



# **AGENDA**

## **Strategy, Finance and Risk Committee Meeting Monday, 15 August 2022**

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

**Date: Monday, 15 August 2022**

**Time: - WMMP & Waste Bylaw deliberations ONLY  
- to start at the conclusion of the Council meeting (but not earlier than 2pm)**

**Location: BoP 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:

- 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;
- to consider strategic issues facing the city and develop a pathway for the future;
- to monitor progress on achievement of desired strategic outcomes;
- to review and determine the policy and bylaw framework that will assist in achieving the strategic priorities and outcomes for the Tauranga City Council.

## Membership

The Committee will consist of:

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

## Voting Rights

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

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

## Committee's Scope and Responsibilities

### A. STRATEGIC ISSUES

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

#### A1 – Strategic Issues

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

- Adopt an annual work programme of significant strategic issues and projects to be addressed. The work programme will be reviewed on a six-monthly basis.
- In respect of each issue/project on the work programme, and any additional matters as determined by the Committee:
  - Consider existing and future strategic context
  - Consider opportunities and possible options
  - Determine preferred direction and pathway forward and recommend to Council for inclusion into strategies, statutory documents (including City Plan) and plans.
- Consider and approve changes to service delivery arrangements arising from the service delivery reviews required under Local Government Act 2002 that are referred to the Committee by the Chief Executive.
- To take appropriate account of the principles of the Treaty of Waitangi.

#### A2 – Policy and Bylaws

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

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

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

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

- Reviewing and reporting on outcomes and action progress against the approved strategic direction. Determine any required review / refresh of strategic direction or action pathway.
- Reviewing and assessing progress in each of the six (6) key investment proposal areas within the 2021-2031 Long Term Plan.
- Reviewing the achievement of financial and non-financial performance measures against the approved Long Term Plan and Annual Plans.

## **B. FINANCE AND RISK**

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

- Health and safety.
- Risk management.
- Significant projects and programmes of work focussing on the appropriate management of risk.
- Internal and external audit and assurance.
- Fraud, integrity and investigations.
- Monitoring of compliance with laws and regulations.
- Oversight of preparation of the Annual Report and other external financial reports required by statute.
- Oversee the relationship with the Council's Investment Advisors and Fund Managers.
- Oversee the relationship between the Council and its external auditor.
- Review the quarterly financial and non-financial reports to the Council.

### **B1 - Health and Safety**

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

- Reviewing the effectiveness of the health and safety policies and processes to ensure a healthy and safe workspace for representatives, staff, contractors, visitors and the public.
- Assisting the Commissioners to discharge their statutory roles as "Officers" in terms of the Health and Safety at Work Act 2015.

### **B2 - Risk Management**

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

- Review, approve and monitor the implementation of the Risk Management Policy, Framework and Strategy including the Corporate Risk Register.
- Review and approve the Council's "risk appetite" statement.
- Review the effectiveness of risk management and internal control systems including all material financial, operational, compliance and other material controls. This includes legislative compliance, significant projects and programmes of work, and significant procurement.
- Review risk management reports identifying new and/or emerging risks and any subsequent changes to the "Tier One" register.

### **B3 - Internal Audit**

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

- Review and approve the Internal Audit Charter to confirm the authority, independence and scope of the Internal Audit function. The Internal Audit Charter may be reviewed at other times and as required.
- Review and approve annually and monitor the implementation of the Internal Audit Plan.
- Review the co-ordination between the risk and internal audit functions, including the integration of the Council's risk profile with the Internal Audit programme. This includes assurance over all material financial, operational, compliance and other material controls.

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

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

#### **B4 - External Audit**

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

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

#### **B5 - Fraud and Integrity**

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

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

#### **B6 - Statutory Reporting**

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

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

- Any decisions involving significant judgement, estimation or uncertainty.
- The extent to which financial statements are affected by any unusual transactions and the manner in which they are disclosed.
- The disclosure of contingent liabilities and contingent assets.
- The basis for the adoption of the going concern assumption.
- Significant adjustments resulting from the audit.

### Power to Act

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

### Power to Recommend

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





## Order of Business

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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 Hearings for Easter Sunday Shop Trading Policy

**File Number:** A13583113

**Author:** Sharon Herbst, Policy Analyst

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

#### PURPOSE OF THE REPORT

1. To receive submissions on the draft Easter Sunday Shop Trading Policy.

#### RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

- a) Receive the written submissions on the draft Easter Sunday Shop Trading Policy (**Attachment 2**).
- b) Receives the verbal submissions from those submitters who wish to speak to their submission.

#### EXECUTIVE SUMMARY

2. On 16 May 2022, the Strategy, Finance and Risk Committee approved a draft Easter Sunday Shop Trading Policy (draft policy) for community consultation.
3. Submissions were sought from 15 June 2022 to 15 July 2022.
4. 271 submissions were received and are attached in **Attachment 2**. Six of the submitters wish to speak to the Committee at the hearings today.

#### BACKGROUND

5. The Easter Sunday Shop Trading Policy (the policy) was adopted on 23 November 2017 and allows shops in Tauranga to trade on Easter Sunday if they wish to.
6. The policy was made under the Shop Trading Hours Act 1990, with a review required no later than five years after it was first adopted.
7. On 16 May 2022, the Committee considered early feedback which suggested the policy was generally working well and proposed to retain the status quo. A small change was proposed to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that 'shops' include markets.
8. The Committee approved the draft policy and Statement of Proposal for community consultation, in accordance with the Special Consultative Procedure. Consultation ran from 15 June 2022 to 15 July 2022. The consultation document, which includes the submission form, statement of proposal and draft policy, is attached to this report (**Attachment 1**).
9. 271 Submissions were received and are attached in **Attachment 2**. Six of the submitters wished to speak to the Committee at the hearings today. Table one below provides a list of submitters speaking to the Committee. An updated schedule will be provided at the hearings.

##### 1. Table One

Submission number	Submitter name or organisation
242	Kathryn Macdonald
169	Mrs C McConnell

110	Roz Irwin (Fashion Island Shopping Centre)
013	Matt Cowley (Tauranga Chamber of Commerce)
003	Hugh Robb
269	Nicola Waldren (Restaurant Association of New Zealand)

10. The consultation was advertised widely on the website, through social media and with an advertisement in the Weekend Sun newspaper. A copy of the comments received through social media can be found in **Attachment 2**.
11. Copies of the draft policy and Statement of Proposal were available at the Customer Service Centre, at the libraries and on the Council website.
12. The community was specifically asked:
  2. *Should we continue to allow trading on Easter Sunday? Please tick your preferred option and provide any other feedback in the comments section:*
    - *Option 1: Keep the policy as it is: Allow trading in all of Tauranga on Easter Sunday and include a minor change to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that shops also include markets (proposed option).*
    - *Option 2: Remove the policy: Have no policy and trading on this day reverts to being regulated by the Shop Trading Hours Act 1990, which means only certain shops can open.*
    - *Option 3: Amend the policy: Only allow trading in specific areas in our city.*
13. Targeted consultation was carried out with the business, hospitality and tourism sectors, main street organisations and churches in February 2022 to seek feedback prior to the policy coming to the Committee for approval in May for consultation. These stakeholders were also contacted via email on the day the consultation opened and were encouraged to make a submission.
14. Targeted consultation was also carried out with those who had made a submission in 2017 when the policy was first introduced. These previous submitters were contacted via email on the day the consultation opened and were encouraged to make a submission.

## STRATEGIC / STATUTORY CONTEXT

15. Currently Council is refreshing its strategic framework and has recently adopted the Vision for Tauranga 'Tauranga, together we can', which has three pillars of prioritising the environment, lifting up our communities, and fuelling opportunities. Council's strategic framework outlines Council's response to the vision for Tauranga. The framework will allow both the organisation and the community to see how the Council's day to day operations deliver on strategic outcomes for the city.
16. 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 states we support business and education, we are inclusive, and we work beyond Tauranga.
17. 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.
18. 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.

## FINANCIAL CONSIDERATIONS

19. There are no financial considerations in receiving and listening to the submissions.

## LEGAL IMPLICATIONS / RISKS

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

## SIGNIFICANCE

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

## ENGAGEMENT

24. 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 the Committee receiving the submissions.

## NEXT STEPS

25. The Committee will deliberate on the issues raised by submitters on 12 September 2022.

## ATTACHMENTS

- 1. **Easter Sunday Trading Consultation Document (including Submission Form, SOP and Draft Policy) - A13655474** [!\[\]\(09885fa7dbc7efea01a3982f2e00fbcd\_img.jpg\)](#) [!\[\]\(efbba78d414c0d979a2d6cb4f74c9442\_img.jpg\)](#)
- 2. **Easter Trading Consultation All Submissions and Informal Feedback (PDF) - A13703296** [!\[\]\(bd36bd94469b708b49ad0a25da1193a1\_img.jpg\)](#) [!\[\]\(e055f602873aaa23cf4570643afee359\_img.jpg\)](#)

# Should we continue to allow trading on Easter Sunday?



The Easter Sunday Shop Trading Policy allows all shops in Tauranga to trade on Easter Sunday if they wish to.

**It's now time to review the policy.**



**Submissions close on Friday 15 July 2022**





In 2016, the Shop Trading Hours Act 1990 (the Act) was amended to allow all 67 councils in New Zealand to choose whether to allow shops in their city or district to trade on Easter Sunday. Before this law change, most shops had to remain closed on three and a half days of the year: Good Friday, Easter Sunday, Anzac Day (until 1pm) and Christmas Day.

Tauranga City Council adopted our Easter Sunday Shop Trading Policy in 2017. The current policy applies to all of Tauranga and allows shops to trade on Easter Sunday if they wish to. Other regulations about the sale of alcohol and associated matters still apply.

Staff have the right to choose not to work on Easter Sunday if they are asked to by their employer. Easter Sunday is not a paid public holiday and people who work on Easter Sunday are not automatically entitled to additional compensation.

All councils in the Bay of Plenty region currently allow unrestricted trading on Easter Sunday. However, Hamilton City and Auckland Councils decided against allowing Easter Sunday trading.

It is time to review the Easter Sunday Shop Trading Policy to make sure it's still right for Tauranga.

## What's on the table?

We are required to review the current policy, five years after its original adoption, to ensure it is still fit for purpose and seek the community's feedback as part the review.

### OVERALL APPROACH: KEEPING, REMOVING, OR AMENDING THE POLICY

We need to decide whether to keep the policy or not. Here are the options in front of us:

1. Keep the policy as it is: Allow trading in all of Tauranga on Easter Sunday and include a minor change to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that shops also include markets (proposed option).
2. Remove the policy: Have no policy and trading on this day reverts to being regulated by the Shop Trading Hours Act 1990, which means only certain shops can open.
3. Amend the policy: Only allow trading in specific areas in our city.

We consider the policy to be working well and propose to keep the policy as it is, continuing to allow shops across Tauranga to trade on Easter Sunday if they wish to.

As part of this we're proposing to retain the citywide approach in the current policy, as opposed to allowing trading in specific locations or suburbs only, as a citywide policy provides consistency and certainty to businesses and consumers as to whether they can open and where they can shop.

### PROPOSED CHANGE: EVENTS AND MARKETS

Easter is a popular time for visitors to come to Tauranga and events and markets make a positive contribution to the region. A minor change is proposed to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that shops also include markets. This would help give events and markets certainty that they have the same opportunity as shops to trade on Easter Sunday if they wish to.

Council will make a decision on whether to continue Easter Sunday trading across Tauranga once the community's views have been heard.

Let us  
know what  
you think



## Quick facts

### WHAT IF YOU REMOVE THE POLICY?

If the policy is revoked (removed), then Easter Sunday would become a restricted trading day once more. This means that only certain shops would be allowed to open on Easter Sunday – but with conditions attached.

Those shops include dairies, service stations, takeaway bars, restaurants and cafes, duty free stores, shops providing services but not selling goods (e.g. a hairdresser), real estate agencies, pharmacies, garden centres, shops at public transport hubs, shops within an exhibition or show, and souvenir stores.

The occupier of a shop, not allowed to trade, could be liable for a fine of up to \$1,000 for trading on Easter Sunday.

### WHO WILL ENFORCE THE POLICY?

Enforcement of breaches of shop trading will remain with the Ministry of Business, Innovation and Employment and the level of penalties will remain the same as under the current rules.

### WHAT ABOUT PAY?

Easter Sunday is not a public holiday and did not become one when the policy was adopted. This means employees are not entitled to be paid time and a half or to an alternate paid day off if they chose to work on Easter Sunday.

### WHAT CAN THE POLICY REGULATE?

The Council is only allowed to create a local policy to allow shop trading across the entire city or in specific areas on Easter Sunday. The Council cannot adopt a policy that permits:

- shops to open for only some purposes
- only some types of shops to open
- specific hours a shop can be open and closed
- other conditions in which a shop may open.

The policy also cannot override shop trading provisions in other legislation, such as liquor licensing provisions. If a venue cannot currently sell alcohol on Easter Sunday, this policy will not change that.

### DO EMPLOYEES HAVE TO WORK?

By law, all shop employees can refuse to work on Easter Sunday, without having to give a reason. If a policy remains in place, it will only apply to Easter Sunday – not Good Friday or Easter Monday.



**Have your say  
by 5pm on Friday  
15 July 2022**

Go to [www.tauranga.govt.nz/easter](http://www.tauranga.govt.nz/easter) to view the policy and let us know what you think. You can also use the paper form on the next page.

We'll use your feedback to propose a final revised policy for adoption by Council. This will likely happen late-2022.

If you have any questions, please contact the Policy team on 07 577 7000 or [info@tauranga.govt.nz](mailto:info@tauranga.govt.nz)

## Easter Sunday Shop Trading Policy review

# Submission form



We are reviewing the Easter Sunday Shop Trading Policy 2017 and want to hear your feedback.

We propose to continue allowing shops in Tauranga to trade on Easter Sunday if they wish to. A minor change is proposed to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that shops also include markets. This would help give events and markets certainty that they have the same opportunity as shops to trade on Easter Sunday if they wish to.

Go to [www.tauranga.govt.nz/easter](http://www.tauranga.govt.nz/easter) or use this form to tell us what you think of these proposals.

### Contact details






\* required

*Written submissions may contain personal information within the meaning of the Privacy Act 2020. By taking part in this public submission process, submitters agree to any personal information (including names and contact details) in their submission being made available to the public as part of the consultation and decision-making process. Council may choose to redact information from submissions before making them public. You don't have to answer all the questions on the form except for those marked with an \*. If you don't answer the questions marked with an \*, we may be unable to contact you about your submission such as to arrange a time for you to speak to Council in support of your submission or update you on the outcome of your submission. All information collected will be held by Tauranga City Council, He Puna Manawa - 21 Devonport Road, Tauranga. Submitters have the right to request access to and correction of their personal information. For further information about this and our obligations and your rights under the Privacy Act 2020, please refer to Council's Privacy Statement on our website: [www.tauranga.govt.nz/privacy-statement](http://www.tauranga.govt.nz/privacy-statement)*

### Feedback

Please tick your preferred option and provide any other feedback in the comments section below.

- ☐ Option 1: Keep the policy as it is: Allow trading in all of Tauranga on Easter Sunday and include a minor change to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that shops also include markets (proposed option).
- ☐ Option 2: Remove the policy: Have no policy and trading on this day reverts to being regulated by the Shop Trading Hours Act 1990, which means only certain shops can open
- ☐ Option 3: Amend the policy: Only allow trading in specific areas in our city

Please list the specific areas you think trading should be allowed:

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This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Yes ☐ No ☐

**Deliver:** Drop it off at your local library or the customer service centre at He Puna Manawa, 21 Devonport Road

## **Statement of proposal for the Easter Sunday Shop Trading Policy**

This statement of proposal includes:

- the proposed Easter Sunday Shop Trading Policy 2022
- the reasons for the proposal.

### **Easter Sunday Shop Trading Policy**

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The Council proposes to review the Easter Sunday Shop Trading Policy 2017 and continue to allow shops in Tauranga to trade on Easter Sunday if they wish to. A minor change will be made to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that shops also include markets.

Under the Shop Trading Hours Act 1990, the Council can choose whether to adopt a policy that allows shops to open in all or some of our city on Easter Sunday. Other regulations about the sale of alcohol and associated matters still apply. Employees have the right to choose not to work on Easter Sunday if they are asked to by their employer.

### **Reason for proposal**

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The reason for the proposal is to review the policy as required under the Act five years after its adoption, and to consult with the community as part of that review. In doing so, the Council proposes to keep the current policy as it is, with a minor change as indicated above to show support for events and markets.

### **Submissions to the Easter Sunday Shop Trading Policy 2022**

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The Easter Sunday Shop Trading Policy will be open for public submissions from Wednesday 15 June 2022 to Friday 15 July 2022.

Full copies of the current policy and the submission forms are available from council's customer service centre at He Puna Manawa - 21 Devonport Road, the Tauranga, Mount Maunganui, Greerton and Papamoa libraries and on council's website at [www.tauranga.govt.nz/easter](http://www.tauranga.govt.nz/easter) or contact the policy team on 07 577 7000 or [info@tauranga.govt.nz](mailto:info@tauranga.govt.nz).

## EASTER SUNDAY SHOP TRADING POLICY



<b>Policy type</b>	City		
<b>Authorised by</b>	Council		
<b>First adopted</b>	23 November 2017	<b>Minute reference</b>	M17/105.2
<b>Revisions/amendments</b>	N/A	<b>Minute references</b>	N/A
<b>Review date</b>	The Policy must be reviewed no later than five years after the date on which it was adopted <del>2022</del> .		

### 1. PURPOSE

- 1.1 The purpose of this Policy is to enable shops in Tauranga city to trade on Easter Sunday if they wish to.
- 1.2 This Policy is made under the Shop Trading Hours Act 1990. The Act was amended in 2016 to allow territorial authorities to have a policy to permit shops to open on Easter Sundays. The change in legislation only enables Council to develop a policy regarding Easter Sunday and does not include any other holiday dates such as Good Friday.
- 1.3 The Policy aims to meet demand for goods and services from visitors and residents in Tauranga during the Easter holiday weekend.

1.4 The Policy shows support for events and markets held on Easter Sunday, noting that markets are included in the definition of a shop.

### 2. SCOPE

- 2.1 This policy covers the whole of Tauranga City.

### 3. DEFINITIONS

Term	Definition
The Act	Shop Trading Hours Act 1990
Council	refers to Tauranga City Council - the elected member body representing Tauranga City
Shop	Has the same meaning as in the Shop Trading Hours Act 1990, that is: "a shop is a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include-

	<p>(a) a private home where the owner or occupier's effects are being sold (by auction or otherwise); or</p> <p>(b) a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or</p> <p>(c) a building or place where the only business carried on is that of selling goods to people who are dealers and buy the goods to sell them again."</p>
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#### 4. PRINCIPLES

4.1 This Policy does not:

- a) Control the types of shops that may open, or their opening hours<sup>1</sup>;
- b) Limit Council's ability to undertake its duties, powers or functions under any other Act (e.g. the Sale and Supply of Alcohol Act 2012); and/or
- c) Address shop employee rights which are governed by the requirements of the Shop Trading Hours Act 1990 (the 'Act')<sup>2</sup>. For the avoidance of doubt, shop employees have the right to refuse to work on Easter Sunday.

4.2 Council is not responsible for the enforcement of this Policy. Enforcement will continue to be undertaken by the Ministry of Business, Innovation and Employment (MBIE), which enforces current legislation.

4.3 This Policy does not apply to the sale and supply of alcohol on Easter Sunday from licenced premises, which is regulated by the Sale and Supply of Alcohol Act 2012.

#### 5. POLICY STATEMENT

5.1 Tauranga City Council will permit unrestricted shop trading in Tauranga on Easter Sunday as provided for by the Act.

#### 6. RELEVANT DELEGATIONS

6.1 The implementation of this policy is delegated to the Chief Executive and his/her delegates.

#### 7. REFERENCES AND RELEVANT LEGISLATION

7.1 Shop Trading Hours Act 1990.

7.2 The Policy must be reviewed **no later than five years** after the date on which it was adopted.

7.3 Section 5C (4) of the Shop Trading Hours Act requires the use of the Special Consultative Procedure when undertaking a review and determining whether to amend, revoke, replace or continue the Policy.

7.4 Council cannot delegate the power to make the final decision on whether to adopt, amend or revoke the Policy.

7.5 Section 5E requires Council to provide a copy of any decision to adopt, amend or revoke the Policy to the Chief Executive of the Ministry of Business, Innovation and Employment within 10 days of the decision being made.

<sup>1</sup> As per the requirements of Part 2, subpart 1, 5A (1A) of the Act.

<sup>2</sup> Refer to Part 2, subpart 2, 5G – 5L of the Act.

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**8. ASSOCIATED POLICIES/PROCEDURES**

N/A

**9. SCHEDULES**

N/A

DRAFT

**Attachment Two: Easter Sunday Shop Trading Submissions and Informal Feedback (June/July 2022)****Online Submissions****Should we continue to allow trading on Easter Sunday?**

- Option 1: Keep the policy as it is: Allow trading in all of Tauranga on Easter Sunday and include a minor change to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that shops also include markets (proposed option).
- Option 2: Remove the policy: Have no policy and trading on this day reverts to being regulated by the Shop Trading Hours Act 1990, which means only certain shops can open
- Option 3: Amend the policy: Only allow trading in specific areas in our city  
*(If option 3 was selected submitters were asked to list specific areas)*

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
001	Julie	Brisby		1		And Good Friday too
002	Dean	Stewart		2		No need to have people working on such a special and holy religious day of the year.



Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
003	Hugh	Robb		1		Why is this even a thing? Religion has no place in government. To restrict anyone based on another's religious beliefs is utterly unacceptable. This shouldn't even be up for discussion. Why aren't we discussing trading on Ramadan or Hanukkah or Dewali?
004	Adam	Fox		1		
005	Allan	Andrews	The Strand Motel	1		Great news ( option 1 ) may be accepted permanently!
006	Melanie	Norton		2		Easter Sunday should be a day that is shown some respect and policies should not be allowed to override an Act of Parliament.
007	Julia	Palmer-Hofland		1		It should remain individual choice if they open/work or shop on Easter Sunday
008	Greg	Bold	Mitre 10 Mega	1		
009	Ian	Macrae		1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
010	Mark	Winter		1		A complete no-brainer.  We are a free non-secular society which has even recently stopped burning witches at the stake and as such Option 1 is clearly the only option.
011	Kerri	Friar		1		
012	Irene	Ewens		1		
013	Matt	Cowley	Tauranga Business Chamber	1		Please refer to the Chamber's previously submitted letter signed by various business associations and networks.

16 February 2022

Sharon Herbst  
Policy Analyst  
Tauranga City Council  
[REDACTED]

Dear Sharon

**Joint Business Feedback on the Initial Review of TCC's Easter Sunday Shop Trading Policy 2017**

Thank you for the invitation to submit feedback to the initial review of Tauranga City Council's Easter Sunday Shop Trading Policy 2017 ('the Policy'). We understand that Council is required to review the Policy at least once every five years. Please consider this letter as joint feedback from the local business representative organisations listed below.

For efficiencies, and to show unity on this important topic, the parties listed below jointly submit our strong support to continue with the intent of the current Policy, to enable Tauranga shops to open during Easter. This is due to the following reasons:

- It ensures consistency with the policies of the neighbouring territorial authorities within the Bay of Plenty. It sends a clear message to both visitors and residents that businesses across the Bay of Plenty are open for business. We acknowledge that each of those local policies were also adopted in 2017 and are now due for their five-yearly review, however, we are not aware of any local councils considering changing from the status quo.
- It ensures consistency between online businesses, who are allowed to trade regardless, and the 'brick and mortar' stores.
- The current Policy allows employers to consider opening, if they choose to.
- The current Policy allows employees to work on the statutory days and earn additional income, if they choose to.
- Regarding the previous point, and in reference to supporting employee wellbeing, we note there have been additional employee entitlements passed into law since the Policy was reviewed in 2017, including the additional public holiday of Matariki and additional sick leave.

Once again, we thank you for inviting feedback in this initial review stage. We would appreciate regular updates on how this Policy progresses, particularly if it proceeds to a formal consultation process.

Yours faithfully,

- |   |   |
|---|---|
| 1. Matt Cowley – Tauranga Chamber of Commerce | 2. Sally Benning – Greerton Village Community Association |
| 3. Nigel Tutt – Priority One WBOP EDA         | 4. David Hill – Papamoa Unlimited                         |
| 5. Oscar Nathan – Tourism Bay of Plenty       | 6. Sally Cooke – Mainstreet Tauranga                      |
| 7. Marisa Bidois – Restaurant Assoc. NZ       | 8. Claudia West – Mount Business Association              |
| 9. Joanna Hall – EMA                          | 10. Melissa Renwick – Hospitality New Zealand             |

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
014	Keith	Bell		1		Surely it is up to the business owner to decide whether he wants to trade on any public holiday
015	Jessica	Handley	Tauranga Crossing Shopping Centre	1		
016	Graeme	Millow		1		Just sensible. Markets need to be included.
017	Fernanda	Twidle		1		Tauranga is a destination for visitors over holiday periods. Retail has been hard hit with 3 years of Covid lockdowns and if shops are open on Easter Sunday the retailers hopefully will do well.
018	Wayne	Skinner		1		
019	Sandra	Davie		1		
020	Ross	Harvie		Blank		<p>I believe the Option #2 is best at this stage; permitting retail employees the choice of working on structured public holidays, or the choice of following other pursuits.</p> <p>That permits owners / managers to work out if the required number of trained staff are available for a given date. Then those owners / managers will be able to adequately forward plan as to whether to provide retail at that location on the given dates.</p>
021	Gary	Salisbury		1		If Tauranga is going to be a modern city, there should be more open at all times.
022	Megan	Tomalin		1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
023	Susan	Hay		1		Closing due to Christian religious beliefs is outdated. There are multiple religions in our community. Few people are practising Christians and abide by these practices of closed retail. Should be up to individual retailers and restaurants. It will also create more vibrancy around the city which is much needed.
024	Haley	Ashby		1		
025	Josephine	Burrell		1		I have no problem with trading on Easter Sunday. People can still go to Church if they choose to. (I'm one of them).
026	Andrew	Hollis		Blank		As usual not all options are shown.It would be simple to allow business owners in Tauranga to decide for themselves whether to open or not.This part solution is nonsense...What is the definition of a market? Market1. a regular gathering of people for the purchase and sale of provisions, livestock, and other commodities.Arguably, Grey St is a Market. As is the whole of Downtown Tauranga.Option 1 is poorly written and allows all and sundry to open any wag but in a clumsy manner It is time for government to but out of our day to day dealings. If an owner thinks he can make profit on Easter Sunday, and if his team want to work, then just let them.We do not need this rule
027	Regan	Scarfe		1		
028	Pete	Dashwood		1		Closing shops at Easter stems from religious objections which are not relevant in a secular, diverse society. People who have religious objection to activity at this time can stay home and observe their belief without hassle.

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
029	Jim	Sherlock	Bay Transfers	1		
030	Mike	Bonner		1		The society is much different now to when the Easter Sunday trading came in force. We have a much more diverse society and the choice to trade on Easter Sunday should be made by the individuals effected.
031	Phil	Friar		1		
032	Brendon	Scawboard		1		Let everyone open if they want to including Good Friday. Its up to the customers if they want to spend their money on those days or not. But it would be important to let staff choose if they work or not and not to be penalised if they don't. We have such a wide variety of religions and cultures in NZ now - we are not all traditional Christians.
033	Noel	Brettoner		2		Preferably no trading at all.
034	Stephanie	Petersen		1		
035	Ray	Hodson		2		
036	Bruce	Guisse	Subway	1		As times have changed so must the rules. These should reflect the way we live in todays world. I believe that Easter Sunday should a day where trading is optional for all shops. If you wish to trade then do so, if you choose not to then don't. Simple really Hopefully each business would consider the feelings of their team that would be operating the business on that day.
037	Shirley	McNicholl		1		
038	Mark	Addinborough		1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
039	Don	Mellow		1		Despite that I can see the advantages to retailers who wish to open on Easter Sunday, having been bought up with the Sunday being a particularly special day within the religious world I still believe that trading should not occur. However retailers are the ones who need the option, particularly on the long weekends. It appears that "shoppers" now need 7-day weekly shopping to be available as they can't seem to forward plan their needs.
040	Sheryl	Wilson		1		Shops should be allowed to open if they want if they don't want to open Easter Sunday that's up to them.
041	Leah	Sutton	Papamoa Plaza	1		Feedback we have received from our retailers is that Easter Sunday is not working - the miscommunication around what is able to be opened/not opened is confusing customers
042	Derek	Postlewaigh		1		
043	Kay	Hammer		1		To also include Mount Maunganui and Papamoa to this policy.
044	Phil	Bourne		1		<p>Stopping this is a retrograde move. Business people and their staff should be able to make their judgment calls on this issue. No one is forcing them to open. Many of the staff are happy to work on Easter Sunday. Can you imagine the Mount all shut down on a cruise visit on a Sunday?</p> <p>I strongly suggest you canvass retail business people on this topic, not just the locals who have nothing to lose by moving back into the 1950s.</p>

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
045	Gordon	Golem		1		Hi- We should keep it as is. Just as I should have the right to shop or not on Easter shopkeepers should be able to decide if they want to open on Easter. A major consideration should also be that not all Kiwis are Christians so Easter does not mean anything to many.
046	Dave	Webb		1		
047	John	Gribben		1		
048	Shelley	Gilmore		1		Give our retail staff a break.
049	Shirley	Cruden		1		
050	Sharon	Whiteman		1		Less than half the country identifies as Christian but their traditions still control other people's lives which is ridiculous. Easter Sunday should be like any other public holiday
051	Murray	Goodhue		2		<p>* By choosing option one it becomes just another work day for many, the day becomes the same as any Sunday, its significance and the reason as to why it is called Easter Sunday is lost.</p> <p>* Boosting trade and meeting any demands from visitors is not a reason for change.</p> <p>* Other cities in NZ and Australia larger than Tauranga respect Easter Sunday and have trade closed.</p> <p>* Easter has been important to people for centuries and the reasons council gives for change has no respect for family values and our society.</p>
052	Gail	Thomson		1		



Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
053	Bob	Howell		1		Time is just a place. (Sunday here is Monday elsewhere). Religion has no right to dictate our lives. If we tried to live by all 3000 + of them we would be unable to do anything & become helpless. Let them trade as they wish; the public will determine what works.
054	Chris	Harrison		1		There is no place for the restrictive wishes of a few to prevent businesses from trading. Businesses should be free to trade if they want to just as people can choose to visit them if they wish.
055	Ralph	Starck		1		Keep is as it is, it is working so no need for change
056	Jackie	Stewart		1		Definitely support trading on Easter Sunday. People are not forced to shop if they do not wish to. Not all NZ citizens these days are Christians and although it is the selected religion of the country, freedom of worship is allowed. I do not want my choice of belief dictated to me.
057	Cherie	Luxton		1		
058	Beppie	Holm		1		
059	Joy	Ritchie		3	Food places should be allowed to open certain hours as people need to eat.	Easter Sunday is very special as we celebrate the Resurrection of Jesus Christ which is the most important celebration for Christians. Without the Resurrection there would be no Christianity.

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
060	Flora	Chu		2		Employees should get a break they deserve.
061	Tania	Lilly		2		Can we have one day a year that retail also gets a break ! Will not kill people not to spend money one day
062	Carole	O'Connor		2		The current policy only gives employers to right to trade. It does nothing for the workers who do not have a choice in most cases. Family time is essential for everyone.
063	Kirsten	Jorgensen		1		
064	Portly	Griffiths		1		All trading should be allowed at the discretion of the trader on any day.
065	Judy	Wall		1		
066	Carolyn	Redshaw		1		a public holiday has lost it meaning. a public holiday is a non working day to spend time with family now days peoples social time is shopping. if you did a survey on what people do in the weekend it would be going to the mall or to cafe. now days shops are open 363 days of a year only closed 2 days of a year. Christmas and easter sunday. my personal feel we should closed all public holidays.
067	Noel	Wylie		1		Tauranga needs trade, especially on holiday weekends. Easter no exception.
068	Andrew	Reid		1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
069	Shirley	Clark		1		I would like to see limited trading hours applied to all on Easter Sunday, let's remember those who have to work when others simply enjoy the day and we all enjoy the Monday holiday anyway.
070	Heidi	Fraser		1		
071	Brooke	Callingham		2		Shops are only closed 2 days of the year Good Friday and Christmas Day so yes I think the shops should be closed on Easter Sunday for someone who had worked in Retail for over 10 years the shop Assistants deserve to have a day off at Easter to spend time with family
072	Chris	Darlington		1		Allow shops, markets and events to operate on Easter Sunday, to change that policy would be going backwards not forwards, we have to go with the times and give operators and the people the opportunity to enjoy themselves with no restrictions on who can open and who can't. Plus it brings in the dollars.....
073	Dean	Hastie		1		Absolutely - Let every shop and event open over Easter who chooses to !
074	Rosie	Nicholson		1		
075	Abigail	Chadwick		1		
076	Karen	Towes	Towes Property Trust	1		
077	Lorraine	Gordon		1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
078	Judi	Colman		2		There a 6 days in a week, I don't believe there should be any Sunday trading at all especially on Easter Sunday. There is so little family time now you are destroying the family unit. Maybe this is what you want.
079	Val	Bird		1		If shops want to open they should be able to . . .
080	Judith	Absalom		1		
081	Mary	Elmiger		1		
082	Brooke	Gray		1		
083	Alister	McLeod		1		Remove all restrictions on trading for all of the Easter period. Alcohol should be able to be purchased on any day. Easter is an outmoded holiday and we should not be subjected to any restrictions, particularly those people who do not celebrate Easter.
084	David	Scrivin		1		Absolutely support the current status. Shops/markets should be able to choose whether to open or not. Residents also have the right not to visit open shops/markets if that is there belief.
085	Judith	Waldvogel		1		Let business choose
086	Mike	Carter		2		No trading. Everyone deserves a holiday and making a lazy shopping day for me means someone has to work and possibly be forced by an employer or duty bound to open when theyd rather spend time with their family.
087	Janet	Derbyshire		1		
088	Linda	Russell		1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
089	Karl	May		1		hope this applies too mount maunganui as well , this option should always be choice to open or not and made clear in the Law
090	Vanessa	Skinner		1		
091	Derek	Webb		1		8% of kiwis go to church regularly. These persons can choose whether they sop on religious holidays. Staff in shops should be given the option of whether to work or not.
092	Carol	Peters		1		'Retail' shops should be allowed to open at Midday!
093	Angela	Wallace		2		
094	Reynar	Hodge		1		Buisness have had it tough enough and this religious holiday shouldn't have to stop business trading when not everyone is religious.  Times have changed.
095	Peter	McCarthy	Ali Repairs & Locks LTD	Blank		I would strongly suggest no trading on Easter Sunday to build stronger community and families.
096	Heather	McLean		1		
097	Vanessa	Hudson		2		
098	Phil	Holland		1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
099	Jo	Cook		2		Easter is one time of the year when staff can get two days off with their whanau in a 3 day period. Revert back, no one needs to shop 7 days a week, even if here on holiday. Dairies, garages etc are always open for essentials.
100	Katherine	Speidell		1		
101	Andrea	Mcintyre		2		Those of faith won't shop on the days important to them anyway. I choose option two because I'm thinking of the workers who being of faith, may be pressured to work against their conscience. If not for that, I'd say - carry on as is. We are all have free will and I'm not going to say to an unbeliever that they can't shop on the first day of the week.
102	Jim	Black		1		
103	Jacqui	Williams		1		Absolutely keep the policy and update to include the minor change. Shops should be able to decide. Easter in an incredibly busy time for our region and we should be allowing shops to make the most of this holiday season and give the visitors to the area the best possible experience.
104	Chris	Draffin		1		I am not religious nor are many other residents of Tauranga including business owners, why should we be inconvenienced for something that has no place in our lives
105	Tina	Gore		1		Should be able to open if business wants to their choice
106	Gary	Leadbeater		1		None

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
107	Mark	Bougen		1		I believe we are an adult community now and as such we are capable of marking this Christian celebration in an appropriate manner, if you are that way inclined, but also continue on with our lives, along with people having the choice to decide whether they want to open/work.
108	Bryan	Norton		2		<p>1. Central Government places too many impositions on Local Government already by making legislation that requires or prevents a large number of activities, then delegating responsibilities for administration etc., to Local Government. Easter trading is one area where the Shop Trading Act 1990 does not require Local Government to intervene, so I do not believe that this Council should do so?</p> <p>2. The fact of Christ the Saviour's death and resurrection is the central pillar and most important aspect of the Christian faith. The once-annual celebration of this is the most sacred event in the Christian calendar. However, this has been insidiously eroded by the clamouring of disrespectful traders and nay-sayers who fail to appreciate the richness that a nation has in its cultural history and identity.</p> <p>3. I am Maori and I am also Christian and I am self-employed. From this position I acknowledge the merits of free-trade, but I also know that social rules and structure (viz., legislation, regulations &amp; social contracts) curtail socio-cultural abuse and anarchy. I also appreciate that this country's cultural identity is now being celebrated with a renaissance in Maoritanga and now also with the Matariki holiday. Our Christian heritage is part of this nation's important cultural identity, yet the insidiously creeping opposition to the importance of the Easter celebration</p>

						<p>is being condoned by past defiance of traders with impunity, and by dilution of the trading rules through permissive bylaws.</p> <p>4. Jazz is part of the entertainment and social mosaic which we can share and enjoy, but it's not a significant part of what gives us cultural identity in Aotearoa New Zealand. However, it seems to be what is driving a significant element of the Easter calendar in Tauranga. Of itself that's not a bad thing but it has a negative consequence upon our heritage and culture if it becomes a progressive driver to undermine the foundation of the Easter holiday weekend. It's not okay to "have your cake" of an Easter holiday weekend "and eat it too" by self-serving commerce ignoring or defying the rules that were put in place to protect our society at Easter.</p> <p>5. The proponents for Sunday trading at Easter always emphasis the economic gain justifies the decision to trade, but those proponents conveniently don't understand, or else ignore, the fact that the long holiday weekend of Easter is a Christian festival which is connected to the historical roots and fundamental principles upon which this nation is founded. Without this Christian festival the holiday would not exist. Without this holiday which provides the time for rest, reflection, reconnection &amp; celebration there would not be a holiday that also enables people to travel to a desirable holiday spot such as the western BOP and elsewhere.</p> <p>6. The Shop Trading Act 1990 does not acknowledge Easter Sunday as a public holiday because, in this country it has not been necessary to legislate that Sunday is a day of rest and typically a day for religious worship. That shouldn't need to be spelled out, and clearly previous generations have seen that it wasn't necessary to especially guard Easter Sunday from trading, because every Sunday typically and historically falls outside the working days of the week.</p> <p>7. The Shop Trading Act 1990 permits employees to refuse to work on Easter Sunday, but that does not preclude other forms</p>
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						<p>of persuasion or coercion from employers, supervisors or staff peers, so of itself it is not sufficient grounds to hold the position that employee's rights are protected in this instance.</p> <p>8. In the Christian calendar, Good Friday (acknowledging the Saviour's crucifixion) is even more poignant than Easter Sunday. Once Easter Sunday trading is completely liberalised the assault on Good Friday trading will be next in line. God forgive us and have mercy on our nation.</p>
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Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
109	Amy	Turner		2		I believe shops should be closed like they are on Good Friday to allow Retail Staff the same break as other workers.
110	Roz	Irwin	Fashion Island Shopping Centre	1		This would be a major step backwards if we removed or changed existing policy allowing us to trade on Easter Sunday. This is now a major trading day for us - retail and hospitality
111	Andrea	Atkinson		1		Absolutely keep the policy, for all the reasons in the Sunlive article. It is so good for our region during a public holiday period 😊
112	Tony	Shanahan		1		Businesses should be allowed to determine their own opening hours depending on demand. There is no need for council or government to provide rules in this area particularly as the majority of people in NZ or residents in Tauranga are non-denominational or not religious.
113	Frank	Stuart		1		
114	Lynette	Sinclair		1		
115	Jan	Carver		1		Providing staff can chose not to work without penalty all businesses should be permitted to operate as any normal Sunday. It is unacceptable to allow anyone to dictate what the public do within their business. Businesses can chose not to open, that is their prerogative.
116	Maureen	Phizacklea		1		
117	Shannon	Sheard		2		Retail need a day to spend with there family.
118	Jill	Best		1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
119	Allistar	Melville		1		There is no reason to limit trade on Easter Sunday. Our trading laws shouldn't be determined by superstition.
120	T j Sanders	Sanders		1		Leave the shopping times as they are. Shop owners are very capable of making minor arrangements to cater for staff who would prefer not to work on Christian holidays at the very least. LEAVE THINGS AS THEY ARE.
121	Lezel	Botha		1		There shouldn't be any restrictions.
122	Dominik	Lederle		3	Hospitality only. No retail exemption if offer dine in. Like bakery with the possibility to have have breakfast in shop.	
123	Bernard	Pollard		2		
124	Fred	Ord		1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
125	Toni	O'Connor		2		Retail is closed 2.5 days a year. For once in our lives we should put family above money. It frustrating for all retail workers to either have to work or use their leave or go without pay in order to have a day off. 3.5 days a a year is not a hard ask
126	Joan	Mitchell		1		
127	Clare	Stewart		1		Normally I would say NO however at this point in time I feel the city center needs all the help it can get so unfortunately I support shops being open Easter Sunday.
128	Rolf	Plenter		1		
129	Chris	Doms		1		We don't live in a puritanical, religion based city. Let people work, shop and trade when they want to, and don't shut everything down in deference to a religious holiday that doesn't celebrate most people's beliefs.
130	Antoinette	Denton		2		
131	David	Robinson		1		
132	Johnny	MacKinnon		1		Make it the same for all religious holidays
133	Amanda	Crowther		1		
134	Sam	Ramos		1		It's 2022!
135	Cynthia	Hamel		1		
136	Errol	Poutoa		1		
137	Angela	Marshall		1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
138	Dean	Jury		1		
139	Donna	Denmead		2		
140	nicky	mccall		1		It's a holiday weekend, and shops/markets should be allowed to open if they choose, to provide service to holiday makers & locals.
141	Mike	Cole		3	<p>I think trading should be kept to a minimum on Easter Sunday.</p> <p>Allowing only essential services such as pharmacy stores and Petrol stations to open.</p> <p>Thank you.</p>	

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
142	Frances	Austin		Blank		no trading on Easter Sunday as Good Friday as well. There appears to be no respect for spirituality and rationality has over run spirituality.
143	B	Pearson		2		Bars and restaurants should only be allowed to operate on Easter Sunday. Retail sector deserves a day off, especially when the change did not provide good sales results and only made staff feel guilty for choosing not to work.
144	John	Bailey		2		
145	Nicky	Riley		1		I think it would make more sense to ease the restrictions on Good Friday. If shops could all open on Good Friday then it would make sense to have restrictions on Easter Sunday, as this is the key day of the holiday. If you keep restrictions on Good Friday then there should be none on Easter Sunday.
146	Serena	Smart		3	Only events, family entertainment and stall markets should operate.	We don't have many times when family can just be together, this is one of those times we can be. Also, if we as a family can't have the time off due to some having to work then it is not a holiday and we won't go anywhere or treat it like a holiday, we won't have people come and stay in Tauranga because they might also be working if this become the norm. The only people who win from this change is the shop owners, who will not have to work, And the staff won't even get time+ if they work. It's a no from my family.

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
147	Gail	Halsted		2		There is no reason why shops cannot close apart from the greed of the owners. It's not a service to the public as anything necessary can be bought on the Thursday or the Saturday. In a world where Christians are facing increasing hostility and bullying including by this Council it would be good if one day a year Christian values and beliefs could be honoured.
148	Alirose	Burrell		1		
149	Monique	Porter		1		
150	Andrew	Sutherland		1		Move with the times please
151	Rebecca	Wilson		2		Revert back to how it was. It was refreshing to have a day where nothing was open, a great opportunity for family time, time in nature and relaxing rather than people working and missing out on family time.
152	K	R		2		Surely we can survive 2 days a year without the shops open. Perspective really.
153	Mike	Stott		1		
154	Brian	Johnstone		1		
155	Brittany	Brown		1		
156	Gemma	Kilfoil		2		
157	Nigel	Francis		1		Definitely in favour of option 1. Tauranga is a developing vibrant city that needs to give its people the opportunity to make their own choices on how use their time. For those who wish to celebrate the religious festival the choice is there for them also.

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
158	Paul	Thomson		2		Shops open almost every day of the year Let alone being available online 24/7 anyways At least give families a day to spend with each other without shops open as a distraction
159	Heather	Milner		2		I do not believe that trading should be allowed on Easter Sunday. This gives trading staff a well deserved day off and time for families to be together.
160	Chase	Cahalane		1		Whilst acknowledging NZ heritage is exceptionally important, the concept of enforcing commercial restrictions for religious purposes is quickly becoming outdated. Particularly considering that less than half of the population have beliefs that warrant even celebrating Easter (I'll still take the public holiday though).
161	Ruth	Tonkin		1		
162	Jessica	Montgomery		1		I believe the policy should remain as it is. Easter Sunday at its core is a religious holiday and religion should not play a significant role in the consideration of the law. My only concern is the protection of employee rights around whether they choose to work on that specific days. As long as employees are still not required by law to work and are protected against backlash for this decision then the policy should remain the same
163	Dawn	Picken		1		This is a no-brainer. Stores and markets should be allowed to trade when they want, regardless of religious or other holidays.
164	Ingrid	Sowter		1		



Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
165	Liz	Henley Carter		2		<p>Thanks for the opportunity to comment.</p> <p>Easter Sunday is an important holiday, and part of a long weekend of which we have few.</p> <p>It is an opportunity for people (I am thinking predominately of the worker in this instance) to spend time with their families and to rest.</p> <p>I don't think this should be seen as another opportunity for people to spend money. For someone to spend money, it cuts into someone else getting to spend time with their family, and to rest and recover from work. There are plenty of other days that the consumer can consume should they wish, but there are not plenty of days when the worker can rest.</p> <p>The economy is important BUT the worker, the employee, and their life, and that of their family is far more important.</p>
166	Christina	Busch		1		
167	Robyn	White		1		I agree totally with option one
168	Ces	Steele		1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
169	Mrs C	McConnell		2		Thank you for this opportunity to reconsider Easter trading on a Sunday. Sadly Easter Sunday and Christmas Day are pretty much the only official guaranteed days off work to be with family for so many Kiwi's in our country. There is nothing nicer than to wander along beaches, parks, sports fields, reserves, etc seeing families enjoying their official public day off together for the majority. We honour them police, hospitals, ambulance, fire service professionals who continue to serve during this time. Please remove trading on Easter Sunday and return to some good ole public holidays for the clear majority of our country on that day and more importantly in Tauranga. If we make a stand I'm sure it will cause other councils to reconsider as well.
170	Sheryl	Moore		1		
171	Jodie	Moore		1		Council bylaws and policies should be secular to meet the needs of all in our community.
172	Grant	Florence		1		
173	Barnabas	Hyland		1		Yes! There is no reason why this should be specifically prohibited. Even as somebody who observes Easter, I do not feel it should be used to restrict the behaviour of other people or businesses. Beyond that, many New Zealanders do not observe Easter.
174	Tessa	Behrent		2		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
175	Dianne	Bognuda		1		I am all for keeping things as they are. Easter is a time when loads of people come to Tauranga, so it makes sense to have shops open.
176	Yvonne	Sheppard		1		
177	Helen	Parsons		1		
178	Carol	Buckland		2		<p>I would like to see no trading for any businesses on Easter Sunday. except in extreme emergency situations. Our country is in very bad shape in so many areas and consumerism is rampant.</p> <p>If people cannot manage their lives to have at least one day without spending we are indeed in very bad shape.</p> <p>We have just introduced another holiday (Matariki) so closing on Easter Sunday is not going to deprive the community.</p> <p>Many families are already working a six day week and family time to enjoy activities together is limited enough.</p> <p>Easter is still a very special time of the year and should be observed as such. Markets and suchlike could choose another day to trade.</p> <p>There is much beauty in our area and surely visitors could fill in a day enjoying the environment around them and not need to shop. There are many countries in the world who observe Easter as a significant time used for reflection on our lives and I'm sure people still visit those countries at that time of year.</p> <p>We have lost something special in this country and we need to make every effort to focus people into a better paradygm.</p> <p>All working people should be afforded the pleasure of having a full day off on Easter Sunday.</p> <p>With only Good Friday and Christmas Day observed (2 days</p>

						out of 365) we surely could include Easter Sunday. With the level of stress and anxiety in our communities people need REST.
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Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
179	Joanne	Wiggett		1		
180	Petr	Bowler		1		
181	Jamie	Genet		2		
182	Christina	Dysart		1		
183	Chris	Lee		1		
184	Tim	Pegler		1		
185	Leeann	Sandlant		1		
186	Launa	Seddon		1		Suits our modern lifestyles.
187	Toni	Hatton		1		
188	Jude	Murray		1		
189	Daniel	Gallaghan		1		
190	K	Cribb		1		I honestly think the whole policy should be axed and trading should be allowed on Good Friday and Easter Sunday. Not everyone believes in Christianity.
191	Rosemary	Wiessing		1		
192	Wilma	Pretorius		1		I believe we should respect each other and what other people celebrate. Also it gives some shop workers some rest they do not get on other public holidays.
193	Kris	Kramer-Walter		1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
194	Fiona	Baker		1		Many families have 2 shift working parents and maybe one or no car. weekend and public holiday shopping might be the only time they can get to the shops. If people dont want to shop on those days fine, dont, but let others who have to use the shops. The Govt and public say they want overseas visitors to come here, what a crushing disappointment for them to come all this way at great cost and have the place closed. nonsense. Let any business be open at any time and lets get this place up to the 21st century.
195	Maree	Lines		2		
196	Kerry-Lee	Huggard-Frear		2		Times are changing
197	Sandra	Gaines		1		Move with the times. Many people are not religious and this day has no significance for them.
198	Emma	Sharpin		2		People work hard and shouldn't be made to work to make others money when they could be spending that time with their family and enjoying a well deserved break
199	David	Gaines		1		Need to attract tourists to Tauranga on major public holidays. No good if they come here and everything closed.
200	Taryn	Bellman		2		If Easter is going to be a national holiday then it's only right to respect the religion in which Sunday's are used for church, family and rest. Non-Christians dont have to go to church but could still benefit out of the family time and rest time.
201	Lena	Fendley		1		
202	Trilby	Bagshaw		1		Love how it is - accommodates everyone.

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
203	Brendan	Hodson		1		
204	Mary	Capamagian		1		I think supermarkets & alcohol shops aren't allowed to sell alcohol on Easter Sunday. If Council has control over that, please allow the sale of alcohol on Easter Sunday.
205	Amanda	Haines		2		
206	Elizabeth	Blankenaar		1		
207	Andrew	Whitehead		2		Let the retail workers have a day with their whanau. The public can shop the other 362 days of the year.
208	Kathryn	Scholes		2		Regardless of it being a widely celebrated religious weekend, I feel it's nice to have more than one day where the City rests. This naturally draws people together - to connect and appreciate each other - a forced day to slow down and focus on wellbeing and people.
209	Mark	Harper		1		
210	Kelly	Kuka		1		
211	Chris	Davies		1		Good Friday should also have trading allowed.
212	Omea	Willows		1		
213	Shane	Heasley		1		Stopping shops from trading on religious holidays is archaic.
214	Rowan	Meredith		2		Its nice that the shops are closed the roads are quiet and you can spend time with family on these days. Take that away and young or vulnerable people will be forced to work these days by their employers. You will be taking that valuable family time from them and if they want to keep thier jobs will have no option.

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
215	Patricia	Page		3	Food outlets should remain open for Tourism reasons. Otherwise shops to remain closed Good Friday and Easter Sunday. One alternative is as for ANZAC Day for shops to be allowed to open after 12.30pm Allowing some Reverence to be shown on Easter Sunday morning.	As above. Surely 4 days a year without shops open should be offered.
216	Jillian	Mills		1		
217	Erin	Laracy		1		



Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
218	Ashleigh	Kennedy		2		
219	Lyn	Jarman		1		
220	George	Stewart		1		Tauranga and Mount Maunganui are attractive holiday destinations for visitors from out of town. There is nothing worse to find shops shut, and dead looking streets. Please maintain the current policy, especially for our University residents.
221	Elizabeth	Howell		1		The ban on trading is outmoded. New Zealand has several religions and many people who are not religious at all. I was horrified, after leaving the restricted environment of the Muslim World to live here and find that wine cannot be sold on Good Friday. I was brought up as an Anglican and I know my Bible well, but these restrictions make no sense. If people are willing to WORK on these religious holidays, then there should be no restriction on purchasing the items they well. Thank you.
222	Lee	Steer		1		
223	Alan	McClean		2		It's good to have a day where minimal shops are open. Plenty of opportunities for shopping on Saturday and Monday. Such a policy encourages non retail recreation with family and friends and gives retail workers and business owners a break. In fact restricting shop opening on the Friday and Sunday could make the Saturday and Monday retail bonanzas. It's like we are constant slaves to god of consumerism if we have to have the shops open every day. Exception to Mount shops if there is a cruise ship as before - but closed during winter when cruises not happening
224	Susan	Blakemore		2		Give workers a break! Let families come together! Let people celebrate this religion holiday like it is all over the world!

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
225	Michele	Delaini	Basilico	1		
226	Kellie	Smith		2		It should be stopped , the poor supermarket staff are exhausted, staff shortages, covid, having to fill in other people shifts. It's unfair and people deserve to be with their families, this is a religious holiday and should be celebrated by all. It's very unfair that this sector only get 1 day off per year ( Christmas Day) please reverse this decision so they too can enjoy special time with their families like everyone else
227	Malcolm	George	Cafe on the strand	1		
228	Sylvia	Steele		1		Should be retailers choice. After all we are supposed to be living in a democratic society.
229	Neil	Shaw		1		
230	Sally	Shaw		1		
231	Graham	Finch		1		With non christian shop owners becoming more and more it should be allowed.
232	Hilary	Palmer		1		My personal opinion is that the current Shop Trading Hours Act 1990 is not only outdated in relation to today's lifestyle, but is unfair to traders in general. For these reasons I prefer Option 1.
233	Karl	Bayer		1		Stop forcing religion on businesses and their ability to trade. This is a disgrace in our modern age!!
234	Gillian	Partt		1		This has been a contentious issue for many years, I fail to see the logic for excluding events and markets
235	Chris	Foote		1		Allow all shops to open and events to happen.

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
236	Alec	Whatmough		1		None of the three options really fit as they only mention Easter Sunday. Commerce should not be stymied by regulations based on religious belief. Banning traders from operating on certain christian festivals is supporting only the beliefs of a shrinking minority and is not in keeping with the current state of our society. There should be no regulatory controls on trading hours based on the values of any religion.
237	Russell	Bain		1		If they want to open - Let them. NZ has too many antique laws.
238	Snow	Fisher		1		
239	Wetini	Paul		1		
240	Frank	Stuart		1		If shops want to open they should be able to.
241	Joy	White		2		My family and I do not agree with Easter Sunday trading hours, we don't need the shops to be open on that day, families need family time, not darting everywhere over the city, you also have to take into consideration the Religion reason behind this as I don think you are really looking at it in a responsible way, one business that I do believe should be open however is the garden centres as that can be the only time some people have time to do their gardening because they are always working 7 days a week

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
242	Kathryn	Macdonald		3	Only the markets, downtown the mount and downtown Tauranga, making it clear that its optional to open.	Why do the malls and big retailers need to open? It's the poor staff that suffer. You can say that it's voluntary to work all you like but often the retail staff have no option to but to work. These people are already treated so badly by the public. Sure it's up to the small retailers to have the choice to open, but there appears to be no consideration to the staff at the big retailers. What would happen if all the staff at the supermarkets, mitre 10, bunnings, farmers etc refused to work on public holidays? Shame upon you TCC for passing this bylaw in the first place. Before the bylaw these long suffering retail workers enjoyed the same entitlement as everyone else - a day off to spend with their loved ones.
243	Danielle	Fong		1		Allow everyone to open, shops can close if they want to. Keep our city and retailers alive. Markets equal spending in our community!!
244	Kathleen	Lucas		3	Gas Stations, Dairys	Time for Staff to have time off.
245	Zara	Lynch		1		Business owners should be able to open if they want to or not. Easter is a special time for some but just a holiday for others and we should be able to accommodate everyone.
246	Wayne	Mansell	Mitre 10 mega Tauranga	1		Policy is working so leave it as it is. Let people make up their own minds on what they do on Easter Sunday, whatever that might be.
247	Tom	Rutherford		1		
248	Heather	Chander	H & K Decor Limited - T/A Indelible	1		

Sub #	First name	Surname	Organisation	Preferred Option	Please list the specific areas you think trading should be allowed	Comments
249	John	Tennent	Sonshine Bookcentre	2		

**Easter Sunday Shop Trading Email Submissions (June/July 2022)**

Sub #	Submitter	Organisation	Submission
250	Susan Lesley Andersen		Yes, option 1.
251	Marg n Don		Easter Sunday trading is just another day, so yes, continue to allow trading on any day.
252	Peter Hosie		<p>I vote as follows do not legislate to have shops closed they have suffered enough over the past couple of years - it's their 🧑 therefore should be their choice!!</p> <p>• Option 1: Keep the policy as it is: Allow trading in all of Tauranga on Easter Sunday and include a minor change to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that shops also include markets (proposed option).</p>
253	Peter Burrell		<p>I believe that the government should make this decision and if necessary a referendum should be held with the majority, either way carrying the question. That question should be," do you support Easter Trading where all shops may open without exception, at the discretion of the owner with no compulsion on staff to work". While this may be a bit long winded I am sure some one can write a question to convey what I mean.</p> <p>In the meantime, I agree that all shops should be allowed to open if they so desire, again with no compulsion on workers to attend. Those who wish to attend religious services will do so whether shops are open or not.</p>
254	Deborah Harrison		I agree with your plan to continue to allow shops to open on Easter Sunday and to allow markets etc...
255	Paul and Susan Lessing		I don't agree with trading on any Sundays being day of rest

Sub #	Submitter	Organisation	Submission
256	Patricia Roper		No I don't think we should be able to trade on Easter Sunday, surely one day off will not hurt many people, its a time for families to get together and go out for some fresh air.
257	Ian Paul Hammond		As a Christian I disagree with shop been open on these days. Its disrespectful & anti Christian. Hope you understand.
258	Rau Bates		Of course let it be shop day.....only kids believe in Easter and not for the reasons religion pushes either. Christian beliefs for Christians and let rest of us get on with our lives without pagan beliefs.....
259	Lee Higgins		Hi, thank you for the opportunity to give my views. I want option 1 to continue please, I think any shop or legitimate activity, market etc who wants to open should be allowed to do so without interference or added cost to them.
260	Kristina Barratt-Boyes		Hi, all shops and markets should be able to trade if they want to.  We need to promote business growth and offer more opportunities to attract tourists to the area.
261	Charles and Evelyn Pettit		Yes, I think we should keep the policy for Easter Trading as it is
262	Angela King	Salon One Hair and Beauty	I personally think no. reason, people should spend more family time together.
263	Philip King		Please leave the trading rules alone.
264	Steve Rush		I support option 1.  People should be able to make their own decisions regarding whether they choose to trade or shop on that particular day, not be dictated to because of someone else's religious beliefs.

Sub #	Submitter	Organisation	Submission
265	Lynn Forde		I would like the existing arrangement for the Easter Sunday trading to be continued. This gives any shop owners who do not wish to open on that day the ability to remain closed. Please, we don't want to revert to the "bad old days". The world has moved on. Also, I do not wish to appear in support of this.
266	Michael Creak		Yes please keep Sunday trading going as is.
267	Claudia West	Marketing Mount Maunganui	As per the attached email and letter from stakeholders, Mount Mainstreet supports option 1. Kind regards, Claudia



Hi Sharon,

Thank you for the opportunity to provide feedback to this initial feedback stage (see attached). The parties to this email support the status quo and we would appreciate updates on this review is completed. Please let me know if you have any further questions or if heads up about neighbouring council reviews of their policies.

Warm regards,

**Matt Cowley**

CEO

Chamber of Commerce Tauranga Region Inc.

16 February 2022

Sharon Herbst  
Policy Analyst  
Tauranga City Council  
[REDACTED]

Dear Sharon

**Joint Business Feedback on the Initial Review of TCC's Easter Sunday Shop Trading Policy 2017**

Thank you for the invitation to submit feedback to the initial review of Tauranga City Council's Easter Sunday Shop Trading Policy 2017 ('the Policy'). We understand that Council is required to review the Policy at least once every five years. Please consider this letter as joint feedback from the local business representative organisations listed below.

For efficiencies, and to show unity on this important topic, the parties listed below jointly submit our strong support to continue with the intent of the current Policy, to enable Tauranga shops to open during Easter. This is due to the following reasons:

- It ensures consistency with the policies of the neighbouring territorial authorities within the Bay of Plenty. It sends a clear message to both visitors and residents that businesses across the Bay of Plenty are open for business. We acknowledge that each of those local policies were also adopted in 2017 and are now due for their five-yearly review, however, we are not aware of any local councils considering changing from the status quo.
- It ensures consistency between online businesses, who are allowed to trade regardless, and the 'brick and mortar' stores.
- The current Policy allows employers to consider opening, if they choose to.
- The current Policy allows employees to work on the statutory days and earn additional income, if they choose to.
- Regarding the previous point, and in reference to supporting employee wellbeing, we note there have been additional employee entitlements passed into law since the Policy was reviewed in 2017, including the additional public holiday of Matariki and additional sick leave.

Once again, we thank you for inviting feedback in this initial review stage. We would appreciate regular updates on how this Policy progresses, particularly if it proceeds to a formal consultation process.

Yours faithfully,

- |   |   |
|---|---|
| 1. Matt Cowley – Tauranga Chamber of Commerce | 2. Sally Benning – Greerton Village Community Association |
| 3. Nigel Tutt – Priority One WBOP EDA         | 4. David Hill – Papamoa Unlimited                         |
| 5. Oscar Nathan – Tourism Bay of Plenty       | 6. Sally Cooke – Mainstreet Tauranga                      |
| 7. Marisa Bidois – Restaurant Assoc. NZ       | 8. Claudia West – Mount Business Association              |
| 9. Joanna Hall – EMA                          | 10. Melissa Renwick – Hospitality New Zealand             |

Sub #	Submitter	Organisation	Submission
268	Brian Berry	Chairperson, On behalf of Mainstreet Tauranga Incorporated	Good afternoon  Please find attached Mainstreet Tauranga's submission for Easter Sunday Trading. Please let us know if you require any further information from us.



|  
**SUBMISSION FROM MAINSTREET TAURANGA INCORPORATED  
 (DOWNTOWN TAURANGA)  
 TO TAURANGA CITY COUNCIL'S  
 EASTER SUNDAY SHOP TRADING POLICY REVIEW**

### OVERVIEW

Mainstreet Tauranga advocates for the businesses within our boundaries as defined by the Rules of Mainstreet Tauranga Incorporated (1.1C The Tauranga Central Business District ("CBD") means that area bounded by the sea to the east, Cameron Road to the west, 1st Avenue to the south, Harington Street, and part of McLean Street to the north).

### SUBMISSION

Mainstreet Tauranga Incorporated, trading as Downtown Tauranga, makes the following submission to Tauranga City Council's review of Easter Sunday Shop Trading policy specifically as it relates to the city centre and our members.

Mainstreet Tauranga strongly supports option 1: Keeping the policy as it is: Allow trading in all of Tauranga on Easter Sunday and include a minor change to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that shops also include markets (proposed option). Mainstreet Tauranga supports this option for the following reasons.

- Mainstreet Tauranga agrees with councils surmising that the current policy is working well allowing shops across Tauranga the choice to trade on Easter Sunday and therefore does not warrant being revoked.
- Tauranga is a traditional holiday destination for visitors, the Easter holiday period is one where Tauranga is often at capacity with the National Jazz Festival, a long-standing event on the Easter calendar, attracting thousands of visitors to Tauranga and the surrounding region.
- The city of Tauranga, including the beach resorts of the surrounding Mount Maunganui and Papamoa, is a city that generates a significant portion of its economic value from the visitor industry. We believe allowing businesses the choice to open on Easter Sunday recognises the importance of the visitor industry to Tauranga and allows retailers to be able to open their doors to customers at a particularly busy time during the season, further supporting any and all events that are on.
- It ensures consistency with the policies of neighbouring territorial authorities. We acknowledge that these local policies were also adopted in 2017 and therefore will be due for review, however we are not aware of any considering changing from the status quo.
- It ensures equity between online businesses, who are allowed to trade regardless, and the 'brick and mortar' stores. In this digital environment it is important for retail businesses to remain competitive, meeting the demand from their customers many of whom want to shop over long weekends such as Easter.
- Easter Sunday is not a public holiday. It is classified as a restricted trading day which protects the rights of employees who do not wish to work on Easter Sunday. The business.govt.nz website states If you open, you can pay your staff their normal wage. They are not owed an alternative paid holiday. It also states that employees are protected under the Holidays Act



(2003) in that even if a shop owner decides to open on Easter Sunday, they cannot make their employees work that day. If they plan to open on Easter Sunday, they must give their staff written notice of their right to refuse to work at least four weeks in advance, but not earlier than eight weeks before.

The Board of Mainstreet Tauranga feels that it is important that retail businesses have the choice to open on Easter Sunday. Some businesses will open, and some will remain closed, the important thing is that they continue to have the right to choose for themselves and benefit from and support the activity and events that happen around them.

Brian Berry  
**Chairperson**  
**On behalf of Mainstreet Tauranga Incorporated**

Submission to be emailed to: [submissions@tauranga.govt.nz](mailto:submissions@tauranga.govt.nz) by 5pm Friday 15<sup>th</sup> July 2022

Sub #	Submitter	Organisation	Submission
269	Nicola Waldren	Restaurant Association of New Zealand	<p>To: Tauranga City Council</p> <p>Thank you for providing the opportunity to make a submission on the Review of the Easter Sunday Shop Trading Policy 2017.</p> <p>Please find attached our submission from the Restaurant Association of New Zealand.</p> <p>We would also be happy to provide clarification on our submission or provide further information if you require it. Our Chief Executive, Marisa Bidois is also cc-ed on this email – should you require further comment please don't hesitate to contact Marisa, or myself.</p> <p>Ngā mihi Nicola Waldren</p>



## SUBMISSION

# Review of the Easter Sunday Shop Trading Policy 2017

July 2022

Restaurant Association of New Zealand submission to the Tauranga City Council

(09) 638 8403  
[info@restaurantnz.co.nz](mailto:info@restaurantnz.co.nz)  
Restaurant Association of New Zealand  
45 Normanby Rd, Mt Eden  
Auckland 1024



### Introduction

1. The Restaurant Association of New Zealand (the Restaurant Association) welcomes the opportunity to make a submission on the Review of the Tauranga City Council Easter Sunday Shop Trading Policy 2017. We would like to present to Council in support of our submission.
2. We support the Council's preferred option, which would continue to allow trading in all of Tauranga on Easter Sunday.
3. We also support the suggested change to the policy, which would allow for events and markets to be held on Easter Sunday (and clarifies that the term 'shops' also include markets).

### Feedback

4. As the representative body for more than 2,500 hospitality businesses across Aotearoa, we surveyed our membership on the topic of Easter trading to gather their views. A summary of responses to this survey are available at Appendix 1.
5. The specific inclusion of events and markets held on Easter Sunday is a welcome addition to the policy. As you will know, events and markets bring people out of their homes - with a flow on benefit for hospitality.
6. All of our members who operate in the wider Bay of Plenty region and responded to our survey said that they choose to open over all, or part of, the Easter period.
7. At a national level, 72% of our members open over Easter, with 28% of members choosing not to for a variety of reasons. A fundamental consideration is that approximately half of all Territorial Authorities do not have a local Easter Sunday shop trading policy in place, so retail businesses are not permitted to open, which impacts hospitality through foot traffic into their businesses.
8. The most common reason given for closing on Easter Sunday is that it isn't financially viable to open, with reduced patronage making it difficult to cover the increase in labour costs. Alcohol laws being too confusing to understand was also raised as an issue.
9. Members also cite that closing on Easter Sunday gives business owners and staff the opportunity to take a break.

2 of 4



10. However, the Restaurant Association submits that following two years of subdued trading due to the pandemic, the overriding consideration should be that the choice to open rests with the business owner, not local or central government.

### **Pandemic Recovery**

11. The Hospitality sector remains one of the industries hardest hit by the pandemic, and is still reeling from its impact.
12. While most of the attention on supporting our sector's recovery has been directed towards central government, there are a number of things local councils can do to ease the pressure hospitality businesses are facing.
13. Allowing hospitality business owners the opportunity to choose to operate over the Easter period is something we support and we value the position the Tauranga City Council has taken on this issue.
14. 67% of our members in the Bay of Plenty region support a review of Easter trading laws - the *Shop Trading Hours Act 1990* as well as local Easter trading policies - with a similar level of support for such action nationwide.
15. We would welcome the opportunity to work with Tauranga City Council to advocate for a review of the *Shop Trading Hours Act 1990*, if the Council is supportive of this position.

### **About the Association**

16. The mission of the Restaurant Association of New Zealand is to be the link between good food and good business so that our Member's restaurant or café can succeed. We're passionate about our vibrant industry, which is full of interesting, talented and entrepreneurial people.
17. Since 1972, the Association has worked to offer advice, help and assistance in every facet of the vibrant and diverse hospitality industry. We are the representative body for more than 2,500 hospitality businesses, with Members covering the length and breadth of the country. We are organised into 13 regional branches and led by a national office located in Mt Eden, Auckland.

3 of 4





### Member Survey (Easter Sunday Trading) Response Summary

1. Do you usually open over all, or part of, Easter? (Or, if you are a new business do you intend to open over Easter)

Response	National Response	Bay of Plenty Response
Yes	72%	100%
No	28%	0%

2. Do you support a review of the current Easter Trading laws?

Response	National Response	Bay of Plenty Response
Yes	61%	67%
No	8%	11%
Unsure	31%	22%

4 of 4

Sub #	Submitter	Organisation	Submission
270	Mary Wood		I feel strongly about this issue, as Easter Sunday is a sacred day for all Christians. In this country years ago only petrol stations and superettes were open. Petrol stations closed at 12.00noon on that day. Please may shops once more be closed on this Sacred day.

## Easter Sunday Shop Trading Postal Submissions (June/July 2022)

Sub #	Submitter	Organisation	Submission
271	Hillary R Burrows		See Postal Submission below


THERE SHOULD HAVE BEEN ANOTHER OPTION  
SUBMISSION HILARY R. BURROWS  
 TRADING ON EASTER SUNDAY TRADING POLICY SHOULD BE ALTERED  
 TO INCLUDE THAT ALL TRADERS CAN ONLY SELL PRODUCTS THAT DO NOT  
 HARM THE ENVIRONMENT AND THE PACKAGING TO, BECAUSE OF CLIMATE  
 CHANGE AND POLLUTION. PACKAGING SHOULD BE RECYCLABLE  
ALL PLASTICS ONLY 1 2 AND 5 USED  
 I HAVE NOTICED THAT THE COMMISSIONERS DO NOT CONSIDER THE  
 CLIMATE CHANGE AT ALL WHICH IS THE MOST SERIOUS PROBLEM WE FACE NOW  
 AND THE FUTURE FOR ALL OF US, AND ANNE TORRENS SHOULD KNOW BETTER  
 THAN THAT.  
 Regards  
 Hillary R. Burrows.  
 SHANE BURROWS

RECEIVED  
 13 JUL 2022  
 TAURANGA CITY COUNCIL

**Easter Sunday Shop Trading Informal Submissions- Facebook Posts**

**Tauranga City Council**  
Published by Sarah Barlow · July 8 at 9:00 AM · 🌐

We're reviewing the Easter Sunday Shop Trading Policy, which allows all shops in Tauranga to trade on Easter Sunday if they wish to.  
Consultation closes on Friday 15 July.  
Find out more and tell us what you think at [www.tauranga.govt.nz/easter](http://www.tauranga.govt.nz/easter)



**Should we continue to allow trading on Easter Sunday?**

3 Likes · 6 Comments · 1 Share

Like Comment Share

Most relevant ▾

Write a comment...

**Dianna Newman**  
No, give the staff who work some time with their families. 9 Likes · 1w


**Julie Cleary**  
Yes 1w

**Jay Banner**  
Definitely yes 1w

**Andrew Robert Watts**  
One of the few things I agree with labour on. No Trading over easter. 1w

**Kellie Smith**  
This is disgusting and should stop. Supermarket workers get 1 day off a year (Christmas Day) they deserve time off with their families just as much as the public do. This needs to be sorted 1w


53

 **Tauranga City Council**  
Published by Sarah Barlow · June 22 at 8:15 AM · 🌐

We're reviewing the Easter Sunday Shop Trading Policy, which allows all shops in Tauranga to trade on Easter Sunday if they wish to.

We're proposing to keep the policy, with a small change to clarify that events and markets can also trade on Easter Sunday.

Find out more and tell us what you think at [www.tauranga.govt.nz/easter](http://www.tauranga.govt.nz/easter)




**Should we continue to allow trading on Easter Sunday?**

See insights and ads [Boost post](#)

👍 7


👍 Like    💬 Comment    ➦ Share

 **Tauranga City Council**  
Published by Sarah Barlow · June 15 ·

The Easter Sunday Shop Trading Policy allows all shops in Tauranga to trade on Easter Sunday if they wish to.

It is time to review the policy to make sure it's still right for Tauranga. Should we continue to allow trading on Easter Sunday?




Find out more and tell us what you think at [www.tauranga.govt.nz/easter](http://www.tauranga.govt.nz/easter)








**Should we continue to allow trading on Easter Sunday?**



[See insights and ads](#) [Boost post](#)

5 1 Comment 3 Shares

 Like  Comment  Share

Most relevant ▾

 Write a comment...    

 **Debs Carson**  
Why don't you ask Bethlehem College? They seem to run the narrative in this town. 

Like Reply Hide 4w


**Easter Sunday Shop Trading Informal Submissions- Neighbourly Posts**

**Easter Sunday Shop Trading Policy** Public 33 days ago  
Communications from Tauranga City Council

The Easter Sunday Shop Trading Policy allows all shops in Tauranga to trade on Easter Sunday if they wish to.

It is time to review the policy to make sure it's still right for Tauranga. Should we continue to allow trading on Easter Sunday?

Find out more and tell us what you think at ... [View more](#)



**Should we continue to allow trading on Easter Sunday?**

Shared with Gate Pa + 18 Other Neighbourhoods in Noticeboard

Like Thank Save ...

2 Likes

**MT** Maureen Tempero from Bethlehem 33 days ago  
Leave it up to the individual shop owners choice.  
Like 6 Thank Reply ...

**BS** Barbara Sanders from Otumoetai 33 days ago  
Surely you've got more important things to focus on!  
Like 7 Thank Reply ...

**ME** Mike & Paula Ellis from Papamoa Beach 32 days ago  
I'm lost for words, 3 waters or shopping on Easter Sunday? Hmm  
Like Thank Reply ...

**Jill Best** from Matus 32 days ago  
It is reasonable to review policies after 5 years, especially controversial ones. Wish Govt did the same with more laws.  
Like Thank Reply ...

**DR** Des Rastnick from Papamoa Beach 31 days ago  
Definitely  
Like Thank Reply ...



## 8.2 Deliberations on draft Waste Management and Minimisation Bylaw 2022

**File Number:** A13637038

**Author:** Josh Logan, Waste Planning Manager

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

### PURPOSE OF THE REPORT

1. To recommend the adoption of the Waste Management and Minimisation Bylaw 2022.
- 

### RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

- (a) Receives the report.
- (b) That in relation to the following key deliberations matters that arose from feedback in the consultation period, the Strategy Finance and Risk Committee resolves:

#### Construction and Demolition Waste

- (i) **Option 1A:** Amend the wording of clause 16.1 Construction and Demolition Waste of the bylaw to reflect the suggested change. So that clause 16.1 of the bylaw would be replaced by:

“16.1 Council may make a control under this Bylaw to require any person that is applying for a building consent for building work exceeding a set estimated value to submit a site waste management plan to the Council for approval as part of the building consent application process and prior to the commencement of any building work.”

or

- (ii) **Option 1B:** No change to the draft Bylaw.

#### Sub Definition of Waste Streams

- (iii) **Option 2A:** Amend 10.2 of the draft Bylaw to replace the word ‘flies’ with “pest insects.”

or

- (iv) **Option 2B:** No change to the draft Bylaw.

- (c) Recommends to Council that:

- (i) The Waste Management and Minimisation Bylaw 2022, as released for consultation and included as **Attachment 3** of the agenda report, be adopted and come into force on 01 October 2022.
- (ii) That pursuant to section 155 of the Local Government Act 2002, the bylaw is the most appropriate way of addressing the perceived problems, is the most appropriate form of bylaw, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- (iii) That pursuant to section 56 of the Waste Minimisation Act 2008, the bylaw must be consistent with the territorial authority’s waste management and minimisation plan.
- (iv) To delegate to General Manager: Infrastructure the authority to make any typographical changes or minor editorial changes for the purposes of correction or clarity, before the bylaw comes into force.



## EXECUTIVE SUMMARY

2. At its meeting on the 1 August 2022 the Committee received the submissions to the draft Waste Management and Minimisation Bylaw (the 'Bylaw'). 15 submissions were received, and one submitter spoke to their submission.
3. A summary of submissions is attached to this report (**Attachment 2**). It identifies the issues raised by submitters and provides staff comments and recommendations.
4. There is a high level of general support for the proposed changes to the Bylaw.
5. The Committee is now asked to deliberate on the issues raised by submitters and recommend to Council its adoption.

## BACKGROUND

6. The current Waste Management and Minimisation Bylaw is due for review. The Local Government Act 2002 (the LGA) requires all bylaws to be reviewed no later than 10 years after their last review.
7. The current Waste Management and Minimisation Bylaw was adopted in 2012 under the Local Government Act 2002 and the Waste Minimisation Act 2008. These Acts give Council the power to make a bylaw to regulate waste and protect public health.
8. On 28 March 2022, the Strategy, Finance and Risk Committee approved the Waste Management and Minimisation Bylaw 2022 and Statement of Proposal for community consultation, in accordance with the Special Consultative Procedure. Consultation was carried out from 7 June 2022 to 7 July 2022.
9. The draft bylaw proposed the following changes from the 2012 bylaw:
  - Be consistent with, and give support to, the policies and actions set out in the draft Waste Management and Minimisation Plan 2022-2028.
  - Introduce controls that allow Council to make, amend or revoke regulations for the management and minimisation of waste throughout our city. This will allow Council to make a resolution to adopt specific controls, pursuant to the adopted Waste Bylaw, without requiring full public consultation each time.
  - Improve waste operator licensing provisions so that there is better data collection and alignment with national legislative changes.
  - Introduce a requirement that any person that is applying for a building consent for building work exceeding a set estimated value (yet to be determined) to submit a construction and demolition site waste management plan to the Council for approval as part of the building consent application process and prior to the commencement of any building work.
  - Introduce of waste management plans and minimum requirements for waste bin storage areas and access for Multi-Unit Developments.
  - Update the regulations associated with the management of waste at events and large public gathering events.
  - Improve the actions that may be undertaken by Tauranga City Council to enforce and control litter and illegal dumping.

## SUMMARY OF SUBMISSIONS

10. 15 submissions were received (**Attachment 1**) and one submitter presented their submission at the Committee meeting on the 1 August 2022.
11. There was general support for the changes to the bylaw with respondents answering the set questions in the following way:

*Do you agree with the proposed changes to the Draft Waste Management and Minimisation Bylaw 2022?*

<b>Answer</b>	<b>Count</b>	<b>%</b>
I strongly agree with the proposed changes	4	36.36%
I agree with the proposed changes	6	54.55%
I disagree with the proposed changes	1	9.09%
I strongly disagree with the proposed changes	0	0.00%
Total	11	100%

*Construction and demolition site waste management plan - Do you agree with the proposed change to give Council the power to do this?*

<b>Answer</b>	<b>Count</b>	<b>%</b>
I strongly agree with the proposed changes	9	75.00%
I agree with the proposed changes	3	25.00%
I disagree with the proposed changes	0	0.00%
I strongly disagree with the proposed changes	0	0.00%
Total	12	100%

*Waste management plans and requirement for bin storage areas for Multi-Unit Developments*

<b>Answer</b>	<b>Count</b>	<b>%</b>
I strongly agree with the proposed changes	5	45.45%
I agree with the proposed changes	5	45.45%
I disagree with the proposed changes	1	9.09%
I strongly disagree with the proposed changes	0	0.00%
Total	11	100%

12. The following key issues have been raised by submitters:

- (a) The bylaw in general
- (b) Construction and demolition waste;
- (c) Bin storage areas for multi-unit dwellings;
- (d) Sub definition of waste streams
- (e) Other topics including:
  - (i) targeted waste management systems for large producers of waste;
  - (ii) business waste;

- (iii) data management & privacy;
  - (iv) event waste; and
  - (v) textile waste.
13. Attachment 2 identifies the issues raised by submitters and provides staff comments on the points raised and where appropriate recommends options for responding to them. These recommendations have been incorporated into the bylaw (Attachment 3).

## STRATEGIC / STATUTORY CONTEXT

14. Waste Management and Minimisation planning legislation is primarily provided by the following three Acts:
- (a) Local Government Act 2002.
  - (b) Waste Minimisation Act 2008.
  - (c) Litter Act 1979.
15. The Local Government Act 2002 allows for general bylaw-making power for Territorial Authorities. When making, amending, or revoking bylaws made under the Local Government Act 2002, Council must meet the consultation requirements set out in the Act.
16. Section 155 of the Local Government Act 2002 states that, when reviewing a bylaw, Council must be satisfied that the bylaw:
- a) Is the most appropriate way of addressing the perceived problem;
  - b) Is the most appropriate form of bylaw; and
  - c) Does not give rise to any implications under the New Zealand Bill of Rights Act 1990, nor is inconsistent with that Act.
17. In relation to (a), the bylaw is considered to be the most appropriate way of addressing the issue of health and safety and environmental protection caused by waste. The matters in this bylaw are of importance to the community in terms of public health and safety, distress, and nuisance to the community, and for environmental protection. The bylaw is consistent with the approach taken by other councils.
18. In relation to (b), the bylaw is consistent with Council document standards and has been written in plain English so far as possible. It is therefore considered to be the most appropriate form of bylaw. The bylaw is based on the model bylaw formulated by the Waikato and Bay of Plenty Waste Liaison Group to improve bylaw consistency across these regions.
19. In relation to (c), the proposed amendments to the Waste Management and Minimisation Bylaw are not considered to give rise to any implications under the New Zealand Bill of Rights Act 1990.
20. The Waste Minimisation Act 2008 encourages a reduction in the amount of waste generated and disposed of in New Zealand. The aim of the Act is to reduce the environmental harm of waste and provide economic, social, and cultural benefits for New Zealand. Section 56 of the Waste Minimisation Act 2008 allows for Territorial Authorities to make bylaws.
21. The Litter Act 1979 allows Councils to prosecute the placing, throwing, or dropping of litter. The same applies to litter that is thrown, dropped or escapes from any vehicle or trailer. The definition of litter includes refuse, rubbish, animal remains or waste matter.
22. The amendments proposed to the bylaw are consistent with Council's other policies, strategies, and plans.

## OPTIONS ANALYSIS

23. Options for submission points are presented in **Attachment 2**.

## FINANCIAL CONSIDERATIONS

24. No adverse funding/budget impacts are expected to arise because of the proposed changes to the bylaw.

## LEGAL IMPLICATIONS / RISKS

25. There are no significant risks associated with the decision to adopt the Waste Management and Minimisation Bylaw 2022.

## SIGNIFICANCE

26. 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.
27. 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.
28. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of medium significance.




## ENGAGEMENT

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

## NEXT STEPS

30. If the Committee decide to recommend to Council the adoption of the Waste Management and Minimisation Bylaw 2022, the bylaw will take effect on the 1 October 2022.

## ATTACHMENTS

1. **WMM Bylaw Submissions 1-15 - A13642534 (Separate Attachments 1)** 
2. **Bylaw Submission Responses - A13688528 (Separate Attachments 1)** 
3. **Draft Waste Bylaw - With tracked changes - A13750005 (Separate Attachments 1)** 

### 8.3 Deliberation and Adoption Report - Waste Management and Minimisation Plan 2022-2028

**File Number:** A13637050

**Author:** Josh Logan, Waste Planning Manager

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

#### PURPOSE OF THE REPORT

1. To consider submissions made to the draft Waste Management and Minimisation Plan and adopt the final Waste Management and Minimisation Plan.

---

#### RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

- (a) Receive the report.
- (b) That in relation to the following key deliberations matters that arose from feedback in the consultation period, the Strategy Finance and Risk Committee resolves to approve the recommendations in **Attachment 2**, including:
  - (i) To be in alignment with the city vision, amend the of the wording of the Waste Management and Minimisation Plan vision to:  
"Tauranga, together we can reduce waste to landfill."
  - (ii) That the following action is added to the action plan as action 17 and then the remaining actions are renumbered from action 18-52:  
"Continue to deliver and optimise household kerbside collection service that supports increased diversion and a cost-effective service for households."
  - (iii) That the wording for action 26 regarding energy from waste schemes be updated to the following:  
"Consider information, investigate, and develop a position for Council on, energy from waste schemes. This includes bioenergy from biomass, which is energy largely derived from the by-products and residues of plants and animals."
  - (iv) That in relation to the matters that arose from feedback in the consultation period, the Strategy Finance and Risk Committee adopts the revised action plan (**Attachment 3**).
- (c) Adopt the draft Waste Management and Minimisation Plan with amendments contained in **Attachment 4**.

---

#### EXECUTIVE SUMMARY

2. Tauranga City Council is required to have an adopted Waste Management and Minimisation Plan by the end of September 2022.
3. The draft Waste Management and Minimisation Plan was adopted for consultation on 28 March 2022 and was consulted on from 7 June 2022 – 7 July 2022.
4. 37 submissions were received, with three speaking to their submissions at the hearings on 1 August 2022.
5. This report is presented to Council to deliberate on the issues raised and feedback received throughout the consultation period and hearings.

6. Recommendations are made to confirm the proposals for inclusion in the Waste Management and Minimisation Plan (2022-2028) and adopt the Waste Management and Minimisation Plan.

## BACKGROUND

7. Council is required to review the current Waste Management and Minimisation Plan every six years and prepare a new Waste Management and Minimisation Plan in accordance with the Waste Minimisation Act 2008.
8. As a part of the review process, Council must consult and seek feedback from the community on the draft Waste Management and Minimisation Plan. This must be undertaken in accordance with the Local Government Act 2002, Special Consultative Procedure.
9. The draft Waste Management and Minimisation Plan outlines the current situation and issues and proposes a vision, goals, objectives, targets and a suite of actions to address these issues.
10. Community consultation opened on 7 June 2022 and closed a month later on 7 July 2022.
11. A total of 37 submissions were received. Full copies of the submissions are attached in **Attachment 1**.
12. Multiple topics were raised in the written submissions, including items consulted on in the draft Waste Management and Minimisation Plan and those that were not being consulted on.
13. The key themes from submissions are outlined in summary in the following section. It should be noted that this report provides a summary of key points only and is not intended to replace or represent fully the submissions received by the Council (**Attachment 1**).
14. In addition, the summaries are broken down by either support or oppose questions one to three.

### **Question One - Do you think our draft Waste Minimisation and Management Plan focuses on the right key waste issues for Tauranga?**

15. From the 37 submissions received, 28 provided a response to question one regarding their level of agreement that the Waste Management and Minimisation Plan focuses on the right key waste issues for Tauranga.
16. Nine submitters did not choose an option on the form. Three of those that did not choose an option still provided feedback that was positive.
17. These submissions have been categorised as presenting the following positions:

Answer	Count	%
I strongly agree that the Draft Waste Minimisation and Management Plan focuses on the right key waste issues	3	11%
I agree that the Draft Waste Minimisation and Management Plan focuses on the right key waste issues	13	46%
I disagree agree that the Draft Waste Minimisation and Management Plan focuses on the right key waste issues	5	18%
I strongly disagree that the Draft Waste Minimisation and Management Plan focuses on the right key waste issues	3	11%
Other	4	14%
Total	28	100%

### ***Key themes from submitters that strongly agree or agree with Question One***

18. *Construction and demolition waste is growing and likely to increase.*

Overall, there was a range of comments that show that those in support see this as an increasing problem, Comments included themes such as:

- Acknowledgment that it is hard to tackle
- Need for mandated controls to make change
- Need to offer benefits as little incentive in Tauranga

19. *It's up to producers to consider end of life when designing products.*

Overall, there was a range of comments that show that those in support see this as an area of concern. Comments included themes such as:

- That producers need to be in the conversation
- Need for mandated controls to make change
- Need to be talking to the right people

**Key themes from submitters that strongly disagree or disagree with Question One**

20. *Dislike the Council Kerbside service.*

Comments were received from submitters that didn't like the service or aspects of the service, with key themes including:

- Outside role of local government
- Need "pay as you throw option" like neighbouring councils
- Didn't like choice of provider taken away
- Glass bin too small

21. *Council to extend kerbside to collection to include commercial.*

One submission called for Council to extend its current offering to commercial services.

22. *Need to regulate businesses that don't recycle*

One submission called for all plastics to be one colour to make them easier to recycle.

**Key themes from submitters who selected "other" for Question One**

23. *Wanted to see e-waste added as a key issue.*

One submission called for Council to add e-waste as a key issue as they felt it was unclear if it was.

**Question Two - What is your view on the proposed vision of "reduce waste to landfill"?**

24. From the 37 submissions received, 31 provided a response to question two regarding their level of agreement with the vision within Waste Management and Minimisation Plan.

25. Six submitters did not choose an option on the form. Three of those that did not choose an option still provided feedback that was largely positive.

26. These submissions have been categorised as presenting the following positions:

Answer	Count	%
I strongly agree with the vision of "reduce waste to landfill"?	12	39%
I agree with the vision of "reduce waste to landfill"?	13	42%

I disagree with the vision of “reduce waste to landfill”?	1	3%
I strongly disagree with the vision of “reduce waste to landfill”?	2	6%
Other	3	10%
Total	31	100%

### **Key themes from submitters that strongly agree or agree with Question Two**

#### **27. The vision is realistic**

Overall, there was a range of comments that show that some of the community are very supportive of the vision.

#### **28. The need for more collection points for reusable waste**

Although supportive of the vision some felt that there was a need for more collection points in the city. Some of the other related points included:

- Free recycling opportunities - C&D waste and green waste
- A community-run shop like other councils
- Need for all-of-community involvement
- Need for more options to repair appliances

#### **29. Need to regulate packaging**

Many comments were in favour of the vision however, felt that a large emphasis needs to be put into regulating packaging producers.

#### **30. Agreement that kerbside has worked**

There was agreement that vision is correct, and that kerbside was working, although one expressed disappointment that the contract was awarded to overseas company.

### **Key themes from submitters that strongly disagree or disagree with Question Two**

#### **31. Vision is not strong enough**

Some submitter disagreed with the vision because they believed that it didn't go far enough. Some of the themes included:

- Does not support or drive direction of transitioning to circular economy
- Focuses too much on disposal
- Focus should be reducing resource use and waste minimisation

#### **32. User pays system is the only way to incentivise waste reduction**

Another theme from those that didn't agree with the vision was that a user pays system for the kerbside collection should be used instead of the current one.

### **Key themes from submitters who selected “other” for Question Two**

#### **33. User pays system is the only way to incentivise waste reduction**

Again, as above a theme from those that selected other was because they believed that a user pays system for kerbside collection should be used instead of the current one.



**Question Three - What is your view on the draft plan's goals, objectives, and targets?**

34. From the 37 submissions received, 29 provided a response to question three regarding their level of agreement that the Waste Management and Minimisation Plan focuses on the right goals, objectives, and targets.
35. Eight submitters did not choose an option on the form. Three of those that did not choose an option still provided feedback that was positive.
36. These submissions have been categorised as presenting the following positions:

Answer	Count	%
I strongly agree with the draft plan's goals, objectives, and targets	4	14%
I agree with the draft plan's goals, objectives, and targets	17	59%
I disagree with the draft plan's goals, objectives, and targets	4	14%
I strongly disagree with the draft plan's goals, objectives, and targets	1	3%
Other	3	10%
Total	29	100%

***Key themes from submitters that strongly agree or agree with Question Three***

37. *The focus and measurement in the plan are correct*

Many comments were received from submitters in favour of the proposed goals, objectives and targets.

38. *A culture shift is needed*

Two submitters identified that a culture shift is needed in order to achieve the proposed plan and that involving youth is key to this.

***Key themes from submitters that strongly disagree or disagree with Question Three***

39. No comments were made by those that chose either of these two options.

***Key themes from submitters who selected "other" for Question Three***

40. *Neighbourhood recycling vessels in subdivisions*

One submitter suggested that there needs to be neighbourhood recycling vessels in subdivision like in Hutt city.

**KEY ISSUES ARISING FROM SUBMISSIONS AND HEARINGS**

41. Separate to the themes identified above, submitters commented in written and spoken submissions on a number of waste issues that they believe should be included or addressed further in the draft Waste Management and Minimisation Plan.
42. On reviewing the submissions and listening to those who spoke to the Committee during the hearings, Council staff have identified the following key issues from the consultation:
- WMMP Action Plan
  - Waste fees;

- Improved waste facilities
- Commercial waste;
- Soft plastic recycling
- Packaging;
- Product stewardship;
- Working at the top of the waste hierarchy and toward a circular economy;
- Waste strategy Action
- Learning from and collaborating with other councils and other partnerships;
- Construction and demolition waste
- Waste education;
- Green waste
- Public health;
- Waste to energy schemes;
- Emission reductions;
- Illegal dumping;
- Waste management for disasters and unforeseen events;
- Data collection and reporting
- Research and development centre;
- Language used in the plan
- Re-introducing private waste providers
- Clarifying terminology.

43. Each of the issues identified above have been detailed in **Attachment 2**, with specific reference provided to the section of the draft Waste Management and Minimisation Plan where the issue is addressed.

#### **PROPOSED AMENDMENTS TO THE DRAFT WASTE MANAGEMENT AND MINIMISATION PLAN**

44. The proposed amendments to the draft Waste Management and Minimisation Plan have been made as tracked changes (**Attachment 3 and 4**).
45. It is not considered that significant changes are required to the draft Waste Management and Minimisation Plan as a result of the consultation as the submissions generally were in support of the plan and related to one or more of the following:
- clarifications;
  - items that are already included; and/or
  - items that had not been specifically included but were covered by generic actions (to not limit the scope of the action, e.g. education programs);
46. Some updates were undertaken to the draft Plan (**Attachment 4**), again as tracked changes, to correct grammar and formatting or to provide corrections to the draft Waste Management and Minimisation Plan prepared.
47. It is proposed that the draft Plan with the tracked changes indicated be adopted as the final Waste Management and Minimisation Plan.

## STRATEGIC / STATUTORY CONTEXT

48. Waste Management and Minimisation planning legislation is primarily provided by the Waste Minimisation Act 2008.
49. The Waste Minimisation Act 2008 encourages a reduction in the amount of waste generated and disposed of in New Zealand. The aim of the Act is to reduce the environmental harm of waste and provide economic, social, and cultural benefits for New Zealand. Section 43 and 44 of the Waste Minimisation Act 2008 allows for Territorial Authorities to make a Waste Management and Minimisation Plan.
50. The amendments proposed to the Waste Management and Minimisation Plan are consistent with Council's other policies, strategies, and plans.
51. Currently Council is refreshing its strategic framework and developing a City Vision. 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.
52. The draft Waste Management and Minimisation Plan is one tool in working towards Council's community outcome of 'a city that values and protects the environment'.
53. As noted above, a Waste Management and Minimisation Plan is required to be reviewed every six years.

## OPTIONS ANALYSIS

54. Each of the submission issues identified above have been detailed in **Attachment 2**, with specific reference provided to the section of the draft Waste Management and Minimisation Plan where the issue is addressed or recommendations for any changes have been made as part of this report.

## FINANCIAL CONSIDERATIONS

55. No adverse funding/budget impacts are expected to arise because of the proposed changes to the Waste Management and Minimisation Plan.

## LEGAL IMPLICATIONS / RISKS

56. There are no significant risks associated with the decision to adopt the Waste Management and Minimisation Plan.

## CONSULTATION / ENGAGEMENT

57. This report and attachments respond to issues raised through public submissions and identified by the community.
58. Following adoption of the Waste Management and Minimisation Plan, submitters will be informed where they can access the deliberations report and adopted Waste Management and Minimisation Plan.
59. Community consultation opened on 7 June 2022 and closed a month later on 7 July 2022. Public notice inviting submissions was placed in the following locations:
  - (i) The Weekend Sun on 11,18,25 June 2022 and 2 July 2022
  - (ii) The Bay of Plenty times on 11, 17, 24 June 2022 and 2 July 2022
  - (iii) Tauranga City Council's, Facebook page three times.
  - (iv) Three media advisories were circulated throughout the period encouraging submissions
  - (v) Other channels, such as: paid digital advertising from 4 - 7 July 2022, in article in City News, June Planning Panui and June Tauranga Toolbox.

60. Targeted consultation was carried out in February 2022 with stakeholder groups (Waste operators, construction and demolition waste and other interested parties) to seek feedback prior to the draft Waste Management and Minimisation Plan coming to the Committee for approval in March for consultation. These stakeholders were all contacted via email on the day that the consultation opened and were encouraged to make a submission.
61. An email was sent on behalf of the Sustainability and Waste Team from Te Pou Takawaenga to all Te Rangapu members to inform them that the consultation for the draft Waste Management and Minimisation Plan was open and to provide any feedback prior to consultation closing.
62. Copies of the draft Waste Management and Minimisation Plan were available at the Customer Service Centre, at the libraries and on the Council website. Staff were also advised that the consultation was occurring.
63. A total of 37 submissions were received.

### SIGNIFICANCE

64. 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.
65. 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.
66. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of medium significance.





### ENGAGEMENT

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

### NEXT STEPS

68. Following Strategy Finance and Risk Committee decision, the final Waste Management and Minimisation Plan will be prepared, including any changes as a result of this meeting, and will be made available on Council's website and in hard copy format where requested.
69. The final Waste Management and Minimisation Plan must be adopted by September 2022 to meet statutory obligations.

### ATTACHMENTS

1. **Draft WMMP 2022-2028 Submissions 1-37 - A13640167 (Separate Attachments 1)** 
2. **WMMP - Key Issues Arising from Submissions and Hearings - A13721511 (Separate Attachments 1)** 
3. **WMMP Revised Action Plan - A13750794 (Separate Attachments 1)** 
4. **Draft WMMP tracked changes for deliberations - A13750970 (Separate Attachments 1)** 

**9 DISCUSSION OF LATE ITEMS**

**10 CLOSING KARAKIA**