanded on in more detail in the following sections.

Housing and Urban Development Toolkit for Local Government

12. The toolkit available for local government to perform its core functions in the housing and urban development system is incomplete and sub optimal. Some of these issues have been acknowledged and may be addressed in upcoming reform processes (see further discussion below) while others are a work in progress or remain unaddressed. Key examples include:

    a. The extended timeframe to rezone land for urban development under the current planning system, whether it is for greenfield or intensification of existing urban areas. Current proposals for resource management reform focus primarily on the natural environment and require promotion of conflicting environmental outcomes which is likely to perpetuate the current challenges for rezoning greenfield land.

    b. The lack of ability for Councils to amend and control covenants under the Property Law Act which prevent or constrain redevelopment of land. These covenants affect large areas of Tauranga City, and often restrict further subdivision and intensification, limit allowable dwelling types to large detached houses, and in some cases prevent the development of adjoining zoned residential land.

    c. Ongoing infrastructure funding constraints, both for Council funded infrastructure (e.g. local roading, walking and cycling, three waters, community facilities) and for central government funded infrastructure (e.g. state highway and rail networks, corrections, health and education facilities).

Infrastructure Funding

13. Enduring, coordinated funding across the urban system is critical to ensuring that urban development achieves the outcomes sought in the proposed GPS-HUD. The Discussion Document highlights the importance of spatial planning and coordination across agencies, and "sustainable and reliable funding" as a way of working. However, the Discussion Document lacks detail on how funding proposals or interventions will be developed to achieve this.

14. Central Government should be a funder of first resort for critical, city-shaping infrastructure to help solve the housing crisis. TCC is a partner with the Crown and Iwi in the Western Bay of Plenty Urban Growth Partnership. This has been a successful model for collaboration and planning, but it lacks an enduring, aligned commitment to fund ongoing initiatives which actually deliver on our shared housing and urban growth priorities. The GPS-HUD should consider including the role of City Deal/Partnership arrangements which have proven to be very beneficial for high growth areas in the United Kingdom and Australia[1].

15. Recent initiatives in the infrastructure funding and financing space such as the Housing Infrastructure Fund, Housing and Infrastructure Acceleration Funds, and the Infrastructure Funding and Financing legislation are welcomed. However, with respect, these measures barely scratch the surface of what is required. Further, our experience is that these processes are complex, time and

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[1] https://www.infrastructure.gov.au/cities/city-deals/

resource hungry, often difficult to implement and focus heavily on process with limited focus on outcomes and efficiency.

16. Much more is required in the infrastructure funding and financing space if we are to move forward in responding to the housing and urban development challenges we face as a nation. Given the despairing state of transport funding in terms of both the sufficiency of funding and certainty of funding for both State Highways and local transport systems, coupled with significant construction cost escalation, TCC's view is that we are actually moving backward rather than forward in resolving the funding challenge.

17. The broader funding toolkit lacks the use of value capture opportunities. Rezoning and infrastructure investment decisions by central and local government confer significant additional value to the landowners and developers in the millions, tens of millions and sometimes hundreds of millions of dollars. There is no mechanism to capture any of this windfall gain back to assist in outcomes like funding infrastructure or delivering affordable housing; these gains are not even taxed when developable land is sold.

18. There is significant opportunity in this space to more fairly attribute the financial benefits of rezoning and investment decisions in a way that can help to address our housing and urban development challenges – just as the New South Wales State government is doing in Australia. We submit that this should be added as a significant focus area to the GPS.

Roles and Responsibilities in the System / GPS-HUD Direction and Support

19. TCC supports the clear articulation of the roles and responsibilities of different organisations and sectors in the housing and urban development system, as set out in pages 18/19 and 61/62 of the GPS-HUD Discussion Document.

20. We broadly agree with the role ascribed to local government, with core functions around connecting with their communities, regulatory functions (e.g. consenting), development of planning frameworks (e.g. spatial plans and district plans), and infrastructure and service delivery, rather than being a key player in the delivery of housing.

21. We also acknowledge and agree that local government plays a supporting role in actively building and owning housing stock, with other agencies and organisations leading this.

22. Given Central Government's previous 'hands-off' approach to housing and urban development challenges, our experience has been an expectation from many parts of our community that local government could and should step in and resolve the housing challenge. However, under the current legislative and policy settings we have not been equipped or funded to do this – as a result many of the challenges are well outside the control or influence of local government.

23. We therefore fully support the clear articulation of the role of councils and other players in the housing and urban development system, and we welcome the government's growing interest and involvement in this space – provided this is done in partnership with local government and other stakeholders.

Development Costs and Economic Feasibility

24. While we agree with the focus on ensuring that more affordable houses are being built, we question whether it is actually achievable to deliver truly affordable homes, especially in the short to medium term given current land development and construction costs.

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25. We have a good handle on these costs for both greenfield and intensification development from our development feasibility modelling. When considering both development costs and minimum profitability levels, it is evident why the price of new homes is unaffordable to many, particularly those wanting to buy a first home.

26. We are concerned that there is insufficient understanding of the cost structure of land development and house construction across government, especially the large cost items and meaningful policy focus on how costs could be reduced. The costs include (but are not necessarily limited to):

    a. Land input costs

    b. Civil works

    c. Earthworks

    d. Infrastructure charges (e.g. development contributions)

    e. Taxes (particularly GST)

    f. Labour costs

    g. Building materials

    h. Regulatory and compliance costs.

27. To illustrate this point further, the KiwiBuild 'affordable' maximum price point in Tauranga is $500,000. In reality, this price point is severely unaffordable for many parts of our community when considering income and equity, despite it being significantly lower than the $1m median price of housing in Tauranga.

28. However, given the existing cost structures for housing and urban development, it is very difficult to build and service new homes to an acceptable standard for $500,000 or less. This is evidenced not just through our feasibility work, but also by observing what is currently occurring in the market. Our work suggests that studio apartments are the only typology that can be delivered at this price point and this type of housing is clearly not suitable for most households.

29. What we observe in terms of the proposed direction of the GPS-HUD is that while it aspires to ensure that more affordable houses are being built and to develop a sustainable and reliable funding system, the proposed actions are insufficient in their reach and ambition to address (i.e. reduce) development costs and thus to truly tackle the housing affordability challenge.

30. While no doubt there are political realities that have a bearing, this a significant risk in achieving the outcomes put forward. The GPS-HUD will raise expectations that our current housing and urban development challenges can and will be resolved. However, our fear is that this expectation will be misplaced.

Alignment of Policy and Reform across Government

31. TCC encourages HUD to work collaboratively with MfE and other relevant government departments to ensure the substantial reform programmes currently underway (e.g. resource management, local government, climate change adaptation, and three waters) is aligned with the vision and outcomes of the GPS-HUD. It is essential that these reform programmes are integrated, conflicts are minimised, and provisions are drafted that enable suitable trade-offs to be made at a

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regional and local level between competing priorities. We believe that there is further work required to achieve this.

32. With specific regard to resource management reform, it is difficult to see how the recently released Exposure Draft of the Natural and Built Environments Bill, and in particular the lack of focus on the quality of the built environment and urban development, will create an adaptive and responsive regulatory framework for housing and urban development.

33. Tauranga and other Tier 1 growth areas have developed (or are developing) urban growth partnerships with the government. These tend to be at a metropolitan or corridor level rather than a regional level to align with where the greatest growth and housing pressures exist. We highly value our partnership and support this continued approach; however, it is not reflected in the proposed design of the resource management reforms. These are regional based and will result in very limited metropolitan representation on the proposed planning committees.

34. For example, in the Bay of Plenty region, Tauranga is the only major metropolitan council out of seven local authorities, with the rest being mainly rural or provincial. We believe that further thought is required on how the resource management reforms can be structured to provide sufficient emphasis on more detailed spatial planning and plan making at a metropolitan level to better focus on housing and urban development challenges, separate to the regional plan making approach.

35. More generally, it is critical that central government improves how it assesses and communicates the effects of government policy (in a range of areas) on the housing and urban development outcomes outlined in the GPS-HUD. With respect, recent experience suggests there is significant room for improvement.

36. For example, the wetland provisions in the recent National Policy Statement (NPS) for Freshwater Management (and the associated National Environmental Standard (NES)) placed significant constraints on planned urban development areas within Tauranga. While we understand that MfE have been directed to revise these documents (or provide modified guidance) because of the significant effect they are having on housing and urban development outcome, it has created uncertainty and delay over our ability to deliver these areas.

37. As a result, we are concerned about what the proposed NPS's on Indigenous Biodiversity and Highly Productive Soils might bring. Based on drafts and other engagement that has taken place to date, we have not been encouraged that sufficient recognition will be given to the housing and urban development challenges facing our high growth urban environments.

38. In recent years, the policy environment at a national and regional level has become a lot more complex, with a lot of 'well meaning' new policy developed largely in isolation with insufficient consideration of how such a diverse nature of competing issues can be reconciled. Inevitably, this requires trade-offs and, unfortunately, acceptance that optimal outcomes across all areas cannot be achieved all the time. At the same time the statutory framework has provided little or no ability to make these required trade-offs, incorrectly assuming that all requirements can be achieved. This needs to change. The RM reform is a key vehicle for this, but not the only one.

39. Policy work across government can have significant effects on housing and urban development, which may not immediately be clear and/or be unintended. The freshwater management example is used above, but other examples include policy making in areas like infrastructure, transport, productive soils, coastal policy, indigenous biodiversity, climate change adaptation, and emissions

reduction. It may not always be possible (or desirable) to achieve outcomes in all of these areas, so additional tools to prioritise and resolve conflicts are required.

Central Government Agencies and Investment

40. It is imperative that all government agencies must consider and act in accordance with the proposed GPS-HUD, especially Waka Kotahi NZ Transport Agency (Waka Kotahi). Almost all housing and urban developments across the country of any scale requires significant transport investment and relies on Waka Kotahi subsidy of local government transport expenditure, and in many cases direct Waka Kotahi investment in the State Highway network.

41. In our view, Waka Kotahi's direction under the GPS for Land Transport is significantly mis-aligned with the direction proposed in the GPS-HUD. There is insufficient focus on supporting housing and urban development within the GPS for Land Transport. Our experience in Tauranga is that housing and urban development outcomes are given insufficient consideration when it comes to prioritising transport investment and developing State Highway business cases, or that these outcomes are constrained because of a lack of available transport funding.

42. There are numerous local examples where transport decisions misalign with housing and urban development needs, including:

    a.   the removal of SH2 Takitimu North Link Stage 2 from the New Zealand Upgrade Programme, which compromises over the development of over 2,000 homes in Omokoroa and prolongs significant congestion and safety issues on a key transport corridor.

    b.   the lack of progress Waka Kotahi have made investigating transport solutions for SH29 through the Tauriko area – to the extent that TCC has had to step in to progress business cases and delivery of interim State Highway improvements.

43. In addition to transport, alignment of government activity in Education and Health with the outcomes for housing and urban development specified in the GPS-HUD is required.

44. In this regard we would like to specifically mention the strong relationship formed with the Ministry of Education (MoE) in recent years and the significant progress they are making to align our urban and housing development focus with the delivery of new primary and secondary schools. We are however concerned around some of the constraints within which MoE staff operate that sometimes prevent good housing and urban development outcomes being achieved.

45. For example, there is one significant opportunity for investment in a new secondary school to take significant pressure off the transport network, enable mode shift to walking and cycling, and create better urban and community outcomes that is not being advanced because of a lack of funding, potential impacts on the roles of existing schools and the limited forward planning period that MoE work to. In this case, we have a catchment of over 20,000 people including over 2,000 year 7-13 students which must travel across our harbour on a heavily constrained and congested route every day because no local secondary school exists, and there is no plan or even recognition that one is required.

Appendix A - Context and Background to TCC's Submission

46. Tauranga is the fifth-largest city in New Zealand, with over 140,000 residents. Tauranga's population is projected to grow to almost 200,000 people by 2063. This growth will occur in a constrained regional harbour landscape.

47. TCC is a high-growth Council, facing numerous challenges and competing priorities for housing and urban development that require careful consideration and balance through the planning process. These include:

    a. Substantial population growth pressures;

    b. Dependence on landowners to release land for development;

    c. Differing views about land release and development among the owners of Maori land;

    d. A housing shortage with high housing costs and limited housing diversity;

    e. Lengthy Resource Management Act 1991 (RMA) timeframes for re-zoning new areas for urban development;

    f. Significant landscape, ecological and natural hazard constraints (which are largely already mapped and understood); and,

    g. Substantial transport issues, including dependence on the planning, funding and delivery of state highway projects.

10. If significant new areas for urban development (through both intensification and greenfield development) are not enabled, Tauranga faces a projected housing shortfall of approximately 4,800 dwellings over the next 4 - 10 years[2]. As such, TCC is prioritising the delivery of planning frameworks and infrastructure development programmes to support urban development through intensification and greenfield urban growth.

11. TCC is working to resolve these challenges through initiatives including the following:

    a. The *'SmartGrowth'* strategy, established in 2004 uses a 50-year planning horizon and promotes consideration of environmental, social, economic and cultural matters and a balanced approach to growth management across the Western Bay of Plenty sub-region. TCC has worked in conjunction with its SmartGrowth partners to plan for sustainable and coordinated urban growth such as the development of a clear settlement pattern, objectives and policies through the Bay of Plenty Regional Policy Statement for managing urban growth, including managing environmental values;

    b. TCC is a partner in the '*Urban Form and Transport Initiative'* (UFTI) launched in March 2019. UFTI builds on the successes of SmartGrowth to develop a vision and plan for urban development and transport infrastructure to meet community needs into the future. UFTI aims to develop a long-term, integrated masterplan for urban development and transport that aligns with the central government's transport policy statement and urban growth agenda;

    c. TCC is progressing structure planning and plan change projects to help resolve the short-term housing supply challenges. These being residential intensification planning projects throughout the City, greenfield growth areas for the Te Tumu (7,000 - 8,000 dwellings) and

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[2] Veros Property Services Ltd: *Western Bay Sub-Region Residential Development Capacity Review May 2019.*

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Tauriko West (3,000 – 4,000 dwellings) urban growth areas, and other associated work programs which will lead to delivery of future housing and urban development. However:

- Progression of the Te Tumu urban growth area faces substantial risks and delays beyond TCC's control, associated with Maori land and Maori Land Court matters.

- Advancement of the Tauriko West urban growth area depends on the development of access between the growth area and State Highway 29. However, at the time of writing, funding is unavailable to enable Waka Kotahi NZTA to programme these significant highway upgrades.

- Both Te Tumu and Tauriko urban growth areas are significantly affected by the NPS and NES for Freshwater Management, and the definition of what constitutes a natural wetland.

d. TCC has initiated spatial planning and plan changes to further enable residential intensification (e.g. duplexes, terraced housing, apartments and other, more intensive, residential typologies) in established areas. However, urban intensification is constrained in many areas by:

- Climate change, flooding and earthquake shaking risks across most of the coastal strip from Mauao (Mount Maunganui) to Papamoa;

- Private land covenants which prevent further subdivision and intensification in most subdivisions developed since the 1990's. Covenants constrain approximately half of the urban area of Tauranga;

- Rear lot infill subdivision over older areas has fragmented land ownership, increased the value of capital improvements that need to be written off to enable redevelopment, and increased the complexity of assembling land to enable a reasonable scale of redevelopment;

- The scarcity of large-scale brownfield redevelopment sites; and,

- Economic challenges faced by the property development industry, from a funding and profitability perspective.

48. For these reasons, if Tauranga is to continue to grow to accommodate the population projections, to meet the requirements of the National Policy Statement for Urban Development (NPS-UD), and to contribute to the outcomes identified in the Proposed GPS-HUD, the city must continue to grow outwards as well as upwards.

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4 August 2021

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

Submitted online at: www.parliament.nz

Dear Sir/Madam

Select Committee Inquiry on the Natural and Built Environments Bill Exposure Draft

Please find Tauranga City Council's submission to the Environment Select Committee Inquiry on the Natural and Built Environments Bill: Parliamentary Paper attached.

We will be pleased to discuss the matters raised in our submission, or to provide additional information and evidence if this would be useful. Please direct any enquiries to:

Andrew Mead
Manager: City & Infrastructure Planning
P: 027 763 5762
E: andrew.mead@tauranga.govt.nz

Our tangata whenua partners are requesting that the Select Committee hear their submissions in Tauranga, and we endorse and support this request.

We also wish to speak in support of our submission.

We look forward to receiving further advice about the next steps for the Inquiry and the process for ongoing engagement with local government regarding the reform of the resource management system before the bill is introduced to parliament.

Yours faithfully

Anne Tolley
Commissioner – Chairperson
07 557 6618
anne.tolley@tauranga.govt.nz

Tauranga City

Submission to

Environment Select Committee

Inquiry on the Natural and Built Environments
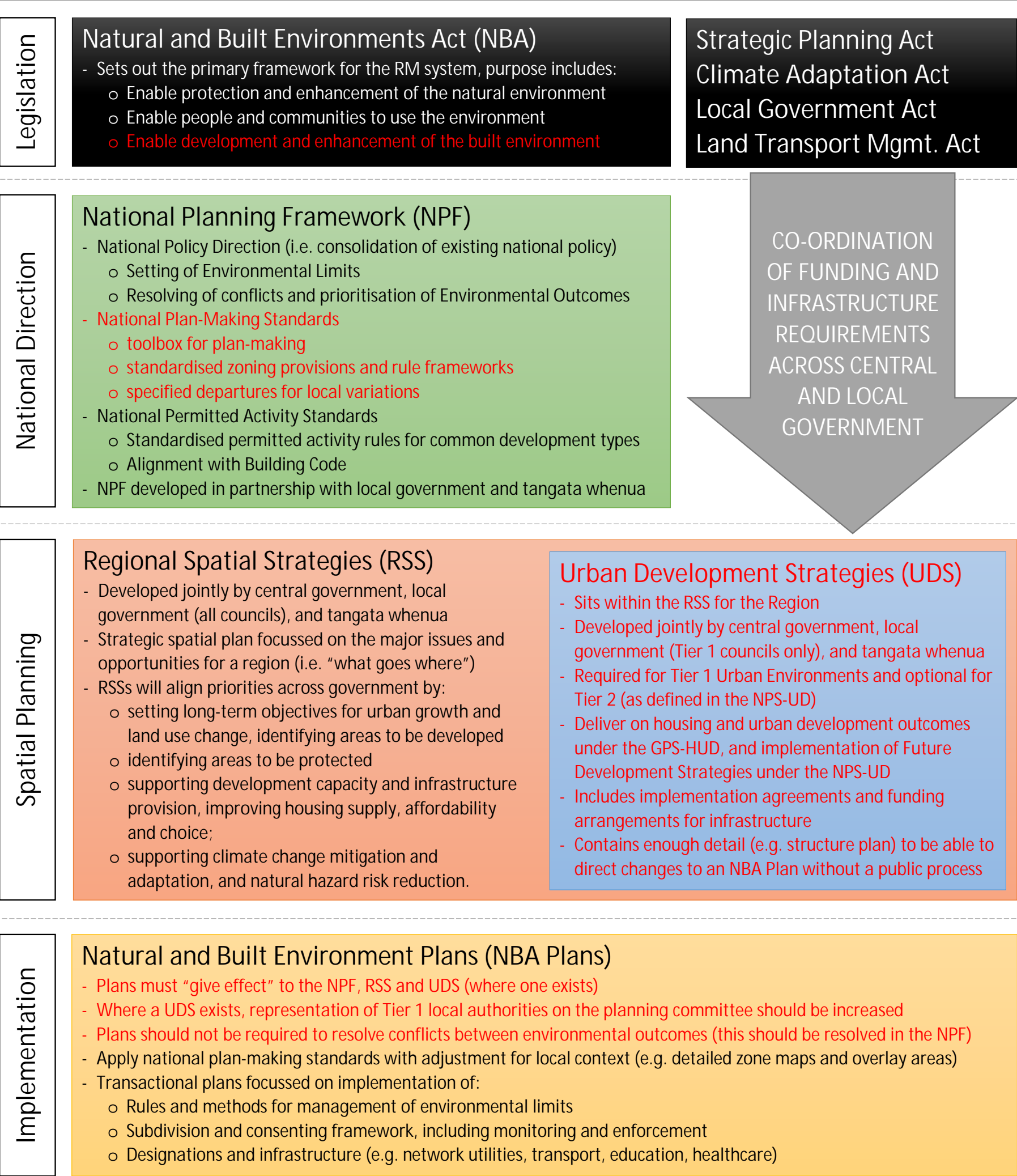Bill: Parliamentary Paper

August 2021

Exposure Draft of the Natural and Built Environments Bill
Executive Summary of Tauranga City Council Submission

A DEVELOPED VISION FOR THE RESOURCE MANAGEMENT SYSTEM

This diagram sets out Tauranga City Council's (TCC) vision for a developed resource management (RM) system, including the hierarchy and function of the various components. It builds on the framework proposed in the Exposure Draft of the NBA, further developing key concepts and suggesting changes to better achieve the objectives for reform. Elements not specifically included in the Exposure Draft (or that may be intended but are not yet drafted) are marked in italics to show our proposed changes, with key suggestions in red.

Legislation

Natural and Built Environments Act (NBA)
- Sets out the primary framework for the RM system, purpose includes:
  o Enable protection and enhancement of the natural environment
  o Enable people and communities to use the environment
  o Enable development and enhancement of the built environment

Strategic Planning Act
Climate Adaptation Act
Local Government Act
Land Transport Mgmt. Act

National Direction

National Planning Framework (NPF)
- National Policy Direction (i.e. consolidation of existing national policy)
  o Setting of Environmental Limits
  o Resolving of conflicts and prioritisation of Environmental Outcomes
- National Plan-Making Standards
  o toolbox for plan-making
  o standardised zoning provisions and rule frameworks
  o specified departures for local variations
- National Permitted Activity Standards
  o Standardised permitted activity rules for common development types
  o Alignment with Building Code
- NPF developed in partnership with local government and tangata whenua

CO-ORDINATION OF FUNDING AND INFRASTRUCTURE REQUIREMENTS ACROSS CENTRAL AND LOCAL GOVERNMENT

Spatial Planning

Regional Spatial Strategies (RSS)
- Developed jointly by central government, local government (all councils), and tangata whenua
- Strategic spatial plan focussed on the major issues and opportunities for a region (i.e. "what goes where")
- RSSs will align priorities across government by:
  o setting long-term objectives for urban growth and land use change, identifying areas to be developed
  o identifying areas to be protected
  o supporting development capacity and infrastructure provision, improving housing supply, affordability and choice;
  o supporting climate change mitigation and adaptation, and natural hazard risk reduction.

Urban Development Strategies (UDS)
- Sits within the RSS for the Region
- Developed jointly by central government, local government (Tier 1 councils only), and tangata whenua
- Required for Tier 1 Urban Environments and optional for Tier 2 (as defined in the NPS-UD)
- Deliver on housing and urban development outcomes under the GPS-HUD, and implementation of Future Development Strategies under the NPS-UD
- Includes implementation agreements and funding arrangements for infrastructure
- Contains enough detail (e.g. structure plan) to be able to direct changes to an NBA Plan without a public process

Implementation

Natural and Built Environment Plans (NBA Plans)
- Plans must "give effect" to the NPF, RSS and UDS (where one exists)
- Where a UDS exists, representation of Tier 1 local authorities on the planning committee should be increased
- Plans should not be required to resolve conflicts between environmental outcomes (this should be resolved in the NPF)
- Apply national plan-making standards with adjustment for local context (e.g. detailed zone maps and overlay areas)
- Transactional plans focussed on implementation of:
  o Rules and methods for management of environmental limits
  o Subdivision and consenting framework, including monitoring and enforcement
  o Designations and infrastructure (e.g. network utilities, transport, education, healthcare)

KEY ISSUES FOR TAURANGA CITY COUNCIL

TCC supports in principle the government objectives for RM reform. As with other high growth councils around New Zealand, TCC has struggled to respond effectively to urban development pressures under the current planning system. We therefore welcome a reformed system that seeks to better enable development within environmental limits, better prepare for adaptation to climate change and risks from natural hazards, and to improve efficiency and reduce complexity.

However, based on the proposed framework set out in the exposure draft (and discussed in the parliamentary paper), we are concerned that the objectives for reform will not be met and that existing challenges will be perpetuated. A summary of our key issues is outlined below and is informed by our vision for a developed resource management system outlined on the previous page. Please refer to our full submission for further details, evidence, and examples.

The proposed system is unbalanced, focussing primarily on the natural environment and ignoring the built environment	o Purpose focuses on the natural environment and does not recognise the built environment and the potential benefits of enabling urban development. o There is a lack of alignment with other reform programmes and activity across government. o Clarity and consistency of definitions could be improved, particularly in relation to urban development and the built environment – neither of which are defined.
The proposed system is unlikely to improve efficiency and reduce complexity	o Many of the environmental outcomes listed conflict with each other, and strong provisions will be required to address how conflicts will be resolved and the benefits of trade-offs recognised. o Success will depend on the drafting of the balance of the NBA, the Strategic Planning Act (SPA) and Climate Adaptation Act (CAA), the NPF, RSSs, and NBA Plans – as well as reform of funding mechanisms and strategic investment by central and local government.
The regional framework for drafting RSS and NBA Plans will make it difficult to resolve significant housing and urban development challenges	o Consolidating existing policy and plans into a single combined NBA plan for each region is flawed and reduces the ability of Tier 1 urban environments (as defined in the National Policy Statement for Urban Development (NPS-UD)) to meet housing and urban development challenges. o Representation on the planning committees is skewed against Tier 1 local authorities, which will lead to a greater focus on wider regional issues with less focus on urban growth management. o TCC's experience through the SmartGrowth and UFTI is that there are significant challenges in developing a plan collaboratively, which will be increased if undertaken at a Regional level.
A more developed vison for the resource management system is required	o We propose an amended RM system to better address urban development challenges, building on the framework in the exposure draft and delivering on the vision and outcomes of the GPS-HUD. o Establishing a clear hierarchy of the RM system, including legislation, national direction, spatial planning, and implementation - requiring each level to "give effect" to the level above. o Expanding the role of the NPF to provide greater direction and reduce complexity, by explicitly including National Plan-Making Standards and National Permitted Activity Standards. o Introducing an Urban Development Strategy for Tier 1 urban environments (as defined in the NPS-UD) as part of the RSS.
Partnership and resourcing must be appropriate for the scale of the changes proposed	o Transitional provisions need to be developed and resourced, acknowledging the limited capacity of the industry and impact on ongoing work programmes. o Expected reform timeframes are very tight given the significance of the reform, which reduces the ability for local government to engage effectively and risks getting things wrong. o Further work is required to clearly articulate the principles of Te Tiriti and include these in the NBA, while ensuring that tangata whenua are appropriately resourced to be involved.
Further detail and engagement with local government is required to ensure the effectiveness of the proposed system	o The NPF is central to the success of the reforms and should be developed alongside the Bill in partnership, rather than left until after the Bill is enacted. o The process for drafting and maintaining RSSs and NBA plans by planning committees and their secretariats needs to be further developed. o While we acknowledge and support the need for use of the environment to comply with limits – further work is required to understand how they will be implemented and monitored. o Roles and responsibilities of the planning committees, secretariats, Ministers and central government agencies, and constituent local and regional authorities are not clearly articulated.

Introduction

1. Tauranga City Council (TCC) welcomes the opportunity to submit to the Environment Select Committee Inquiry on the Natural and Built Environments Bill: Parliamentary Paper and the Exposure Draft of the Natural and Built Environments Bill (NBA).

2. TCC supports in principle the government objectives for reform of the resource management system, as set out on page 9 of the Parliamentary Paper (updated version). As with other high growth councils around New Zealand, TCC has struggled to respond effectively to urban development pressures under the current planning system.

3. We therefore welcome reform of the resource management system that seeks to better enable development within environmental limits, better prepare for adaptation to climate change and risks from natural hazards, and to improve efficiency and reduce complexity.

4. However, based on the proposed framework set out in the exposure draft and discussed in the parliamentary paper, we are concerned that the objectives for reform will not be met and that existing challenges will be perpetuated.

5. Our submission comprises the following parts:

    a. An A3 executive summary, highlighting our vision for a developed resource management system and a summary of our submission points.

    b. A table of key issues relating to the exposure draft of the NBA, including further details and explanation, evidence, and examples.

    c. Further context and background for TCC's submission (attached at Appendix A).

6. We are happy to discuss our submission further with you or provide additional information and evidence that would be of assistance. Enquires should be directed to:

    Andrew Mead
    Manager: City & Infrastructure Planning
    027 763 5762
    andrew.mead@tauranga.govt.nz

7. Our tangata whenua partners are requesting that the Select Committee hear submissions in Tauranga, and we endorse and support this request.

8. We wish to speak in support of our submission.

Key Issues for Tauranga City Council

Section	Key Issues	Comments and Explanation

General	Lack of alignment with other reform programmes and associated legislation.	• Lack of clarity around alignment of the Natural and Built Environment Act (NBA) with:
		
		   o other parts of the Resource Management (RM) reform programme (i.e. Strategic Planning Act (SPA), Climate Adaptation Act (CAA));
		
		   o other government reform programmes (e.g. future of local government, three waters, climate change); and
		
		   o legislation associated with the RM system which is not being reformed (e.g. Local Government Act (LGA), Land Transport Management Act (LTMA), Building Act, Public Finance Act, Health Act etc.).

	Unclear whether objectives for reform will be achieved – difficult to comment on effectiveness when so much is still be determined.	• Based on the framework presented in the exposure draft, it is difficult to see how the government objectives for RM reform will be achieved – especially those relating to enabling development, improving efficiency and effectiveness, and reducing complexity of the system.
	No information on transitional provisions and resourcing of transition, which will impact ongoing work programmes.	• No information yet on transitional provisions and implementation, or on resourcing for the transition. These should be developed in close consultation with local government. • For example, we need urgent direction on the transition requirements for ongoing work programmes such as the Tauranga City Plan Review, which is due for notification in 2024. The requirement to undertake a review of district plans requires significant resource and cost commitment for councils, with the risk of repeating this through the combined plan.
	Expected reform timeframes are very tight given the significance of the reform, which risks getting things wrong.	• The expected timeframes for RM reform are very tight – both for the exposure draft select committee enquiry and for the complete NBA and SPA Bills. There is a risk that work is rushed, appropriate levels of engagement with local government are not achieved, and the outcomes of the reform will be compromised.

Inquiry on the Natural and Built Environments Bill: Parliamentary Paper   Taranga City Council Submission

Section	Key Issues	Comments and Explanation
		• We support a staged approach to reform which would allow comprehensive engagement with local government on the full NBA and SPA Bills, along with the National Planning Framework (NPF) and transitional provisions, prior to their introduction to parliament.
	Lack of adequate and certain funding streams to deliver the urban and housing outcomes sought by the reform.	• Enduring, coordinated funding across the urban system is critical to ensuring that urban development achieves the outcomes sought both through the proposed Government Policy Statement on Housing and Urban Development (GPS-HUD) and the RM Reform. There is a high risk that part of the framework is put in place (including via the NBA) but that it is unable to be effective as funding is not sustainable and reliable. • The NBA must not be developed in isolation but rather as part of a cohesive package and there needs to be an assessment undertaken as to whether all parts of the package exist or will be put in place within reasonable timeframes. There is currently a legacy of piecemeal action and intervention which does not deliver on the aspirations and objectives which were sought to be achieved. Funding is a critical element of the integrated package and a key success factor of outcome achievement.
Section 3: Definitions	Clarity and consistency of definitions could be improved, particularly in relation to urban development and the built environment.	• We understand that the majority of existing definitions in the Resource Management Act (RMA) are to be imported, so as to retain established case law around meanings - which we support. However, the NBA needs to provide more clarity and consistency of terms in relation to the built environment and urban development, refining and consolidating those used in existing legislation and policy. • For example, there is no definition of "Built Environment" in the exposure draft, despite there being a definition of "Natural Environment". Confusingly, "urban form" is included in the exposure draft definitions, while "urban environment" and "well-functioning urban environment" are defined under the National Policy Statement for Urban Development (NPS-UD), and "urban development" is defined under the Urban Development Act 2020 and is the primary term used in the proposed GPS-HUD. • We support the definition of "mitigate", as it specifically provides for environmental offsetting and compensation. However, the ability to "mitigate" should not be restricted

Inquiry on the Natural and Built Environments Bill: Parliamentary Paper

Taranga City Council Submission

Section	Key Issues	Comments and Explanation
		to situations where it is specifically enabled by the NPF or consent conditions. Rather, it should be enshrined in the NBA. • Definitions relating to "water", "lake" and "rivers", "infrastructure" and "infrastructure services" require further development to be adequately defined. With regard to "water", part (c) of the definition does not capture all water in constructed stormwater assets or in wells. And with regard to "lake", the definition includes artificial and constructed lakes which is inconsistent with the definition of "river". • Although we support the definition of the precautionary approach, the reference to "serious harm" in the definition remains undefined, and its interpretation would therefore be open to legal challenge. • There is also the opportunity to refine and improve existing definitions which cause issues for implementation. For example, the definition of wetlands under the National Policy Statement for Freshwater Management (NPS-FM) and the associated National Environmental Standard for Freshwater Management (NES-FM) is having significant impacts on the delivery of TCC urban growth areas.
Section 5: Purpose of the Act	Purpose focuses on the natural environment and does not give enough recognition to the built environment and the potential benefits of enabling urban development.	• The proposed purpose of the NBA does not include enabling development of the built environment, despite this being a key objective of reform. As drafted under s5(1), the focus is very much on protecting the natural environment. • Despite being in the title of the Act itself, the phrase "Built Environment" only occurs in the exposure draft as part of the definition of "Environment", or in reference to "Natural and Built Environments Plans". Enabling "people and communities to use the environment" under s5(1)(b) is not specific enough – the focus is on resource use rather than development of the built environment. We therefore suggest including a third clause under s5(1) to "enable development and enhancement of the built environment". • The combined requirements under s5(2) to comply with environmental limits, promote environmental outcomes, and avoid, remedy, or mitigate adverse effects on the environment risks perpetuating existing issues within the RMA. Specifically, we are concerned that it will continue an overly restrictive planning framework which

Inquiry on the Natural and Built Environments Bill: Parliamentary Paper

Taranga City Council Submission

Section	Key Issues	Comments and Explanation
		inappropriately restricts development opportunities and fails to explicitly acknowledge the benefits which can result from urban development.
		• While this is addressed to some extent through s5(2)(b), and the definition for "environment", this matter is of such importance that it should be explicitly addressed. Methods to resolve conflicts (which the NPF is required to do under s13(3) of the exposure draft) will determine whether this purpose can be achieved.
		• To meet reform objectives around enabling urban development within environmental limits, particularly within high growth urban areas, the provision in s5(2)(c) for mitigation of adverse effects on the environment by way of offsetting or compensation should be expanded to create wider opportunities to utilise these techniques. This would recognise the potential net benefits of urban development, accepting that some adverse effects can be offset by identifying areas for significant enhancement –enhancement which would not otherwise occur (e.g. due to lack of funding) without that development.
		• Drawing on concepts such as "no net loss" and the "effects management hierarchy", this could be implemented by including explicit provision or potentially by expanding the definition of "mitigate" already included in the exposure draft and placing it at the centre of the NBA. Importantly, offsetting and compensation techniques are consistent with the outcomes focussed approach in the NBA, as opposed to an approach focussed on managing localised adverse effects.
Section 6: Te Tiriti o Waitangi	Further work required to articulate principles of Te Tiriti and include in the NBA and ensure that tangata whenua are appropriately resourced to be involved.	• We support the change to "give effect" to the principles of Te Tiriti – but further work is required – in partnership with tangata whenua - to articulate those principles as they apply to the natural and built environment and clarify how they would be given practical expression through the NPF, Regional Spatial Strategies (RSS), NBA Plans and consents. The principles should also be enshrined in the NBA, and not devolved to the NPF or other regulations, or left to case law to determine.
		• Implementation needs to reflect and resource differing models of iwi and hapu governance (e.g. the hapu centric governance model of Tauranga Moana iwi). There is a tension between the centralisation of planning functions at a national and regional level as proposed in the exposure draft, and the requirement to give effect to the principles of Te Tiriti and uphold Te Oranga o Te Taiao – which, in Tauranga Moana at least, is an

Inquiry on the Natural and Built Environments Bill: Parliamentary Paper   Taranga City Council Submission

Section	Key Issues	Comments and Explanation
		inherently local discussion. Our tangata whenua partners have requested that the Select Committee hear submissions in Tauranga, and we endorse and support this request.
Section 7: Environmental limits	Acknowledge and support the need for use of the environment to comply with Environmental Limits – further work required to understand how they will be implemented and monitored.	• We support the restriction of environmental limits to matters relating to ecological integrity and human health. In general, these matters are more "certain" and measurable, and therefore more appropriate for use as an absolute limit or bottom line. However, it remains unclear how the setting and implementation of Environmental Limits will work in practice. • For example, how will existing activities and long-term consents be treated? Will existing use rights continue to apply? Will there be an ability to review conditions of existing consents (as there is under s128 of the RMA) if these conflict with new environmental limits? These issues need clear scrutiny through this process if we wish to set up a new framework and be able to implement it to achieve the purpose of the NBA. • There is also a need to understand the framework for monitoring the effectiveness of environmental limits, and the subsequent reporting, review and adjustment (if needed). • Where the NPF directs that specific environmental limits should be set through NBA Plans, the direction must be accompanied by a clear process and methodology to ensure consistency of application. Based on the exposure draft, it is unclear how much flexibility will be afforded to planning committees to set different environmental limits for different circumstances and locations, where the NPF directs that these limits are set through NBA Plans.
Section 8: Environmental outcomes	Many of the environmental outcomes listed conflict with each other, and strong provisions will be required to address how conflicts will be resolved and the benefits of trade-offs recognised.	• TCC is committed to delivering urban development in support of a well-functioning built environment (including a responsive and sustainable housing supply). For example, one of our biggest challenges in the current system is the re-zoning of new greenfield areas for urban development, even where these are identified in a spatial plan as suitable for urban development. • To do this more efficiently under the NBA, we need clear direction on prioritising and resolving the inevitable conflicts between (and within) the environmental limits and environmental outcomes. The parliamentary paper and exposure draft indicate that this

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Section	Key Issues	Comments and Explanation
		direction will be contained in the NPF, through more comprehensive NBA Plans and through mechanisms for decision-makers to resolve conflicts at the consenting stage.
		• However, these matters need to be fully addressed in the NBA in a way that clearly guides development of the NPF and NBA Plans. An approach which leaves these matters to secondary documents and the consenting process will inevitably lead to uncertainty, lengthy plan-making and consenting processes, and eventually litigation. Alternatively, it may be preferable to develop the NPF alongside the NBA, so that the whole system can be understood and assessed.
		• We support the introductory text to s8 which specifies that the list of Environmental Outcomes must only be promoted by the NPF and NBA Plans. This implies that when making decisions on consents or designations, the consent authority need not refer back to s8 or try to balance and reconcile competing outcomes. This is expanded on further in relation to ideas for improving system efficiency and reducing complexity.
		• With regard to the outcomes themselves, ss8(k), 8(l), and 8(o) of the exposure draft should be reconsidered to reflect a general requirement to enhance features and characteristics that contribute to quality built environments (building upon the suggested third clause in the purpose under s5(1)). We are concerned that, despite being proposed in the Report of the Resource Management Review Panel, this requirement has been omitted from the exposure draft.
		• Although "good transport links" and the "generation, storage, transmission, and use of renewable energy" (under s8(k) and s8(o) respectively) are referenced in the outcomes, we consider that water infrastructure and water infrastructure services (e.g. streams and wetlands) are just as important for urban development and sustainable resource use. Effective water management and use of natural systems is critical to ensure water quality, hydrological management, and support wellbeing outcomes for ecology, health and safety, resilience, social, and cultural connectivity. Including these concepts in the outcomes would better recognise and support development of climate resilient urban forms. We therefore suggest the following specific amendments:

Section	Key Issues	Comments and Explanation
		o Section 8(k) is amended to also recognise the importance of infrastructure other than transport. We suggest that "resilient hydrological networks" and "ecological corridors" are included. o Section 8(o) is amended to also support "climate resilient development forms" and the "development of water infrastructure and water infrastructure services", to recognise the import role these play in the built environment. • Ensuring good quality outcomes for housing and urban development (including recognising how intensification will lead to increased demands on 'the public realm' and infrastructure) must be a focus of the NBA (and SPA) in order to create liveable communities that support social wellbeing and public health outcomes. This will also help to ensure consistency with other work programmes the Government has underway in respect of quality housing, including the proposed GPS-HUD. • The requirement to promote the Environmental Outcomes should also be applied to RSSs under the SPA.
Sections 9 – 17: National planning framework	The NPF is central to the success of the reforms and should be developed alongside the Bill in partnership, rather than left until after the Bill is enacted.	• The content and structure of the NPF is central to assessing whether the proposed reforms will achieve their objectives. How the NPF resolves conflicts (which it is required to do under s13(3) of the exposure draft) will determine the effectiveness and efficiency of much of the RM Reform programme. • However, we understand that the NPF will not be prepared until after the NBA (and presumably the SPA) is enacted. To enable appropriate levels of engagement with local government on the NBA, further detail on the NPF should be provided before introduction of the NBA bill to parliament. • In addition to the matters that the NPF is required to include in the exposure draft, we suggest that the NPF should include or address the following: o A consolidated and streamlined set of national direction and polices to replace the existing National Policy Statements (NPS) – assumed to be covered by s11(3)(a) and s14 of the exposure draft.

Section	Key Issues	Comments and Explanation
		o An enhanced and expanded set of National Planning Standards (i.e. a complete toolbox of standardised zoning and rule framework for plan-making).
		o Permitted development standards – specifying certain permitted activities and associated performance standards at a national level, along with specified departures for local variations
		o Alignment with the Building Code, especially regarding the management of natural hazards and minimum standards required to enable built development to proceed.
		• The NPF should also identify situations or circumstances where exclusions (i.e. carve-outs) from environmental limits or environmental outcomes might be appropriate. These could include, for example, significant infrastructure, which once identified should be able to proceed at pace to meet urban development outcomes. This would be consistent with the approach of Policy 3.31 of the NPS-FM, which outlines specific exemptions for large hydro-electric generation schemes.
Sections 19 – 22: Requirement for natural and built environment plans	Consolidating existing policy and plans into a single combined NBA plan for each region is flawed and reduces the ability of Tier 1 urban environments (as defined in the NPS-UD) to meet their significant growth challenges. The process and responsibilities for drafting and maintaining NBA plans needs to be further developed, acknowledging the limited capacity of the industry.	• As currently proposed, RSSs and NBA Plans prepared at the regional level will restrict the ability for Tier 1 local authorities (as defined in the NPS-UD) to resolve significant urban growth challenges for Tier 1 urban environments. This is supported by issues with the proposed representation on planning committees tasked with overseeing the creation of NBA Plans (discussed below). • Reducing complexity and duplication does not rest wholly on reducing the number of planning documents to one per region. Consistency between RSSs and NBA Plans could be better achieved through strict implementation of national planning standards through the NPF (as discussed above) and collaboration between local authorities. • The appropriate scale for RSSs (for which we are yet to receive any details) and NBA Plans needs to be considered more broadly than a one size fits all approach of one RSS and one NBA Plan per region. Options to consider matters at the inter-regional, sub-regional, and local level should also be considered. For example: o Inter-regional: Strategic planning needs may not align with existing Regional Council boundaries. For example, the transport infrastructure and economic

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Section	Key Issues	Comments and Explanation
		planning required for the Auckland – Hamilton – Tauranga corridor needs to be considered at the inter-regional scale.
		o Sub-regional: TCC have been working on strategic and spatial planning at a sub-regional scale for many years, alongside Western Bay of Plenty District Council, Bay of Plenty Regional Council and tangata whenua through the SmartGrowth Partnership and more recently the Urban Form and Transport Initiative (UFTI).
		o Local: For regions such as the Bay of Plenty with a diverse group of iwi and hapu, developing a RSS and NBA Plan which appropriately reflects their standing as tangata whenua and considers their varied aspirations and objectives for the natural and built environment will be challenging.
		• At whatever scale they are prepared, NBA Plans should give effect to an enhanced and expanded set of National Planning Standards (i.e. a complete toolbox and example and rule framework for plan-making as discussed above) set out in the NPF, to ensure consistency and efficiency of plans.
		• In terms of process, it is not yet clear how plan changes (public or private) will be addressed, or what would happen if a constituent local or regional authority were to submit in opposition to all or part of an NBA Plan. There is no understanding of the process in the exposure draft, nor what processes will be available to promote plan changes, let alone the processes of appeals.
		• Ultimately, we need more detail on how NBA Plans will be drafted, considered, and implemented. This includes clarity on the roles and functions of planning committees, the secretariat, and constituent local and regional authorities (discussed further below). We are concerned around the ability of the planning and development industry, technical experts, and tangata whenua to effectively undertake plan-making at the scale and pace required, while maintaining existing plans during the transitional period.
Section 22: Contents of plans	We propose an amended RM system to better address urban development challenges, building on the framework proposed in the exposure draft and introducing an Urban Development	• The contents of NBA Plans, and in particular the role of RSSs, should be reconsidered to better deliver on housing and urban development outcomes under the proposed GPS-HUD. This would also align with our suggestion for more balanced purpose provisions

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Section	Key Issues	Comments and Explanation
	Strategy for Tier 1 urban environments (as defined in the NPS-UD) as part of the RSS.	under Part 2 of the exposure draft, with the inclusion of more explicit recognition of the built environment and the role of housing and urban development in our communities.
		• The RM system should reflect that the spatial planning requirements for high growth urban environments are different to other urban and rural areas, with significant pressure on both the built and natural environment in a constrained area. It should also recognise and provide for the continuation of spatial planning work that Tier 1 local authorities have already been doing under the NPS-UD and other partnerships (e.g. SmartGrowth and UFTI in the western Bay of Plenty) and allow for the continued implementation of Future Development Strategies under the NPS-UD.
		• We therefore suggest an improvement to the proposed framework with the inclusion of an Urban Development Strategy (UDS) for Tier 1 urban environments (as defined in the NPS-UD). The UDS would be developed jointly by central government, local authorities for the relevant Tier 1 urban environment, and tangata whenua using the same process as a RSS. The UDS would sit within the RSS for a region and would be required for all Tier 1 urban environments (optional for Tier 2 urban environments). The UDS could be prepared at a scale which was appropriate for each urban environment – for example, in the Bay of Plenty it would be prepared at a Sub-Regional scale covering Tauranga City and Western Bay of Plenty District.
		• The UDS would need to include implementation agreements and funding arrangements for infrastructure. Presently TCC faces substantial fiscal challenges in the funding and financing of infrastructure to support growth. In simple terms, if infrastructure cannot be funded and financed appropriately it will not be delivered and housing and urban development capacity will not be realised.
		• Both the RSS and the UDS (where applicable) would need to contain enough detail (e.g. to a structure plan level for new urban development areas) to demonstrate that development within environmental limits is achieved, and that the relevant environmental outcomes have been considered and balanced. Once adopted, the RSS/UDS should be able to direct changes to an NBA Plan without requiring an additional public process (beyond that required to prepare the RSS/UDS). This could be achieved by adopting a similar approach to that provided for under s15(2)(c) of the exposure draft (giving effect to the NPF). In effect, the RSS/UDS would establish the spatial extents of

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		development within environmental limits, and the NBA Plan would then enable implementation of that growth area.
		• Rather than this level of detail being seen as duplicating the contents of NBA Plans (as suggested in the parliamentary paper accompanying the exposure draft), the scope of NBA Plans should simply be reduced accordingly to reflect the level of detail in a UDS and our suggestion for the NPF to include national consistency on zoning provisions and associated rule frameworks.
		• This would leave the primary function of NBA Plans as implementation tools which "give effect" to the NPF, the RSS, and the UDP (where applicable). In our view, the placeholder requirement under s22(1)(d) of the exposure draft for NBA Plans to "be consistent" with RSSs (and by extension our proposed addition of UDSs for Tier 1 urban environments) does not give sufficient weight and influence to spatial planning.
		• NBA Plans would apply national plan-making standards established under the NPF, with adjustment for local context (e.g. detailed property by property zone maps). They would be transactional plans, focussed on implementation of:
		o Subdivision and consenting framework
		o Designations and infrastructure (e.g. network utilities, transport, education, healthcare)
		o Rules and methods for management of environmental limits
		• NBA Plans should not be required to resolve conflicts between environmental outcomes - this should be resolved in the NPF, or (where appropriate) the RSS/UDS.
Sections 23 – 25 and Schedule 3: Planning committees	Representation on the planning committees is skewed against Tier 1 local authorities. Roles and responsibilities of the planning committees, secretariats, Ministers and central government agencies, and constituent local and regional authorities are not clearly articulated.	• The proposed representation on the planning committees tasked with overseeing the creation of NBA Plans will result in smaller territorial local authorities and regional councils having a disproportionate influence compared to Tier 1 local authorities which face considerable challenges in providing for housing and urban development. Our view is that this will lead to a greater focus on wider regional issues with less focus on urban growth management – inevitably resulting in further difficulties in terms of provision of housing and resolving growth issues.

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		• Issues around appropriate representation on planning committees could be resolved by providing for alternative methods to determine representation of local authorities on the planning committee should be considered (e.g. on a population basis, or using the tiered definition of urban environments within the NPS-UD). This would ensure that those urban areas facing the highest growth pressures (such as Tauranga within the Bay of Plenty Region, or Hamilton within the Waikato Region) would be more appropriately represented on the planning committee for their region.
		
		 • In addition, we have suggested the inclusion of UDS for Tier 1 urban environments as part of the RSS (discussed above). Where a UDS is in place, the planning committee would have greater representation from the Tier 1 local authorities.
		
		 • The appropriate representation of tangata whenua on planning committees also needs to be more carefully considered. For example, in the Bay of Plenty there are at least 35 iwi, a number of whom operate a hapu centric model.
		
		 • Through the SmartGrowth partnership (and more recently through UFTI), TCC has direct experience of the complexities and challenges involved in developing a spatial plan for the western Bay of Plenty sub-region in collaboration with partner councils, tangata whenua, and central government agencies. Challenges include:
		
		     o The disconnect between the existing planning system under the RMA and funding commitments under the LTMA and LGA.
		
		     o The amount of work required to negotiate and resolve complex resource management issues and competing priorities within both the natural and built environments.
		
		     o The time taken to develop strong relationships to enable those tough conversations around resource use and trade-offs.
		
		 • These challenges will be exacerbated and made more complex by the requirement to prepare the RSS and NBA Plan at a Regional level. They are also further complicated by the need to maintain alignment between councils in the context of triennial election cycles. We are concerned that the proposed system will perpetuate the inability to prepare and deliver spatial plans at the pace and scale required.

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Section	Key Issues	Comments and Explanation
		• The roles and responsibilities of organisations within the system are not clearly articulated by the exposure draft. For example, the legal status of the Planning Committee and the structure of the Secretariat is unknown. Clause 5(2) of Schedule 3 suggests that these organisations may supplant local authorities plan-making functions – we question whether it is intended that the Secretariat also assume consent authority functions for processing consents. In effect, this could see the Secretariat carving out and combining existing local government administrative planning functions and becoming a new independent regional organisation which employs staff directly. But based on the exposure draft, this remains unknown. • The task assigned to planning committees is incredibly complex and critical to the success of the reform. Further detail is therefore required on the role of the planning committees, secretariats, Ministers and central government agencies, and constituent local and regional authorities. This should be aligned to the review of the future of local government and any subsequent reform of the sector.
Improving system efficiencies and reducing complexity	Whether the system will be more efficient and less complex will depend on the drafting of the balance of the NBA, the SPA, the NPF, RSSs, and NBA Plans – as well as associated reform of funding mechanisms and strategic investment by central and local government.	• To reduce complexity and improve system efficiencies, the NBA and NPF must provide clear direction without requiring recourse to Part 2 of the NBA or higher planning documents for every decision. In effect, this would be a logical further development of the principles of the King Salmon decision. There should be a clear hierarchy of planning documents, from the NBA itself, NPF and NBA Plans. Broadly speaking, a decision-maker (e.g. on an NBA plan or an application for resource consent) need only consider the level immediately above (i.e. the first document "up the chain") when making decisions. • This principle is partially included in the exposure draft in relation to decisions on NBA Plans, with s24(4) stating that the planning committee is "entitled to assume that the NPF furthers the purpose of the Act, and must not independently make that assessment". We suggest that this principle is explicitly expanded and applied to all levels of the system, and we have reflected this in our vision for a developed resource management system (which forms part of this submission). • RSSs also require further clarification in terms of their role and where they sit in the hierarchy. As set out above, stronger provision should be made for RSSs to direct and determine the content of NBA Plans. In a practical example, this could mean that if an

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Section	Key Issues	Comments and Explanation
		area is identified for urban development under the RSS, then that can be included in the NBA Plan without having to refer back to Part 2 of the NBA (including the purpose and environmental outcomes). However, to advance this, greater detail is required about the role and content of RSSs.
		• Although not explicitly recognised in the exposure draft, three waters reform envisages very substantial investment in new and existing water, wastewater and stormwater infrastructure across New Zealand. To ensure that this investment can be delivered effectively and efficiently, it is vital that there is a clear consenting pathway (whether through the NBA, the NPF, RSS/UDS, or Plans) for the planning, construction and operation of existing and new three waters infrastructure.
		• Other matters to improve system efficiency and reduce complexity include:
		o the use of an expanded and enhanced National Planning Standards in the NPF (discussed above),
		o the introduction of UDS for Tier 1 urban environments (discussed above),
		o the alignment of regulatory and legislative functions of local government (e.g. building code, climate change, land transport etc.), and
		o resolving infrastructure funding constraints, including central government (e.g. Waka Kotahi, KiwiRail).
		• Based on what is currently set out in the exposure draft, we are not convinced that the reform objective of improving system efficiency and effectiveness and reducing complexity will be met. There appears to be an assumption that the changes proposed (and in particular the new Part 2) will improve efficiency, but this clearly has not been proven. In our view, it may well be more complex than is already in place.

Objective ID: A12710528

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August 2021

Appendix A - Context and Background to TCC's Submission

1. Tauranga is the fifth-largest city in New Zealand, with over 140,000 residents. Tauranga's population is projected to grow to almost 200,000 people by 2063. This growth will occur in a constrained regional harbour landscape.

2. TCC is a high-growth Council, facing numerous challenges and competing priorities for housing and urban development that require careful consideration and balance through the planning process. These include:

    a. Substantial population growth pressures;

    b. Dependence on landowners to release land for development;

    c. Differing views about land release and development among the owners of Maori land;

    d. A housing shortage with high housing costs and limited housing diversity;

    e. Lengthy Resource Management Act 1991 (RMA) timeframes for re-zoning new areas for urban development;

    f. Significant landscape, ecological and natural hazard constraints (which are largely already mapped and understood); and,

    g. Substantial transport issues, including dependence on the planning, funding and delivery of state highway projects.

10. If significant new areas for urban development (through both intensification and greenfield development) are not enabled, Tauranga faces a projected housing shortfall of approximately 4,800 dwellings over the next 4 - 10 years[1]. As such, TCC is prioritising the delivery of planning frameworks and infrastructure development programmes to support urban development through intensification and greenfield urban growth.

11. TCC is working to resolve these challenges through initiatives including the following:

    a. The 'SmartGrowth' strategy, established in 2004 uses a 50-year planning horizon and promotes consideration of environmental, social, economic and cultural matters and a balanced approach to growth management across the Western Bay of Plenty sub-region. TCC has worked in conjunction with its SmartGrowth partners to plan for sustainable and coordinated urban growth such as the development of a clear settlement pattern, objectives and policies through the Bay of Plenty Regional Policy Statement for managing urban growth, including managing environmental values;

    b. TCC is a partner in the 'Urban Form and Transport Initiative' (UFTI) launched in March 2019. UFTI builds on the successes of SmartGrowth to develop a vision and plan for urban development and transport infrastructure to meet community needs into the future. UFTI aims to develop a long-term, integrated masterplan for urban development and transport that aligns with the central government's transport policy statement and urban growth agenda;

    c. TCC is progressing structure planning and plan change projects to help resolve the short-term housing supply challenges. These being residential intensification planning projects throughout the City, greenfield growth areas for the Te Tumu (7,000 - 8,000 dwellings) and

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[1] Veros Property Services Ltd: Western Bay Sub-Region Residential Development Capacity Review May 2019.

Tauriko West (3,000 – 4,000 dwellings) urban growth areas, and other associated work programs which will lead to delivery of future housing and urban development. However:

- Progression of the Te Tumu urban growth area faces substantial risks and delays beyond TCC's control, associated with Maori land and Maori Land Court matters.

- Advancement of the Tauriko West urban growth area depends on the development of access between the growth area and State Highway 29. However, at the time of writing, funding is unavailable to enable Waka Kotahi NZTA to programme these significant highway upgrades.

- Both Te Tumu and Tauriko urban growth areas are significantly affected by the NPS and NES for Freshwater Management, and the definition of what constitutes a natural wetland.

d. TCC has initiated spatial planning and plan changes to further enable residential intensification (e.g. duplexes, terraced housing, apartments and other, more intensive, residential typologies) in established areas. However, urban intensification is constrained in many areas by:

- Climate change, flooding and earthquake shaking risks across most of the coastal strip from Mauao (Mount Maunganui) to Papamoa;

- Private land covenants which prevent further subdivision and intensification in most subdivisions developed since the 1990's. Covenants constrain approximately half of the urban area of Tauranga;

- Rear lot infill subdivision over older areas has fragmented land ownership, increased the value of capital improvements that need to be written off to enable redevelopment, and increased the complexity of assembling land to enable a reasonable scale of redevelopment;

- The scarcity of large-scale brownfield redevelopment sites; and,

- Economic challenges faced by the property development industry, from a funding and profitability perspective.

3. For these reasons, if Tauranga is to continue to grow to accommodate the population projections, to meet the requirements of the NPS-UD, and to contribute to the outcomes identified in the proposed Government Policy Statement for Housing and Urban Development GPS-HUD, the city must continue to grow outwards as well as upwards.

10 August 2021

The Chief Executive
Bay of Plenty Regional Council
PO Box 364
Whakatāne 3158

Submitted via email: rps@boprc.govt.nz

Dear Fiona

Submission on Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement

Please find Tauranga City Council's submission on Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement, which is attached.
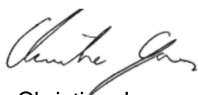
We will be pleased to discuss the matters raised in our submission, or to provide additional information and evidence if this would be useful. Please direct any enquiries to:

Andrew Mead
Manager: City & Infrastructure Planning
P: 027 763 5762
E: andrew.mead@tauranga.govt.nz

We also wish to speak in support of our submission.

We look forward to receiving further advice about the next steps for the future hearing of submissions.

Yours faithfully

Christine Jones
General Manager – Strategy and Growth
Tauranga City Council

BAY OF PLENTY REGIONAL COUNCIL TOI MOANA

Submission Form

Send your submission to reach us by
4 pm on Tuesday, 10 August 2021

Submission Number
Office use only

Post: The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	**or Fax:** 0800 884 882	**or email:** rps@boprc.govt.nz

Submitter: Tauranga City Council

This is a submission on **Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement**

1   I ~~could/~~**could not*** gain an advantage in trade competition through this submission. [*select one]

2   ~~I **am/am not*** directly affected by an effect of the subject matter of the submission that [*select one]~~

   ~~(a)   adversely affects the environment, and~~

   ~~(b)   does not relate to trade competition or the effects of trade competition~~

   [Delete the entire paragraph if you could not gain an advantage in trade competition through this submission.]

3   The details of my submission are in the attached table.

4   I **wish/~~do not*~~** ~~wish~~ to be heard in support of my submission.

5   If others make a similar submission, I will consider presenting a joint case with them at a hearing.

_____   10 August 2021

[Signature of person making submission or person authorised to sign on behalf of person making submission.]   ***Date***
*[NOTE: A signature is **not** required if you make your submission by electronic means.]*

Contact person: Andrew Mead	Manager: City & Infrastructure Planning	
Telephone: 0277635762	**Daytime:** 0277635762	**After Hours:**
Email: andrew.mead@tauranga.govt.nz		**Fax:**
Address for Service of Submitter:	Tauranga City Council, Private Bag 12022, Tauranga 3143. Private Bag	

Submissions contain personal information within the meaning of the Privacy Act 2020. By taking part in this public submission process, submitters agree to any personal information (including names and contact details) in their submission being made available to the public and published on our website, and for the information collected to be held in accordance with our Privacy Statement available at www.boprc.govt.nz.

BOPRC ID: A3683287

The specific provisions of the proposal that my submission relates to are:

Page No	Reference (Issue, Objective, Policy, or Method)	Support/Oppose	Decision Sought What changes you would like to see	Give Reasons
6	Objective 41	Support with amendments	The following amendments: Water quality and the mauri of the water, including groundwater, in the Kaituna River is restored to a state which provides for ecosystem health, safe drinking water sources, human contact, threatened species and mahinga kai values	While Tauranga City Council (**TCC**) has reservations about describing groundwater as being "in" the Kaituna River as a matter of drafting (the wide spatial definition of "Kaituna River" is addressed below), TCC has substantive concerns with the inclusion of groundwater outcomes in Objective 41 at all. Groundwater is not included in the corresponding Objective 3 of the Kaituna River Document (**River Document**). The only material reference to groundwater in the River Document is the Desired Outcomes for Objective 5. These Desired Outcomes refer to the sustainable management of abstraction of groundwater from aquifers. This reflects a concern about maintaining sustainable water *quantity*, but Objective 41 addresses water *quality*. Therefore, under s 123(1) of the Tapuika Claims Settlement Act 2014, groundwater is not a matter that must be recognised and provided for. Further, TCC submits that expansion of Objective 41 to include groundwater could potentially be significant, but there is an absence of technical information to properly assess that. For example, there is no meaningful discussion in the s 32 report. Matters which need to be properly understood in order to progress such an objective include the existing state of the groundwater, matters that impact groundwater quality, what may be required to "restore" the groundwater, and the dynamic or interplay between groundwater quality and the quality of water in the river. The requirement under s 32(2)(c) of the Resource Management Act 1991 (**RMA**) to assess the risk of acting or not acting if there is uncertain or insufficient information supports removal of groundwater from Objective 41 on the basis that these matters are not fully and properly understood. Proceeding with Objective 41 as drafted risks unintended consequences and is inappropriate in circumstances where there is no requirement on the Bay of Plenty Regional Council

				(**BOPRC**) to address groundwater quality under s 123(1) of the Tapuika Claims Settlement Act 2014.
				TCC also submits that reference should be made in Objective 41 to providing for safe drinking water sources, in recognition of the role the Waiari Stream has as a water source for municipal water supply. Such reference is made in Policy KR 2B and including a similar reference in Objective 41 will strengthen that directive and improve vertical integration.
8	Objective 44	Support with amendments	The following amendments: ~~The~~ Activities use best management practices to improve the environmental well-being of the Kaituna River ~~is enhanced through best management practices~~ Include a definition for "best management practices".	Proposed Objective 44 is that the environmental well-being of the Kaituna River is enhanced through best management practices. This corresponds with similar (but not identical) wording in Objective 6 of the River Document. The requirement in Objective 44 that the environmental well-being of the Kaituna River be "enhanced through best management practices" implies that active steps are to be taken for the purpose of enhancing the environmental well-being of the Kaituna River. TCC submits that Objective 44 as drafted in this way does not reflect the Desired Outcomes in the River Document or Issue 2 of proposed Plan Change 5 (**PC5**), which are concerned with the effects of activities (particularly rural production) on the quality of the Kaituna River. This is also reflected in Policy KR 5B. Framing Objective 44 in this way could have unintended consequences when developing district plans to give effect to the operative Regional Policy Statement (**RPS**). TCC submits that Objective 44 should be drafted to more accurately describe the outcome it is seeking to achieve, namely improvement in land management practices (with a consequential improvement in water quality). Notably, "improve" is also the language of the River Document. Further, neither PC5 nor the RPS includes a definition of "best management practices". This is of considerable importance and needs to be defined in the RPS, otherwise it is inevitable that there will be uncertainty and litigation when making or changing regional and district plans, and an inconsistent approach across the Bay of Plenty Region. TCC considers that it is not appropriate to completely defer this issue to the regional or district plan process.
9	Objective 45	Support with amendments	The Kaituna River's wetlands, aquatic and riparian ecosystems are restored, protected~~, and~~ or enhanced to support indigenous species	The phrase "restored, protected and enhanced" is used in Objective 7 of the River Document, and mirrored in Objective 45.

				TCC submits that this phrase is uncertain and difficult or impossible to implement through district plans at the project or growth area level. In particular, the conjunctive use of the word "and" is problematic, because the three directives may require very different implementation measures depending on the circumstances. For example, protecting values does not require enhancement, and enhancement will require more than protection. Restoration will require some enhancement, but enhancement is not necessarily equivalent to restoration. It depends on the context, but it is clear that the directives require different things and not all can be achieved at the same time.
				TCC acknowledges that "restored, protected and enhanced" is used in the River Document. However, it does not legally follow that the language in the River Document must be mirrored in PC5. The River Document must be recognised and provided for in PC5, but the statutory role of the two documents must be kept in mind. The River Document is aspirational of a range of River-wide management approaches, while PC5 will have regulatory effect in the sense that it must be given effect to in district plans which govern the use of land and the development of growth areas
				TCC submits that PC5 should not lead to conflict with other outcomes intended through the RPS – specifically the growth management outcomes sought under the RPS urban growth management policies. In this regard, the ability to ensure that the river's wetlands, aquatic and riparian are restored, protected or enhanced should be considered in conjunction with the delivery of these growth management outcomes. This aligns with recent findings by many Councils across New Zealand on the National Policy Statement for Freshwater Management (**NPS FM**) where protective objective, policy and rule wording has been applied to wetlands, essentially limiting the ability of growth management delivery. We understand changes to the NPS FM are to be made to better enable a balance between growth management and environmental management. The change proposed is to recognise the importance of and enable wetland protection, but not provide an absolute bottom line to protection – thereby ensuring a pathway to enhancement and the use of offsetting.
				TCC considers that "or" should be substituted for "and" to clarify this matter and ensure that Objective 45 can be appropriately implemented.

16	Policy KR 2B: Establishing water quality limits within the Kaituna River	Support with amendments	Clause (b) be amended as follows: (b) Provides safe drinking water sources where the water is used for ~~that purpose~~ <u>domestic, marae or municipal water supply</u>;	Policy KR 2B supports the implementation of Objective 41. Domestic, marae or municipal water supply is a defined term in the RPS. The reference to drinking water in paragraph (b) of the policy should refer to domestic, marae or municipal water supply for consistency with the rest of the RPS.
17	Policy KR 2B: Establishing water quality limits within the Kaituna River Explanation – first paragraph	Support with amendments	The first paragraph of the Explanation be amended as follows: …. and expectations that water should be swimmable, abundant, suitable for cultural ceremonies, and able to sustain customary food sources <u>and safe drinking water sources for domestic, marae or municipal water supply</u>.	The first paragraph of the Explanation refers to expectations that water should be swimmable, abundant, suitable for cultural ceremonies, and able to sustain customary food sources. These expectations reflect clauses (a), (c), and (d) of Policy KR 2B. However, no reference is made to clause (b) relating to drinking water sources. TCC submits that, to reflect paragraph (b) of Policy KR 2B, and for consistency with the rest of the RPS, the Explanation should be amended to include reference to safe drinking water sources for domestic, marae or municipal water supply.
17	Policy KR 2B: Establishing water quality limits within the Kaituna River Explanation – second paragraph	Support with amendments	The second paragraph of the Explanation be amended as follows: The ability to access safe drinking water is <u>of critical importance</u> to the community.	The second paragraph of the Explanation refers to the ability to access safe drinking water as being important to the community. Following on from campylobacter contamination of Havelock North's drinking water supply, TCC considers that the ability to access safe drinking water has become of "critical importance" to communities and this should be reflected in the Explanation.
17	Policy KR 2B: Establishing water quality limits within the Kaituna River Explanation – second paragraph	Support with amendments	The second paragraph of the Explanation be amended to reflect the latest Government requirements for the protection of sources of drinking water.	The National Environmental Standard for Sources of Human Drinking Water Regulations 2007 is under review and the Water Services Bill proposes new arrangements relating to sources of drinking water which includes requirements for source water risk management plans. It is anticipated that the review of the NES will be completed, and the Water Service Bill enacted prior to hearings on PC5. That being the case, TCC submits that the Explanation should be updated at the appropriate time to reflect the latest requirements for the protection of sources of drinking water.

17	Policy KR 2B: Establishing water quality limits within the Kaituna River Explanation – new paragraph	Support with amendments	The inclusion of the following paragraph in the Explanation: The Waiari Stream which is a tributary of the Kaituna River is a critical source of drinking water for municipal supply for Tauranga City Council and the Western Bay of Plenty District Council and should be protected from contamination by the setting of quality limits for contaminants.	The Waiari Stream, which is a tributary of the Kaituna River and within the area shown on in Map 4b in PC5, is a very important source of drinking water for municipal supply for TCC and the Western Bay of Plenty District Council. It is appropriate for the Explanation to identify the relevance of the Waiari Stream to the policy of protecting from contamination by the setting of quality limits for contaminants.
18	Policy KR 5B: Enhancing the mauri of the Kaituna River through best management practices	Support with amendments	The following amendments: Enhance the mauri of the Kaituna River by ensuring rural production, commercial and industrial activities implement best management practices to minimise nutrient losses by implementing best management practices including: (a) Ensuring activities are managed to maintain or enhance the Kaituna River's ecological and cultural health and source for safe drinking water for domestic, marae or municipal water supply; (b) Ensuring activities are managed to maintain or enhance the Kaituna River's ecological and cultural health; (c) Promoting industry incentives and leadership; and (d) Promoting the integration of kaitiakitanga and rangatiratanga into land use management, river access and cultural heritage protection in specified locations. Include a definition of "best management practices"	As noted above, neither PC5 nor the RPS include a definition of "best management practices". A definition should be included for the reasons above. It is unclear how commercial and industrial activities could result in "nutrient losses". That aside, TCC supports the key aim of the policy relating to minimising nutrient losses as this has benefits in terms of both water takes and the discharge of back wash and off spec water from the water treatment plant. Paragraph (a) has potential implications for water takes and for the discharges from the Waiari Water Treatment Plant. It is requested that paragraph (a) be amended to include reference to ensuring activities are managed to maintain and enhance the Kaituna River as a source for safe drinking water for domestic, marae or municipal water supply. This change will both acknowledge the importance of the issue and be consistent with the terminology used elsewhere in the RPS.
19	Policy KR 6B: Protect, restore and enhance Kaituna River's indigenous aquatic, riparian and wetland vegetation and habitats	Support with amendments	The following amendments: Protect, restore and or enhance indigenous aquatic, riparian and wetland vegetation and habitats within the Kaituna River and its riparian margins by encouraging: (a) Increasing Projects to increase the quality and extent of wetlands; (b) Prioritising As a matter of priority, the funding of biodiversity projects in the Te Tini a Tuna - Kaituna Action Plan; (c) Undertaking Projects to undertake pest management and removal activities; and (d) Identifying Projects to identify and enhancing enhance ecosystems that support and sustain indigenous flora and fauna.	Policy KR 6B corresponds with Objective 7 of the River Document. The introductory text in the River Document refers to "closer and more considered management" and areas for improvement within the catchment being "prioritised for action". The Desired Outcomes are focussed on projects and funding i.e. non-regulatory methods available to Te Maru o Kaituna members. An example of such a project referred to elsewhere in the River Document is the work to re-divert Kaituna River and enhance Te Awa o Ngātoroirangi/Maketū Estuary. TCC submits that it is appropriate for PC5 to reflect this project-focussed and non-regulatory approach rather than partially implementing regulatory requirements for managing the quality and extent of wetlands – paragraph (a) – and ecosystems that support and sustain indigenous flora and

			Any other changes to the PC5 provisions which are consequential on or otherwise address the reasons in the following column are also requested	fauna – paragraph (d). TCC's recent experience has shown that potential constraints on urban growth need to be carefully considered, and understands that such matters will be addressed though a separate programme of work to implement the National Policy Statement on Freshwater Management.
				A comprehensive approach to such requirements will need to be addressed through that work programme (as is expressly provided in respect of water quality limits under Policy KR 2B and Method 23I) and TCC submits that the River Document can be appropriately recognised and provided for without cutting across that body of work.
				The phrase "Protect, restore and enhance" is addressed above. If Policy KR 6B (a) – (d) remain as drafted, TCC repeats the concerns set out above relating to the conjunctive use of "and". If the changes requested to (a) – (d) are made, the use of "and" is acceptable and arguably appropriate.
19	Policy KR 6B: Protect, restore and enhance Kaituna River's indigenous aquatic, riparian and wetland vegetation and habitats Explanation and related methods	Support with amendments	The following amendments: ~~O~~ Non-regulatory opportunities for enhancing Kaituna Rivers indigenous aquatic, riparian and wetland ecosystems need to be considered and encouraged~~, including through non-regulatory tools and the funding of pest management activities~~. Examples include <u>projects funded and/or carried out by Te Maru o Kaituna members, the funding of pest management activities,</u> voluntary wetland management agreements, wetland care groups, funding assistance through incentive schemes and biodiversity plans. Any other changes to the Explanation and Methods which are consequential on or otherwise address the policy changes and reasons in the row above are also requested.	TCC repeats its submissions in the row above and submits that the Explanation should be amended to reflect a project-focussed and non-regulatory approach.
20	Policy KR 8B: Enabling recreational activities along the Kaituna River	Support with amendments	The following amendments: Enable recreational opportunities along the Kaituna River that do not compromise public safety, <u>drinking water sources for domestic, marae or municipal water supply,</u> access or ecosystem health.	The enabling of recreational opportunities, while a worthy goal, could (depending on the types of recreation activities) potentially have adverse effects on drinking water sources. It is requested that the policy be amended to refer to not compromising drinking water sources for domestic, marae or municipal water supply.

22	3.2.1 Directive methods	Support with amendments	The inclusion of the following method: **Method KR-: Source Water Risk Management Plans** Implement Policy KR 2B through Source Water Risk Management Plans required under the Water Services Act *Implementation responsibility: Regional Council, city and district councils, Te Maru o Kaituna and iwi authorities*	PC5 includes directive methods for the implementation of policies. To support the amendments proposed to Policy KR 2B, a new method should be included that refers to source water risk management plans required under the Water Services Bill. These plans will be an important method in providing safe drinking water sources for domestic, marae or municipal water supply. *Note – this assumes the requirement for source water risk management plans will be retained in the Water Services Act.*
29	Appendix A – Definitions and all proposed provisions referring to the "Kaituna River" Kaituna River: The co-governance area identified in Map 4b (source Office Treaty Settlements OTS-209-79) and includes all rivers and streams flowing into the Kaituna River and Maketu Estuary	Support with amendments	Amendments to clarify the extent to which PC5 applies to groundwater.	A number of objectives and policies refer to groundwater "in" the Kaituna River. The definition of the Kaituna River includes all rivers and streams flowing into the Kaituna River and Maketu Estuary. It does not *expressly* include groundwater but does include the entire co-governance area. The extent to which the Kaituna River (as defined) includes groundwater should be clarified. This could have implications for TCC if it became necessary to seek a groundwater take within the Kaituna River area for a future water source for the City. TCC repeats its submission above, to the effect that the River Document is concerned with groundwater quantity not quality, and groundwater quality issues have not been explored and understood sufficiently to support RPS provisions.

9.8   Infrastructure Acceleration Fund

File Number: **A12753484**

Author: **Andy Mead, Manager: City & Infrastructure Planning**

Authoriser: **Christine Jones, General Manager: Strategy & Growth**

PURPOSE OF THE REPORT

1.   To inform the Strategy, Finance and Risk Committee of the Infrastructure Acceleration Fund and to seek direction on applications.

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

(a)   Notes that Tauranga City Council and Western Bay of Plenty District Council will submit a collective response that contains the individual proposals supported by the SmartGrowth partner Councils.

(b)   Notes that these Infrastructure Assistance Fund applications from the SmartGrowth Council Partners are consistent with the agreed Priority Development Areas and Housing Action Plan.

(c)   Delegates to the Chief Executive and the General Manager: Strategy & Growth authority to work with the Tauranga City Council Chairperson, Western Bay of Plenty District Council Mayor, Bay of Plenty Regional Council Chairperson (or their nominees) to:

(i)   Agree and submit the infrastructure Acceleration Fund Programme Path applications of Tauranga City Council and Western Bay of Plenty District Council and their relative priorities; and

(ii)   Determine whether approaches from developers and/or Maori with respect to applications to the Infrastructure Acceleration Fund Project Path will be supported.

FUND PURPOSE

2.   The Housing Minister, Hon. Dr Megan Woods announced on 22 June 2021 that at least $1 billion of grant funding is available under the Infrastructure Acceleration Fund (IAF). The IAF is designed to allocate funding to new or upgraded infrastructure (being transport, three waters and flood management infrastructure) that unlocks housing development in the short to medium-term and enables a meaningful contribution to housing outcomes in areas of need.

3.   Funding will typically be in the form of grant funding to the relevant Territorial Authority (or other vehicle), which will own and operate the infrastructure. Developers and landowners are expected to contribute their fair share to the costs of the Eligible Infrastructure Projects, and Territorial Authority contributions are not to be displaced.

4.   By increasing the supply of build ready land, the IAF will help to increase the numbers of homes that can be built, particularly in locations of high housing demand and with good access to public transport, jobs, education, and amenities.

5.   Infrastructure funding is a significant constraint in the Tauranga context to delivering sufficient zoned and serviced development capacity. As such, we welcome the opportunity of the Infrastructure Acceleration Fund. However, we note that at a national scale the size of the fund remains insufficient to address existing infrastructure funding constraints and that more substantial funding tools and reforms are required to address underlying issues in this area.

PROCESS OF APPLICATION & ASSESSMENT CRITERIA

6. The fund is contestable and territorial authorities, developers and iwi are eligible to apply.

7. To be eligible, infrastructure projects must be:

    - new or upgraded infrastructure for:

        o transport (including local roading, state highways, public transport infrastructure, footpaths, and cycleways),

        o three waters (water supply, wastewater, and stormwater)

        o flood-management infrastructure.

    - Wholly or primarily for the purpose of building new or additional houses in the short to medium term; and which are expected to add 200 additional dwellings in tier one urban environments like Tauranga (under the National Policy Statement on Urban Development), 100 additional dwelling in Tier Two urban environments or 30 additional dwellings elsewhere.

8. There is a two-stage application process:

    - Stage one – Expressions of Interest (EOI), High level information on the housing development and the eligible infrastructure projects enabling the housing development (Proposal).

    - Stage two - following an assessment of the Proposal submitted at the EOI stage against the evaluation criteria, a reduced number of applicants will be invited to submit a full proposal in response to a Request for Proposal (RFP).

9. The RFP stage will involve a two-path approach:

    - Programme Path; for main urban areas where infrastructure investment is more complex and Urban Growth Partnerships exist; and

    - Project Path; for all other parts of New Zealand, and for all proposals from developers and Maori (including those in Urban Growth Partnership areas).

10. Tauranga City Council and Western Bay of Plenty District Council are required to apply through the Programme Path. Territorial Authorities applying in the Programme Path are encouraged to work collectively with each other in preparing their EOI's.

11. Kāinga Ora will evaluate proposals against the evaluation criteria as follows:

    a) Housing outcomes (40%); how will the Proposal, if delivered, contribute to the housing outcomes that are the purpose of the Infrastructure Fund?

    b) Impact of funding (20%); how critical is this funding to advancing the infrastructure and housing development?

    c) Cost and co-funding (20%); how cost effective is the Proposal and is everyone paying their fair share?

    d) Capability and readiness (20%); if funding is approved, how certain is it that the project will advance, and at what pace?

TIMELINES AND DECISIONS

12. The key IAF milestones are outlined in the table below.

Step in the IAF process	Date
EOI Invitation released	30 June 2021
Closing date for EOIs	5:00pm 18 August 2021

Step in the IAF process	Date
Applicants notified of outcome (with invitation to RFP Stage and RFP document provided for successful Proposals)*	15 October 2021
Debriefs to unsuccessful Applicants (as requested)	Following 15 October 2021
Closing date for RFP Proposals	Late December 2021
Evaluation and due diligence of RFP Proposals*	Early 2022
Negotiation commences	Early 2022
Funding Agreements and Housing Outcome Agreements concluded	March - October 2022, as and when agreements are concluded
Final Ministerial funding decisions sought	

*Fast-Track Proposals

13. A fast-track process will be used to accelerate a limited number of Proposals through the RFP Stage, Negotiation and final funding decision by Ministers. Following the EOI evaluation period, Kāinga Ora will engage with each Applicant with a Proposal identified as a fast-track candidate to undertake the RFP Stage due diligence and negotiate a Funding Agreement and Housing Outcome Agreement as soon as reasonably possible.

14. Proposals expedited through the fast-track process are expected to be those where:

- the quality of the Proposal has already been well validated, such as through previous feasibility analysis by Government agencies; or

- the Proposal is straightforward such that the evaluation and due diligence work can be done very quickly; and

- in each case, the Proposal scores highly against the Evaluation Criteria.

Evaluation, Due Diligence, Negotiation & Decision Process

15. The key steps in the evaluation, due diligence, negotiation and decision process are:

- Kāinga Ora evaluates each proposal against the evaluation criteria and undertakes due diligence.

- For Programme Path proposals there will likely be a high level of engagement with the applicant to fully understand and possibly refine proposals.

- Kāinga Ora Board Committee will:

  o decide which proposals advance to RFP stage;

  o provide advice to Ministers as to which proposals should advance to negotiation and receive IAF Funding;

  o where appropriate, provide advice to Ministers on broader considerations, in particular those relating to the balance of the funding package as a whole, to ensure alignment with the objectives for the IAF. Broader considerations include matters such as the balance between greenfields and brownfields development, and near- term and medium-term delivery, construction sector capacity, capacity of the IAF and regional spread.

SMARTGROWTH PARTNERSHIP APPROACH TO INFRASTRUCTURE ACCELARATION FUND

16. The SmartGrowth Partnership has agreed arrangements for working together to optimise the opportunity which the IAF offers the sub-region. The following extracts from the IAF Expression of Interest are relevant:

    - *Kainga Ora and the Ministry of Housing and Urban Development place-based teams work with Urban Growth Partnerships. These teams will be looking to build on and leverage prior work with applicants within those partnerships, with a view of ensuring that IAF funding is, to the extent possible, aligned with government investment in infrastructure.*

    - *At the RFP Stage, Territorial Authorities which fall within the Programme Path are strongly encouraged to submit a collective response that contains the individual Proposals supported by that group of Territorial Authorities. This collective response will also include an indication of the respective priority of each Proposal.*

    - *In exceptional circumstances, where collective agreement cannot be reached, an individual Territorial Authority within the Programme Path is able to submit a Proposal without collective support. However, it should be noted that this lack of support will be a relevant factor considered when the Proposal is evaluated at the RFP Stage.*

    - *Developers and Māori will proceed on the Project Path at the RFP Stage. They will be requested to obtain (and evidence) Territorial Authority support (or lack thereof) and submit this with their RFP Proposal. This reflects that Territorial Authority support will be a key factor when evaluating Proposals, and there would need to be very clear justification for advancing an RFP Proposal to Negotiation without this support.*

17. The SmartGrowth partnership has agreed the Priority Development Areas and the Housing Action Plan. Given this, it logically flows that the partnership should continue to collectively support these areas for application to the IAF. Staff consider that:

    - Council and developer proposals should be consistent with the growth areas identified as Priority Development Areas or specified in the Housing Action Plan.

    - Maori proposals should deliver on the housing outcomes identified in the Housing Action Plan.

18. At this stage TCC has had no approaches from developers looking to make an application and one approach from Maori landowners. This has been deferred to the separate process for Maori land for which further information is expected to be available later in August.

19. Council staff have identified the following projects for application to the IAF Programme Path (in no particular order):

    - Tauriko West

    - Wairakei

    - Te Papa / Cameron Road intensification

    - Omokoroa

    - Parau Farms

20. The Regional Council Chair, TCC Chair and WBOPDC Mayor have been meeting to discuss the opportunity of the IAF and how to move forward. At the 26 July SmartGrowth Leadership Group meeting it was agreed that this group (or their nominees) would be delegated to:

    (a) Agree the infrastructure Acceleration Fund Programme Path applications of Tauranga City Council and Western Bay of Plenty District Council and their relative priorities; and

    (b) Determine whether approaches from developers and/or Maori with respect to applications to the Infrastructure Acceleration Fund Project Path will be supported.

21. They will also consider whether there are relative priorities amongst the five applications, or whether some are of similar / equal priority.

SUMMARY OF PROJECT APPLICATIONS

Te Papa peninsula intensification

22. This application is targeted at funding active and public transport and three waters infrastructure necessary to enable intensification in the Te Papa peninsula. In particular, the infrastructure to be delivered is focussed on the southern portion of the peninsula: Merivale and Gata Pa where regeneration of social housing is planned. Key projects include delivery of Stage 2 of the Cameron Road multi-modal project, an active transport bridge supporting movement between Merivale and Gate Pa and extensive stormwater works to removing flooding constraints.

23. We are preparing this application with input from Accessible Properties Limited (APL). APL are working jointly with Kainga Ora (and TCC) on housing opportunities including substantial delivery of social, community and affordable housing outcomes. Much of the planned development is intended to be at a higher density than existing housing stock which will be supported by Plan Change 26 Housing Choice.

24. Without assistance from the IAF we rely of funding from Waka Kotahi, Infrastructure Funding & Financing levies and more traditional sources such as rates and development contributions.   There is significant uncertainty around some of these funding sources. Recognising this uncertainty, we anticipate applying to the IAF for approximately half of the current cost estimates for these projects.

Tauriko West

25. This application is targeted at funding transport access and water supply/wastewater for the proposed development at Tauriko West to enable development of the first 2,000 homes. This includes two access points from the existing state highway, water & wastewater mains, wastewater storage and wastewater pump stations.

26. We are preparing this application with input from the three largest landowners in Tauriko West.

27. Given the uncertain state of funding for this development, we are applying for IAF funding to cover:

    (a) Any shortfall that may arise in Waka Kotahi funding

    (b) The upfront costs of delivering waters infrastructure for the second stage of housing development in Tauriko West (which is likely to be some years away once more significant transport invest occurs) and

    (c) Funding shortfalls anticipated from schools and other activities that cannot be charged development contributions or infrastructure funding and financing levies.

28. We currently anticipate development to commence in Tauriko West around 2025.

Wairakei Town Centre

29. This project is targeted at catalysing development of the Wairakei Town Centre, including 1,500 medium and high density dwellings in and around the town centre through delivery of the Papamoa East Interchange and associated transport and three waters projects.

30. We have prepared this application with support from the developer that owns the land.

31. If successful, this funding will complement a range of possible other funding and financing mechanisms being investigated currently including the interest free Housing Infrastructure Fun loans and potential toll funding. If successful, IAF funding will significantly de-risk the project, especially in relation to costs allocated to the future Te Tumu urban growth area. Our application also recognises the current uncertainty of Waka Kotahi and toll funding for this project and the impact an absence of funding would have on TCC's ability to proceed with the project.

<u>Parau Farms</u>

32. This application is targeted at funding transport access and three waters infrastructure for the potential development at Parau Farms. This includes transport access from the existing road network and water supply and wastewater infrastructure including a pump station.

33. We are preparing this application alongside the development of a memorandum of understanding between TCC (as current owner), and a possible developer, and we are engaging with mana whenua. The principles underpinning this agreement and its ongoing development have guided our application.

34. We are applying for IAF funding to cover additional infrastructure costs required for site development not previously envisaged due to the site being earmarked for sports field development. High pressure on housing supply in Tauranga has resulted in TCC reconsidering the best use of this landholding.

35. We anticipate development of this site will deliver between 500 and 700 housing unit equivalent by 2029.

36. We acknowledge that investigations are at an early stage. Engagement has yet to occur with the community and significant process steps are required such as:

    (a) Formal consultation under the Local Government Act

    (b) Public Works Act land acquisition processes

    (c) Rezoning or consenting processes.

RECOMMENDATIONS

37. The recommendations seek approval to lodge the applications and progress decision making on applications to the fund, noting that the applications will be consistent with the Housing Action Plan and Priority Development Areas.

NEXT STEPS

38. The next step is to submit our applications by 18 August.

ATTACHMENTS

Nil

9.9 2021 Q2 Health & Safety Report

File Number: A12732825

Author: **Angelique Fraser, Health & Safety Change Manager**

Tracy Dragovich, Health Safety & Wellness Design Lead

Authoriser: **Susan Jamieson, General Manager: People & Engagement**

PURPOSE OF THE REPORT

1. To provide a summary of Health and Safety activities over the April to June 2021 quarter.

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

(a) Receives the 2021 Q2 Health and Safety Report.

EXECUTIVE SUMMARY

2. This is a quarterly report provided to the committee, designed to monitor Health and Safety activities and share learnings.

3. Any feedback regarding content or topics that the Committee would like is welcomed.

ATTACHMENTS

1. **2021 Q2 Health & Safety Report - A12732803** ⇩ 🔴

Health, Safety & Wellbeing

Healthy, safe. Every day.

April 2021 – June 2021. Learning & Continual Improvement

Introduction

The April 2021– June 2021 quarter report in health, safety and wellbeing provides a look at reported event statistics across our staff and contractor activities and highlights how these have provided us a focus for learning and continual improvement. Beneath each title is reference to Section 44 – Health and Safety at Work Act, Duty of Officers.

Leadership

(4(f) To verify the provision and use of resources and processes)

Environmental Monitoring
Regulatory & Compliance General Manager completed a visit at an environmental monitoring work site to understand 'how work is done'.

Contractor Safety Meeting
Infrastructure General Manager observed a contractor safety briefing which gave us an insight into how learnings from their various sites across the region are shared and expressed TCCs sentiment around stopping work where it feels unsafe.

Omanawa Falls
The Commissioners visited Omanawa Falls where they were able to understand more fully how safety in design is being considered to minimise harm.

Waiari Water Treatment
Commissioners visited the Fulton Hogan – Balance of Plant Sites of the Waiari Water Treatment Project and viewed the HEB Intake Site from the access road.

Resourcing and Focus

(4(c) To ensure we have appropriate resources and processes to eliminate or minimise risks to health and safety)

Following a period of recruitment, the Health, Safety and Wellbeing team is resourced to provide support across the business, to ensure our health and safety obligations meet our Long Term Plan commitments. The team is taking a strategic and proactive approach to support activities and is bringing a *New View** thinking to continuous improvement.

Following the LGNZ Health, Safety and Wellbeing survey (undertaken across local government in March 2021) we understand our people generally feel they know how to keep themselves and others safe at work and are supported by appropriate policies and procedures. – Further work could be done to ensure our people are aware they can report incidents and near misses and receive information on how we can learn from these events.

	Processes and Policies
81%	I know how to keep myself and others safe and healthy at work
74%	We have appropriate policies and procedures in place for health and safety
73%	Our council is constantly looking to improve the way we manage health and safety risks
66%	Health and safety incidents, including near miss incidents are always reported at work
66%	Our health and safety policies and procedures are easily understood
64%	I am aware of independent avenues to raise health, safety and wellness issues at work
59%	Learnings from health and safety incidents are shared throughout our council.

Subset of TCC results from the LGNZ question set relating to Health, Safety and Wellbeing Processes and Policies

*The New View of safety provides a fresh look at unsafe workplace conditions and resulting injuries to workers, based around a focus on Human and Organisational Performance in which systems are designed to fail safely.

1

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Health, Safety & Wellbeing
April 2021 – June 2021. Learning & Continual Improvement

Tauranga City

Events
(4(d) To ensure we have the appropriate processes for receiving and considering information regarding incidents, hazards and risk and for responding in a timely manner)

189 ⬆ (163 in last quarter)

H&S Events reported across TCC, with:
- 163 investigations from these events are complete
- 23 investigations from these events are underway
- 3 investigations from these events are overdue for completion
- 4 notifiable events to WorkSafe:
  - 2 – falling object from height
  - 2 – individual fall from height
- 43 events – related to assault and violence – physical or mental (see further discussion on page 3)

23

Injury events to staff, contractors or members of community:
- 18 first aid treatment including:
  - Applying ice to bump.
  - Dressing a minor cut.
- 5 medical treatment:
  - Contractor received antibiotics for previously an unreported / untreated injury
  - Contractor fell from truck tray, breaking collar bone
  - Contractor fell onto uncapped waratah receiving 10 stitches
  - Contractor received treatment for torn ligament sustained throwing steel reinforcement into a skip
  - Office workstation injury resulting in need for medical treatment.

Learning Focus
(4(d) To ensure we have the appropriate processes for receiving and considering information regarding incidents, hazards and risk and for responding in a timely manner)

Ensuring we understand and learn from how work is done by reviewing our practices is critical to ensuring we have effective health and safety practices. The LGNZ survey identified we do this reasonably well – and so this is something we should continue to do.

70%	Our council continually reviews the effectiveness of our health and safety practices

Members of the Health and Safety team joined a training session for two new members of our Pyes Pa cemetery team reviewing the process of preparing plots – into which coffins will be lowered. The diverse backgrounds of the team, from across the industry in Australia and New Zealand as well as in landscaping and ground works, presents several considerations to reduce the risk to our staff. These included: equipment type, shape of the plot, replanting of grass, working in pairs and the methodology for meeting the beliefs and traditions across our diverse communities.

2

Health, Safety & Wellbeing

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April 2021 – June 2021. Learning & Continual Improvement

Assault and Violence

(4(b) To gain an understanding of the nature of the operations and generally of the hazards and risks associated with those operations)

Parking and By-Laws

9 events related to our parking and bylaws team out in the community being subject to verbal abuse and intimating behaviour including being followed, spat on and being attacked by fruit. Our people are at increased risk of abuse when communicating 'difficult messages' (e.g. the non-waiver of infringements) through personal email accounts.

Acting Manager - Environmental Regulation: *I know that we try to keep the 'relationship' between us and our community friendly, but there are some who will not react well to information we send regarding routine matters. This type of language and abuse can take its toll on our staff and we need to do everything we can to protect them from that.*

The team are looking into creating a generic persona (for example using a cartoon) to send these messages to reduce risk to our staff.

Racial Abuse of our Staff and Contractors

During the period April – June 2021 several of our staff and contractors were racially abused. These included:

- 2 events of racial abuse of our staff during council meetings.

Behavioural expectations have been made with those involved to ensure public participation in meetings does not result in harm to our people.

- 2 events in which our contractors performing work for TCC out and about in our community were subject to racial abuse.

Our staff have ensured those individuals subject to unacceptable behavior have any support needed.

Crime Prevention through Environmental Design (CPTED)

(4(c) To ensure we have appropriate resources and processes to eliminate or minimise risks to health and safety)

To manage the risk of harm our response to these events is considering how we can look at task and environmental design through applying CPTED principles.

Community Libraries

Over 70% of incidents in and around our libraries relate to our staff or patrons being exposed to aggressive or threatening behavior by members of our community. Investigations have identified that our established procedures, collaborating with police are ensuring safe outcomes - however, we continue to think about how we provide this valuable service to our community to ensure we are doing everything reasonably practicable to keep everyone safe.

The Bigger Picture

Reporting incidents provides a full picture of the negative behaviour experienced as we provide our community services. During this reporting period we had sufficient supporting evidence to trespass an individual.

Health and Safety Management System Audit

(Actions have been scheduled in line with the Executive Business Plan priorities).

Management action status from FY 2019/20 Internal Audit focused on assurance of controls in place for H&S risks on the Corporate Risk Register.

37	23	9	5
Actions identified	Complete	Actions for completion end '21	Action for completion end '22

3

Health, Safety & Wellbeing

Healthy, safe. Every day.

April 2021 – June 2021. Learning & Continual Improvement

Tauranga City

Strategic Approach to Health and Safety

(4(a) To acquire, and keep up to date, knowledge of work health and safety matters)

Our approach to transforming how health and safety will be managed across TCC into the future ensures decision makers are informed by our shared understanding of purpose, values and the role each of us plays. We understand that the complexity of our work creates a difference between how work was planned and how work is done – so we need to learn from this through our workers, as the experts.

Standards & Values

Training establishes values and sets the standard for how work can be performed safely. Kerbside Collections – Driver Training

As part of the new kerbside collections contract EnviroWaste have purchased a range of new vehicles and have been busy over the last month training their 42 new drivers. EnviroWaste have set up a temporary operations centre at Baypark where training has been underway including:

- Becoming familiar with the new types of the vehicles and their functionality.
- "Share the road" campaign with Richard Barter – a cycle safe initiative supported by Waka Kotahi.
- Demo runs on the drivers designated routes.

Work as Done

One way of engaging our workers to understand how work is done across TCC is through having Health and Safety Representatives. The Regulatory and Compliance Health and Safety Representatives have received in-house training to establish and clarify their role.

The team are working on their own processes and practices around Lone Working to ensure the risk is being managed appropriately.

Learning Culture

Establishing a learning culture across TCC not only occurs as a result of incident investigations but learning from all work. Learning Teams being trialed within the business and with our contractors seek to create an environment for our people to share their work experiences in a safe space.

A recent learning team took a deep dive into one of our Priority Risks – Working in Confined Spaces following a hot tap task undertaken in a trench / pit.

The discussions presented the opportunity to:
- Align understanding across TCC, Contractor and Engineers Representative.
- Review risk assessment methodology to ensure adequate prompts exist.
- Fulfill our collective duties to consult, cooperate and coordinate activities as required under Section 34 of Health and Safety at Work Act 2015.

4

9.10   Q4 2020/21 Final Quarter LGOIMA and Privacy Requests

File Number: **A12696916**

Author: **Kath Norris, Team Leader: Democracy Services**

Authoriser: **Coral Hair, Manager: Democracy Services**

PURPOSE OF THE REPORT

1.   The purpose of this report is to update the Committee on Local Government Information and Meetings Act 1987 (LGOIMA) and Privacy requests as well as the Commissioners' queries.

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

   (a)   receives the report: Q4 2020/21 Final Quarter LGOIMA and Privacy Requests.

DISCUSSION LGOIMA AND PRIVACY REQUESTS

2.   78 requests were received in Q4, compared with 53 requests received in Q3. This is an increase of 47% from the previous quarter.

3.   A total of 310 information requests were received over 2020/21, compared with 285 in 2019/20. This is an increase of 9%. Requests received in 2020/21 are summarised by type and quarter in Table 1 below.

Table 1 – Type of requests received in 2020/21				
Quarter	LGOIMA	Privacy	Both Acts	Totals
1	110	7	1	118
2	56	1	4	61
3	52	1	0	53
4	75	3	0	78
Totals	293	12	5	310

4.   The origin of the 310 requests received over 2020/21 (individual, organisation or media) is summarised by quarter in Table 2 below.

Table 2 – Origin of requests received in 2020/21				
Quarter	Individual	Organisation	Media	Totals
1	75	27	16	118
2	45	9	7	61
3	35	12	6	53
4	46	20	12	78
Totals	201	68	41	310

5.   A breakdown of the business group allocations for requests received in Q4 and in 2020/21 overall is detailed in the pie graphs at the end of this report.

6.   12 requestors made multiple official information requests (two or more) in Q4. Of these requestors, one made five or more requests. Requests from multiple requestors comprised 46% of the total requests received in Q4.

7.   34 requestors made multiple official information requests (two or more) in 2020/21. Of these requestors, 12 made five or more requests. Requests from multiple requestors comprised 60% of the total information requests received in 2020/21.

8.   Seven requests made in Q4 had response times extended, compared with three in Q3. Extensions were for requests containing an 'all correspondence' or the collation of large amounts of information.

9.   In the 2020/21 financial year 44 requests had their response time extended. 29 of the 44 extensions were for requests containing an 'all correspondence' question.

10.   Two requests made in Q4 (both LGOIMA) are still to be finalised.

11.   We are unable to compare TCC data across other local government agencies as there is no national data compiled.

12.   Themes among requests received in 2020/21 are outlined in Table 3 below. For the purpose of this report, a theme is a topic about which we have received three or more official information requests.

Table 3 – Themes among requests received in 2020/21		
Themes	No.	%
Amended response process (one individual)	22	7%
Mayor and Councillor governance issues	13	4%
Staff employment matters (e.g. salary, numbers, contractors)	11	4%
Bella Vista matters	8	3%
Kerbside bin service	8	3%
Otamataha Trust (Dive Crescent and 11 Mission Street)	6	2%
TCC wage subsidy	4	1%
13th Avenue avocado tree removal	4	1%
Harington Street Transport Hub	3	1%
TCC Commissioners (e.g. expenses, appointment, exit plan)	3	1%

13.   330 information requests were responded to over 2020/21 (some of these requests were received in the previous financial year), compared with 282 in 2019/20. This is an increase of 17%. 2020/21 responses are summarised by type and by quarter in Table 4 below.

Table 4 – Type of requests responded to in 2020/21				
Quarter	LGOIMA	Privacy	Both Acts	Totals
1	100*	3	0	103
2	81	5	4	90
3	46	0	1	47
4	87	3	0	90
Totals	314	11	5	330

Includes 31 LGOIMA carried over from 2019/20 year.

14. The outcomes of requests responded to in 2020/21 are detailed by quarter in Table 5 below.

Table 5 – Outcomes of requests responded to in 2020/21						
Quarter	Provided	Partially refused	Refused	Cancelled	Transferred	Totals
1	72	18	9	3	1	103
2	47	28	13	2	0	90
3	34	9	3	1	0	47
4	59	24	3	4	0	90
Totals	212	79	28	10	1	330

15. Common grounds for refusing all or part of a request are to protect individual privacy, avoid prejudice to commercial activities, maintain legal privilege or when the requested information does not exist. If any part of a request is refused it is recorded as 'partially refused'. Requests containing an 'all correspondence' question are typically 'partially refused', as redactions to the correspondence are often necessary to protect individual privacy.

16. There was a 2% reduction to 96% in Q4 responses made within statutory timeframes, compared with 98% in Q3.

17. In 2020/21 96% of requests were responded to within statutory timeframes, this did not meet the 98% key performance indicator. There were 13 responses that were responded to outside the legislative timeframe. The delays were due to administrative errors in recording data correctly and timeframes that were underestimated.

18. The outcomes of complaints, in relation to official information requests, notified to us in 2020/21 by the Offices of the Ombudsman and the Privacy Commissioner are summarised by quarter and outcome in Table 6 below.

Table 6 – Outcomes of Ombudsman and Privacy Commission complaints notified in 2020/21						
Quarter	LGOIMA	privacy	Total	Resolved (LGOIMA)	Resolved (privacy)	Resolved (total)
1	4	1	5	0	0	0
2	0	1	1	0	1	1
3	4	0	4	4	0	4
4	4	0	4	3	1	4
Totals	12	2	14	7	2	9

19. We are awaiting responses from the Office of the Ombudsman for the five open LGOIMA complaints they have under consideration. There are no unresolved privacy complaints.

20. Eight of the complaints closed in 2020/21 were closed with no further action required by TCC. One complaint was closed by staff meeting with the complainant.

21. We continue to proactively publish LGOIMA responses on the TCC website. Only responses that are of public interest to the community are uploaded
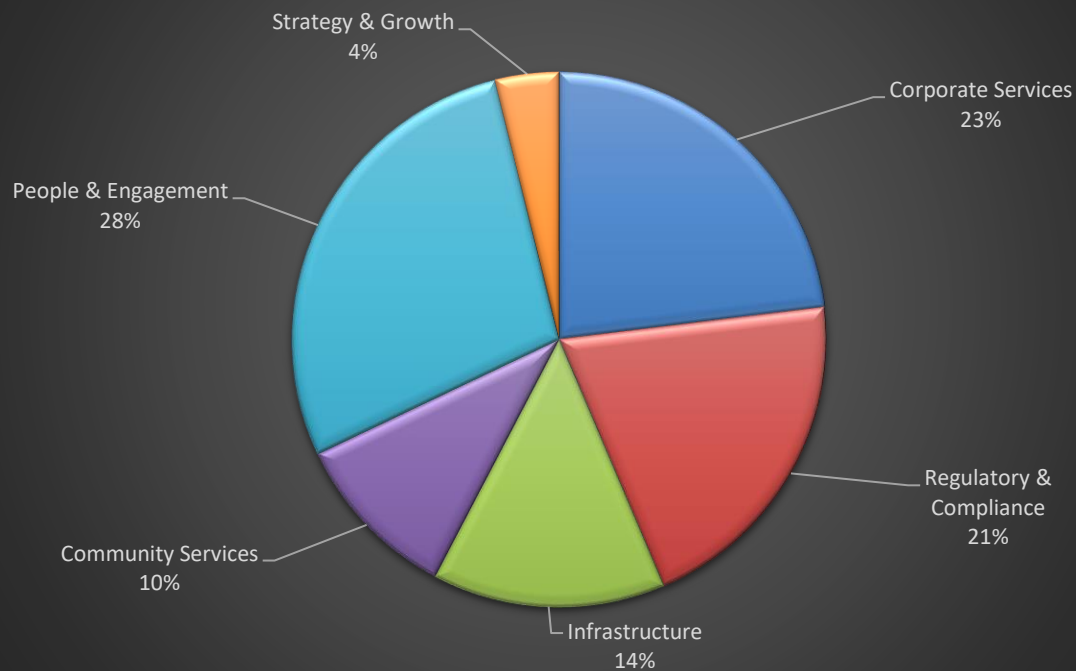
DISCUSSION COMMISSIONER QUERIES

22. Democracy Services received 3 Commissioner queries in Q4 compared with 11 in Q3. Overall, 14 were received in 2021/21. One query from Q4 is still open.

23. Outside of residents contacting the Commissioners directly via correspondence, queries are managed through the Commissioners clinics, which provide residents with the opportunity to
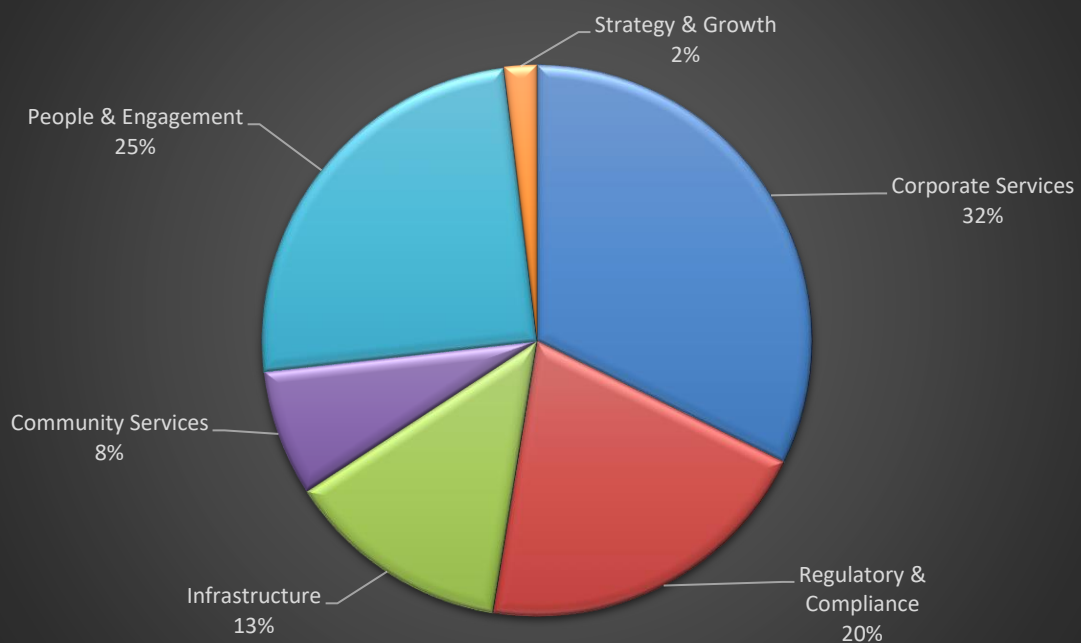
speak to a commissioner directly. The clinics are held once a month.

Charts – Q4 and 2020/21 LGOIMA and Privacy Act requests

Q4 - business group allocation of requests

Strategy & Growth 4%
Corporate Services 23%
People & Engagement 28%
Regulatory & Compliance 21%
Community Services 10%
Infrastructure 14%

2020/21 - business group allocation of requests

Strategy & Growth 2%
People & Engagement 25%
Corporate Services 32%
Community Services 8%
Infrastructure 13%
Regulatory & Compliance 20%

ATTACHMENTS

Nil

9.11   Deep Dive - Capital Project Delivery

File Number: A12730710

Author: **Chris Quest, Team Leader: Risk**

David Moore, Manager: Capital Projects Assurance Division

Authoriser: **Nic Johansson, General Manager: Infrastructure**

PURPOSE OF THE REPORT

1.   To provide the committee an opportunity to gain a fuller understanding of this area of risk.

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

(a)   Receives the Deep Dive - Capital Project Delivery report

EXECUTIVE SUMMARY

2.   The purpose of a deep dive is to provide the committee an opportunity to more fully understand how a particular area of risk is viewed. In particular, it is an opportunity for the committee to be assured as to management controls and planned actions to address risk.

3.   Officers directly involved in aspects of managing this risk will present to the committee.

BACKGROUND

4.   The organisation has established the Capital Projects Assurance Division (CPAD) to support and enable all project delivery teams across TCC.

5.   In conjunction with the creation of CPAD, the project delivery function has transferred to the relevant activity areas e.g. City Waters, Transportation, Spaces and Places.

6.   This intention of this structure is to allow CPAD to become the centre of excellence for project delivery at TCC, with accountability for successfully delivering each project resting with activity areas.

7.   The intention of this deep dive is

(a)   To explain the current understanding of the risk to capital programme delivery

(b)   To explain how CPAD and the activity areas are working together to reduce that risk

(c)   To highlight the potential risks that may constrain or inhibit the delivery of the immediate 2021/22 annual capital works programme and the mitigations being undertaken to reduce the immediate risk

8.   The deep dive will be presented by risk owners with a slide presentation to be tabled at the Committee meeting.

STRATEGIC / STATUTORY CONTEXT

9.   The Long Term Plan 2021/31, adopted 26 July 2021, contains the most significant programme of capital works that TCC has ever embarked upon. The effective management of the risks to capital programme delivery will be key to delivering the outcomes to the community.

SIGNIFICANCE

10.   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.

11.   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 matter.

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

12.   In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of <u>high</u> significance, however the decision proposed in this report is of <u>low</u> significance as it is to receive an update on a particular work stream

ENGAGEMENT

13.   Taking into consideration the above assessment, that the issue is of <u>high</u> significance, however the decision proposed in this report is of <u>low</u> significance, officers are of the opinion that <u>no further engagement is required prior to Council making a decision</u>.

NEXT STEPS

14.   Officers will continue to implement actions to manage the risks to the delivery of the capital programme as presented to this Committee.

ATTACHMENTS

Nil

10   DISCUSSION OF LATE ITEMS

11   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
11.1 - Public Excluded Minutes of the Strategy, Finance and Risk Committee Meeting held on 28 June 2021	s7(2)(c)(ii) - 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 otherwise to damage the public interest s7(2)(e) - The withholding of the information is necessary to avoid prejudice to measures that prevent or mitigate material loss to members of the public s7(2)(j) - The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage	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
11.2 - Corporate Risk Register - Quarterly Update	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 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 s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

11.3 - Internal Audit Report - Quarterly Update	s6(b) - The making available of the information would be likely to endanger the safety of any person	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
	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	
	s7(2)(d) - The withholding of the information is necessary to avoid prejudice to measures protecting the health or safety of members of the public	
	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege	
	s7(2)(j) - The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage	
11.4 - Litigation Report	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
	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege	
	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)	

12   CLOSING KARAKIA