



# AGENDA

## Strategy, Finance and Risk Committee Meeting Monday, 16 May 2022

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

**Date:** Monday, 16 May 2022

**Time:** 10am

**Location:** Bay of Plenty Regional Council Chambers  
Regional House  
1 Elizabeth 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](http://www.tauranga.govt.nz).*

**Marty Grenfell**  
Chief Executive



# Terms of reference – Strategy, Finance & Risk Committee

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## Membership

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<b>Chairperson</b>	Commission Chair Anne Tolley
<b>Deputy chairperson</b>	Dr Wayne Beilby – Tangata Whenua representative
<b>Members</b>	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
<b>Quorum</b>	Five (5) members must be physically present, and at least three (3) commissioners and two (2) externally appointed members must be present.
<b>Meeting frequency</b>	Six weekly

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## 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.





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- 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 ORDER OF BUSINESS**
- 7 DECLARATION OF CONFLICTS OF INTEREST**

## 8 BUSINESS

### 8.1 Review of Tauranga City Council Gambling Venues Policy

**File Number:** A13046336

**Author:** Rebecca Gallagher, Policy Analyst

**Nigel McGlone, Manager: Environmental Regulation**

**Authoriser:** Steve Pearce, Acting General Manager: Regulatory and Compliance

#### PURPOSE OF THE REPORT

1. To seek direction on the review of Tauranga City Council's Gambling Venues Policy.

#### RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

- (a) Having completed a review of the Tauranga City Gambling Venues Policy, reconfirms the policy with no changes (as per Attachment 1).

#### EXECUTIVE SUMMARY

2. Tauranga City Council's Gambling Venues Policy (the policy) is due for review.
3. The current policy does not permit any new gambling venues or gaming machines to be established in Tauranga, however, in certain circumstances it allows for relocation and mergers of clubs.
4. Engagement has been carried out with key stakeholders including venues, gaming trusts, TAB, social service providers, hospitality, and Ngai Te Rangi to understand any issues with the current policy. The feedback received includes support for the current policy, wanting the sinking lid replaced with a cap, a ban on relocation and merger of venues, and wanting the relocation provisions expanded.
5. An assessment of the impact of the current policy has been undertaken and is contained in attachment 2.
6. Based on the available information the changes made when the policy was last reviewed in 2019 do not appear to be having a negative impact on funding for community groups. However, more time and data is required to fully assess the impact.
7. It is recommended that the current Gambling Venues Policy continue without any amendments.

#### BACKGROUND

8. Under the Gambling Act 2003 and the Racing Act 2003, Tauranga City Council is required to review its Gambling Venues Policy every three years. Council's current Gambling Venues Policy 2019 was adopted in March 2019. A copy of the current policy is contained in Attachment 1.
9. The Gambling Act 2003 and Racing Act 2003 control gambling within New Zealand. This legislation focusses on ensuring that the community benefits from the proceeds of gambling, and that the harm that gambling can cause is minimised. The intent of the Acts is to give communities and local government some control over gambling in their districts while maintaining a central licensing authority to ensure consistency in regulatory approach and delivery.

10. There are four classes of gambling which are authorised types of gambling under the Gambling Act. Gambling on gaming machines hosted in pubs, hotels and clubs is referred to as Class 4 gambling. This does not include casinos.
11. The Racing Act facilitates betting on galloping, harness, and greyhound races, and other sporting events.
12. Territorial authorities have a devolved role under the Gambling and Racing Acts in relation to Class 4 gambling and gambling at standalone TAB venues. They are provided with tools to limit the impact of gambling harm on communities through controlling the number and location of class 4 and TAB gambling venues, and the number of class 4 gaming machines (gaming machines).
13. Consent is required from Council for new venues before the Department of Internal Affairs (DIA) will issue a venue licence, or if a venue wishes to increase the number of gaming machines. Council must have a policy that guides these decisions.
14. When adopting the policy, Council must have regard to the social impact of gambling in the City, and in determining the policy, may have regard to any relevant matters (e.g. the characteristics of the district and parts of the district) when determining the number of gaming machines that should be permitted to operate at any venue or class of venue, and what the primary activity at any venue should be.
15. When the policy was adopted in March 2019 there were 34 venues with 488 gaming machines operating and 532 licences issued in Tauranga. In December 2021 there are 34 venues with 496 gaming machines currently operating in Tauranga and 507 licences issued. The number of machines operating in Tauranga has increased, however, the number of licences has decreased since the policy was adopted. Attachment 2 contains more detailed analysis of the location of the venues, areas of deprivation, gambling trends and gaming spending in Tauranga.

### CURRENT POLICY

16. Council's current Gambling Venues Policy does not permit any new venues or new machines to establish in the City, however, it does allow venues to relocate or clubs to merge under the following circumstances:
  - (a) due to a natural disaster or fire, the licensed premises is unfit to continue to operate, and/or
  - (b) the venue is deemed to be earthquake-prone, and/or
  - (c) the property is acquisitioned under the Public Works Act 1981, and/or
  - (d) expiration of lease, and/or
  - (e) site redevelopment.
17. These relocations and mergers may be established subject to the following restrictions:
  - (a) the venue is located within a commercial or industrial zone identified in the operative Tauranga City Plan, excluding areas within 100 metres of residential zones with a deprivation index of 8, 9 or 10,
  - (b) the venues, except TABs, must hold a current liquor licence under the Sale and Supply of Alcohol Act 2012,
  - (c) the primary activity of the venues must not be for gambling, and must not be an activity associated with family or children's activities,
  - (d) the primary activity of TAB venues shall be for providing race and sports betting services and not be an activity associated with family or children's activities,
  - (e) venues may relocate with their current number of machines.
18. When Council adopted the policy in March 2019, the decision from Council directed staff to investigate the impact of the policy on funding for community groups.

## IMPACT ON FUNDING FOR COMMUNITY GROUPS

19. Attachment 2 contains an assessment of the impact the policy has had on funding. Unfortunately, the information regarding grant funding is only available until December 2020, as no information is available for 2021 at the time of writing this report.
20. The outcome of the assessment based on the information that we have, is that the amount of spending on gaming machines has continued to increase, and therefore since the current sinking lid policy was adopted in March 2019 it appears that it has not impacted the amount of funds available for community grants. There is a concern regarding the issue of how the funding is allocated. However, the funding allocation process is not something Council is involved with as it is controlled through the gaming trusts.
21. Problem Gambling Foundation and Salvation Army Oasis have suggested that Council lobby Central Government to replace the gaming machine funding with a more sustainable model of community funding. Further, they have asked us to consider a policy position that Council would not apply for or accept any funding from gaming machines. Direction from the Committee would be required to investigate these approaches further before any recommendation is put forward.

## SOCIAL IMPACT OF GAMBLING

22. While most New Zealanders gamble without experiencing any apparent harm, a minority do experience harm from their gambling, including negative impacts on their own lives and the lives of others.
23. Gambling behaviour is strongly associated with distance to the nearest gambling venue, and people living in high deprivation communities are more likely to participate in gambling and more at risk of being a problem gambler. Māori and Pacific communities are also more likely to develop problems from gambling.
24. In Tauranga 64% of gambling venues are located in areas considered medium-high or very-high deprivation and the number of people in Tauranga seeking help for problem gambling is on the increase.
25. Further discussion on the impacts of gambling is contained in Attachment 2.

## STRATEGIC / STATUTORY CONTEXT

26. Currently Council is refreshing its strategic framework and developing a City Vision. Together this work will ensure Council has a current and cohesive strategic framework that provides a clear line of sight from Council activities and policies to strategy documents and from there to the City's Vision and adopted Community Outcomes.
27. Gambling affects the social and economic wellbeing of our community. It is important that Council manages this correctly to achieve a city that is inclusive, safe, resilient and healthy, and is well planned with successful and thriving communities.

## OPTIONS ANALYSIS

### Option 1: Continue with the current approach and make no changes to the policy - RECOMMENDED

28. Option 1 is the recommended option. The current policy does not permit any new venues or gaming machines in Tauranga, which is considered a "sinking lid" policy. The policy does however allow for relocation of venues and merges of clubs in certain circumstances. This option would not require public consultation and the policy would be reviewed in three years' time.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Provides more time to assess the impacts of the sinking lid approach.</li> <li>• Reduces potential harm from</li> </ul>	<ul style="list-style-type: none"> <li>• Continues to allow relocation and merges which may not be the most effective sinking lid policy.</li> </ul>

Advantages	Disadvantages
<p>gambling by not permitting any new venues or gaming machines in Tauranga.</p> <ul style="list-style-type: none"> <li>Continues to allow for existing venues to relocate and clubs to merge if required. This relocation allows for venues and clubs to move out of areas of high deprivation. By moving venues out of areas of high deprivation you are potentially reducing gambling harm, as gambling harm is experienced disproportionately by those living in high deprivation areas.</li> </ul>	<ul style="list-style-type: none"> <li>Does not provide the opportunity for the wider community to provide feedback.</li> </ul>

### Option 2: Amend the relocation and merger provisions of the policy.

29. Undertake a review of the policy with a focus on the relocation and merger provisions of the policy, for example removing the ability to relocate or merge. Staff would need to report to the Committee with the options on the relocation/merger provisions. Public consultation would be required if any changes to the current policy are proposed.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>If the proposal was to remove the ability to relocate or merge, it is likely to reduce the number of gaming machines faster having the potential to reduce harm from gambling</li> <li>If the proposal was to widen the reasons venues could relocate, e.g. unsuitable lease conditions, this could result in venues relocating out of areas of high deprivation. By moving venues out of areas of high deprivation you are potentially reducing gambling harm, as gambling harm is experienced disproportionately by those living in high deprivation areas.</li> <li>Provides the wider community the opportunity to provide feedback.</li> </ul>	<ul style="list-style-type: none"> <li>Requires further staff and Committee time to investigate alternatives.</li> <li>Does not provide enough time to assess whether the current policy is making a significant impact.</li> <li>If relocation or mergers were no longer allowed, it would result in venues remaining in areas of high deprivation.</li> </ul>

### Option 3: Review the policy and change the approach.

30. Further research and analysis would need to be undertaken with options being presented to the Committee. This change in approach could be, for example, to consider a cap on the number of gaming machines. Public consultation on this option would need to be undertaken.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Provides the wider community with an opportunity to provide feedback</li> </ul>	<ul style="list-style-type: none"> <li>Depending on the way forward may result in more gaming</li> </ul>

Advantages	Disadvantages
on the approach to gambling venues.	<p>machines in Tauranga.</p> <ul style="list-style-type: none"> <li>• Requires further staff and Committee time to investigate alternatives, when to date the current policy appears to be functioning and the changes made in 2019 do not appear to have had a negative impact on funding for community groups</li> <li>• Does not provide enough time to assess whether the current policy is making a significant impact.</li> </ul>

### FINANCIAL CONSIDERATIONS

31. If no further review of the policy is required, no further costs would be incurred in undertaking the review. However, if the Committee wishes to make amendments to the policy than consultation costs would be incurred.

### LEGAL IMPLICATIONS / RISKS

32. The policy is required to be reviewed every three years. If the policy is not reviewed within the three-year time frame, the policy continues to be enforceable for a further two years.

### CONSULTATION / ENGAGEMENT

33. Staff engaged with community groups regarding the impacts the policy had on funding.
34. The following organisations were contacted regarding the policy: Toi Te Ora Public Health, Hospitality Association, existing venues, TAB, gaming trusts, Problem Gambling Foundation, Salvation Army Oasis, Ngai Te Rangi, Sport Bay of Plenty, Bay Trust, Citizens Advice Bureau, St Vincent De Paul, TECT and Social Link.
35. Toi Te Ora was unable to provide a response due to the current COVID response. However, their submission on the policy in 2019 and the Bay of Plenty District Health Board Position Statement (2018) outlines the following key positions:
- (a) Support for a sinking lid
  - (b) Do not allow relocation of gaming machines
  - (c) If a venue closes or mergers, the machines cannot be transferred or replaced elsewhere
  - (d) If Council adopt a policy to allow for relocations, a condition should be placed that any relocation must be from a more harmful (high risk profile) location to a less harmful (low risk profile) location and not the reverse.
36. The Hospitality Association expressed support for the current policy approach, that it was well understood by their members and they hadn't received any complaints or concerns about the current approach.
37. 29 Venues were contacted regarding the policy. We received one response who supported the current policy.
38. There are 5 TAB locations in Tauranga. They are in Bethlehem, Cameron Road, Greerton, Mount Maunganui and Papamoa. Their view on the current policy is that the TAB NZ opposes a sinking lid policy for their standalone TAB NZ venues given:



- (a) Their ability to operate within vast numbers of social venues across New Zealand.
  - (b) Their ability to provide online account betting (as one of the two providers of online gambling in New Zealand).
  - (c) All TAB NZ venue staff are all trained in minimising and recognising the harms from gambling.
  - (d) Betting (as a form of gambling) has a low number (10%) of presentations for problem gambling - New Zealand, by international standards, has a low problem gambling rate of 0.2% of the adult population.
  - (e) TAB NZ Venues have modest trading hours compared to others.
  - (f) TAB NZ Venues do not sell alcohol.
39. The 10 gaming trusts operating in Tauranga were contacted to provide feedback. We received 9 responses. Their feedback can be summarised as follows:
- (a) They oppose the sinking lid policy and would like it replaced with a cap of 486 gaming machines (the current number of machines operating).
  - (b) Eight respondents asked to keep the current relocation clause and expand it to include other reasons to allow for more relocation.
  - (c) Two respondents suggested the policy should allow for a new venue to be established after an existing venue has closed.
40. Problem Gambling Foundation, Salvation Army Oasis and Bay Trust all support a sinking lid policy. However, they want Council to go further and not allow relocations or mergers.
41. Salvation Army Oasis also suggested that instead of a relocation policy, Council should consider ways to address the disproportionate concentration of venues in areas of high deprivation.
42. In December 2021 Te Rangapu members were contacted regarding the review of the Gambling Venues Policy. Ngai Te Rangi indicated a desire to be involved and staff met with Ngai Te Rangi in December 2021 to discuss the review of the Gambling Venues Policy. Ngai Te Rangi supported the sinking lid. There is a preference to remove the relocation clause but acknowledged that it does allow for machines to be moved from high-risk areas to lower risk areas. Ngai Te Rangi expressed a wish to be involved in the relocation application process, that iwi/hapu impacts were considered in an application to relocate.
43. Sport Bay of Plenty oppose a sinking lid approach as they see it as reducing community funding and this will negatively affect the sport and recreation sector.
44. Citizens Advice Bureau, St Vincent De Paul, TECT and Social Link have been unable to provide a response at the time of writing this report.

## SIGNIFICANCE

45. 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.
46. 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.

47. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of medium significance.



### ENGAGEMENT

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

### NEXT STEPS

49. If the Committee decide that no changes to the policy are required, then no further action is required, and the policy will be reviewed again in three years' time.
50. If the Committee decide that there are aspects of the policy that require further investigation, then options will be presented to the Committee in June 2022.

### ATTACHMENTS

1. **Gambling Venues Policy 2019 - A13275321** [↓](#) 
2. **Report into the effects of TCC Gambling Venues Policy 2019. - A12145460** [↓](#) 

## Gambling Venues Policy



<b>Policy type</b>	Council		
<b>Authorised by</b>	Council		
<b>First adopted</b>	2004	<b>Minute reference</b>	M04/58.9
<b>Revisions/amendments</b>	22 March 2007 9 March 2010 12 March 2013 14 March 2016 14 March 2019	<b>Minute references</b>	M07/19.3 M10/13.4 M13/10.6 M16/10.3 M19/3.7
<b>Review date</b>	Council must complete a review of the policy within three years of the previous review – refer 102(5) Gambling Act 2003 and s65E Racing Act 2003.		

### 1. Purpose

To control the growth of class 4 and TAB venue gambling in Tauranga.  
 To minimise the harm to the Tauranga community caused by class 4 and TAB venue gambling.  
 To allow people who wish to participate in gambling to continue to do so.  
 To define the parameters for when consent for a Class 4 or TAB venue will be granted.

### 2. Scope

Under the Gambling Act 2003 Council is required to adopt a policy for Class 4 venues.  
 Under the Racing Act 2003, Council is required to adopt a policy for TAB venues. Council has chosen to combine the two policies, as Council's role is to regulate gambling venues and ensure they meet the requirements outlined in this policy.

This policy and any subsequent reviews must be adopted in accordance with the special consultative procedures set out in the Local Government Act 2002.

This policy:

- must state whether or not Class 4 venues and TAB venues may be established in the city boundaries and if so where they may be located; and
- may specify any restrictions on the number of gaming machines that may be operated at any Class 4 venue.

In developing its policy on Class 4 and TAB venues, Council must have regard to the social impacts of gambling in its district.

Gambling affects the social and economic wellbeing of our community. It is important that Council manages this correctly in order to achieve a city with that is inclusive, safe, resilient and healthy, and is well planned with successful and thriving communities.

The draft Community Wellbeing Strategic Plan 2018-21 notes the Gambling Venues Policy will be reviewed to provide policies that support healthy and active living.

### 3. Definitions

Term	Definition
Class 4 Gambling	means gambling that utilises or involves a gaming machine as defined in the Gambling Act 2003.
Class 4 Venue	means a place to conduct Class 4 Gambling.
Club	means a voluntary association of persons combined for a purpose other than personal gain, as defined in the Gambling Act 2003.
Council	refers to Tauranga City Council - the elected member body representing Tauranga City.
Corporate Society	means a society that is: (a) incorporated under the Incorporated Societies Act 1908; or (b) incorporated as a board under the Charitable Trusts Act 1957; or (c) a company incorporated under the Companies Act 1993 that: a. does not have the capacity or power to make a profit; and b. is incorporated and conducted solely for authorised purposes; or (d) a working men's club registered under the Friendly Societies and Credit Unions Act 1982.
Family or Children's Activity	means an activity which in Council's opinion is primarily associated with and/or promoted as an activity that is appropriate for any group that includes children under the age of 18.
Gaming Machine	means a device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for use in gambling, as defined in the Gambling Act 2003. Also commonly known as 'pokie machines'.
NZDep 2013	means an area-based measure of socioeconomic deprivation in New Zealand as defined in the 2013 Index of Deprivation published by University of Otago, Wellington.
Primary Activity	means the principal purpose of, and promoted by, the venue.
TAB Venue	means the premises that are owned and leased by the NZ Racing Board and where the main business carried out at the premises is providing racing or sports betting services.







































































## 8.2 Review of Easter Sunday Shop Trading Policy- Issues and Options

**File Number:** A13183869

**Author:** Sharon Herbst, Policy Analyst

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

### PURPOSE OF THE REPORT

1. To agree that Council should continue to allow shops to trade on Easter Sunday in the review of the Easter Sunday Trading Policy.

### RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

- (a) Agree to propose to continue with the current policy of allowing shops to trade on Easter Sunday if they wish to.
- (b) Adopt the Statement of Proposal appended at attachment 2 as the basis for the required public consultation process.

### EXECUTIVE SUMMARY

2. The Easter Sunday Trading Policy (the policy) allows shops in Tauranga to trade on Easter Sunday if they wish to. In 2016 the Shop Trading Hours Act 1990 (the Act) was amended to make this possible. A requirement of the Act is to review the policy no later than five years after it was first adopted, which was 23 November 2017.
3. Early feedback received suggests the policy is generally working well.
4. This report recommends retaining the status quo (allowing shops to trade on Easter Sunday) as the Council's preferred option.
5. Consultation about the current policy will still need to occur as part of the review. This must be done using the special consultative procedure, when deciding whether to amend, revoke, replace or continue the current policy without amendment, as required by the Shop Trading Hours Amendment Act (S 5C (4)).

### BACKGROUND

#### Amendment to the Shop Trading Hours Act 1990

6. In 2016 the Shop Trading Hours Act 1990 was amended to allow territorial authorities to have a policy permitting shops to open on Easter Sunday. The change in legislation only enables councils to develop a policy for shop trading on Easter Sunday and does not include any other holiday dates such as Good Friday.
7. The Act only provides for councils to consider three options: a) to have no policy, b) to implement a policy that is city-wide, or c) to specify specific areas that allow trading.
8. If no policy is in place, then Easter Sunday remains a restricted trading day under the Act. This means general shops must be closed, except for certain shops set out in the Act, such as restaurants and cafes, garden centres, dairies, petrol stations, pharmacies, souvenir shops, duty free shops, and shops in public transport terminals, shows or exhibitions. Certain services may open (e.g. hairdressers and real estate agencies). Shops not permitted to open include shopping malls, supermarkets and clothing, appliance, homeware, sports and recreation retailers.

9. Prior to the Act, the law was inconsistent, with exemptions that allowed Queenstown and Taupō to open as tourist hot spots, but nearby Wanaka and Rotorua could not. Many retailers had chosen to open and risked prosecution and fines of up to \$1000.

### **Development of the 2017 policy**

10. Pre-consultation in 2017 supported Easter Sunday trading in Tauranga. A Council snapshot survey conducted in May to August 2017 had 5,736 responses. Of those who responded 49% wanted full unrestricted trading on Easter Sunday, 15% wanted Easter Sunday trading in specific city areas and 36% were against trading on Easter Sunday. A phone survey of 401 people found 60% supported Easter Sunday trading, 38% were against, and 2% not sure.
11. In 2017, 897 formal submissions were evenly split on the issue with 444 in favour (49.5%), and 453 against Easter Sunday trading (50.5%).
12. The main objections were the religious significance/sacredness and historical significance of Easter Sunday, and to allow families/whānau to have a break and spend quality time together. It was noted there are now only three days (Christmas, Anzac morning and Easter Friday) that are guaranteed family days (restricted trading days), especially for those in retail who often work weekends. Some felt there would be pressure on employees to still work even though there is protection in legislation, and pressure on employers to open if competitors do. Some mentioned it may affect their ability to engage in sporting or cultural events held on Easter Sunday. A suggestion was to consider half day trading like Anzac Day (however the legislation does not allow this option).
13. The submissions in support of the policy reasoned that it gave owners the choice to open or not, and it supported the city's economy, especially tourism. Easter weekend attracts many tourists for the Jazz Festival and visitors expecting shops to be open. Locals may like to shop over the long weekend. The importance of regional uniformity was noted - that anyone who chose could open. Others argued that a significant portion of society are not religious and should not be restricted by a religious holiday. Also noted was that as Easter Sunday is not a paid public holiday, employees may lose a day's pay if shops were unable to open and employees could not work.

### **Current Policy**

14. In November 2017, Council adopted the current policy that enables shops in Tauranga to trade on Easter Sunday. It aims to meet the demand for goods and services from visitors and residents in Tauranga during the Easter holiday weekend.
15. The policy does not override shop trading provisions in other legislation, such as liquor licensing provisions. Alcohol cannot be sold on or delivered from a premise at any time on Easter Sunday unless it meets limited criteria or is subject to a special licence.

### **Approach of other councils**

16. All councils in the Bay of Plenty region allow unrestricted trading on Easter Sunday.
17. A number of large city councils do not have a policy: Auckland, Hamilton, Christchurch, Wellington, Lower Hutt, Palmerston North, and Nelson. In these cities Easter Sunday remains a restricted trading day.
18. Auckland Council cited analysis which predicted minimal economic benefit from allowing trading. They supported the status quo to retain a guaranteed day off for more employees, rather than the benefit for some Aucklanders gaining leisure or convenience from having more shops open. Hamilton City Council voted against a policy after 71% of submissions were against the policy. The Council stated that their decision supported vulnerable workers to have a day off to spend with family.
19. Western Bay of Plenty District Council adopted their policy in December 2017 and are intending to review in 2023.

**Current context**

20. The Jazz Festival in particular aims to bring vibrancy to the central business district on Easter Saturday and Sunday. The current policy supports the focus and investment on bringing life to the civic precinct. The events themselves operate with a special liquor licence, which would be unaffected if this policy changed. (Note that the 2022 Jazz Festival has been pushed forward to June due to COVID-19 restrictions, however it is planned to return to Easter Weekend in 2023).
21. Stallholders at regular markets across town (which fall into the definition of a shop) may be negatively affected if the policy was revoked. Should the policy continue as recommended, we suggest clarifying that “shops” includes markets.
22. Recognising events and markets in the policy would help clarify how this policy supports the positive contribution they make to our city.
23. Council’s Regulation Monitoring team have had enquiries from businesses wondering if they could trade, but not negative feedback about the policy. Council’s Environmental Health and Licensing team have not had any feedback about this policy. They noted that liquor licensing provisions are very clear and understood as distinct from the Easter Trading policy.
24. Pre-consultation strongly supports the current policy remaining as it is. The Tauranga Chamber of Commerce provided feedback on behalf of local business representative organisations to show strong support for the current policy. A number of local churches (who had made submissions in 2017) were approached for comment. One response was received from the Anglican Parish of Gate Pa, suggesting an amendment to allow trading in specific areas of Tauranga, without noting a specific area.

**Options to Consider**

25. The options for the Committee to consider are to retain the status quo, allow trading in only some parts of the city, or to have no policy, which would require shops to close on Easter Sunday.

**STRATEGIC / STATUTORY CONTEXT**

26. Currently Council is refreshing its strategic framework and developing a City Vision. Together this work will ensure Council has a current and cohesive strategic framework that provides a clear line of sight from Council activities and policies, to strategy documents and from there to the City’s Vision and adopted Community Outcomes.
27. The policy aims to bring broader benefits to increase the economic opportunities for Tauranga as a destination city. It aligns with our adopted Community Outcomes and the strategic framework that state we support business and education, we are inclusive, and we are an integral part of the wider Bay of Plenty region and upper North Island.
28. The policy was adopted on 23 November 2017 and must be reviewed no later than five years after the date on which it was adopted.
29. The legislation has the following parameters:
  - (a) Councils cannot require shops to open, this is the choice of each business
  - (b) Easter Sunday is not a public holiday. Employees are not entitled to be paid time and a half or to an alternate paid day off
  - (c) All employees have a right to refuse to work on Easter Sunday, and can bring a personal grievance if they are compelled to work or treated adversely for refusing to work
  - (d) Councils cannot decide shop trading hours, liquor licencing parameters, and the types of shops that can open
  - (e) Policies will not apply to the sale and supply of alcohol from licenced premises on Easter Sunday, which is regulated by the Sale and Supply of Alcohol Act 2012

- (f) Councils will not have to enforce the policies. Enforcement will continue to be undertaken by the Ministry of Business, Innovation and Employment (MBIE)
- (g) Councils must use the special consultative procedure under the Local Government Act 2002 to adopt, review or revoke the policy

## OPTIONS ANALYSIS

### Option 1: Continue with the current approach and make no changes to the policy (Recommended)

30. The current policy enables shops in Tauranga to trade on Easter Sunday if they wish to. This option would still require further public consultation as it is legislated.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Provides freedom for shops to make their own decision if they open or not</li> <li>• Provides benefit for locals and visitors to have more shops open for leisure convenience and choice</li> <li>• Provides uniformity across the city</li> <li>• Supports broader benefits to increase the economic opportunities for Tauranga as a destination city.</li> <li>• Aligns with what other councils in our region are doing</li> <li>• More employees can choose to work and gain an additional day's wages or revenue</li> <li>• Businesses not penalised for breaking the law if they open</li> </ul>	<ul style="list-style-type: none"> <li>• Continues the status quo of one less guaranteed day off than could be available (2.5 instead of 3.5)</li> <li>• May impact ability to engage in cultural, religious or whānau activities</li> <li>• Some employees potentially unaware of and unlikely to use the protections in the law (to refuse to work and take a personal grievance)</li> <li>• Some businesses may feel compelled to open</li> </ul>

31. If this option is supported, an additional sentence will be added to the policy to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that 'shops' include markets.

### Option 2: Amend the policy to only allow trading in specific areas (e.g. Mount Maunganui, Tauranga CBD, Greerton, Papamoa)

32. Undertake a review of the policy to consider only allowing trading in specific areas. Further public consultation would need to be undertaken, with a report to the Committee with options.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Opportunity to focus trading in specific areas</li> <li>• Retains a guaranteed day off for some retail employees – for rest, cultural, religious or whānau activities</li> </ul>	<ul style="list-style-type: none"> <li>• Complexity in defining which areas should be given priority to trade over others</li> <li>• Potential confusion for retailers and customers as to which shops may or may not open</li> <li>• Limited community interest in change</li> <li>• Potential to create division in the community when some businesses can trade and others cannot</li> </ul>

	<ul style="list-style-type: none"> <li>• Some businesses may choose to open regardless</li> <li>• Potential transfer to online spending</li> <li>• Customers may choose to spend their money in nearby council districts where shops are permitted to trade</li> <li>• Does not support Tauranga as a destination city</li> <li>• Potential loss of leisure or convenience for those wishing to shop on Easter Sunday</li> <li>• Potential loss of income for those who prefer to work and receive a day's wages (is not a paid Public Holiday)</li> </ul>
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### Option 3: Revoke the policy so that Easter Sunday becomes a restricted trading day

33. If the policy is revoked, Easter Sunday would become a restricted trading day in Tauranga.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Social, cultural and recreational benefits of a guaranteed day off are supported - for rest, cultural, religious or whānau activities</li> <li>• Respects the sacredness of Easter Sunday</li> <li>• Aligns with what other big city councils are doing (e.g. Auckland, Hamilton, Christchurch, Wellington)</li> <li>• Locals and tourists can still access shops selling essential supplies, attractions, restaurants and cafes which can all legally open for trade.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited community interest in change</li> <li>• Potential to create division in the community when some businesses can trade and others cannot</li> <li>• Some businesses may still to choose to open</li> <li>• Potential transfer to online spending</li> <li>• Customers may choose to spend their money in nearby council districts where shops are permitted to trade</li> <li>• Does not support Tauranga as a destination city</li> <li>• Potential loss of revenue for businesses</li> <li>• Potential loss of leisure or convenience for those wishing to shop on Easter Sunday</li> <li>• Potential loss of income for those who prefer to work and receive a day's wages (is not a paid Public Holiday)</li> </ul>

### FINANCIAL CONSIDERATIONS

34. There are no financial considerations from the recommended option.

35. If the Committee prefers options two or three, there is potential that some businesses would lose revenue as people would not be able to patronise their business. This may also impact support for events over Easter weekend.

### LEGAL IMPLICATIONS / RISKS

36. The policy is required to be reviewed every five years.

### CONSULTATION / ENGAGEMENT

37. The Tauranga Chamber of Commerce provided feedback on behalf of local business representative organisations (Priority One WBOP EDA, Tourism Bay of Plenty, Restaurant Association NZ, EMA, Greerton Village Community Association, Papamoa Unlimited, Mainstreet Tauranga, Mount Business Association and Hospitality NZ). They showed strong



support for the current policy as this ensures consistency with other councils in the Bay of Plenty and sends a clear message to both visitors and residents that businesses across the region are open for business. It ensures consistency with online businesses who can trade. It also allows employers the option to open if they choose. They observed that since the policy was adopted, further employee entitlements have been passed into law including an additional public holiday (Matariki) and additional sick leave. Pāpāmoa Plaza support the policy and plan special Easter events to attract families to shop on Easter Sunday.

38. Churches who provided submissions in 2017 have been contacted for feedback, however only one has responded. The Anglican Parish of Gate Pa suggest the policy be amended to only allow trading in specific areas of Tauranga. The response noted the importance of remembering the Christian roots of our society. It also noted the need to support physical and mental wellbeing and supporting shop workers to have time off with no pressure to be at work. The current policy seems to focus on financial gain with a human and social cost and the stripping away of family freedom and workers' rights.

### SIGNIFICANCE

39. 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.
40. 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
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
41. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of medium significance.

### ENGAGEMENT

42. Taking into consideration the above assessment, that the issue is of medium significance, it is noted that public consultation is required under section 83 of the Local Government Act 2002 anyway.

### NEXT STEPS

43. If the Committee agrees that the council's recommended approach is to continue with the current policy, then this decision will proceed to formal consultation.
44. The consultation will be for four weeks in June/July with hearings scheduled for August/September. This approach will enable analysis and reporting back to the Committee, subsequent amendment, if required, and final adoption in October 2022. The draft Statement of Proposal is attached.
45. If the Committee decides there are aspects of the policy requiring further investigation, this will occur in May with options presented to the Committee in June, followed by formal consultation.
46. If the Committee decide that changes are required to the policy, then these changes will be prepared for the Committee to approve in June, followed by formal consultation.
47. If the Committee decide to revoke the policy, then this decision will be taken out for formal consultation.

## ATTACHMENTS

1. **Easter Sunday Shop Trading Policy 2017 - A13269862** [↓](#) 
2. **Statement of Proposal for the Easter Sunday Shop Trading Policy - A13269932** [↓](#) 









### 8.3 Updated outline plan of Committee's upcoming workload

**File Number:** A13255588

**Author:** Jeremy Boase, **Manager:** Strategy and Corporate Planning

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

#### PURPOSE OF THE REPORT

1. To present an update on the Committee outline work programme that the last considered at the Strategy Finance Risk Committee December 2021 meeting

#### RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

- (a) Notes the updated work programme for the Committee per Attachment 1.

#### BACKGROUND

2. One of the responsibilities of the Committee, noted in the scope section of its terms of reference, is to 'adopt an annual work programme of significant strategic issues and projects to be addressed'. The scope also notes that this programme should be reviewed on a six-monthly basis.
3. On 20 September 2021, the Committee resolved to adopt such a work programme. As part of the discussion on the report preceding that resolution, the Committee noted that a quarterly update on that programme would be appropriate. An update was subsequently provided to the 13 December 2021 meeting. A second update was not provided in the first quarter of 2022 due to the full nature of the 28 March 2022 agenda.
4. An updated version of the adopted outline work programme is now included as **Attachment 1** to this report.
5. Changes made to the outline work programme since it was adopted on 20 September include:

##### **Structure**

- (a) Removal of reference to now-passed December 2021 and February and March 2022 and meetings.
- (b) Inclusion of the October to December 2022 and January to March 2023 quarters to maintain a four-quarters perspective.

##### **Strategy development and reviews**

- (c) Inclusion of revised detail on elements of the strategic framework refresh project, including the renaming of the Social Wellbeing strategy to the Inclusive City strategy, and various timing clarifications. Refer also a separate report on this agenda titled 'Strategic Framework Refresh – proposed framework structure'.

##### **Growth management**

- (d) Removal of the 'growth and land use projects' and 'transport strategy and planning projects' updates from this quarter as they are being reported to Council on 23 May instead due to the large number of agenda items for this meeting (the documents will be circulated to Committee members separately).
- (e) Removal of the Greerton Maarawaewae study line item as that work will now be reported to Council on 13 June seeking final endorsement.

- (f) Removal of the Urban design panel line item as that work is now intended to be reported back to Council towards the end of the calendar year.
- (g) Deferral of the Otumoetai spatial plan and Greenfield growth planning pathways reports by a quarter to allow further detailed work to be undertaken.
- (h) Introduction of a new item relating to dynamic road pricing which will be reported to the Committee later in the year.

### **Waste management**

- (i) Introduction of a separate section to recognise the waste management and minimisation plan and associated bylaw work.

### **City Plan**

- (j) Recognition that the 'direction on priority Plan changes' planned for this quarter has already occurred, and therefore the next milestone for the Committee is to consider giving effect to Policy 3 of the National Policy Statement on Urban Development.

### **Policy development**

- (k) Deferral by one meeting-cycle of the local alcohol policy deliberations due to the complexity of matters raised during submissions.
  - (l) Reintroduction of the public art policy item (it had been removed in December 2021)
  - (m) Introduction of a review of the community funding policy that was introduced through the long-term plan and at that time was proposed to be reviewed after a full funding round to ensure it was operating as expected.
  - (n) Introduction of a review of the traffic and parking bylaw which is close to its ten-yearly statutory review.
  - (o) Introduction of a review of the Easter Sunday trading policy as its statutory review deadline is later this year.
  - (p) Deferral of the Committee's engagement with the reviews of the risk management policy, the consultation with tangata whenua on resource consents policy, the fraud prevention and management policy, and the open space level of service policy. This change in timing is to balance total workload within available resources, while still completing the work by the end of the financial year.
6. In reading the outline work programme it should be noted that for many projects the timing of 'next steps' will be determined by feedback on, and decisions about, earlier stages in the project. This makes timing of latter stages difficult to determine. This difficulty is recognised in Attachment 1 by the annotation "(?)" as part of various elements of the work programme.
7. As projects and initiatives are reported to the Committee, each report will have a better indication of the timing of subsequent steps than can be provided by this report.

## **STRATEGIC / STATUTORY CONTEXT**

8. Many of the priority projects on the outline work programme relate to the city vision and the associated refresh of council's strategy documents. Others relate to the management of growth or the government's reform programme. Each of these matters are of high strategic importance to the city.

## **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 matter.
  - (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 matter of the Committee's work programme is of high significance. However, the decision to note the updated outline work programme is of low significance as it is an update on a previous decision and simply collates existing work programmes into one place.

### ENGAGEMENT

12. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.
13. Note that for many of the projects listed on the outline work programme specific engagement plans and approaches will be prepared that are suitable to that project.

### NEXT STEPS

14. Work will continue on each of the projects listed on the outline work programme. In accordance with the Committee's terms of reference, a refreshed outline annual work programme will be brought to the Committee in September 2022.

### ATTACHMENTS

1. **Outline of topics to SFR Committee 2022-23 (May 2022) - A13386030** [↓](#) 







## 8.4 Strategic Framework Refresh - proposed framework structure

**File Number:** A13384617

**Author:** Anne Payne, Strategic Advisor

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

### PURPOSE OF THE REPORT

1. This report outlines the proposed structure for TCC's refreshed strategic framework, including strategies and an initial signal on potential strategic plans. In principle endorsement is sought from the Committee.

### RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

- (a) Receives the report 'Strategic Framework Refresh – proposed framework structure'; and
- (b) Provides feedback on the proposed framework structure; and
- (c) Provides in principle endorsement of the proposed framework structure; and
- (d) Notes the next steps outlined in the project timeframes section of this report.

### EXECUTIVE SUMMARY

2. Two related projects to clarify Tauranga City Council's strategic direction were approved in June 2021. The first facilitates creation of a Vision for Tauranga, which was tested with key city partners in early May. The second project is to refresh Tauranga City Council's strategic framework.
3. This report focuses on Tauranga City Council's strategic framework project, providing an update on progress and next steps, along with a first signal on the proposed framework structure and content. The aim is for the refreshed framework strategies and plans to drive the right projects into the next Long-term Plan 2024 - 2034
4. **Attachment 1** to the report provides a diagram depicting the proposed framework and potential content on one page, noting that this is still very working draft information.
5. Feedback on, and in principle endorsement of, the proposed framework structure and content is sought from the Committee.
6. Next steps are to provide a draft framework and high-level content to Council on 13 June to adopt in draft for wider community feedback. Community feedback will be sought late June to late July, with a revised draft framework and high-level content being provided to Council on 5 September for final adoption.
7. Two new primary strategies, for Inclusive City and Valued & Protected Environment, are under development as part of this project. These strategy development processes will follow their own reporting and community feedback timelines but will dovetail in with the strategic framework processes where timelines align.
8. We note that our new strategies are intended to be quite brief high-level documents which will not include implementation plans. Our new strategies will instead clearly point to relevant strategic plans which contain specific implementation plans, and also reference other contributing Council documents to be considered during strategy implementation.

## BACKGROUND

9. On 28 June 2021 a paper entitled 'Strategic Framework for Tauranga City Council' was received by the Committee<sup>1</sup>. This paper outlined the work undertaken on a multi-partner City Futures Project over the previous 12 months, factors that contributed to rethinking of that project, and proposed a more tailored approach that could be taken to address identified gaps.
10. The Committee approved the Strategic Framework Refresh Project concept, which comprises:
  - (a) working with the community to develop a City Vision for Tauranga, and
  - (b) refreshing Tauranga City Council's strategic framework to ensure Council's strategic direction contributes to that City Vision and is clearly articulated and understood.
11. The Committee also approved the project's intention to draw on information received through prior engagement processes as far as possible and acknowledged that the City Futures Project input to date would continue to be valuable to the City Vision and the wider Strategic Framework Refresh Project.
12. On 1 November 2021 the Committee received a project update report, which outlined the planned process to deliver a refreshed strategic framework<sup>2</sup>.
13. This report focuses on Tauranga City Council's strategic framework refresh. The closely aligned City Vision project is well underway, with the proposed vision being shared with city leaders, Te Rangapū Mana Whenua o Tauranga Moana and Kaumatua Forum members at two sessions on 3 and 4 May.

## TAURANGA CITY COUNCIL'S STRATEGIC FRAMEWORK REFRESH

### Project Purpose

14. The purpose of the strategic framework refresh project is to ensure that Tauranga City Council has a current, cohesive, and understandable strategic framework that provides a clear line of sight between '*what we do*' and '*what we are trying to achieve for our city*' (our contribution to the City's Vision).
15. For Tauranga City Council, the key outcomes from this project are that:
  - (a) Our community and partners will be easily able to see how the organisation is contributing to our adopted community outcomes and to achieving Tauranga City's Vision.
  - (b) Our governance and staff will have a shared understanding of what the organisation is trying to achieve and how we aim to get there.
  - (c) Our people will know how they fit into the bigger picture of what the organisation is working toward.
  - (d) We will be guided by a set of current, relevant, and succinct strategic documents, which 'weave together' where this makes sense.
  - (e) We will have a clear focus for evaluating existing programmes, and those considered in the future, to ensure all efforts support our overarching purpose.

### Project Progress and Timeframes

16. The project has been scheduled within tight timeframes to enable our strategic framework, including any new strategies and strategic plans, to guide development of our next Long-term

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<sup>1</sup> Report 'Strategic Framework for Tauranga City Council', Agenda item 9.2: [TCC Strategy Finance and Risk Committee Agenda 28 June 2021](#)

<sup>2</sup> Report 'Strategic Framework Refresh Project Update', Agenda item 9.3: [TCC Strategy, Finance and Risk Committee Agenda 1 November 2021](#)

Plan. For this to happen, we will need any new strategies and strategic plans to be in place close to the end of this calendar year.<sup>3</sup>

17. Progress since the last report to this Committee on 1 November includes:
- (a) Pre-Christmas 2021, a 'weave' concept was drafted as a proposed strategic framework. A set of eight At a Glance documents, one for each of the eight strands of our framework 'weave', were also drafted to summarise Tauranga City Council's strategic direction (or approach).
  - (b) During March to May 2022, eight workstream projects – one for each strand of our framework 'weave' – are underway.
    - (i) The five community outcome workstreams are focusing on determining the strategies and plans Council needs now and into the future, how best to arrange these together, and what strategies and plans may no longer be needed in their current form. This report presents working draft material from this work.
    - (ii) Council's strategic approaches are more focused on *how Council does everything*, particularly how the organisation goes about its business. The three strategic approaches workstreams are establishing how best to embed these approaches across all five community outcome strands of our framework.
18. Key reporting timeframes for the remainder of the project are:
- (a) **Council Meeting 13 June;** We intend to provide a draft framework and high-level content for adoption as a draft for wider stakeholder and community feedback.  
*NB: Development of individual strategies and strategic plans will follow their own consultation and engagement processes and will only dovetail in with the wider framework processes where these align.*
  - (b) **Late July:** Once wider stakeholder and community feedback has been received on the draft framework and high-level content, staff will analyse feedback and make recommendations on changes to the draft.
  - (c) **Council 5 September;** We intend to provide a final version of the framework and high-level content for adoption, along with a programme of work to complete development of any remaining strategic plans. This will close the project.
  - (d) **Post-project work;** From September through to early 2023 will include developing new strategic plans as programmed, formally rescinding superseded strategies, and implementing ongoing strategy (and strategic plan) monitoring and review processes.
19. We also intend to provide further project updates to the Committee as Committee meeting scheduling allows. An alternative or additional option may be to provide Council report information to the Committee members, particularly the 13 June and 5 September reports.
20. Te Rangapū Mana Whenua o Tauranga Moana is considered a key stakeholder group for this project, so we are endeavouring to seek Te Rangapū input to the framework and content prior to reporting to this Committee or Council.

### Strategic Framework Concept

21. We initially developed a 'flax weave' concept to depict Tauranga City Council's strategic framework. This showed our five community outcomes connecting up to Tauranga City's Vision with Council's three strategic approaches *weaving through* everything we do. Our six underpinning principles guide how we do things and were represented as the foundation stone for the strategic framework.<sup>4</sup>

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<sup>3</sup> While some strategic plans may not be adopted by the end of this calendar year, we anticipate each will be sufficiently advanced to identify projects to be considered for inclusion in the 2024-2034 Long-term Plan.

<sup>4</sup> Link to Tauranga City Council's community outcomes and six guiding principles: [TCC community outcomes and principles](#)

22. This ‘flax weave’ concept has now been further developed and localised to Tauranga Moana in the shape of a kupenga (a type of fishing net). The concept design and narrative are currently being worked through with guidance from Te Rangapū Mana Whenua o Tauranga Moana, and we look forward to sharing this with Governance and our communities soon.

23. The eight strands of our kupenga comprise:

Tauranga City Council’s **five adopted community outcomes**, which are that Tauranga is:

- An inclusive city
- A city that values and protects the environment
- A well-planned city
- A city that is easy to move around, and
- A city that supports business and education

all of which are interwoven with **our three strategic approaches** (*about the way we do things, so are principles-based rather than actions focused*) to:

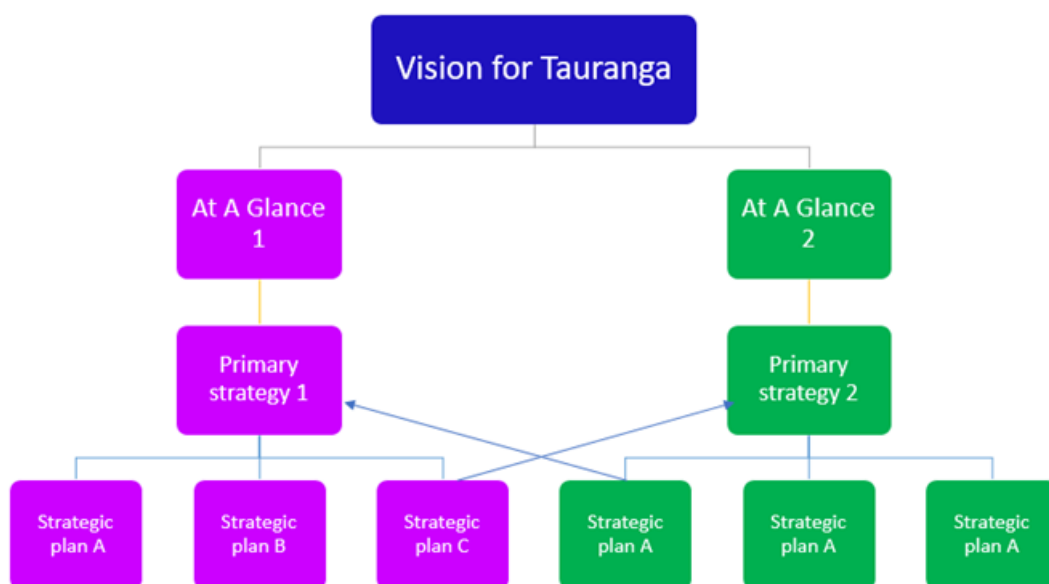
- Te Ao Māori
- Sustainability
- Working beyond Tauranga.

**Strategic Framework Structure**

24. Our strategic framework structure will enable us to better balance our strategic direction and priorities across the social, environmental, economic, and cultural aspects of community wellbeing – as represented by our community outcomes and strategic approaches.

25. Having recognised the inter-related nature of most of what we do and are trying to achieve through our woven ‘kupenga’ framework, our intention is to streamline our strategic documents as far as possible. To do this we are developing a very simple hierarchy for our strategies and plans, and some clear guidance for what a strategy or strategic plan should include.

26. The proposed framework structure is outlined in the following diagram:





27. For each strand of the framework, there will be one **At A Glance** which summarises Tauranga City Council's strategic direction or approach.
28. Then for each of the five community outcome strands of the framework, there will be
  - One **primary strategy** which covers off the overarching outcome (this could be a joint strategy such as the Connected Centres Programme (from the Urban Form and Transport Initiative final report).
  - A number of **topic-based or place-based strategic plans** to implement aspects of the primary strategy (ideally this will be 3-6 for each strand).
    - Some of these strategic plans may cross over into other community outcome deliverables.
    - Spatial plans are place-based strategic plans.
29. There are also a range of existing council documents such as policies, guidelines and management plans that will contribute to the delivery of the strategic plans and ultimately the primary strategies but aren't necessarily part of the framework itself. These '**contributing documents**' have a different, equally important, purpose and will be clearly referenced within relevant strategies and strategic plans so they are considered when needed.
30. To help identify where documents fit, we are applying the following rule of thumb
  - **A strategy** – Moves us from one place to another (often solving problems) and has a finite life, normally of 10 to 30 years. Does not include business-as-usual or operational activity.
  - **A strategic plan** – Is a plan to implement aspects of our primary strategies and has a finite life, normally of 3 to 10 years. Does not include business-as-usual actions, may include 'ongoing' actions only where they are new (for example, for a new or increased level of service).
  - **A management plan** – Is an enduring commitment to manage, protect, maintain, implement, action (for example, reserves management plan). It will require monitoring and periodic review but does not necessarily have a finite life.
31. The three strategic approach strands of the framework are about *how we do things* (more than what we do or deliver). For our strategic approaches:
  - The '**At A Glances**' are more principles and values-based documents that focus on the way we do things, with the actions being largely process focussed. We are currently re-writing the early draft 'At A Glances' to better reflect this.
  - Working through how best to make our strategic approaches 'real', to embed them into everything we do, the cross-overs between them have become more apparent. This has led us to consider a combined implementation plan for all the three strategic approaches, with a key focus on capacity and capability building within our organisation in these areas.
32. Our new Vision for Tauranga Moana provides a long-term aspiration out to 2050. We have mirrored this timeframe for our strategic framework, particularly at the 'At A Glance' level. Our primary strategies will range from 10 years out to 2050 (now just under 30 years), while our strategic plans will normally range from 3 to 10 years. This is a general guide only.

### Strategic framework content

33. A diagram showing our initial thinking on the strategies and strategic plans within the refreshed framework is included as **Attachment 1** to this report.

34. Please note that this information is provided now as working draft, for information and feedback. It will further evolve during the remainder of the project, through both workstream-specific work as well as whole-of-framework considerations.

35. The framework content developed or identified to date is outlined in the following sections:

Strategic direction 'At A Glance'

36. We have created an 'At A Glance' summary of Tauranga City Council's strategic direction for each of the eight 'strands' of our strategic framework, i.e., for each community outcome and strategic approach. They were initially drafted in-house, tested with small stakeholder groups in late 2021, and are continuing to evolve as the workstreams progress.

37. These new documents will, when taken together, provide a headline summary of Tauranga City Council's direction of travel. Our aim is that each 'At A Glance' will run to 2-3 pages maximum, and that all eight plus our new Vision for Tauranga Moana will be downloadable as one document from our website.

38. The purpose of the 'At A Glance' documents is to better focus the organisation on our overarching goals and to provide succinct information for our partners and our community.

Primary strategies

39. Our new primary strategies are intended to be brief documents that reference supporting strategic plans for implementation. This is a departure from previous Council practice, which has generally seen the strategy and implementation plan contained within one, often quite long, strategy document.

40. The project is currently running eight separate workstreams, one for each strand of our framework. We have identified the primary strategy for each of the five community outcome workstreams. It is unlikely that our three strategic approaches will require primary strategies, but these can be developed if there is a need.

41. As envisaged, two new primary strategies are required and are currently being developed. These are for our two 'critical gap' community outcomes of **Inclusive City** and **Valued & Protected Environment**.

42. Initial drafts of both strategies have been created based on previous community engagement and feedback and are being further developed with key stakeholders during May and June. We anticipate that both draft strategies will be ready to share with a wider stakeholder and community base later in June, dependent on Council approval in mid-June.

43. Both of our new strategies follow a simple template, showing how they fit within our strategic framework and identifying the strategic plans that will implement different elements of the strategy. Implementation plans are to be included within strategic plans, rather than within strategies themselves, so our strategies can be written as brief high-level documents.

Strategic plans

44. We have identified over 60 existing strategies that Council has developed or signed up to, including joint strategies and plans. Strategy actions were mapped to the community outcome each action contributes most to, which signalled the existing strategies each community outcome workstream needed to assess for current relevance.

45. This assessment process, while quite laborious and still underway, is enabling each workstream to form a picture of what strategic plans are needed now and how relevant our existing strategies and plans still are. (Workstreams include a mix of internal and external stakeholders).

46. Each new strategic plan will follow a simple template, showing how it fits within our strategic framework, including which primary strategies it implements along with an implementation plan. They will also identify any key contributing Council documents to be considered during implementation.

## Project outputs

47. Our refreshed strategic framework is envisaged as primarily a web-based tool that users (both our community and within our organisation) can click into to move through the layers of the framework, accessing more detail at each level. This web-based structure will give us more flexibility to show that our strategies and plans normally contribute to more than one community outcome. It is more difficult to show this relationship in a written format.
48. A range of printable documents will also be available from the web-based strategic framework tool.
49. A process will be developed to formally rescind any strategies and plans that have been superseded or are no longer needed, along with a programme to complete this work.
50. Responsibilities for monitoring and reporting on progress will be assigned, and processes and systems put in place to enable this to be delivered. This includes monitoring and reporting at action level right through to outcome level, as well as managing review timeframes for the suite of strategies and plans.

## FINANCIAL CONSIDERATIONS

51. All separate workstreams are now well underway, with external consultants engaged to support delivery of the four 'critical gap' workstreams as anticipated. Creative design and publication work is also being resourced externally as anticipated. Website development is being done in-house, so no external cost is envisaged for this aspect of the project.
52. Budget is available for this project within the approved 2021/22 Annual Plan for strategy development. This budget also accommodates the City Vision project and continues to be monitored closely. At this stage actual and projected costs are within approved budgets but will be incurred slightly later than initially envisaged so may go across the year-end.
53. Post 30 June 2022 work, such as design and delivery of publication material and additional functionality for internal use of the web-based strategic framework tool, has also been included in the draft Annual Plan 2023 budget.

## LEGAL IMPLICATIONS / RISKS

54. This report has no legal implications. Risks associated with the recommended approach have been considered during planning and implementation of the workstreams for each 'strand' of the framework.
55. A key risk to delivery of the project within targeted timeframes relates to potential Covid-19 impacts on staff, consultants, and key stakeholders for the project. While we continue to manage around the people impacts from Covid-19 as far as possible, our reality is that if key people are impacted at critical times, some timeframes may need to move as a result. At this stage no major targets have been missed for this reason, but this risk will remain for the duration of the project.

## CONSULTATION / ENGAGEMENT

56. There has been considerable consultation with our communities to date, as referenced in the background section of this report. Further involvement with both the general community and sector groups is outlined in the project timeframes section above.

## SIGNIFICANCE

57. 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.

58. 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.
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
59. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue of Tauranga City Council's strategic framework refresh is of high significance, however the decision proposed in this report (being to receive a project update) is of low significance.

### ENGAGEMENT

60. Taking into consideration the above assessment, that the matter of Tauranga City Council's strategic framework refresh is of high significance, staff are of the opinion that the nature of this project requires our communities' involvement as outlined in this report.

### NEXT STEPS

61. Next steps to progress Tauranga City Council's strategic framework refresh are outlined in the project timeframes section above.

### ATTACHMENTS

1. **Proposed strategic framework structure (working draft) - A13426296** [↓](#) 



## 8.5 Residential intensification to give effect to Policy 3 in the National Policy Statement on Urban Development

**File Number:** A13397485

**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 seek direction on the approach to giving effect to Policy 3 in the National Policy Statement on Urban Development which requires Council to provide height and density around commercial centres to enable residential intensification.

### RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

- (a) Approves progressing with the enabling housing supply plan change to implement the Resource Management (Enabling Housing Supply and other Matters) Amendment Act to apply the Medium Density Residential Standards to residential zones and give effect to Policy 3 in the National Policy Statement on Urban Development.
- (b) Endorses that the approach set out in Plan Change 26 (Housing Choice) and the Te Papa Spatial Plan is reflected in the enabling housing supply plan change to enable at least 6 storeys within a walkable catchment of the city centre and along Cameron Road to give effect to Policy 3(c) and Policy 3(d) in the National Policy Statement on Urban Development.
- (c) Endorse the following principles for the application of Policy 3(d) in the National Policy Statement on Urban Development to enable height and density within and adjacent to identified neighbourhood, local and town centres:
  - (i) That centre type will be identified based on the land uses within and surrounding the commercial zone and the size of the commercial zone.
  - (ii) That discretion will be applied where there is a relevant strategy or spatial plan.
  - (iii) No additional Policy 3(d) intensification (beyond the application of zones containing the Medium Density Residential Standards) for commercial zones identified as neighbourhood centres.
  - (iv) Apply an accessible and walkable catchment of approximately 400metres enabling greater height and density of four storeys in and around commercial centres identified as local centres.
  - (v) Apply an accessible and walkable catchment of approximately 800metres enabling greater height and density of six storeys in and around commercial centres identified as town centres.
- (d) Note that a walkable catchment is measured along public footpaths that are formed and well-lit for pedestrian safety.
- (e) Note that where a commercial zone meets the principles set out above, there may be qualifying matters which justify lesser height and density.
- (f) Note that staff will report back to the Strategy Finance and Risk Committee in June on the approach to give effect to Policy 3(a) in the National Policy Statement on Urban Development which relates to providing building heights within the City Centre Zone.

## EXECUTIVE SUMMARY

2. The Resource Management (Enabling Housing Supply and Other matters) Amendment Act 2021 (Amendment Act) was passed into law in December 2021, requiring Council to implement the Intensification Planning Instrument (IPI) to give effect to the intensification provisions of the National Policy Statement on Urban Development (NPS-UD).
3. In particular the Amendment Act requires Council's IPI to give effect to NPS-UD Policy 3:
  - (a) Maximise building heights and density in the City Centre Zone to release as much housing development capacity as possible; and
  - (b) Allow for residential building heights of at least six storeys within a walkable catchment of the City Centre Zone; and
  - (c) In and around other commercial centres, allow for residential building heights and density commensurate with the level of commercial activities and community services of the centre.
4. Staff have undertaken an assessment of Policy 3 and prepared a methodology and principles to give effect to the National Policy Statement on Urban Development.
5. Based on the level of commercial activity and community services in each centre, a set of principles have been developed to guide what is 'commensurate' in terms of heights and density of urban form within and adjacent to neighbourhood, local and town centres. These principles are set out below and included in full in the recommendations of this report.
6. These principles will identify the areas of the City which are appropriate for rezoning to enable greater height through a non-notified, Restricted Discretionary Activity (resource consent is required).

## BACKGROUND

7. The Government enacted the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (Amendment Act) in December 2021. This amended aspects of the NPS-UD. In particular, the Amendment Act replaced Policy 3(d) in the NPS-UD.
8. The Amendment Act requires Council's IPI to give effect to Policy 3 in the NPS-UD which states:
  - (a) *In city centre zones, building heights and density of urban form to realise as much development as possible to maximise the benefits of intensification; and*
  - (b) *In metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and*
  - (c) *Building heights of at least 6 storeys within at least a walkable catchment of the following:*
    - i) *Existing and planned rapid transit stops*
    - ii) *The edge of city centre zones*
    - iii) *The edge of metropolitan centre zones*
  - (d) *Enable within and adjacent to neighbourhood centre zones, local centre zones and town centre zones (or equivalent), building heights and density of urban form commensurate with the level of commercial activities and community services.*
9. Policy 3 identifies centres which are set out in the National Planning Standards. The City Plan has not yet given effect to the National Planning Standard zones that have been referenced in Policy 3(b) and 3(d). The Tauranga City Plan zoning provisions currently do not identify a commercial hierarchy and therefore the same rule framework applies in the Commercial Zone across the city. The nature of each centre has developed over time due to market needs and other factors. A methodology is required identify and allocate Tauranga's

commercial zones to the nearest 'equivalent zone' as described in Section 8 of the National Planning Standards.

10. This approach will not establish a commercial hierarchy in the City Plan but enables the identification of centres that have appropriate land use characteristics and are of an appropriate size to support additional height and density in and around them to enable residential intensification. Any rezoning or changes to the distribution of centres will need to be part of a future comprehensive review of business land and market dynamics to develop specific planning frameworks for centres that meets the purpose of each zone as set out in the National Planning Standards.
1. Policy 3(a) – Building Heights in the City Centre
11. Work is currently underway to identify any amendments required to give effect to Policy 3(a) for the City Centre. This work is being undertaken in alignment with the City Centre Strategy and will be reported back to the Strategy, Finance and Risk Committee in June.
2. Policy 3(b) – Building Height and Density in Metropolitan Centres
12. Currently, it is considered that no commercial centres align with the definition of a metropolitan centre zone. The metropolitan centre zone was developed by Auckland Council and adopted by MfE to enable the continued use of this zone in the Auckland Unitary Plan for large centre like Manukau.
13. It is considered that there are no commercial centres that currently meet the definition of metropolitan centre in Tauranga, however it is considered that some centres may meet this definition in the future. It is therefore considered appropriate to align the requirement to enable six storeys within Metropolitan Zones with the principles of enabling height around town centres as set out below.
14. As set out above, future work is required to establish the commercial hierarchy for Tauranga City within the City Plan with appropriate rule frameworks and at that time further discussions could occur around the use of a metropolitan centre zone.
3. Policy 3(c) – Building Heights within Walkable Catchment of the City Centre
15. Based on MfE guidance that recommends walking catchments greater than 800m may be appropriate for larger centres, a walkable catchment of 1500m or 15 minutes (calculated from the edge of city centre zone) is considered appropriate given the size of the City Centre Zone offering a large range of services and amenities and being well connected along a narrow corridor. This also aligns with the Urban Form and Transport Initiative (UFTI) key performance indicator that seeks to increase the percentage of people living within 500m of frequent public transport service.
16. Policy 3(c) is largely given effect to by continuing with the approach put forward for the northern end of Te Papa in Plan Change 26 (Housing Choice), which was informed by the Te Papa Spatial Plan. The extent of this intensification area will be rolled over, with minor changes to ensure that it is giving effect to the Amendment Act. The proposed heights will allow for eight storeys (27m) to address submissions and only reduced where necessary to accommodate viewshafts to Mauao and avoid significant transitions between blocks.
17. Plan Change 26 confirmed that there are no areas across the city that meet the definition of existing or planned rapid transit stops. This approach was also confirmed with Ministry for Housing and Urban Development.
4. Policy 3(d) – Height and Density within and around Neighbourhood, Local and Town Centres
18. In order to apply Policy 3(d) in the IPI that will give effect to the NPS-UD, the level of commercial activity and services in each centre needs to be determined.
  5. The table below outlines the characteristics of neighbourhood, local and town centres:
  - 6.
  - 7.



8. Zone	9. Zone description	10. Scale of centre	11. Centre examples
12. Neighbourhood Centre	13. The neighbourhood centre applies to small shopping strips (i.e dairy, takeaways, bakery), used predominantly for small-scale commercial and community activities that service the immediate residential neighbourhood	14. Less than 10,000m <sup>2</sup>	15. Omanu Shops 16. Tay Street Shops
17. Local Centre	18. The local centre provides a limited range of activities that enable people within a residential catchment to meet their daily shopping needs.	19. 10,000m <sup>2</sup> to 50,000m <sup>2</sup>	20. Brookfield Shopping Centre 21. Tweed Street Shops
22. Town Centre	23. The town centre provides a range of services, being a variety of commercial and community services that serve the needs of the immediate and neighbouring suburbs. A town centre is where people access jobs, services and amenities.	24. Greater than 50,000m <sup>2</sup>	25. Bethlehem Shopping Centre 26. Greerton Town Centre

27.

19. A methodology has been developed to determine the level of commercial activity and services in each centre and the 'equivalent zone' as set out in the National Planning Standards. This methodology calculates the level of activities and services based on the following principles set out below.
20. **Principle 1** considers the equivalent National Planning Standards based on criteria of the established land uses within the Commercial Zone, the surrounding context and the size of extent of the zone. This does not result in a change to the land uses or rule framework currently provided within the Commercial Zone. The criteria include:
- Whether existing land use is characterized by industrial, large format activities or special purpose.
  - Whether the surrounding land use is predominantly residential; and
  - The scale or size of the commercially zoned land.
21. The map included as Attachment 1 illustrates the distribution of neighbourhood, local and town centres across Tauranga.
22. Centres identified as neighbourhood, local and town centres will then be considered against principle 2.
23. **Principle 2** is a strategic lens on the centre to determine if specific circumstances affect how it aligns with how the centre has been identified as a neighbourhood, local or town centre. This will allow for consideration of strategic direction, such as spatial planning outcomes (i.e Te Papa, Ōtūmoetai and Urban Form Transport Initiative) to provide further justification about the purpose of the centre and potential up-zoning under Policy 3(d) of the NPS-UD.
24. **Principle 3** is to apply an appropriate and accessible walkable catchment around the centre from the zone boundary. The extent of this catchment increases relevant to the scale of the

centre to recognise that people will walk further for a greater range of services, transport options or employment. The following walkable catchment is recommended for each centre:

- (a) Neighbourhood Centre – No additional walking catchment applied as the Medium Density Residential Standards are considered to provide building heights and density of an urban form that is commensurate with the level of commercial activities and community services within a centre.
- (b) Local Centre – 400m walking distance
- (c) Town Centre – 800m walking distance

25. The extent of the catchment will take into consideration accessibility along formed footpaths that provide safe and convenient walking access to the centre. Land use constraints, such as state highways, access through industrial land and surrounding industrial land uses, steep topography, or natural barriers, will also be considered. Land that is open space or rural in character would also be excluded from the walkable catchment.

26. **Principle 4** is the consideration of building heights and density of urban form within the centres themselves and the surrounding residential land identified as having a walkable catchment as set out in Principle 3. It is proposed to use a tiered approach to increasing height as follows:

- Neighbourhood Centres - align with Medium Density Residential Standards (three storeys).
- Local Centres - enable four to five storeys as a non-notified, Restricted Discretionary Activity; and
- Town Centres - enable six storeys as a non-notified, Restricted Discretionary Activity.

28. Qualifying Matters

27. Amendments to height and density can be made to accommodate a prescribed list of qualifying matters. Qualifying matters allows Council to limit or reduce the application of the NPS-UD Policy 3 but only to the extent necessary to accommodate:

- a) a matter of national importance under s6 RMA,
- b) to give effect to a National Policy Statement or the New Zealand Coastal Policy Statement,
- c) to ensure safe and efficient operation of nationally significant infrastructure,
- d) open space for public use,
- e) the need to give effect to a designation or heritage order,
- f) iwi participation legislation,
- g) sufficient business land, and
- h) any other matter that makes higher density as provided for by Policy 3 inappropriate in an area (a high level of justification is required if this clause is utilised).

28. Areas where Policy 3 applies will be assessed to identify where a qualifying matter applies and whether it is appropriate to reduce height. This includes current rule frameworks within the City Plan such as protection of the Tauranga Airport flight path, cultural viewshafts to Mauao, natural hazards and open space. There is also additional technical work required to justify amendments to height around some centres where a qualifying matter is not set out in the City Plan, but it is appropriate to apply a qualifying matter.

## STRATEGIC / STATUTORY CONTEXT

29. The provision of a sufficient supply and variety of residential development capacity to meet market demand over time is a key part of the overall city growth objectives and addressing current shortages. The work programme for 2022 is focussed on increasing capacity for residential development within our existing residential zones, by implementing the MDRS

and increasing building height and density around centres and within our greenfield urban growth areas by rezoning primarily for residential. This is consistent with the UFTI overall guiding connected centres urban form.

### FINANCIAL CONSIDERATIONS

30. There are no financial considerations associated with this report. The cost associated with the work programme will be met within existing budgets.

### LEGAL IMPLICATIONS / RISKS

31. The IPI will be prepared to meet the legislative requirements under Schedule 1 of the Resource Management Act 1991.
32. The IPI is required to give effect to Policy 3 in the National Policy Statement on Urban Development and must be notified by 20 August 2022.
33. Preparation of the enabling housing supply plan change includes a risk register that is revisited on a regular basis. The key risks identified across the work programme are:
  - (a) Plan change scope increasing and resourcing being insufficient;
  - (b) The ability to give effect to national policy statements;
  - (c) Tight timeframes to deliver a plan change to meet the Amendment Act requirements;
  - (d) Meeting community, tangata whenua and stakeholder expectations.

### CONSULTATION / ENGAGEMENT

34. Implementation of the Amendment Act requires that Council undertake pre-consultation that meets the requirements of Schedule 1 of the RMA.
35. The timeframes leading to notification and the volume of work that needs to be undertaken before 20 August 2022, means that the approach to engagement will be heavily focussed on informing stakeholders and the community about the proposed changes, and for most, directing them to the notified plan change as the best opportunity to provide feedback through the submission process. However, feedback will be sought prior to notification from some stakeholders that have a higher degree of interest in the proposed changes and with tangata whenua.
36. There was comprehensive engagement through 2019 and 2020 on the Te Papa Spatial Plan and Plan Change 26. This feedback and submissions on Plan Change 26 will be considered in the preparation of the IPI. The Ōtūmoetai Spatial Plan project has also commenced with engagement underway.
37. Policy 3(d) in the NPS-UD requires Council to enable greater intensification around centres. Due to the tight timeframes to progress this work for public notification, spatial planning of some areas will be undertaken in the future eg in Mount Maunganui. This spatial planning will identify investment required to support growth and intensification, such as community amenities. These spatial planning projects will include community engagement similar to that undertaken through the Te Papa and Ōtūmoetai Spatial Plans.
38. Consultation continues with tier 1 councils, legal advisors and central Government agencies on the implementation of the Amendment Act.

### SIGNIFICANCE

39. 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.

40. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
  29. (a) the current and future social, economic, environmental, or cultural well-being of the district or region
  30. (b) any persons who are likely to be particularly affected by, or interested in, the decision.
  31. (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
41. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of high significance.


### ENGAGEMENT

42. Taking into consideration the above assessment, that the decision is of high significance, staff are of the opinion that the consultation will be undertaken as set out in the engagement section of this report and to meet the requirements under the RMA.

### NEXT STEPS

43. Commence mapping of centres and walkable catchments to identify increased height in accordance with principles set out above to give effect to Policy 3(d).
44. Report back to the Strategy, Finance and Risk Committee on principles to give effect to Policy 3(a) – height within the City Centre Zone.
45. Continue with the preparation of the IPI for public notification by 20 August 2022.

### ATTACHMENTS

1. **Map illustrating identification of Commercial Zones equivalent to neighbourhood, local and town centres - A13459186** [↓](#) 



**8.6 Financial and Non-Financial Monitoring Report: Period ended 31 March 2022****File Number:** A13363155**Author:** Kathryn Sharplin, Manager: Finance

Tracey Hughes, Financial Insights &amp; Reporting Manager

David Moore, Manager: Capital Projects Assurance Division

Raj Naidu, Corporate Planner

**Authoriser:** Paul Davidson, General Manager: Corporate Services**PURPOSE OF THE REPORT**

1. The purpose of this report is to inform Council and the public of our financial and service level performance result for the first nine months of the financial year 2021/22 and provide an overview of resident perceptions. The report also includes information on progress and risks relating to the capital programme.

**RECOMMENDATIONS**

That the Strategy, Finance and Risk Committee:

- (a) Receives Report Financial and Non-Financial Monitoring Report: Period ended 31 March 2022.

**EXECUTIVE SUMMARY**

2. As at 31 March, a year to date operating surplus of \$13.2m has been recorded against a year to date budgeted deficit of \$18.2m. Current forecasts indicate a favourable year end forecast of a \$12m deficit, an improvement on budget of about \$13m.
3. Operating revenue overall is close to budget with services affected by the alert level restrictions early in the year offset by higher revenue across other activities including building services and waters laboratory services.
4. Full year total revenue forecasts (including capital revenue) have now been revised lower than budget particularly relating to expected capital subsidies from Waka Kotahi due to delays in delivery of transportation projects.
5. Expenditure overall is now \$29m below budget year to date. Delays in projects and services disrupted by covid and the level of staff vacancies are the most significant drivers of this.
6. Capital expenditure is tracking below budget year to date with a full year result forecast by project managers to be within 75-80% of total budget.
7. The ongoing impacts from covid have continued to affect the cost and timing of the capital delivery programme and it is expected the residual impact will continue in the short to medium term. Recent market data obtained has confirmed that supply chain costs will continue to rise through 2022. Demand for construction resources will remain high in New Zealand and globally, placing significant project cost pressure on a range of commodities affecting imported raw and manufactured materials.
8. Labour market issues affecting our ability to attract staff and compete on salary expectations were signalled in the December quarterly report. The progress of the work programme is beginning to be affected by the level of vacancies in some business units.
9. **Attachment 1** includes the Statement of Comprehensive revenue and expense along with a by activity breakdown of variances in user fee revenue and operating expenditure. A

Treasury summary showing debt and full year projections is shown along with a high-level summary of capital expenditure to budget.

10. **Attachment 2** summarises the performance of the top 25 capital programmes being undertaken this year up to 31 March 2022.
11. **Attachment 3** presents how Council is tracking towards achieving Council's non-financial performance measures and levels of service.
12. Of the 100 non-financial performance measures, 88 have been measured and reported on. Data is not yet available for 12 measures.
13. 47 measures (47%) are on track, with 30 measures (30%) off track (14 of these are due to COVID-19) and 11 measures have been met already (11%).
14. Of the 88 measures reported on 53% are on track, 34% off track and 13% have been met already.
15. Of the 30 measures off track, 47% (14 measures), across eight groups of activities (Transport, Sustainability and Waste, Community Services, Economic Development, Emergency Management, Marine Precinct, Regulatory and Compliance, and Spaces and Places), have been affected by the COVID-19 pandemic and subsequent restrictions.
16. **Attachment 4** presents a high-level summary of the year-to-date results of the Annual Residents Survey.

## BACKGROUND

17. This report is for monitoring and reporting purposes showing Council's financial and non-financial performance in delivering services to the community.
18. The operational budgets for year one of the Long-term Plan (LTP) set the revenue and expenditure expectations to deliver on agreed service levels and capital investment.
19. In an LTP, the level of service that the council will deliver along with operational budgets and capital investment programme are agreed upon by the council in consultation with the public. Rates and user charges are set based on these budgets.
20. The Local Government Act 2002 stipulates that local authorities are required to report on how well they are performing in delivering these levels of service to their communities as measured by the non-financial performance indicators.
21. In the 2021-31 LTP there were 100 KPIs that were agreed upon, 23 of which are mandatory measures as per section 261B of the Local Government Act.

## STRATEGIC / STATUTORY CONTEXT

22. Maintaining expenditure within budget ensures delivery of services in a financially sustainable way.
23. Monitoring non-financial performance is a key function of the committee.

## DISCUSSION

### Part 1: Financial Performance

24. **Attachment 1** to this report provides a summary of Council's financial performance for the year to date. The content of this attachment includes:
  - (a) A summary of revenue and expenditure year to date with revised full year projections presented as a Statement of Comprehensive Revenue and Expense.
  - (b) A summary by activity of user fee revenue and operating expenditure variances year to date.
  - (c) A Treasury report which shows borrowing year to date and full-year projections, the average cost of funds and money market investments benchmarked to average return.

(d) A summary of capital expenditure to date and full year projections across the whole programme.

25. **Operating Performance and Revenue and Expenditure Variances by Activity** (Attachment 1) shows the operating and capital revenue and expenses in a format consistent with the Annual Report. It shows the year to date results for revenue and expenditure.
26. Revenue overall is tracking close to budget with full year revenue forecasts impacted mainly by a reduction in expected subsidies from Waka Kotahi. There is a small increase in interest revenue forecast based on higher cash deposit levels due to slower expenditure profile. There has been some impact on revenue in areas of the business from covid alert level restrictions early in the financial year including the airport and community facilities such as Baycourt, with further disruptions experienced through the Omicron wave. However, this has been offset to date by favourable results elsewhere such as in building services, sustainability and waste and lab testing. There are forecast full year revenue losses from closure of the two carparking buildings for several months although to a lesser extent than originally thought due to revisions to the phasing of the seismic strengthening work.
27. Operational expenditure remains below budget, partly due to lower activity in some areas due to alert level restrictions and new contract arrangements being established. Infrastructure and growth planning work is also slower than budgeted. Digital projects have been delayed which has flow on impacts to operational costs. Delays in the recruitment of specialist staff has impacted progress (and therefore expenditure) across the organisation. Expenditure is projected to increase in the last quarter with the full year position projected to be below budget (\$13.2m) but not to the extent of the Q3 results. Uncompleted work will carry forward to the next financial year.

#### **Summary Treasury and Net debt projections**

28. Net debt at year end is projected to be below budget at around \$740m. Lower forecast capital delivery for the full year of \$240m, which is 72% of full year budget, has been partially offset by a significant weathertight claim settlement.
29. Interest rates are increasing, but are not expected to have a significant effect on current year interest expenditure. Current interest rates impact only new debt (debt increases and refinancing) and floating rate debt, and as council has a high proportion of fixed rate debt and debt hedged at lower rates (or at zero interest rates through the HIF loans), the exposure to interest rate fluctuations is limited for the remainder of the year. Sensitivity analysis will be performed to assess the impact on the 2023 Annual Plan.

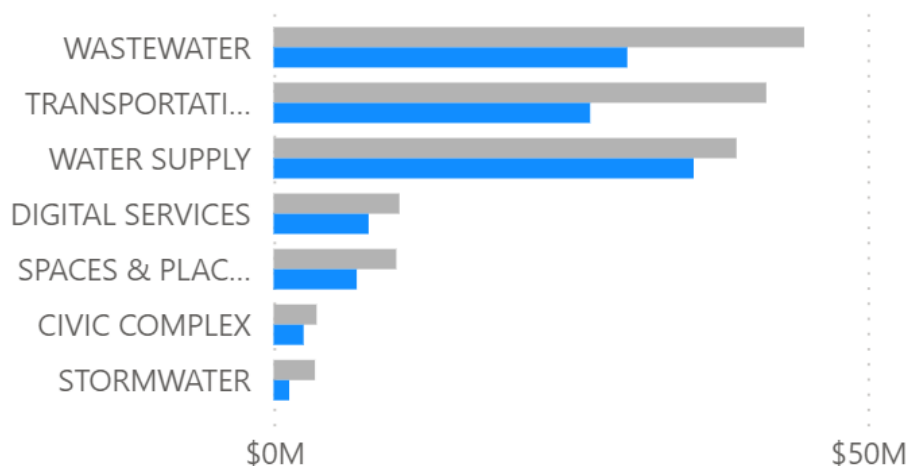
#### **Part 2: Capital Programme Performance and Top 25 Projects**

30. Capital expenditure to March 2022 (FYQ3) has been \$118m against a budget of \$163m. The covid headwinds highlighted in the previous monitoring report have made a significant impact to the delivery of the Top 25 capital projects and programmes. The financial year end forecast has dropped from \$217M in FYQ1 to \$179M in FYQ3 against a year end Top 25 budget of \$227M. To meet the year end forecast of \$179m will require a spend of \$20m per month in the final quarter, with full year delivery forecast at between 75-80% of budget.
31. Project performance by activity area is indicated graphically below with detailed project and programme information provided in the attachments. Activity areas accounting for the majority of year-to-date underspend include Sustainability and Waste (18% actual spend to budget), Stormwater (38%), Transportation projects (54%) and Spaces and Places (55%).



## Activity Performance YTD

● Annual Plan YTD (Proj) ● Actuals YTD (Proj)



32. Recent market data confirms that project costs have risen across all of NZ construction since July 2021 with increases in the order of 2% to 3% per quarter and up to 8.5% over the financial year. Based on current trends many suppliers are predicting further cost increases in 2022 and possibly into early 2023. This is driven partly by demand in New Zealand, but also by global demand for similar internationally traded products such as steel and petrochemical products such as plastics and bitumen
33. The expected increase in budget carry forward due to project delays shall be factored into the Annual Planning process for next financial years capital programme. A review of lessons learnt across projects for FY2022 is in progress which shall assist with finalising the Capex Annual Plan for FY2023 and targeting areas for improvement.
34. Please refer to **Attachment 2** for information on the Top 25 project and programmes up to the end of March 2022.

### Part 3: Non-Financial Performance

35. **Attachment 3** presents how Council is tracking towards achieving Council's non-financial performance measures and levels of service.
36. Of the 100 non-financial performance measures, 88 have been measured and reported on. Data is not yet available for 12 measures.
37. 47 measures (47%) are on track, with 30 measures (30%) off track (14 of these are due to COVID-19) and 11 measures have been met already (11%).
38. Of the 88 measures reported on 53% are on track, 34% off track and 13% have been met already.
39. Of the 30 measures off track, 47% (14 measures), across eight groups of activities (Transport, Sustainability and Waste, Community Services, Economic Development, Emergency Management, Marine Precinct, Regulatory and Compliance, and Spaces and Places), have been affected by the COVID-19 pandemic and subsequent restrictions.
40. Where data is not available, the majority relate to annual measures which are only surveyed at one point through the year or to measures that have no current method of assessment.

### Part 4: Perceptions Monitor

41. The Annual Residents' Survey supports non-financial reporting by measuring the perceptions of residents regarding various aspects of services that Council provides.

42. The survey is conducted in four waves across the year. Each wave's mail out quotas are applied according to age, gender and ward, to ensure that a representative sample of Tauranga City's population is achieved. The data is weighted to account for variances in the achieved quotas and to ensure that the sample reflects the population profile achieved.
43. Waves were introduced in 2016/17 so that data was captured at different points throughout the year rather than one data collection point, as had been the case until then.
44. The overall results have an anticipated margin of error of +/- 4.6% at the 95% confidence level. Scores for the reporting periods exclude 'Don't know' responses.
45. The year-to-date results for 2021/22 are interim and based on the sample of n=513. Data collection for wave three took place between 10 Feb 2022 and 14 Mar 2022.
46. A summary of the highlights is attached at **Attachment 4**. The summary helps provide an insight into how different elements of Council's core service deliverables, reputation and the perception of value for money contribute to respondents' perception of Council's overall performance.
47. Overall performance year-to-date result is that 32% of respondents are satisfied or very satisfied with Tauranga City Council in general, which is equal to the full year result for 2020/21.
48. Reputation measures the community's perception of four key areas – leadership, faith and trust, financial management and quality of services/facilities. Under reputation, the year-to-date result is that 23% of respondents are satisfied or very satisfied, up from the full year result for 2020/21 which was 19%.
49. Within reputation, there is the measure in terms of respondent's faith and trust in Council, the year-to-date result is that 23% of respondents are satisfied or very satisfied, up from the full year result for 2020/21 which was 19%.
50. A summary of the rest of the high-level survey results of the and their trend to date is summarised in the table below:

Measure	2020/21	2021/22 YTD	Trend
<i>Overall Performance</i>	32%	32%	-
<i>Overall Image and Reputation</i>	19%	23%	▲
<i>Overall Value for money</i>	35%	38%	▲
<i>Overall Core Services Deliverables</i>	59%	56%	▼
<i>Overall Water management</i>	61%	54%	▼
<i>Overall Road and footpaths</i>	48%	42%	▼
<i>Overall Waste Management</i>	61%	61%	-
<i>Overall Outdoor spaces</i>	81%	74%	▼
<i>Overall Public facilities</i>	67%	73%	▲

51. In this year's survey an additional question was added asking the respondents' awareness that a Crown appointed commission had taken over the governance responsibilities of Tauranga City Council.
52. The result year to date was that 78% of respondents are aware and 22% unaware, with age being a main factor. Further breakdown of awareness results by age is as follows:

Age	2021/22 YTD
18 to 24	46%

25 to 34	54%
35 to 44	75%
45 to 54	87%
55 to 64	93%
65 +	92%

53. Another additional question was added asking how the respondents rated the Commissioners' leadership with the year-to-date result being 48% of respondents stating they are satisfied.
54. The next wave is due to be collected during May - June 2022 with the final results scheduled to be reported as part of the Annual Reporting.

### OPTIONS ANALYSIS

55. There are no options associated with this report. The report is provided as information only.

### FINANCIAL CONSIDERATIONS

56. The financial results to budget for the third quarter provide information on trends and risks. Forecasts have been considered across the organisation, leading to a positive variance against budget for operating surplus of \$13.1m. This positive variance has occurred at the cost of delays in the progress of the work programme.

### LEGAL IMPLICATIONS / RISKS

57. This monitoring report has no specific legal implications or risks.

### CONSULTATION / ENGAGEMENT

58. This report is made public.

### SIGNIFICANCE

59. 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.
60. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
- the current and future social, economic, environmental, or cultural well-being of the district or region
  - any persons who are likely to be particularly affected by, or interested in, the matter.
  - the capacity of the local authority to perform its role, and the financial and other costs of doing so.
61. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of low significance.





### ENGAGEMENT

62. 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.

**NEXT STEPS**

63. This report ensures monitoring of Council performance to ensure compliance with Council's budgets, policies and delegations.

**ATTACHMENTS**

1. **Attachment 1 March Financial report PDF - A13433719** [↓](#) 
2. **Top 25 Projects & Programmes - March 2022 - A13424744** [↓](#) 
3. **Non-Financial Performance Measures - Q3 2021\_22 - A13433561** [↓](#) 
4. **Annual Residents Survey 2021\_22 - Wave 3 - Performance Report - A13396623** [↓](#) 





















































































**8.7 2022 Q3 Jan-Mar Health and Safety Report****File Number: A13309515****Author: Angelique Fraser, Health & Safety Change Manager****Tracy Dragovich, Health Safety & Wellness Design Lead****Authoriser: Tony Aitken, Acting General Manager: People and Engagement****PURPOSE OF THE REPORT**

1. To provide a summary of Health, Safety and Wellbeing activities over the January to March 2022 quarter.

**RECOMMENDATIONS**

That the Strategy, Finance and Risk Committee:

- (a) Receives the 2022 Q3 Health and Safety Report
- (b) Receives the 2022 Q3 Mental Health and Wellbeing Report

**EXECUTIVE SUMMARY**

2. This is a quarterly report provided to the Committee, designed to monitor Health, Safety and Wellbeing activities, and share learnings.
3. Any feedback regarding content or topics that the Committee would like is welcomed.

**ATTACHMENTS**

1. [1\\_2021 Q3 Health & Safety Report\\_PDF - A13470855](#)  
2. [1\\_2022 Q3 H&S\\_MHW Report\\_PDF - A13470861](#)  





















**8.8 Q3 2021/22 LGOIMA and Privacy Requests****File Number: A13419003****Author: Megan Yardley, Democracy Services Advisor****Kath Norris, Team Leader: Democracy Services****Authoriser: Tony Aitken, Acting General Manager: People and Engagement****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 for the third quarter of 2021/22.

**RECOMMENDATIONS**

That the Strategy, Finance and Risk Committee:

- (a) Receives the report Q3 2021/22 LGOIMA and Privacy Requests.

**DISCUSSION**

2. The Council received 59 requests in this quarter. This is fewer than Q2 with 85 requests received for that quarter. The type of request (LGOIMA or Privacy) is set out in table 1.

*Table 1 Type of Requests Received*

Type of Request	Number
<b>LGOIMA</b>	57
<b>Privacy</b>	2

3. The type of the requester is broken down in table 2.

*Table 2 Type of requester*

Type of Requester	Number of Requests
<b>Individual</b>	40
<b>Media</b>	6
<b>Organisation</b>	13
<b>TOTAL</b>	59

4. Five individuals made two requests and one individual made three requests.
5. There were four extensions for LGOIMA requests in this quarter. These requests were all responded to within the extended timeframe.
6. One request received in Q3 is still pending a response.

7. The outcomes for the 68 requests responded to in Q3 are set out table 3 below:

*Table 3 Outcomes for Requests Responded to in Quarter Three*

Outcome	Number
<b>Cancelled</b>	7
<b>Partial Withhold</b>	14
<b>Provided</b>	42
<b>Withheld/Refused</b>	5

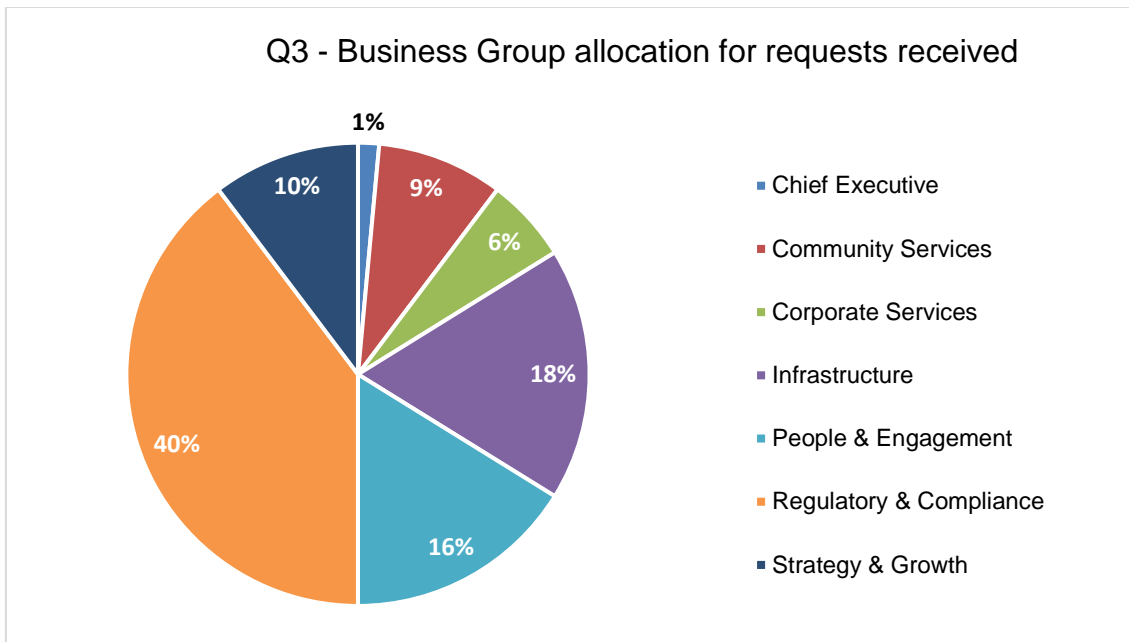
8. All Privacy requests have been responded to.
9. Common themes of requests for Q3 are set out in table 4 below:

*Table 4 General Themes for Quarter Three*

Common Themes	Number of Requests	Percentage of Total
<b>Water (including three waters, water supply and water conservation)</b>	8	14%
<b>Commissioners and elections</b>	7	12%
<b>Animal regulation</b>	6	10%
<b>Noise complaints (various addresses)</b>	4	7%

10. We have not charged any requesters this quarter. However, six requests have been withdrawn or amended following advice that a charge would apply. Requests took an average of 2.8 hours of staff time per request, excluding legal review where required and sign off processes. The average response time was seventeen working days.
11. There are six open complaints with the Office of the Ombudsman. We received three complaints this quarter, and there is one response pending. There are no current complaints with the Office of the Privacy Commissioner.
12. Responses that may have interest to the community continue to be proactively published on the council website.
13. Work continues completing the Ombudsman Investigation recommendations, there are no finalised actions for this quarter.

*Graph 1 – Quarter three Business group allocation of requests received*



**ATTACHMENTS**

**Nil**

**8.9 Project Delivery Deep Dive**

**File Number:** A13356972

**Author:** David Moore, **Manager:** Capital Projects Assurance Division

**Authoriser:** Nic Johansson, **General Manager:** Infrastructure

**PURPOSE OF THE REPORT**

1. To provide the committee with an update on the development of managing capital project delivery risk.

**RECOMMENDATIONS**

That the Strategy, Finance and Risk Committee:

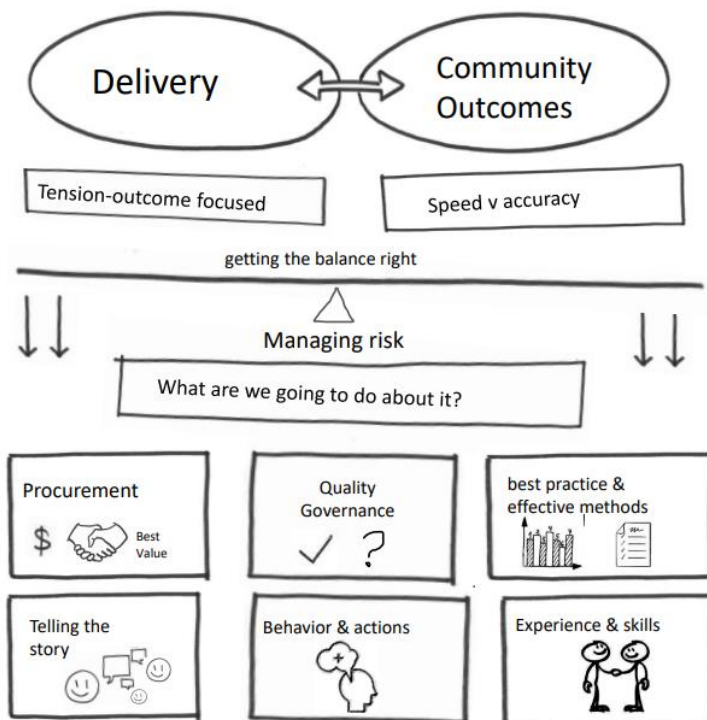
- (a) Receives the Deep Dive – Capital Project Delivery Risk Report

**EXECUTIVE SUMMARY**

2. The purpose of this risk deep dive is to provide the committee with a progress update on the numerous activities being undertaken to improve the way TCC manages capital project delivery risk and how benefits are being realised on projects with real life examples.
3. Staff from 3 Waters, Transport and Spaces and Places directly involved with managing this risk will present to the committee.

**BACKGROUND**

4. A deep dive on capital project delivery risk was presented to the committee on 16 August 2021. The diagram below was used to discuss the balance of managing project delivery risk to achieve the right outcomes and outlining the key ‘building blocks’ that TCC would be focusing on to manage the risk.



5. Significant work has been completed by the Capital Assurance Programme Division (CPAD) and other TCC Teams in the 9 months since the previous report
6. The intention of this deep dive is:
  - (a) To provide an update on the work completed and being undertaken on managing capital project delivery risk across TCC, associated with each of the 6 building blocks above.
  - (b) Update from Transportation, City Waters and Spaces and Places on how this work is improving the way we manage and deliver projects
  - (c) To allow the committee to be assured that the risk is appropriately understood and that robust plans are in place to manage the risk to an acceptable level.
7. The deep dive will be presented by risk owners with a slide presentation, attached.

### STRATEGIC / STATUTORY CONTEXT

8. The Long Term Plan 2021/31, adopted 26 July 2021, contains the most significant programme of works that TCC has ever embarked upon. The effective management of the risks to resourcing will be key to delivering the outcomes to the community.

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

In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of high significance, however the decision proposed in this report is of low significance as it is to receive an update on a particular work stream.

### ENGAGEMENT

11. Taking into consideration the above assessment, that the issue is of high significance, however the decision proposed in this report is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

### NEXT STEPS

12. Officers will continue to implement actions to manage the risks to resourcing as presented to this Committee.

### ATTACHMENTS

1. **Risk Deep Dive - Project Delivery - May 2022 - A13460180**  











**9 DISCUSSION OF LATE ITEMS**

**10 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:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>10.1 - Internal Audit - Quarterly Update</b>	<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)(d) - The withholding of the information is necessary to avoid prejudice to measures protecting the health or safety of members of the public</p> <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege</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>	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
<b>10.2 - Corporate Risk Register - Quarterly Update</b>	<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>	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
<b>10.3 - Litigation Report</b>	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural	s48(1)(a) - the public conduct of the relevant part of the proceedings of

	<p>persons</p> <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege</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>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>
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**11 CLOSING KARAKIA**