



AGENDA

Ordinary Council meeting Tuesday, 26 October 2021

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

Date: Tuesday, 26 October 2021

Time: 10.30am

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

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

**Marty Grenfell
Chief Executive**

Terms of reference – Council

Membership

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

Role

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

Scope

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

Procedural matters

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

Regulatory matters

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

Order of Business

1	Opening Karakia	7
2	Apologies	7
3	Public Forum.....	7
4	Acceptance of Late Items.....	7
5	Confidential Business to be Transferred into the Open.....	7
6	Change to the Order of Business	7
7	Confirmation of Minutes.....	8
	7.1 Minutes of the Council meeting held on 4 October 2021	8
8	Declaration of Conflicts of Interest.....	32
9	Deputations, Presentations, Petitions.....	32
	Nil	
10	Recommendations from Other Committees	32
	Nil	
11	Business.....	33
	11.1 Submission to Discussion Document on Proposed Changes to the Wetland Regulations	33
	11.2 Civic Redevelopment Programme Progress Report	77
12	Discussion of Late Items.....	80
13	Public Excluded Session.....	80
	13.1 Public Excluded Minutes of the Council meeting held on 4 October 2021	80
	13.2 Ohauti Site Access Assessment: Option Identification and Evaluation	80
	13.3 Land Acquisition - Kennedy Road	81
14	Closing Karakia.....	81

- 1 OPENING KARAKIA**
- 2 APOLOGIES**
- 3 PUBLIC FORUM**
- 4 ACCEPTANCE OF LATE ITEMS**
- 5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**
- 6 CHANGE TO THE ORDER OF BUSINESS**

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Council meeting held on 4 October 2021

File Number: A12995730

Author: Robyn Garrett, Team Leader: Committee Support

Authoriser: Robyn Garrett, Team Leader: Committee Support

RECOMMENDATIONS

That the Minutes of the Council meeting held on 4 October 2021 be confirmed as a true and correct record.

ATTACHMENTS

- 1. Minutes of the Council meeting held on 4 October 2021**



MINUTES

**Ordinary Council meeting
Monday, 4 October 2021**

Order of Business

1	Opening Karakia	4
2	Apologies	4
3	Public Forum	4
3.1	John Robson – Three Waters Reform	4
3.2	Te Pio Kawe – development contribution grants.....	5
4	Acceptance of late items	5
5	Confidential business to be transferred into the open	5
6	Change to the order of business	6
7	Confirmation of Minutes	6
7.1	Minutes of the Council meeting held on 13 September 2021	6
7.2	Minutes of the Council meeting held on 12 July 2021	6
8	Declaration of conflicts of interest	6
9	Deputations, Presentations, Petitions	6
	Nil	
10	Recommendations from Other Committees	6
10.1	Waiāri Kaitiaki Advisory Group - recommendations on an updated Terms of Reference and appointment of Co-Chair	6
11	Business	7
11.1	Council-Controlled Organisations' Draft and Final Annual Reports for 2020/2021	7
11.2	Approval to use oxadiazon (oxa-pro) at Blake Park Summer 2021/2022.....	10
13	Public excluded session	12
13.3	Sale of the Elder Housing Portfolio to Kāinga Ora: Homes and Communities	12
11	Business (continued)	
11.3	Executive Report.....	12
11.4	Approval of Temporary Alcohol-Free Areas for the summer period	13
11.5	Amended Temporary Road Closure Report	14
11.6	Three Waters Reform - Report on the Government's Proposal.....	14
11.7	City Centre Development Incentive Fund	15
11.8	National Land Transport Programme 2021-24 release - Update	16
11.9	Council Objectives and Role in Housing and Urban Development of Council Land.....	16
11.10	Use of Council Land - Parau Farms / Smith's Farm.....	17
11.11	Proposed Cultural Centre - Pukehinahina / Gate Pā Recreation Reserve	18
11.12	Marine Park - Proposed Reserve Reclassification and Marine Research and Education facility	19
11.13	Adoption of Property Acquisitions and Disposals Policy	20
11.14	Distribution Policies for Grants for Development Contributions on Community and Papakāinga Housing	20

12	Discussion of Late Items	21
13	Public excluded session	21
13.1	Public Excluded Minutes of the Council meeting held on 13 September 2021	22
13.2	Public Excluded Minutes of the Council meeting held on 12 July 2021	22
13.4	Papamoa East Infrastructure Corridor Planning	22
13.5	Procurement of Plant Material for the Kopurererua Stream Realignment Project.....	22
13.6	Direct Appointment - Elizabeth Street carpark.....	22
14	Closing Karakia	23

UNCONFIRMED

MINUTES OF TAURANGA CITY COUNCIL**ORDINARY COUNCIL MEETING
HELD AT THE TAURANGA CITY COUNCIL, COUNCIL CHAMBERS, 91 WILLOW STREET,
TAURANGA
ON MONDAY, 4 OCTOBER 2021 AT 10.30AM**

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

IN ATTENDANCE: Marty Grenfell (Chief Executive), Paul Davidson (General Manager: Corporate Services), Barbara Dempsey (General Manager: Regulatory & Compliance), Susan Jamieson (General Manager: People & Engagement), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy & Growth), Gareth Wallis (General Manager: Community Services), Carlo Ellis (Manager: Strategic Māori Engagement), Anne Blakeway (Manager: Community Partnerships), Josephine Meuli (Council Controlled Organisation Specialist), Mohan De Mel (Treasurer), Emma Joyce (Policy Analyst), Kathryn Sharplin (Manager: Finance), Cathy Davidson (Manager: Directorate Services), Kelvin Hill (Manager: Water Infrastructure Outcomes), Jeremy Boase (Manager: Strategy & Corporate Planning), Alistair Talbot (Team Leader: Transport Strategy & Planning), Brendan Bisley (Director of Transport), Gert van Staden (Senior Strategic Advisor), Brigid McDonald (Manager: Strategic Investment & Commercial Facilitation), Jenna Quay (Events Facilitation Manager), Fiona Nalder (Strategic Advisor), Emma Cottin (Strategic Community Relations Advisor), Pete Mouldey (Advisor: Active Reserves), Coral Hair (Manager: Democracy Services), Robyn Garrett (Team Leader: Committee Support).

1 OPENING KARAKIA

Carlo Ellis, Manager: Strategic Māori Engagement, provided a karakia.

2 APOLOGIES

Nil

3 PUBLIC FORUM**3.1 John Robson – Three Waters Reform****Key points**

- Considered that Council was in a very difficult situation. Agreed there were some issues with water infrastructure but considered the Three Waters reform as proposed was not the right solution.
- Noted that the Commissioners had been criticised for failing to communicate with the community clearly on Three Waters.
- Considered that Council was let down by Local Government New Zealand (LGNZ) in that the heads of agreement signed was unacceptable and committed LGNZ before councils had completed their own due diligence.
- A significant part of the Three Waters discussion was a finance discussion; requested that independent financial advice be commissioned to analyse and assess the government's Three Waters proposal, and that this information be provided to the Tauranga community.

- Peer review had raised a number of issues with the assumptions used in the Water Industry Commission for Scotland's report. Suggested the Welsh water model was more appropriate than the Scottish water model.

In response to questions

- Noted that the Three Water reforms were government reforms not Council reforms and that central government had a responsibility to inform the public. Councils had been asked to provide feedback on how the proposed reforms would affect their communities; the TCC feedback report was being tabled at today's meeting.
- It was intended to get independent financial analysis of the government's final proposal when it was available.

3.2 Te Pio Kawe – development contribution grants

Key points

- Opportunity to support Māori land trusts with their aspirations to provide affordable safe homes on whenua by providing grants for development contributions.
- The new policy provides a discretion for Council to support papakāinga housing both for upcoming development and retrospectively.
- Reweti and Te Pere Whānau Trust had followed all guidelines and met all criteria for development of papakāinga housing. Outlined the history of the application and consent processes and the proposal for support of development contributions. There had been an ongoing relationship with Tauranga City Council.
- The Trust proposal was to develop 45 house lots in several stages. Development contributions of \$14,000 per house were a significant barrier to provision of quality whare; the money used to pay development contributions could have been used to fund better quality housing.

In response to questions

- Council could consider, on a case-by-case basis, retrospective application of the policy to development contributions already paid in papakāinga housing.

4 ACCEPTANCE OF LATE ITEMS

RESOLUTION CO18/21/1

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

Accepts the following late item for consideration in the public excluded session of this meeting:

- Direct Appointment – Elizabeth Street carpark

The above item was not included in the original agenda because it was not available at the time the agenda was issued, and discussion cannot be delayed until the next scheduled meeting of Council because a decision is required in regard to this item.

CARRIED

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6 CHANGE TO THE ORDER OF BUSINESS

Nil.

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Council meeting held on 13 September 2021

RESOLUTION CO18/21/2

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the minutes of the Council meeting held on 13 September 2021 be confirmed as a true and correct record, with the following amendment:

- That Item 11.1, bullet point 5 under “In response to questions” be amended with the addition of the words “*subsequent to a meeting between elected members*” to read “It had been agreed subsequent to a meeting between elected members with tangata whenua in August 2020...”

CARRIED

7.2 Minutes of the Council meeting held on 12 July 2021

RESOLUTION CO18/21/3

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Stephen Selwood

That the minutes of the Council meeting held on 12 July 2021 be confirmed as a true and correct record.

CARRIED

8 DECLARATION OF CONFLICTS OF INTEREST

Nil

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

10.1 Waiāri Kaitiaki Advisory Group - recommendations on an updated Terms of Reference and appointment of Co-Chair

Staff Commissioner Wasley spoke to the recommendation

Key points

- The changes to the Terms of Reference and creation of Co-Chairs was the result of a number of discussions formally and informally with the Waiāri Kaitiaki Advisor Group and provided clarity around a number of governance processes for the Advisory Group.

In response to questions

- It was confirmed that Western Bay of Plenty District Council had passed the recommendations unchanged at their recent Council meeting.

RESOLUTION CO18/21/4

Moved: Commissioner Bill Wasley

Seconded: Commission Chair Anne Tolley

That the Council:

- (a) Receives the report “Waiāri Kaitiaki Advisory Group – recommendations on an updated Terms of Reference and appointment of Co-Chair”;
- (b) Approves the recommendations of the Waiāri Kaitiaki Advisory Group on 15 September 2021:
 - (i) Agrees to a Co-Chairing arrangement for the Waiāri Kaitiaki Advisory Group.
 - (ii) Approves the following Co-Chairs selection process to be included in the Terms of Reference:
 - Co-Chairs will be appointed every three years in alignment with the local government election cycle. The appointments will take place as soon as is reasonably practical following local government elections.
 - The Co-Chair representing the consent holder will be appointed by the Tauranga City Council and Western Bay District Council.
 - The Co-Chair representing iwi/hapū will be appointed by the iwi/hapū representatives.
 - (iii) Adopts the updated Terms of Reference for the Waiāri Kaitiaki Advisory Group as set out in Attachment 1, subject to amendments on how Co-Chairs are to be selected and amendments to the quorum requirements as follows:
 - Two representatives from the consent holders and two representatives from iwi/hapū including one of the Co-Chairs. However, where a major decision is required, the quorum will be one representative from each entity. The Bay of Plenty Regional Council representative is not counted towards quorum.
 - (iv) Recommends to the consent holders (Tauranga City Council and Western Bay of Plenty District Council) that the updated Terms of Reference for the Waiāri Kaitiaki Advisory Group be approved.
 - (v) Adopts the position description for the Co-Chairs as set out in Attachment 2.
 - (vi) Notes that a holistic conversation on the future governance of the Waiāri Stream will be commenced.
- (c) Appoints Commissioner Shadrach Rolleston as the Co-Chair of the Waiāri Kaitiaki Advisory Group representing the consent holders (Tauranga City Council and Western Bay of Plenty District Council).

CARRIED

11 BUSINESS**11.1 Council-Controlled Organisations' Draft and Final Annual Reports for 2020/2021**

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

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

Bay Venues Limited (BVL) – Adam Ellmers, Interim Chief Executive; and Simon Clarke, Chair.

Key points

- Kaitiaki of community facilities; aim to improve quality of life for Tauranga residents.
- 351 employees; BVL was developing a strong recruitment and retention policy.
- Outlined the facilities managed across the city and summarised the highlights of the year.
- A particular highlight was taking part in the healthy school lunches programme, BVL was the biggest provider in the Bay. An unused kitchen had been converted to provide the service and 33 new jobs created.
- The new governance board was in place and provided a good mix of skills around the table. A key focus was to look at ways to align better with TCC e.g. strategic alignment around investments; co-branding and use of community facilities.
- Noted the challenges with particular areas of staffing such as pool lifesavers and other seasonal jobs. The Board planned to implement the living wage for all staff, which would add about \$500,000 per year to operational expenditure.
- Highlighted the challenges around holding events this summer with COVID.
- Noted several key risks identified for BVL – the continuing impact of COVID; health, wellness and safety; cyber security; and financial risk.

In response to questions

- Some co-branding “quick wins” were currently being worked on; but there was a bigger conversation about what Brand Tauranga could look like which needed collaboration with various entities.
- Recruitment challenges such as with the aquatic centres were being addressed, with new pathways being developed with school leavers and career progression opportunities within BVL. The idea was to build a pool of talented workers that could fill a variety of roles within BVL.
- There was some risk of not winning the re-tender for the lunch programme. BVL was currently the service provider to 10 schools; however, some schools were looking to move the service inhouse. The government was not keen to change these contracts often; the key thing would be to continue to provide a good service. The income from the programme was useful to have as an over and above to baseline revenue streams.

BOPLASS - Stephen Boyle, Chief Executive Officer; and Craig O'Connell, Independent Director (via video conference).

Key points

- BOPLASS was a small organisation, with only 2.5FTE. Return on investment was 4-6 times the council contributions, and primarily achieved through purchasing arrangements.
- Running one procurement process for all councils provided purchasing benefits and staff savings.
- Three experienced and developed LASSes in NZ worked together cooperatively, with each having developed its own area of expertise. The organisations were increasingly being approached by other councils, with the idea of collaboration gaining traction.
- Noted that the Annual Report was a draft; delays with the auditors meant the final report would be delivered by December. It had been a successful year for BOPLASS in spite of various challenges.
- Key projects undertaken included: the collective insurance programme; debt recovery services; a collaborative project for courier and postal services; the LIDAR and aerial imagery projects.

In response to questions

- Business limitation was the size of the organisation; to develop and implement further collaborative projects and initiatives would require extra resourcing. BOPLASS was not the

only collaborative opportunity available to councils.

Tauranga Art Gallery Trust (TAGT) - Stephen Cleland, Director; and Rosemary Protheroe, Chair.

Key points

- The Tauranga Art Gallery was launched in 2007 and has developed a national reputation for delivering class exhibitions and events.
- While TCC was the Gallery's most important stakeholder, the Trust had worked hard to maintain and develop close relationships with all stakeholders.
- It had been an active and busy year for the Gallery, featuring the best of contemporary art with high calibre exhibitions delivered for Tauranga audiences. Noted the review of the Gallery by the international magazine Artforum.
- The Gallery had exceeded reduced expectation (due to COVID impacts) visitation targets. Two touring exhibitions attracted over 60,000 visitors.
- Achieved the target of over 7500 school attendees for the Gallery's education programmes, and enabled access to a broader range of students across the region with significant numbers of schools using the Art Bus.
- The Statement of Intent financial targets were impacted by COVID, with \$100,000 less revenue from forecasted targets. There had been some offset from an increase in retail shop sales.
- The Gallery was partnering with Council to investigate how cultural organisations impacted the city and the value delivered to the community by these organisations.
- The Art Gallery Foundation was a relatively new entity with a focus on supporting the long-term ambitions of the Gallery; looking to build on some seed investments to establish a larger funding pool that could be used for larger structural changes.
- The Gallery primarily focused on temporary exhibitions; there were only modest facilities to house a permanent collection.

In response to questions

- The average annual visitor rate prior to COVID in the strongest years was about 70,000; this year's visitor count was 42,000. Noted that over 20% of pre-2019 attendances were international tourists. The Gallery needed to work on synergies and connections with other events being put on around the city e.g. the Arts Festival.

Tourism Bay of Plenty (TBOP) - Oscar Nathan, General Manager; and Laurissa Cooney, Chair.

Key points

- A key aim of Board was to develop more collaborative opportunities. The leadership advisory group was launched this year to bring different sector groups together.
- Outgoing CEO Kristin Dunne was acknowledged for her leadership and contribution to the organisation.
- TBOP had taken a leadership role in the development and uptake of destination management. Destination management involved adopting a position that was best for the destination and for both the people living in the region and those visiting.
- Regenerative tourism space was a real opportunity for the Bay.
- Challenges faced during the year included the loss of international visitors and the Auckland lockdown. Reorganisation and resourcing constraints were being addressed. 32 out of 48 KPIs were achieved; these had been impacted by COVID and closure to international visitors.
- Noted that the I-site network was being restructured which would have an impact on Tauranga.
- Highlights included the launch of Te Whānau Tāpoi Māori o Tauranga Moana as a collective of operators working across the region to elevate the Bay's Māori cultural tourism; domestic marketing – websites, social media, advertising campaign; "Flavours of Plenty" theme and events to showcase the region's food and horticulture reputation.
- Noted the Regional Events Fund with funding for 15 events in the Bay confirmed.
- Cruises would not happen over this summer; problematic in that 75% of the rest of the world had resumed cruises, NZ/Australia/South Pacific needed to catch up.

In response to questions

- STAPP funding of \$700,000 supported five key areas which were clearly laid out in the organisational reporting. The biggest challenge with this funding was that the funding would not continue so needed to make best bang for bucks while available.
- Leadership Advisory Group outcomes included mapping strategic objectives to see where TBOP could align with other organisations and entities, looking for overlapping objectives and then working collaboratively to deliver. One identified area was Cruise which included Priority1 and the Port of Tauranga.
- Noted the work Council was doing on a number of cultural sites across the city. TBOP was launching an ambassador programme in the next six months to gather the region's authentic stories.

Local Government Funding Authority (LGFA) – Mohan de Mel, Treasurer.**Key points**

- LGFA had experienced another good year.
- Outlined LGFA structure and dividend payment.
- Noted debt level and the varying amounts lent to councils.
- Noted the uncertainty for local government around the financial and structural impacts of Three Waters reforms.

Discussion points raised

- Of the councils that had not joined LGFA, several had no borrowing. Otago was now close to joining.

RESOLUTION CO18/21/5

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council receives the Council-controlled organisations' draft and final annual reports for 2020/2021.

CARRIED

Attachments

- 1 Presentation - Annual Report 2020-21 Bay Venues Ltd
- 2 Presentation - Annual Report 2020-21 Tauranga Art Gallery Trust
- 3 Presentation - Annual Report 2020-21 Tourism BOP
- 4 Tabled item - Bay Venues Ltd Annual Report 2021-21

11.2 Approval to use oxadiazon (oxa-pro) at Blake Park Summer 2021/2022

Staff Emma Joyce, Policy Analyst; Pete Mouldey, Advisor: Active Reserves

External Dr Ian McLean, Toxic Agrichemicals Advisory Forum (TAAF)

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

Key points

- Noted an inconsistency in the report regarding the timing of the application of oxadiazon to

Blake Park, which could be interpreted as multiple applications being possible, although that was not what was intended.

- TAAF was well consulted on the oxadiazon trials and had received the reports; but considered the reports were inadequate and did not address the issues.
- TAAF was concerned that there would be remnants of the chemical remaining in the soil.
- TAAF considered it necessary to take a precautionary position and could not move forward to support another trial. Support of previous trials did not necessarily mean that a further trial would be supported.
- Noted that Council had always treated TAAF with respect and heeded its recommendations.
- TAAF considered the proposal was not clear on methodology, timeframe and procedural constraints. The primary issue was one of process – TAAF was sidestepped due to timing.
- Issuing warnings to players would not really address the problem as the level of exposure to the chemical residual in the soil was very difficult to predict.

In response to questions

- Clarified that the request was for a single application for this summer season, which would be applied as soon as possible if permission was granted.
- Bay Oval itself was kept to a stadium standard; very little weed was present so it could be removed piece by piece.
- NZ Cricket had a list of recommended agrichemicals for use on cricket grounds, which included oxadiazon.

Discussion points raised

- Council would normally respect the proper process; but had been caught by the requirements of the international tournament and the impact of COVID.

RESOLUTION CO18/21/6

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report and acknowledges the late notice by New Zealand Cricket (NZC) for the requirement to upgrade the community sports field facility at Blake Park to stadium standard for the purposes of supporting the ICC Women's Cricket World Cup;
- (b) Approves a single use application of oxadiazon (oxa-pro) at Blake Park as soon as practicable;
- (c) Advises NZC that oxadiazon has been applied to Blake Park's community sports field facility;
- (d) Acknowledges the feedback received from TAAF and notes the normal consultation process has not been completed in this instance.

CARRIED

Attachments

- 1 TAAF presentation - application for oxadiazon Oct 2021

At 12.55pm the meeting adjourned.

At 1.35pm the meeting reconvened, and moved into public excluded session for Agenda Item 13.3.

13 PUBLIC EXCLUDED SESSION

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CO18/21/7

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the public be excluded from the following parts of the proceedings of this meeting, with the exception of Jesse Phillips and Andrew Wade, from KPMG (attending by video link), who are permitted to remain at this meeting after the public has been excluded, because of their knowledge of property sales contracts and negotiation experience.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.3 - Sale of the Elder Housing Portfolio to Kāinga Ora: Homes and Communities	s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

The open session of the meeting resumed with Agenda Item 11.3.

11.3 Executive Report

- Staff**
- Marty Grenfell, Chief Executive
 - Gareth Wallis, General Manager: Community Services
 - Nic Johansson, General Manager: Infrastructure Services
 - Susan Jamieson, General Manager: People & Engagement
 - Barbara Dempsey, General Manager: Regulatory & Compliance
 - Paul Davidson, General Manager Corporate Services
 - Christine Jones, General Manager: Strategy & Growth

Key points

- The report was taken as read and any questions would be directed to the appropriate General Manager as required.

RESOLUTION CO18/21/8

Moved: Commissioner Stephen Selwood
 Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the Executive Report;
- (b) Rescinds the recommendation from 27 October 2020, to remove the tree outside 15 Lavender Place.

CARRIED

11.4 Approval of Temporary Alcohol-Free Areas for the summer period

Staff Jenna Quay, Events Facilitation Manager
 Emma Joyce, Policy Analyst

RESOLUTION CO18/21/9

Moved: Commissioner Bill Wasley
 Seconded: Commissioner Stephen Selwood

That Council:

- (a) In accordance with section 147B of the Local Government Act 2002, agrees that the proposed temporary alcohol-free areas are appropriate and proportionate in the light of the evidence; and justified as a reasonable limitation on people’s rights and freedoms.
- (b) Resolves under clause 8 of the Alcohol Control Bylaw 2018 to implement a temporary alcohol-free area between the hours of 9pm and 7am for all beaches, reserves and public places on the seaward side of Marine Parade (eastwards from its intersection of Grove Avenue), Oceanbeach Road and Maranui Street and Surf Road from 24 October 2021 to 3 April 2022.
- (c) Resolves under clause 8 of the Alcohol Control Bylaw 2018 to implement the temporary alcohol-free areas as follows:

Fergusson Park	Fergusson Park including Tilby Drive from the intersection of Tainui Street and Waratah Street (all inclusive) from 10am, 31 December 2021 to 6am, 1 January 2022.
Gordon Spratt Reserve	Gordon Spratt Reserve and Alice Way (all inclusive) and Parton Road (between Tara Road and Papamoa Beach Road) from 10am, 31 December 2021 to 6am, 1 January 2022.
Tauranga Racecourse Reserve	Tauranga Racecourse Reserve from 10am, 31 December 2021 to 6am, 1 January 2022.

- (d) Clarifies that during the period from 26 December 2021 to 6am on 6 January 2022, a temporary alcohol-free area is in place, 24 hours a day, seven days a week, for:
 - (i) All beaches, reserves and public places on the seaward side of Marine Parade (eastwards from its intersection of Grove Avenue to its intersection of Tweed Street);
 - (ii) Omanu Surf Club and car park area; and
 - (iii) Waiariki Street.

CARRIED

11.5 Amended Temporary Road Closure Report

Staff Brendan Bisley, Director of Transport
Jenna Quay, Events Facilitation Manager

RESOLUTION CO18/21/10

Moved: Commissioner Shadrach Rolleston
Seconded: Commissioner Bill Wasley

That the Council:

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

CARRIED

11.6 Three Waters Reform - Report on the Government's Proposal

Staff Marty Grenfell, Chief Executive
Paul Davidson, General Manager: Corporate Services
Nic Johansson, General Manager: Infrastructure Services
Kathryn Sharplin, Manager: Finance

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

Key points

- There was a lack of understanding in the community about why the reforms were needed; this void was being filled by misinformation. Tauranga water assets were generally well-maintained and functional; TCC was one of the top five councils in the country for provision of three waters services.
- No case for change had been adequately proposed by central government. No details were provided regarding how the interests of the ratepayers will be reflected in the proposed regional water manager Entity B; or on how the people of Tauranga that had paid and invested in water infrastructure would be represented or have any influence in the governance of the new entity.
- The commissioners emphasised that when the time came for the decision for Tauranga to be involved or not, there would be a full public consultation process.
- Noted that there were communities around the country who could not know if their drinking water was safe. Councils had been asked to provide data and analyse the government's proposal; and provide feedback back to government.
- Existing levels of service would become increasingly costly due to increased rain events, changing national standards, management of environmental effects, climate conditions such as droughts and the move towards a low carbon economy.
- While it was clear that there would be significant impact on financial management for TCC, there were currently too many unknowns to quantify financial implications thoroughly.

Discussion points raised

- Noted the risks and uncertainties in the current proposal.
- The new water service regulator would manage administration and enforcement in terms of waters. There were a number of councils around the country that did not comply with current

standards and consents, standards needed to rise.

- The role and influence of local communities in the four water entities was not known.
- Council was not yet at a decision point but at the point of providing feedback to the central government to explain the views and concerns of the Tauranga community.

RESOLUTION CO18/21/11

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report Three Waters Reform – Report on the Government’s Proposal;
- (b) Notes the key implications for Tauranga City Council of the Three Waters Reform;
- (c) Approves the Tauranga City Council’s response to the Minister of Local Government as tabled at the meeting; and
- (d) Makes both the agenda report and the tabled item – Feedback Report – available on the Three Waters section of the TCC website.

CARRIED

Attachments

- 1 Tabled item - Three Waters reform feedback

11.7 City Centre Development Incentive Fund

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

Key points

- Clarified that the recommendation covered both the city centre and the wider city living zone.
- Need to include possible collaboration with other educational providers as well as the University of Waikato.

In response to questions

- The framework refers to dwelling units; it was intended that student accommodation would be captured by the term “dwelling units”.

RESOLUTION CO18/21/12

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Agrees that the City Centre Development Incentive Fund be used to investigate and further understand the feasibility of residential accommodation developments in the city centre and wider city living zone; and
- (b) Adopts the draft City Centre Development Incentive Fund Framework as appended, with the inclusion of other education providers at Attachment 1;
- (c) Revokes part resolution CO12/21/6 as follows “(b) *Creates a \$500,000 City Centre Development Incentive Fund. with a range of criteria that can target the costs of development, especially promoting affordable residential development, covering the likes of development contributions, consenting fees, parking fees during development and public amenity in the vicinity of developments (Option 6)*”.

CARRIED

11.8 National Land Transport Programme 2021-24 release - Update

Staff Alistair Talbot, Team Leader: Transport Strategy & Planning
Brendan Bisley, Director of Transport

Key points

- The report provided an update on the release of the National Land Transport Programme (NLTP) by Waka Kotahi, the Urban Form and Transport Initiative (UFTI) and the Transport System Plan (TSP).
- TCC submitted projects had been classified as either committed, approved or probable activities.
- Noted key corridor projects business cases; considerable investment was signalled.
- Next stage of work was focussed on delivery.

Discussion points raised

- The Commission thanked staff for their work developing the Waka Kotahi business cases.
- Considered that the funding mechanisms available were inadequate to fund the infrastructure needed by a growing city like Tauranga.

RESOLUTION CO18/21/13

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council receives the report “National Land Transport Programme 2021-2024 Release Update”.

CARRIED

11.9 Council Objectives and Role in Housing and Urban Development of Council Land

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

Key points

- Housing Action Plan – highlighted that there was not enough land supply in the city. Some land was council-owned and could be made available but there was no overall strategic direction around how to best utilise land to make available for urban development. There were a range of options available to proceed with development of land; the report recommended that council did not develop land itself but either sold the land or worked in partnership for development.
- Council could choose to use land for community facilities – all factors should be considered when deciding if a particular piece of land should be made available for housing.

RESOLUTION CO18/21/14

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Approves the following objectives where Council decides to utilise Council-owned land for housing and urban development purposes:
 - (i) Enabling and supporting the increase of public and private housing supply, including affordable housing and a range of housing types, for example social or elder housing, to meet community need;
 - (ii) Facilitating a change in greenfield development in Tauranga away from a traditional model of single level detached housing toward a model of medium density master planned development with variation in housing choice and typology;
 - (iii) Recognising cultural connections with the land, supporting cultural values and working collaboratively with mana whenua;
 - (iv) Supporting quality urban development and thriving communities. Plans that consider sustainability (including carbon emissions), the integration of public transport networks, and community facilities to support urban growth in the area will be key to any future development;
 - (v) Achieving prudent financial returns from the development and/or sale of property while appropriately balancing risk and achievement of broader outcomes.
 - (vi) Reinvesting funds received through the development of land currently owned by Council into other strategic purposes including housing projects and initiatives aligned with the objectives above.
- (b) Notes the intent to explore, on a site-by-site basis, the role of Council as vendor and/or development partner where Council owned land is to be utilised for housing and urban development purposes.

CARRIED

11.10 Use of Council Land - Parau Farms / Smith's Farm

Staff Andy Mead, Manager: City & Infrastructure Planning

Key points

- TCC had not met the targets of the National Policy Statement - Urban Development (NPS-UD); consequently, there was a need to look at any options available for housing provision. While Council had originally acquired Parau Farms for active reserve, the use of the land should be revisited in the new context of the housing crisis.
- If it was intended to use the land for a different purpose than what it was acquired for, a special consultative process would have to be followed.
- Council was exploring an opportunity with Kāinga Ora and Ngāti Kahu hapū.
- Smiths Farm was a possible viable alternative for active reserve provision, and it was intended that investigations into sports options on Smiths Farm continue. The use of land for rural residential lots could also be looked at as part of overall consideration of the Smiths Farm land.
- Working alongside partners like Kāinga Ora and Ngāti Kahu meant more affordable housing options could be developed.

RESOLUTION CO18/21/15

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Approves in principle the utilisation of the Parau Farms site in Bethlehem for housing development, and proceeding with:
 - (i) Investigation of housing development options in partnership with Kāinga Ora – Homes and Communities and Ngāti Kahu; and
 - (ii) Process of public consultation for the disposal of park under section 138 of the Local Government Act 2002;
- (b) In relation to Smith's Farm:
 - (i) Notes that the investigation into sports field options in the western and central corridors is progressing and that consequential decisions will impact on the availability or otherwise of Council-owned Smith's Farm land for housing; and
 - (ii) Notes that lead-in time for access and services means that land development for any purpose will not commence for at least 3 years; and
 - (iii) Approves, subject to housing options being pursued, the future reconsideration of the four rural residential lots that provide a buffer between the Westridge community and the proposed development to ensure efficient use of this site for housing, including engagement with those affected.

CARRIED

11.11 Proposed Cultural Centre - Pukehinahina / Gate Pā Recreation Reserve

Staff Christine Jones, General Manager: Strategy and Growth

Key points

- Year 1 of the Long-Term Plan (LTP) provided funding for progression of work at Gate Pā; there had also been discussions with Ngāi Tamarawaho regarding a cultural centre.

- The recommendations in the report would provide a clearer mandate than the LTP funding resolution to move forward with substantive work. An issues and options paper would then be brought back to Council.

In response to questions

- The provision of a cultural centre was specifically related to Ngāi Tamarawaho as mana whenua in recognition of the impact of putting Route K through a culturally significant area, and was to make up to the hapū for the loss of the land.
- Noted that Gate Pā had a broader cultural significance which included the other iwi that fought at Gate Pā, while Ngāi Tamarawaho was mana whenua.

RESOLUTION CO18/21/16

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Approves the continued investigation and related work to support the proposal by Ngāi Tamarawaho for a cultural and historic centre on Gate Pā Domain Recreation Reserve, in particular, as it relates to land tenure; and
- (b) Notes that a subsequent report setting out options and considerations regarding land tenure and the future use of the reserve will be presented.

CARRIED

11.12 Marine Park - Proposed Reserve Reclassification and Marine Research and Education facility

Staff Brigid McDonald, Manager: Strategic Investment & Commercial Facilitation
Gert van Staden, Senior Strategic Advisor

Key points

- Noted that the separate attachment to the report provided a clear map/diagram of the area being referred to.
- The report sought approval to reclassify part of Marine Park from recreation reserve to local purpose reserve; the balance of Marine Park would stay as recreation reserve.

In response to questions

- Clarified that the carparks to the south near the boat ramps were part of the recreation reserve classification.
- Clarified that the distance between the area being revoked and the coastal edge was a 20m step back.

RESOLUTION CO18/21/17

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Approves in principle, subject to community consultation and deliberations, the reclassification of a portion of Marine Park identified as SO plan 530292, appended to this report as **Attachment A**, from recreation reserve to local purpose (marine research and education facility) reserve, subject to feedback following engagement with tangata

whenua and public consultation being considered;

- (b) Confirms the consideration of feedback following public consultation [*will*] include the hearing of oral submissions; and
- (c) Subject to a decision to reclassify the area of reserve referred to above, approves the initiation of the lease tender process under the Public Bodies Leases Act 1969, if and when the new classification has been confirmed.

CARRIED

11.13 Adoption of Property Acquisitions and Disposals Policy

Staff Christine Jones, General Manager: Strategy & Growth

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

Key points

- The Policy had been updated following direction from a previous Council meeting and had been brought back for adoption.

In response to questions

- Clarified that clause 5.6.3.3 should read "Council staff will meet with mana whenua..."
- All submitters to the draft policy had been contacted; while several individuals responded with queries which were answered, nothing new was received. The consolidated feedback on the Policy would be tabled as part of this report.

RESOLUTION CO18/21/18

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- a) Adopts the Property Acquisitions and Disposals Policy with proposed amendments in red contained in Attachment 1
- b) Revokes the following policies:
 - (i) Council Land: Recognition of Tangata Whenua Interests and Aspirations Policy
 - (ii) Property Acquisition and Divestment Road Stopping Policy
 - (iii) Strategic Acquisitions Fund Policy
- c) Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Property Acquisitions and Disposals Policy prior to final publishing.

CARRIED

11.14 Distribution Policies for Grants for Development Contributions on Community and Papakāinga Housing

Staff Jeremy Boase, Manager: Strategy & Corporate Planning

Key points

- With community housing, only citywide development contributions would be covered by the policy and would be charged at the time of building consent. If not all grant funds are used in one year, the balance could be rolled over into the next year or distributed through local development contributions paid.
- Recommended that the policy would be reviewed after a year's operation.
- Progressive home ownership would be included as eligible for grant funding.
- With papakāinga housing, funding would similarly be limited to citywide development contributions.
- The policy would not be applied retrospectively.

In response to questions

- There were already provisions in the development contributions policy for deferrals.

RESOLUTION CO18/21/19

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Adopts the Grants for Development Contributions on Community Housing Policy (with the amendments listed in paragraph 27 – Option 1B, paragraph 30 and paragraph 32 – Option 2A of this report, and any consequential amendments required);
- (b) Adopts the Grants for Development Contributions on Papakāinga Housing Policy (with the amendments listed in paragraph 37 – Option 3B, paragraph 40, paragraph 43 – Option 4A, and paragraph 47 – Option 5A of this report, and any consequential amendments required); and
- (c) Delegates to the General Manager: Strategy & Growth the approval of the final wording of the policies consistent with Council's direction above.

CARRIED

12 DISCUSSION OF LATE ITEMS

Discussed as part of the public excluded business.

13 PUBLIC EXCLUDED SESSION**RESOLUTION TO EXCLUDE THE PUBLIC**

RESOLUTION CO18/21/20

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<p>13.1 - Public Excluded Minutes of the Council meeting held on 13 September 2021</p>	<p>s6(b) - The making available of the information would be likely to endanger the safety of any person</p> <p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(i) - The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</p>	<p>s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>13.2 - Public Excluded Minutes of the Council meeting held on 12 July 2021</p>	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	<p>s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>13.4 - Papamoa East Infrastructure Corridor Planning</p>	<p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>13.5 - Procurement of Plant Material for the Kopurererua Stream Realignment Project</p>	<p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>13.6 - Direct Appointment - Elizabeth Street carpark</p>	<p>s7(2)(b)(i) - The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	<p>s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

CARRIED

14 CLOSING KARAKIA

Commissioner Rolleston provided a karakia.

The meeting closed at 3.15pm.

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 26 October 2021.

.....
CHAIRPERSON

UNCONFIRMED

8 DECLARATION OF CONFLICTS OF INTEREST

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

11 BUSINESS

11.1 Submission to Discussion Document on Proposed Changes to the Wetland Regulations

File Number: A12963861

Author: Brad Bellamy, Project Leader: Urban Planning

Richard Harkness, Project Leader: Urban Planning

Authoriser: Christine Jones, General Manager: Strategy & Growth

PURPOSE OF THE REPORT

1. To consider our draft submission to the discussion document prepared by the Ministry for the Environment on proposed changes to the wetland regulations.

RECOMMENDATIONS

That the Council:

- (a) Endorses the draft submission (Attachment 1) to the discussion document on proposed changes to the wetland regulations for lodgement to the Minister for the Environment.

EXECUTIVE SUMMARY

2. On 1 September 2021 the Ministry for the Environment (MfE) released “Managing our wetlands: A discussion document on proposed changes to the wetland regulations”. The discussion document outlines proposed changes to the National Policy Statement for Freshwater Management (NPS-FM) and the accompanying Resource Management (National Environmental Standards for Freshwater) Regulations (NES-F), which came into force on 3 September 2020.
3. The consultation period for feedback to the Minister for the Environment on this discussion document runs from 1 September to 27 October 2021. Following the close of this submission period, Ministry officials will report back to the Minister on submissions received and develop final policy advice. No date has been given on when a draft NPS-FM or NES-F will be available, however this process will provide a further formal submission process to the proposed draft wording. As a result, this submission is only to the discussion document.
4. Council has previously submitted on concerns with these national directions and the supplementary guidance documents that have been made available. More recently, direct engagement between Council Commissioners, staff and Ministry officials has occurred with officials visiting Tauranga to discuss growth area planning and implications on growth planning in July this year. The concerns that Council staff have with these national directions primarily relate to the potentially significant barriers that it creates to the efficient delivery of urban growth in the City’s two key future urban growth areas.
5. Whilst the discussion document sets out proposed changes that seek to address concerns that have been raised, it is considered that significant gaps in these regulations would still remain; and that without these being addressed, the ability to deliver efficient urban growth across the City will continue to be challenging. It is recommended that a submission be lodged with the Minister that sets out key issues that have been identified.

BACKGROUND

6. The National Policy Statement for Freshwater Management (NPS-FM) and the Resource Management (National Environmental Standards for Freshwater) Regulations (NES-F), came into force on 3 September 2020. These national directions form part of Central

Government's 'Essential Freshwater' regulatory package that aims to stop further degradation, reverse past damage, prevent further loss and degradation of freshwater habitats and introduce rules on some high-risk activities.

7. To achieve these anticipated outcomes both policies and rules were introduced that provide a stringent resource consent regime for activities that affect or may affect the extent and values of wetlands and rivers. Some activities that may drain or modify a wetland are prohibited, such that resource consent simply cannot be applied for. Other activities may allow a resource consent application to be applied for, however are subject to a prescriptive policy regime that may affect the ability to obtain such consent.
8. These issues are exacerbated by the definition of a 'natural wetland', which has broadened the definition of what was previously assessed as a wetland to now include any damp/ wet/ boggy areas that comprise predominantly non-exotic pasture species – without any scale or values assessment.
9. The regulatory framework for 'natural wetlands' was a focus of the "Essential Freshwater" package. The discussion document released by MfE at the beginning of September 2021 is a response to feedback that it had received from various parties on the difficulties identified in the implementation of the wetland regulations. The two key proposals set out in the discussion document that are of particular relevance to Council include:
 - amending (narrowing) the definition of natural wetlands to make it clear and to better capture those areas that were intended to be dealt with through the regulations; and
 - amending the regulatory framework to provide a consent pathway (prohibited to discretionary) for certain activities, including urban development, so that development can occur while still appropriately protecting natural wetland extent or values.
10. A number of issues have been identified not only in respect to the changes being proposed, but also in relation to matters that are not covered through the discussion document. The intention is to respond to these in a submission to be lodged with the Minister (Attachment 1). These issues are generally identified and discussed as follows, but are further detailed, with example information included with the submission:
 - (a) The proposed change to provide a consent pathway for urban development through the NES-F regulations is not complemented with a corresponding change to the existing policy framework within the NPS-FM. This means that the current framework of 'no loss' in extent and values for wetlands and rivers (Policy 6 and Policy 7) is proposed to remain. This policy framework sets a very high threshold to achieve, particularly in delivering urban development. It is considered a 'no net-loss' approach for the extent and values of freshwater bodies would be an improved outcome that enables opportunities for re-creation and enhancement of freshwater bodies and to make maximum use of aquatic offsetting (ie creating new wetlands to offset wetland areas lost) to achieve superior environmental outcomes whilst at the same time providing for urban development.
 - (b) The requirement for urban development to demonstrate a 'functional need' to be located in or adjacent to a wetland is a test that is unlikely to be met. As such the recommendation would be that this test be removed for urban development or a new policy specific to urban development be created that provides an appropriate set of considerations.
 - (c) The proposal outlines that urban development (amongst other specific activities) would have a consent pathway similar to what is currently in place for specified infrastructure. This pathway would therefore likely be as a discretionary activity, however it is considered that a restricted discretionary activity classification would deliver the same outcome and allow the focus to be on matters specific to the nature of the proposal. In addition, identifying urban development areas solely as 'plan-enabled areas' is considered problematic and it is recommended that these would be better defined to

include areas identified in a Future Development Strategy or other relevant plan or strategy, RMA planning document, LTP or 30-year Infrastructure Strategy.

- (d) The proposed changes to the wetland definition are considered to be an improvement but could be further improved by specifying a minimum size of wetland to which the regulations apply. In addition, amending the definition to specifically exclude wetlands that are artificially induced by construction and similar man-made works and to be able to be applied consistently and equitably in an urban context.
- (e) There is a need to provide clarification and address how a 'potential loss' of values for wetlands and rivers is to be consistently applied when considering a consent application where there is a requirement to ensure there is to be no 'loss of values' as currently defined in the regulations.

STRATEGIC / STATUTORY CONTEXT

- 11. This national direction has an effect on Council's strategic and statutory context. Councils' have a statutory obligation to "give effect" to National Policy Statements under the RMA through their respective resource management plans. The National Environmental Standards, in part, are the means to implement the National Policy Statement. As such, careful and precise drafting of policy and regulations are of significant importance.
- 12. Although, while supportive of the intent behind the outcomes being sought through these national directions, it is considered that gaps remain and that these are highly likely to impact adversely on Council's ability to meet its statutory obligations under other national directions – specifically the NPS for Urban Development.

SIGNIFICANCE

- 13. 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.
- 14. 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.
- 15. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of medium significance, but that the decision related to this report is of low significance.

NEXT STEPS

- 16. Council will, as part of its submission, express a desire to work directly with Ministry Officials in providing further detail around the matters as set out in its submission including further elaboration around suggested policy wording. Beyond that, Council will look to further review and submit on a draft set of policy and regulation changes when these become available.

ATTACHMENTS

- 1. **TCC Submission to MfE Discussion Document - managing our wetlands - Oct 2021 - A12995212** [↓](#)

11.2 Civic Redevelopment Programme Progress Report

File Number: A12990982

Author: Mike Naude, Programme Manager Civic Redevelopment Projects

Authoriser: Marty Grenfell, Chief Executive

PURPOSE OF THE REPORT

1. The purpose of the report is to provide Council with the first progress report on the Civic Redevelopment Programme and associated projects.

RECOMMENDATIONS

That the Council receives the Civic Redevelopment Progress Report.

EXECUTIVE SUMMARY

2. The Civic Redevelopment Programme was adopted as part of the Council's LTP 2021-31. The Programme includes six projects, detailed as follows:
 - (a) Willow Street Civic Rebuild Planning
 - (b) 90 Devonport Road – Commercial Development
 - (c) Willow Street Council Building and Library Demolition
 - (d) Temporary Accommodation 306 Cameron Road
 - (e) Interim Library and Customer Services Centre
 - (f) Civic Precinct Phase 1 Development.
3. The Civic Redevelopment Programme Governance Group comprises an Independent Chairperson, the Chief Executive, two members of the Executive team, an independent member and an Iwi Representative. The Governance Group operates in accordance with the objectives of the adopted Terms of Reference. The Programme Manager provides monthly progress reports to the group and quarterly reports to the Council. The inaugural monthly meeting of the Governance Group was held on 9 July 2021.

BACKGROUND AND PROJECT UPDATES

4. The Civic Redevelopment Programme was approved as part of the Council's LTP 2021-31. The programme comprises 6 major projects scheduled to be delivered within the first five to six years of the LTP. The following update provides a progress report on the individual projects for the period 01 July to the present.
5. *Project 1 - Willow Street Civic Rebuild Planning* - The brief for the refresh of the Civic Precinct Masterplan was issued to Willis Bond on 19 August 2021. The masterplan refresh will include 3 sites, namely:

Site A includes the Civic Precinct site bounded by Willow Street, Hamilton Street, Wharf Street and Durham Street, Masonic Park and a section of Waterfront reserve and;

Site B the site on the western (upper) side of Durham Street known as the TV 3 site.

The brief for the draft masterplan review requires the inclusion of a proposed library and discovery centre; a museum and cultural centre; and a facility to conduct Council/Iwi meetings/functions, set within an urban space located on Site A and a hotel, conference and performance venue located on Site B. Willis Bond engaged Studio Pacific Architecture (the Design Team) in conjunction with several specialist consultants to develop the draft

masterplan by 30 October 2021. The refresh is considering community feedback received during the recent Long-term Plan process about the various activities and amenities people would like to see at the civic precinct and to consider and reflect the significant and rich cultural history of the whenua. An intensive design process has been undertaken, involving workshops including the Commissioners, the Executive team and representatives of Ngāi Tamarāwaho Ngai Tapu. The draft Civic Masterplan will be presented to the Council for consideration at the Council Meeting in November 2021.

6. *Project 2 - 90 Devonport Road – Commercial Development* – A high level spatial planning exercise to determine the Council's future space requirements was completed by TwentyTwo Consultants. Negotiations on the key terms of the draft Agreement to Lease documentation are progressing between the parties. The Council has provided direction on the key requirements for the new building, including support for a 10,000m² timber structure building which fronts onto Devonport Road. Willis Bond has a fully engaged design team, which is close to completing the base building concept design. The base concept design is scheduled for delivery in November 2021.
7. *Project 3 - Willow Street Council Building and Library Demolition* - Willis Bond has provided a proposal to develop a demolition strategy for the Willow Street Site. As part of the demolition of the Willow Street buildings, the bus interchange on Wharf and Willow Streets will be relocated for an interim period (up to six years). Abley Consultants has completed a Multi Criteria Assessment (MCA) to determine potential site options for the interim bus facility. The various options are being discussed with BOPRC and NZBUS and the outcome of these discussions, the cost and the funding options of the physical relocation of the interchange will be reported to a future Council meeting.
8. *Project 4 - Temporary Accommodation 306 Cameron Road* – Fitout works on the Council offices at 306 Cameron Road commenced in late-September 2021 and will be completed by mid-February 2022. The Commissioners and Office of the Chief Executive will be relocated from Willow Street to Cameron Road in early-November. The fitout works provide staff with a modern work environment that recognises the principles of flexible ways of work, providing spaces for project collaboration and individual work styles. Two additional tenancies on Third Avenue will provide spaces to conduct meetings, training and public engagement activities. From February 2022, all Council and Council Committee meetings will be accommodated in the BOPRC Council Chambers and all other meetings will be held in the ground floor meeting room located at 306 Cameron Road. The Community Relations and Democratic Services teams are finalising the details and communications plans to inform the public on the proposed changes to meeting venues.
9. *Project 5 - Interim Library and Customer Services Centre* - The Council signed the Agreement to Lease (ATL) for the Goddards Centre for a four-year term in September. The centre will provide an interim location for the central library and Council's Customer Services Centre. The landlord has substantially completed the base building works, as per the ATL, including the installation of a new elevator on the Devonport Road side of the building, the installation of automatic doors on the ground floor entrance on Devonport Road and the installation of a glass and timber screen between the mezzanine floor and arcade.

Several work streams were initiated and finalised as part of the due diligence process prior to signing the ATL. The developed design for the fitout has been received and is under review by the project team, the contractor, an independent quantity surveyor and the external project management office.

A project Cultural Advisory Group has been established to guide cultural displays and curated presentations of local history and taonga in the new facility.

The Council fitout commenced on 15 October, with the Customer Services Centre scheduled to open in the new location on 24 January 2022 and the library scheduled to open in late-March 2022. A communication and engagement strategy to inform customers, the community and staff has been finalised and communications are planned for release over the next three months.

10. *Project 6 - Civic Precinct Phase 1 Development* - Staff are reviewing previous Council studies completed on the various facilities proposed for the Civic Precinct site. This project will be further advanced after the adoption of the Draft Civic Master Plan.

STRATEGIC / STATUTORY CONTEXT

11. The Civic Redevelopment Programme was approved through the adoption of Council's LTP 2021. All relevant legislative requirements are considered as part of the feasibility, concept and detailed design for each project.

FINANCIAL CONSIDERATIONS

12. Budgets for the Civic Redevelopment Programme have been approved. All project costs are reported monthly to the Governance Group and to the Council through various reports. Budget allocation in the LTP for the Civic Precinct development has been approved for the construction of a library discovery centre and landscaping. A construction timeline and funding plan will be reported to the Council at an upcoming meeting for a single-phase comprehensive development of the precinct.

LEGAL IMPLICATIONS / RISKS

13. Legal advice is sought and received on matters relating to property and contract matters.

CONSULTATION / ENGAGEMENT

14. The projects were approved as part of the LTP process. A Communications and Engagement Strategy has been developed to provide direction for engagement with the community. Community engagement will be undertaken as part of the development of the various project planning stages for the individual projects included in the Civic Redevelopment Programme. A project Cultural Advisory Group has been established to provide cultural context and direction to the programme.

SIGNIFICANCE

15. The Civic Redevelopment Programme progress report is not regarded as significant in accordance with the Council's significance policy. However, details of each project relating to cultural significance, concept design and costs may be deemed as significant and will be considered further as part of future reports.

NEXT STEPS

16. Key deliverables within the next three months include:
- (a) Delivery of the draft master plan for the Civic Precinct Redevelopment
 - (b) Completion of the fitout of the temporary accommodation of 306 Cameron Road
 - (c) Commencement of the fitout of the interim Library and Customer Services Centre at Goddards Centre and scheduled opening of Customer Services on 24 January 2021
 - (d) Finalising the terms of the Agreement to Lease for the commercial development at 90 Devonport Road
 - (e) Extensive internal and external communications programme to inform customers, staff and wider community on location changes for Council and Council Committee meetings, the draft Civic Precinct masterplan and the relocation of the library and customer services to the Goddards Centre.

ATTACHMENTS

Nil

12 DISCUSSION OF LATE ITEMS

13 PUBLIC EXCLUDED SESSION

RESOLUTION TO EXCLUDE THE PUBLIC

RECOMMENDATIONS

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<p>13.1 - Public Excluded Minutes of the Council meeting held on 4 October 2021</p>	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(i) - The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p> <p>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</p>	<p>s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>13.2 - Ohauti Site Access Assessment: Option Identification and Evaluation</p>	<p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

<p>13.3 - Land Acquisition - Kennedy Road</p>	<p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
--	--	--

14 CLOSING KARAKIA