



AGENDA

Ordinary Council meeting Monday, 29 May 2023

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

Date: Monday, 29 May 2023

Time: 9.30am

**Location: Bay of Plenty Regional Council Chambers
Regional House
1 Elizabeth Street
Tauranga**

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

**Marty Grenfell
Chief Executive**

Terms of reference – Council

Membership

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

Role

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

Scope

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

Procedural matters

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

Regulatory matters

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

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1 OPENING KARAKIA

2 APOLOGIES

3 PUBLIC FORUM

3.1 Mr Graeme Benvie - The Domain

ATTACHMENTS

Nil

3.2 Mr Christopher Pattison - The Domain and Memorial Park Development

ATTACHMENTS

Nil

3.3 Ms Margaret Murray-Benge - Bethlehem Road Curb and Channelling

ATTACHMENTS

Nil

- 4 ACCEPTANCE OF LATE ITEMS**
- 5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**
- 6 CHANGE TO THE ORDER OF BUSINESS**

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Council meeting held on 1 May 2023

File Number: A14717937

Author: Anahera Dinsdale, Governance Advisor

Authoriser: Anahera Dinsdale, Governance Advisor

RECOMMENDATIONS

That the Minutes of the Council meeting held on 1 May 2023 be confirmed as a true and correct record.

ATTACHMENTS

1. Minutes of the Council meeting held on 1 May 2023



MINUTES

**Ordinary Council meeting
Monday, 1 May 2023**

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UNCONFIRMED

**MINUTES OF TAURANGA CITY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE BAY OF PLENTY REGIONAL COUNCIL CHAMBERS, REGIONAL HOUSE,
1 ELIZABETH STREET, TAURANGA
ON MONDAY, 1 MAY 2023 AT 9.42 AM**

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

IN ATTENDANCE: Marty Grenfell (Chief Executive), Paul Davidson (Chief Financial Officer), Nic Johansson (General Manager: Infrastructure), Gareth Wallis (General Manager: City Development & Partnerships), Fiona Nalder (Principal Strategic Advisor), Corinne Frischknecht (Senior Urban Planner), Carl Lucca (Team Leader, Urban Communities), Rob Lahey (Principal Strategic Advisor); Brendan Bisley (Director of Transport), Karen Hay (Team Leader: Cycle Plan Implementation), Andrew Mead (Manager: City Planning and Growth), Brian Everitt (Team Leader: Engineer Services), Paul Young (Programme Manager: Safety), Sheree Covell (Treasury and Financial Compliance Manager), Coral Hair (Manager: Democracy & Governance Services), Robyn Garrett (Team Leader: Governance Services), Sarah Drummond (Governance Advisor), Janie Storey (Governance Advisor)

1 OPENING KARAKIA

Commissioner Rolleston opened the meeting with a karakia.

2 APOLOGIES

Nil

3 PUBLIC FORUM

3.1 Gretchen Benvie and Graham King – Tauranga Croquet Club – proposed stadium at the Tauranga Domain

Key points

Ms Benvie noted:

- She was a long term resident of Tauranga, a member of the Croquet Club for 38 years and President for 13 years.
- The thought of facing relocation despite co-existing for 100 years was daunting after all of the time and energy members had put into the current international standard lawns and facilities.
- The Club had close to 100 members and it was available to use by community groups for team building and social events.
- There was an intensive maintenance program for the lawns.
- The Club was well used with 5,000 visits a year by individuals, so it was a busy club.
- Members were unsettled by a possible relocation, and while some might think that it was just resistance to change being seen, there was good reason. It was not the idea of change that was unsettling, it was that they had no idea where they would be relocated to and who would pay. This had resulted in 17 months of uncertainty.

- There was no mention of this expense noted in the business case and while some people had suggested merging with other local clubs, it was said without understanding their requirements. Currently they were centrally located, the land was suitable for four full size lawns, there were sheds for equipment and the membership catchment came from central Tauranga and the surrounding suburbs.
- Lawns could not be established overnight, it takes up to five years to make lawns that were suitable to play on.
- Relocation of the Club would take at least \$750,000, which was money that the Club did not have.
- The Club play 12 months of the year and were not dictated by seasons. They attracted many players from outside the area and contributed to the hospitality of the city.
- The greenkeeper, Dave Ormsby, noted from the sports report in the business case that they would be limited if the pristine lawns were to be maintained.
- The Club requested that the Council did not destroy the only open greenspace in the central city area and keep it for future generations to enjoy. Removing all of the established areas would take that away – enhancement was a better option, not destruction.
- Be open and honest about the costs and please do not bury the cost in the annual plan as many people do not understand this process or do not have the confidence to speak to Council.
- The current plan was taking paradise and turning it into a parking lot and the green open space would be gone forever.

Mr King noted:

- Mr King advised that he was the Treasurer of the Tauranga Croquet Club. Based on the limited time to review the business case, Mr King raised three areas of concern that were all connected to risk.
- Firstly concerns with the economic assessment, secondly the lack of identification of disbenefits and thirdly the concern about the impact on ratepayers.
- In terms of the economic assessment, Priority One undertook the business case and employed consultants to do the assessment. Mr King considered the whole economic case was weak. Cost benefit ratios (CBR) needed to see a benefit for cost incurred and as a minimum the benefits should be sufficient to ensure no costs incurred by ratepayers.
- Mr King reminded the Council of one key section of business case that was missing from the Council report. Two main options were shortlisted and both were assessed as very weak for CBR and from these a new option including space for the university, was developed and this achieved a maximum CBR of 0.94 which was still very low for the overall investment. The consequences of the low CBR was shown in Table 6.10 on page 102 of the business case which highlighted a shortfall of \$15m per year over 50 years of use. This resulted in \$750m, over three times the cost of construction.
- The Council report hinted of a series of wider benefits but did not note any potential disbenefits. These included the impacts of climate change on weather dependent events, the loss of an amenity for future generations, the costs of moving clubs to other locations and costs associated with compensating the speedway if they were required to move. The estimated cost and running of the stadium would be \$970m, plus the cost of the disbenefits noted.
- The business case highlighted a real world revenue shortfall of \$15m per year and there were no answers provided in the reports. This shortfall would have to be met by ratepayers as there was no other underwriter for the debt. Fees and charges would need to be increased by over \$1m a month for 50 years to cover the full operating costs.
- In summary it was clear this was a high risk proposition, because amenity at the Domain would be lost forever.
- All options showed an unacceptably low cost benefit ratio, the disbenefits had not been identified and rate payers would be carrying the risk of cost overruns and repayment of debt and operating costs..

3.2 Garth Mathieson, trustee of the Tauranga Millennium Track Trust – proposed stadium at the Tauranga Domain

Tabled Information

Key points

- Represents the Tauranga Millennium Track Trust who opposed the multi-use boutique stadium preliminary business case.
- Four days' notice was too short for all parties with a vested interest to address all matters set out in the business case and requested a further reasonable opportunity to submit before the business case was adopted by the Council into the Long-Term Plan (LTP)
- The business case noted that the costs outweighed the benefits and did not include the relocation costs of the athletic track.
- If the business case was included in the LTP, the Trust wanted the Council to notify the subsequent resource consent application.
- Mr Mathieson stated that he believed the Council was heavily conflicted with the roles of the applicant, the decision maker and a strategic partner of Priority One, who were also project partners.
- Mr Mathieson considered there was a number of conflicts of interests relating to Commissioner Tolley, Council's Chief Executive and the Chair of Bay Venues within their roles.
- Requested that the resource consent be a notified application because of these conflicts and an Independent Commissioner be appointed to hear the application. A letter from planner Graeme Lawrence was tabled outlining a consenting process.
- The speedway must also be included as an affected person and be notified of the consent as their future was woven into the future of the boutique stadium.

Attachments

- 1 Tabled Item - G Mathieson Tauranga Community Stadium

3.3 Philip Brown, Tauranga Lawn Tennis Club – proposed stadium at the Tauranga Domain

Key points

- Mr Brown advised that he was President of the Tauranga Lawn Tennis Club and was a party to the boutique stadium.
- Mr Brown believed the Commissioners were being asked to facilitate a vanity stadium project and to place this project in the LTP without any real public consultation. There had only been four days between the release of the business case and this meeting requesting approval.
- The Domain was the only large green area left and seemed to be put up for grabs to the highest bidder. While the business case talked about community groups it did not talk about the community, yet was the community not a stakeholder?
- While the business case suggested that some public consultation be held further along the process, Mr Brown considered it would be too late then, with decisions already having been made.
- Mr Brown had heard at the Priority One meeting that the stadium location had already been decided. Nowhere in the discussion document did it include anything on the location of the stadium which was the most important part. Mr Brown considered that any number of other locations could be more suitable.
- Mr Brown stated that the community would need to fund the operating loss at \$250 per property per annum in their rates for 50 years and this was an unacceptable burden to land on ratepayers.
- The Tauranga Domain was the only open green space in the downtown area. Imagine placing a stadium there, it would be like putting one in the middle of Central Park or Hyde Park.

- The users wanted to retain the current sports clubs on the Domain and noted that there was room to introduce new sports.
- The area was complimented by visitors on the park and its surroundings and the greenspaces were valuable to the city.
- The business case had a benefit/cost ratio of less than 1 indicated that it was not a good investment.
- Mr Brown queried where parking would be provided for 15,000 people attending an event? Without any additional parking being created, it would completely overload all of the parking around the Domain, including that used by the tennis club. This was seen already when there was a big event on in the Park.
- Talking to some concert promoters they noted that they preferred to use a greenfield area rather than being fenced in by a stadium.
- Mr Brown questioned if Council knew who the current users of the Domain were and stated no user surveys had been completed which was crucial information when making decisions on the future of the Domain. Currently there were up to 9,000 athletes using the running track in February. The tennis club had 500 users per week and these people needed to be consulted with.
- The ratepayers should not have to fund a whimsical stadium.
- Mr Brown recommended that the stadium proposal not be included in the LTP and that further input be provided before any decision on the stadium was made. There were many in the community that did not support a stadium at the Domain.

In response to questions

- In response to a question as to how the submitter came up with the community not supporting the stadium in the Domain, Mr Brown noted that there was a group called "Hands Off Tauranga Domain" who had carried out a survey of 500 people which resulted in 99/1 against. A survey of tennis club members resulted in 65% saying no and 35% saying yes, so they had a mandate from the club to present that. The Club's position was it wanted to maintain the greenspace and community sports facilities in the park.

3.4 Tim Searle – proposed stadium at the Tauranga Domain

Key points

- Submitter had lived Tauranga for 25 years, had studied here, was raising his family and was part of the business community.
- Was a passionate runner and had a connection with the harbour and the environment over Tauranga.
- Points raised were his personal thoughts as he was not a public figure, and maybe his thoughts were also shared with 1-2% of the community on the stadium proposal.
- Over this time living in the city, he had been watching the heart of the city slowly fade, the hospitality sector fading and the investment fading. There needed to be a shock to get the heart back into action.
- The effect of the past three years had been harder, but the city centre needed to be the economic hub, it needed to attract new events and tourism and fill the hospitality sector which the city was made up of. The heart needed a future, a flow of energy and a reliving.
- The proposal would come with a change and uncertainty for many groups. Mr Searle noted he used the athletic track once a week, so he had genuine concerns and had seen a number of changes, some of which were good and some not so good. He had watched international cricket matches, concerts and the like that were filling venues and seen venues move about over time.
- It was important that the users concerns were addressed, managed and communicated well and that the best interests were followed for the future of Tauranga's heartbeat.
- Mr Seale stated that we had a lot of trust in the Council to carry out the due diligence required and guide the changes into the future.

- One perspective was that if the project was shared by some that were passionate about the area, they want to see what could be done.

4 ACCEPTANCE OF LATE ITEMS

Nil

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6 CHANGE TO THE ORDER OF BUSINESS

Nil

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Council meeting held on 3 April 2023

RESOLUTION CO6/23/1

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the minutes of the Council meeting held on 3 April 2023 be confirmed as a true and correct record.

CARRIED

Information was requested on the possible extension of the free parking at the Spring Street and Elizabeth Street parking buildings on a Friday evening.

7.2 Minutes of the Council meeting held on 3 and 4 April 2023

RESOLUTION CO6/23/2

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the minutes of the Council meeting held on 3-4 April 2023 (Greerton Maarawaewae hearings) be confirmed as a true and correct record.

CARRIED

8 DECLARATION OF CONFLICTS OF INTEREST

Nil

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

9.1 CBD parking petition - Ethan Watene

Mr Watene did not appear to present the petition.

Key points

- Commissioner Tolley apologised that the petition requesting the Council to revert back to free parking in the CBD, received in December 2022, but was just being addressed.
- It was noted that the main reason to bring back paid parking was due to workers within the CBD using the parks all day which limited parks for those coming into the city for hospitality or shopping. To assist the existing retailers, \$2 had been introduced for the first hour and then a different regime for those staying longer. The cost of street parking being lower than the carparking buildings was not fair on retailers who needed a turnover of shoppers on a constant basis.

In response to questions

- Contact would be made with the Petitioner providing information outlining the reasons for the current parking regime and working through the good suggestions raised in the petition.

RESOLUTION CO6/23/3

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council receives the petition of Ethan Watene regarding the provision of parking for city CBD workers.

CARRIED

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

11 BUSINESS**11.1 Tauranga Community Stadium - preliminary business case**

Staff Gareth Wallis, General Manager: Central City Development
Fiona Nalder, Principal Strategic Advisor

External Nigel Tutt, Priority One
Chad Hooker; Bay Venues Limited

Key points

Nigel Tutt noted:

- The preliminary business case for the stadium was a team effort and they were presenting it on behalf of the interested parties. It would have been hard for one entity to do it all on their own.
- There were a number of people and organisations keen to see progress with the stadium and to assist with funding..
- The document was a continuation of four-five years of work and included a needs assessment, location analysis and feasibility study.
- Visitor Solutions and other specialised consultants were involved and it had been peer reviewed, with much robust debate to ensure there was a good case for the stadium.
- The business case aligned with other Council master plans.
- The outline for the stadium was complex and difficult as there were plenty of people who all had opinions ranging from not having a stadium to making it bigger. The team were confident that they had come to the best configuration while trying to also make it different and smart.
- The facility would be a boutique, multi-use area and was not just a sports facility. It would be a venue for sports (both professional and community), to hold functions, exhibitions, concerts, festivals, to cater for clubs and to be used as a teaching space for the university.

- It would be flexible in layout and contained modular seating which could be changed, depending on the use. It was smart and seeks to get the right user experience and was well used. .
- The objective was for it to be the people's stadium, open for community use and have the capacity to take kids sports on Saturday morning as well as hold the big games, and was optimised for the fan experience.
- The facility was the right size for audiences of 7,000-15,000 for sporting events and 15,000-20,000 for concerts and the like. It would fit the markets needs and ensure the right solution and was placed in the right location.
- This was the right location and had scored the highest as well as supporting all of the city centre rejuvenation and business investment into the future.
- A Trust would be formed to work alongside the Council and be partners in the development. There was a large amount of key support for a Trust.
- The financial case included how the Council could approach the project by themselves with external funding, it would look at the future preliminary costings and they expected to work more on that and firm those things up.
- The report asks the Council to include the project in the LTP so that it would continue to be progressed and the public, not just the interested parties, could have their say as it was a contentious issue. Mr Tutt asked that the Council work with Priority One to ensure the engagement was sufficiently robust and to note that this was the start and there was further work to be done.
- Donna Gardiner, Board Member Te Runanga o Ngāti Ranginui was to be at the meeting today to support the proposal, but was unable to attend. She would have noted that 30% of the city's population was under 25 and she was strongly advocating for youth now and into the future maintaining that it was important as the city continues to grow. Improving major events both nationally and locally, holding local and regional school events and the like with accessibility and affordability.

Chad Hooker noted:

- Bay Venues were supportive of the proposal and the location with the massive growth in population in the city and we know we haven't invested in community infrastructure.
- There was a clear sign for demand for events through their facilities with Baypark struggling to cope. The stadium would also determine what Baypark could become in the future. If the new facility could take some of the business events and concerts it would free up space for Baypark to hold more community sporting events.
- Bay Venues considered the proposal was a good trade off, as the demand increased they were struggling to accommodate users and this was a real opportunity to drive multipurpose use through to the stadium.
- Conversations held with major sporting bodies noted that they were looking for opportunities to bring events to the city but there was presently no facility to accommodate them. There was no capacity for the Chiefs to play here, yet they want to recognise Tauranga as an important market for them.

Mr Tutt noted:

- that there had been a 72% increase in the population of the city since the turn of the century and he knew everyone was working hard with transport and housing outcomes, however it was also important to look at community facilities at the same time to have correct facilities for that increased population.
- This was the best opportunity for Tauranga to have a stadium.
- The change in the environment where the city was growing could be daunting and difficult.
- Mr Tutt sympathised with those that may be involved in a potential relocation, essentially to improve the facilities that the Council had. This could not be easy for those groups, however the Council could not let things get in the way of progress or continue to find ways not to do things that would benefit current and future generations.

In recognition of the public at the meeting, Commissioner Tolley noted:

- Commissioner Tolley advised that she had Chaired the Project Development Committee which brought together local people and organisations, including mana whenua, who oversaw the feasibility study and business case since the work had started in 2018.
- The proposal was very clear from the start it was to be an enhancement of facilities that were there and a major upgrade which would be uniquely Tauranga. Mana whenua were very determined that the view to Mauao be maintained and it would also give a uniqueness when events were being televised from the stadium.
- The area was always intended to remain open for daily use to walk etc and the stadium was not to interfere with that. The area would be used for much more than sport and would enhance this really critical piece of greenspace as the city was short of these spaces in the city. It would provide a refuge for people to get out of the office and enjoy nature, walk amongst the trees of historical significance that would not be touched. Commissioner Tolley underlined that the proposal was to keep as much of the current spaces as possible and to enhance them where it could.
- It was a great privilege to work with the group of citizens who had identified the need. This was no different to how Bay Park and Bay Oval were developed, and Tauranga were fortunate to have so many dedicated citizens who were devoted to their own resources. You only had to look at what was happening overseas, and the idea was to bring the best to Tauranga.
- Today was the presentation of the Business Case, which was only the second time it had come to Council, the first was seeking permission as to whether the Domain could be considered as a venue, and for the business case to proceed. This was now being presented to the Council for an in-depth discussion.

In response to questions

- In response to a query regarding the funding propositions and potential benefits for the wider Western Bay, it was noted that they had taken good care to make it for a wider pool than Tauranga City Council. Meaningful discussions would be held with others once the business case had been completed and a regional plan for proximity in terms of benefits would be compiled. There were smart ways to fund the proposal and while some conversations had been held around funding there had been no serious discussions held yet.
- The business case would also be presented to the BOP Regional Council.
- In relation to ongoing engagement with users and the wider community, they had been engaging with people over the past few months and had noted that a common theme was a fear of what the future may look like. It was expected that engagement would be held with the wider community on the business case and who would use the stadium..
- It was agreed that the business case should not be confused with the resource consent process
- It was noted that any consent hearing would be referred to an Independent Commissioner and Council would not have anything to do with the resource consent decision making.
- It was acknowledged that there was a lot of work still to do with regards to developing different funding models for the stadium if it was to proceed.
- A study and strategic assessment on the wider regional benefits and how the proposal aligned with those of the WBOP District Council and the BOP Regional Council was a piece of work that Priority One would like to do.

Discussion points raised

- It was noted that this was the first time that the other Commissioners had seen the report and much still needed to be done in understanding and confirming community support for the proposal and to determine how it would be funded.
- While the proposal was an initiative from within the community, Council needed to acknowledge the limitations around Council funding by ratepayers and funding arrangements would be critical if this was to proceed.
- There was a need to work with organisations who could be impacted by the proposal and to reiterate to them that this was the start of a process, work with them and allay their concerns.

Council would continue to work with organisations who were currently using the Domain and to recognise that some had been doing so for a long time. The Council had a moral obligation with the current users to give assurances that they would be provided for as part of the project.

- Commissioners added to the recommendations proposed in the report by adding (d) to (i).
- The decision making process was likely to be the end of September 2023 for inclusion or not into the LTP with public consultation taking place in November/December 2023 for final sign off in March 2024.
- Disappointment was noted that the business case was not strong enough in enunciating the social and health benefits and the reasons why this stadium could provide immense community benefit and how this aligned with wider social and economic benefits.
- It was critical during further consultation that people understood the immense community benefits and the pathway to understand who should be funding it. Those that enjoy and use the facility should contribute to the cost and provide a revenue stream from the users to help pay the debt, with social and health benefits being funded from the community.
- Quantification of who would benefit from this regional stadium would impact on funding solutions, but there was more work to be done to better inform the debate in the LTP and to be balanced by the wider community benefit.

RESOLUTION CO6/23/4

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Tauranga Community Stadium - preliminary business case".
- (b) Notes that further consultation and any decisions regarding future Council participation and funding of the Tauranga Community Stadium could occur via the 2024-2034 Long-term Plan Process, with ongoing community engagement (including city, regional and subregional wide communities) occurring in addition to formal consultation processes as appropriate.
- (c) Refers the Preliminary Business case to Tauranga Domain User Groups and any other relevant groups for their information.
- (d) Requests a report back from Tauranga City Council staff on funding and affordability considerations including operational costs and the likely relocation costs of existing groups so a comprehensive funding picture is provided prior to consideration for inclusion in the 2024/2034 Long-term Plan.
- (e) Ensures that the region wide social and economic benefits are clearly enunciated in the business case along with direct benefits and costs.
- (f) Requests Tauranga City Council staff continue to engage with sporting groups on identifying future options for relocation if the stadium project progresses.
- (g) Reports back on potential ownership and operational delivery structure.
- (h) Reports back on the likely costs of undertaking the above work and how it would be funded.

CARRIED

11.2 Adoption of Ōtūmoetai Spatial Plan

Staff Carl Lucca, Team Leader: Urban Communities
Corinne Frischknecht, Senior Urban Planner

Key points

- The report outlined the steps taken with the Ōtūmoetai Spatial Plan since it was provided to the

Strategy, Finance and Risk Committee on 3 October 2022 for adoption and the follow up workshop on 17 November 2022.

- Stronger wording added to make it clear the Plan supported the wellbeing of the existing community as well as making it a better liveable area now and for future residents.
- Map updates to growth areas of Brookfield, Cherrywood and Bureta communities to align more closely with the National Policy Statement on Urban Development and an updated action plan with timeframes to align with outcomes had been included in section 6 of the plan.

In response to questions

- The ecological corridors were accepted but it was not clear that these were unique neighbourhoods and while it outlined the mana whenua history, there was more recent European history where the orchards and the like were also part of the communities history and it was considered that all stories needed to be kept and told. It was noted that there was a specific action for all histories, but that may not be clear enough at the start of the document.

Discussion points raised

- Commissioners congratulated staff on a job well done and the innovative way in which the conversations were held with the communities to connect them and get them involved. This had resulted in a better document.
- A caution was noted on references to growth throughout the document and to be careful when implementing and providing context and stories as the key focus was on the people who live there now, as well as the environment and the biodiversity. With growth predicted at 2,200 dwellings in the area, the investment story was related more to the existing city community which was a significant area for the city, and it was important to tell, involve and make sure the story was also about existing residents rather than focused on growth..

RESOLUTION CO6/23/5

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Adoption of Ōtūmoetai Spatial Plan".
- (b) Adopts the Ōtūmoetai Spatial Plan (Attachment 1) to guide development and investment prioritisation in the Ōtūmoetai peninsula.
- (c) Delegates the General Manager: Strategy & Growth to approve minor amendments if required prior to publication and/or any changes to ensure alignment and consistency with Plan Change 33 – Enabling Housing Supply.

CARRIED

11.3 Submission to the Ministry of Transport - Charging Our Future - draft Electric Vehicle Charging Strategy

Staff Rob Lahey, Principal Strategic Advisor

Key points

- The report was to provide feedback on the Ministry of Transport's draft electric vehicle (EV) charging strategy.
- The number of EV stations had increased over the last few years, but with an additional 1.5m vehicles needed to be added to the fleet to meet the target in the emissions reduction plan, EV charging infrastructure would be critical to meet that target so people can get to where they need to go within the EV range.
- The focus was on light EV units only but did include an outcome area on heavy vehicles in the future.

- The Strategy supported a market-led rollout supported by the government ensuring enabling regulation and standards and government co-funding for public charging infrastructure to address gaps in the network, primarily through the Energy Efficiency and Conservation Authority's (EECA) low emission transport fund.
- A number of supermarkets, malls and petrol stations were now moving into the EV space although research showed more than 80% of owners were charging their vehicles at home.

In response to questions

- The Ministry of Transport was engaging with Council and staff had attend a number of workshops. Submissions were due on 11 May 2023 and following the hearing of submissions, it was expected that a revised final strategy would be provided from the Ministry.

Discussion points raised

- Commissioners noted that the submission was not strong enough regarding the provision of government funding and they should not be looking at local government to fund it. The government should be funding this alongside the private sector.
- Also seek a much clearer definition of what municipal and community facilities were, as the government could argue that all parks met this definition and in theory greenspace could be taken up with charging facilities.
- There would be gaps in the network given the population basis, however, the programme should be central government funded, as that was what the EECA fund was set up for, so it should be used for that.
- Add to the submission to strengthen it - to seek absolute clarity on the target for public EV charging infrastructure at municipal or community facilities and strengthen expectations that this would be funded through a partnership with central government and the private sector rather than rely on ratepayers.

RESOLUTION CO6/23/6

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Submission to the Ministry of Transport - Charging Our Future - draft Electric Vehicle Charging Strategy".
- (b) Approves the draft submission included in **Attachment 1** with the following amendments:
 - (i) strengthen paragraph 10 to state that the Council seeks absolute clarification on the applicability of the target for public EV charging infrastructure at municipal or community facilities.
 - (ii) strengthen the expectation that this would be funded by a partnership between central government and the private sector rather than rely on ratepayers.
- (c) Delegates authority to General Manager: Strategy, Growth, & Governance to make minor drafting, typographical, and presentation amendments as required prior to formally submitting the submission ahead of the 11 May 2023 deadline.

CARRIED

At 11.34am the meeting adjourned.

At 11.41am the meeting reconvened.

11.4 Update on cycle use on Totara Street

Staff Nic Johansson, General Manager: Infrastructure Services
Brendan Bisley, Director of Transport
Karen Hay, Team Leader: Cycle Plan Implementation

Commissioners and staff acknowledged the recent fatal cycle accident involving a staff member, and noted that the sympathies of the Council go out to the cyclist's family and the truck driver's family.

Key points

- The report was to provide an update on the Totara Street cycleway, which was late opening due to the power supplies for the switch crossings along the route.
- Despite the weather the use of the shared path had seen increased use from when it had first opened and substantial increases since which had already exceeded 2026 expectations.
- The target reduction was 40% for serious injury and death over the next five years. The risk remained high for cyclists who continued to use the road. There had been several cycle accidents at Triton Street where motorists had not seen the cyclist approaching. Staff were continuing to encourage the use of the shared use path so that everyone could get to their destination safely.

In response to questions

- It was suggested that there may need to be a reset of the targets as one bike was one less car on the road.
- It was noted that the number of death or serious injury accidents was two, the measure was indicating a reduction by one, but were actually aiming for none. Minor injuries of 50% were for all active users and was sitting around seven at present.
- There were some cyclists who used the route as a Strava training route as it was a straight stretch of road where they recorded their speeds and uploaded them to record with other riders. Confident cyclists got used to the risks, but one tiny mistake could result in a fatality.
- In response to a query as to whether it would be helpful if Commissioners talked to the cyclists it was noted that as it was legal to cycle on the road, they were not breaking any laws. The encouragement of minimal use of roads by cyclists, where there was a choice of an alternative cycle path, would be welcome. It was suggested that this be taken up with the government as one of the tools to keep people safe on roads.
- It was noted that a report would be provided on all pathway networks and their usage which was continuing to grow. The figures were that 10% of the population would always bike regardless, 10% would never bike and the 70-80% who are interested in biking become more interested with cycle/shared paths. Petrol prices and traffic congestion were major factors and there were a lot more riders using the routes on the weekend.
- Staff acknowledged Dominion Salt who had approximately 70 trucks a day crossing the path had installed signage and put the truck operators and majority of drivers through a training course with cyclists. The signage was a national trial to see how effective the signs were to increase the security of path users.

RESOLUTION CO6/23/7

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Update on cycle use on Totara Street".
- (b) Notes that a further evaluation of cycle use will be reported to Council in six months, following completion of the Totara Street safety improvement project.

CARRIED

11.5 Water Supply Fluoridation Funding

Staff Nic Johansson, General Manager: Infrastructure Services
Brian Everitt, Team Leader: Engineer Services

Key points

- This was in response to a national directive by the Ministry of Health to have all potable water supplies fluoridated by 2024.
- The Ministry would compensate Council for the introduction costs as they were incurred.
- The request was to bring the budget of \$2.6m forward to this financial year so that they could implement the changes for the water treatment plants.

In response to questions

- Provision had been made at the Waiāri treatment plan for fluoride storage, but the other two plants needed the provision to store and all three needed fluoride to be introduced into the supply.
- In response to a query as to whether there was a risk that the funding would not be forthcoming, it was noted that while there was a slight risk, the Council still had an obligation to fluoridate by 1 July 2024 so there was no alternative but to proceed.
- The full amount of funding required had been provided to the Ministry who had agreed in principle to fund it, subject to the final costs.

RESOLUTION CO6/23/8

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Water Supply Fluoridation Funding".
- (b) Approves a budget of \$2,600,000 in the 2024 Annual Plan to front fund the implementation of fluoridation (on the understanding that Ministry of Health will ultimately cover this budget upon project completion).

CARRIED

11.6 Project budget changes: Hastings Road Upgrade and Wairakei Stream Papamoa East/Emerald Shores Crossing

Staff Nic Johansson, General Manager: Infrastructure Services
Brendan Bisley, Director of Transport
Paul Young, Programme Manager: Safety
Andy Mead, Manager: City Planning and Growth

Key points

- The project upgrades had triggered an unbudgeted amount over the delegated amount that staff were able to sign off.
- While both projects had been funded primarily through development contributions the delay in the onsite construction works and the increase in the design standards for the retaining walls for Hastings Road upgrade had resulted in unbudgeted expenditure of \$245,000 that could not be met from development contributions.
- The Wairakei Stream works had been delayed due to Covid. The works had been completed two years ago but approval was not put through at that stage and staff apologised for that.

In response to questions

- These costs could not be fully recovered by development contributions, as it was not possible to charge retrospectively as the growth in these two areas had occurred and fees had already been paid.
- Hastings Road was in Pyes Pa west, the Lakes area, and the majority of the growth area had already been developed, with less than 20% growth to still occur. 20% of the additional unbudgeted amount for Hastings Road would be paid through development costs. Any amounts not recovered through development contributions would be rates/loan funded.
- It was noted that the Hastings Road costs were expected to be 93% recovered from development contributions.. The delay was from both sides and not just the developer.
- The Wairakei Stream costs were in the Wairakei growth area where most growth had happened and similarly costs could not be retrospectively charged through development contributions.

Discussion points raised

- Commissioner Tolley noted that she had held discussions with the Minister of Local Government on the ability to recover costs and the agility of tools Council had to do so.

RESOLUTION CO6/23/9

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Approves the additional unbudgeted funds for the two listed projects:
 - (i) Hastings Road Upgrade: Approves the additional funds of \$245,000 required to build the retaining walls to the required building consent design standard.
 - (ii) Wairakei Stream Papamoa East/ Emerald Shores Crossing: Approves the additional funds of \$527,500 required to finalise payment of Bluehaven Holdings Ltd for the reimbursement of road/stormwater culvert infrastructure to service the Papamoa Special Housing Area Outstanding invoice for the works already completed for this project.

CARRIED

11.7 Increase of 2022/23 Borrowing Resolution

Staff Paul Davidson, Chief Financial Officer
Sheree Covell, Treasury and Financial Compliance Manager

Key points

- At the start of each financial year the base on borrowing was included in the annual plan.
- The main reason for the increase to the borrowing limit related to the timing of the disposal of property that would not occur until the next financial year.

In response to questions

- Staff were working with CIP regarding the timing and conversations would be held around the additional costs incurred.

RESOLUTION CO6/23/10

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Increase of 2022/23 Borrowing Resolution ".
- (b) Approves a \$55m increase to the 2022/23 borrowing limit from \$198.5 million to \$253.5 million.
- (c) Notes that the closing debt position is now forecast to be \$69.5m above the annual plan budget at \$972.5m, which will affect the debt to revenue ratio by 16%.

CARRIED

12 DISCUSSION OF LATE ITEMS

Commissioner Tolley presented Robyn Garrett the Team Leader, Governance Services with a bouquet of flowers in recognition of the work that she had done for them since they had been appointed. While Robyn was leaving her current role within Democracy Servicecs, she would remain in the Council as part of the legal team. Robyn had worked in her current role for five years – managing public forum speakers, coming and making presentations and keeping Comissioners in line with meeting procedures. Commissioner Tolley thanked Robyn for all she had done, with much of it in the background to ensure meetings ran smoothly. Her reputation in dealing with the public who were sometimes in an agitated or nervous state had been commented on as Robyn was always professional.

13 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

RESOLUTION CO6/23/11

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.1 - Public Excluded Minutes of the Council meeting held on 3 April 2023	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.2 - Variation to contract and direct appointment contract TC64/21 Accessible Streets	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information s7(2)(j) - The withholding of the information	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	is necessary to prevent the disclosure or use of official information for improper gain or improper advantage	
13.3 - Reinvestment of Elder Housing Sale Proceeds	s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.4 - Chief Executive Appointment	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED**14 CLOSING KARAKIA**

Commissioner Shad Rolleston closed the meeting with a karakia.

The meeting closed at 12.54 pm

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 29 May 2023.

.....
CHAIRPERSON

8 RECEIPT OF MINUTES FOR INFORMATION

Nil

9 DECLARATION OF CONFLICTS OF INTEREST

10 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

11 RECOMMENDATIONS FROM OTHER COMMITTEES

11.1 Nga Poutiriao o Mauao - Membership

File Number: A14726755

Author: Anahera Dinsdale, Governance Advisor

Authoriser: Coral Hair, Manager: Democracy and Governance Services

PURPOSE OF THE REPORT

1. The purpose of this report is to bring a recommendation from Nga Poutiriao o Mauao to Council for consideration. At its meeting on 3 May 2023, the Committee passed the following resolutions which include recommendations to Council:

10.5 Council Membership

That Nga Poutiriao o Mauao:

- (a) *Receives the report "Nga Poutiriao o Mauao - Membership".*
- (b) *Congratulates Dean Flavell (Ngāti Pūkenga) on his reappointment by the Mauao Trust as Chairperson of Ngā Poutiriao o Mauao for a further three-year term to April 2026.*
- (c) *Congratulates Josh Te Kani on his appointment by the Mauao Trust as the representative of Waitaha a Hei to Ngā Poutiriao o Mauao.*
- (d) *Congratulates (name) on their appointment by the Mauao Trust as the representative of Ngāi Te Rangī to Ngā Poutiriao o Mauao.*
- (e) *Acknowledges Punohu McCausland (Waitaha a Hei) and Jack Thatcher (Ngāi Te Rangī) for their contributions over many years as representatives to Ngā Poutiriao o Mauao.*
- (f) *Recommends to Council that Alison Law, Manager: Spaces and Places be appointed to Ngā Poutiriao o Mauao as the first Tauranga City Council representative if one Commissioner is absent to ensure a quorum.*

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Nga Poutiriao o Mauao - Membership".
 - (b) Appoints Alison Law, Manager: Spaces and Places to Ngā Poutiriao o Mauao as the first Tauranga City Council representative if one Commissioner is absent to ensure a quorum.
-

ATTACHMENTS

Nil

12 BUSINESS

12.1 Letter of Expectation for Te Manawataki o Te Papa Limited

File Number: A14654334

Author: Anne Blakeway, Manager: City Partnerships
Sanjana France, CCO Specialist

Authoriser: Gareth Wallis, General Manager: City Development & Partnerships

PURPOSE OF THE REPORT

1. The purpose of this report is to confirm the Letter of Expectation for 2023-2024 from Tauranga City Council to the Board of its new council-controlled organisation, Te Manawataki o Te Papa Limited.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Letter of Expectation for Te Manawataki o Te Papa Limited".
- (b) Approves the Letter of Expectation from Tauranga City Council to the Board of Te Manawataki o Te Papa Limited (Attachment 1).

EXECUTIVE SUMMARY

2. A Letter of Expectation for Tauranga City Council's (TCC) new council-controlled organisation, Te Manawataki o Te Papa Limited, is attached for Council's approval.
3. This letter provides guidance to the council-controlled organisation on what Council expects to see in their Statement of Intent for 2023-2024.

BACKGROUND

Legislative requirements for council-controlled organisations

4. Part 5 of the Local Government Act 2002 sets out the statutory regime for council-controlled organisations. The key components are:
 - Appointment of directors/trustees
 - Consideration of the draft statement of intent and providing comment
 - Regularly monitoring council-controlled organisation's performance
 - Including the council-controlled organisation's objectives and performance in the council's long-term plan, annual plan, and annual report.
5. Under the Local Government Act legislative framework, Council has minimal opportunity for input into a council-controlled organisation's planning for the following year, until the draft Statement of Intent has been completed and submitted to Council, at which point Council has two months to respond.
6. A number of councils, including TCC, take a more proactive approach, working collaboratively with their council-controlled organisations and providing them with clear guidance at the early stages of the annual planning process. This helps ensure that the council-controlled organisation's objectives and strategies are aligned with the Council's and is particularly important when council-controlled organisations deliver significant services on its behalf.

7. This process has been focused on those substantive council-controlled organisations that TCC has significant control over i.e. Bay Venues Limited, Tauranga Art Gallery Trust and Tourism Bay of Plenty (joint shareholder with Western Bay of Plenty District Council).
8. Letters of Expectation went out to Bay Venues Limited, Tauranga Art Gallery Trust and Tourism Bay of Plenty in December 2022. With Te Manawataki o Te Papa Limited being newly established, applying the same process serves as best practice and a good foundation for the relationship of the Board with TCC.

Letter of Expectation for Te Manawataki o Te Papa Limited

9. This is the first Letter of Expectation to Te Manawataki o Te Papa Limited from TCC.
10. The letter welcomes the new Board and sets an intention for building strong relationships and working together to deliver exceptional community outcomes for Tauranga City with the Te Manawataki o Te Papa civic precinct development.
11. The letter states TCC's commitment to "put the community at the heart of everything we do" and to create a vibrant city. It also highlights key planning and strategy documents to help deliver on these commitments.
12. The letter provides context and background on the Te Manawataki o Te Papa civic precinct development project, and the significant investment involved in delivering the project.
13. The letter states the objectives and key deliverables of the civic precinct development project, noting the purpose and scope of Te Manawataki o Te Papa Limited and TCC's expectations of the Board. It also outlines the relationship between Te Manawataki o Te Papa Limited and TCC, and key accountability documentation and monitoring requirements.

STRATEGIC / STATUTORY CONTEXT

14. While not a legislative requirement under the Local Government Act (2002), when combined with the Enduring Statement of Expectation, the Letter of Expectation is a key document that ensures Council provides clear guidance to its council-controlled organisations.
15. The Letter of Expectation helps ensure that the council-controlled organisation's objectives and strategies are aligned with Council's by providing key areas of focus that Council expects to see reflected in their Statement of Intent.

OPTIONS ANALYSIS

Option 1: Approve the Letter of Expectation – RECOMMENDED

16. Council approves the Letter of Expectation for Te Manawataki o Te Papa Limited.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Council-controlled organisations are part of the TCC group and are expected to operate in ways which contribute to the success of the group as a whole. • The community outcomes that are delivered by services provided by council-controlled organisations assist Council to achieve the community outcomes and four well-beings prioritised through the Long-term Plan. 	<ul style="list-style-type: none"> • Nil

Option 2: Do not approve the Letter of Expectation – NOT RECOMMENDED

17. Council does not approve the Letter of Expectation for Te Manawataki o Te Papa Limited.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Council may not be able to achieve its Long-term Plan community outcomes. • Lack of strategic direction, leading to a potential negative impact on Council's relationship with its new council-controlled organisation. • Potential negative community perception over the value and direction of the new council-controlled organisation.

FINANCIAL CONSIDERATIONS

18. There are no financial considerations.

LEGAL IMPLICATIONS / RISKS

19. There are no legal implications or risks.

CONSULTATION / ENGAGEMENT

20. Community consultation or engagement is not required or appropriate for this matter.

SIGNIFICANCE

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

Click here to view the [TCC Significance and Engagement Policy](#)

NEXT STEPS

25. Once adopted, the Letter of Expectation will be incorporated into an official letter to the council-controlled organisation, signed by the Commission Chair and delivered to the Chair of Te Manawataki o Te Papa Limited by email.
26. The Letter of Expectation is intended to inform Te Manawataki o Te Papa Limited's Statement of Intent, which must be adopted by the Te Manawataki o Te Papa Limited Board and submitted to Council no later than 30 June 2023.

ATTACHMENTS

1. **TMOTP Letter of Expectations for 2023-24 (FINAL) - A14654350** [↓](#) 



13 April 2023

Kim Wallace
Chair, Te Manawataki o Te Papa Limited
By email: kimlouise.wallace@gmail.com

Tēnā koe Kim

Letter of Expectation from Tauranga City Council to Te Manawataki o Te Papa Limited for 2023-2024

We are delighted to welcome you and your fellow Directors into the wider Tauranga City Council whānau as the inaugural Board of Te Manawataki o Te Papa Limited (TMOTPL) and look forward to building strong relationships and working with you over the coming years to deliver fantastic community outcomes for Tauranga City with the Te Manawataki o Te Papa civic precinct development.

The purpose of this letter is to set out the expectations from Tauranga City Council (Council) as the sole shareholder of TMOTPL, as to how TMOTPL is to conduct its operations over the next financial year. The TMOTPL board of directors (Board) should consider these expectations when preparing its draft Statement of Intent. Council issues revised letters of expectation to its council-controlled organisations annually in December.

In addition, we are currently undertaking our five-year review of our Enduring Statement of Expectations with all of our council-controlled organisations, which incorporates governance expectations of a more enduring nature. Some of the information outlined below will be incorporated into that document and forwarded to you in due course.

Community outcomes

We have made a commitment to "put the community at the heart of everything we do" and to create a vibrant city. The *Our Direction Tauranga 2050* [document](#) provides Council's strategic framework which informs our community outcomes, guides decision making and supports our overarching [City Vision](#), *Tauranga, together we can*. Our [community outcomes](#) are of particular relevance to TMOTPL and align with the three pillars of our City Vision.

Background

The delivery of the Te Manawataki o Te Papa civic precinct development project in Tauranga's city centre (the Project) is a once-in-a generation Project that will see the city's heart transformed into a vibrant community space, breathing new life into what will become a key cultural, heritage and economic driver for the region.

The Project involves a significant investment into the community, which will result in a curated precinct that is consistent with the refreshed Tauranga Civic Masterplan approved by Council in December 2021, and which will revitalise the city centre.

The objectives are that the Project will:

- Promote opportunities for welcoming and expression, learning and discovery, appreciating our past and shaping our future, and places for entertaining and enjoyment.
- Stimulate the region's economy, including attracting domestic and international visitors, experiences and events.
- Enable the region to attend a range of events and activities, including art exhibitions, museum displays, entertainment activities and other community and business events.
- Increase the vibrancy of the civic precinct and support the connection of central Tauranga with the surrounding region.

Tauranga City Council Private Bag 12022, Tauranga 3143, New Zealand +64 7 577 7000 info@tauranga.govt.nz www.tauranga.govt.nz

- Provide confidence to the investment markets to invest further in the civic precinct area.
- Enhance the region's social, cultural, entertainment and artistic reputation and identity.

The key deliverables for the Project, which should be consistent with the Statement of Intent, are:

- Design and procure construction of the Library and Community Hub, Civic Whare, Exhibition Gallery and Museum buildings and associated landscaping, in accordance with the Tauranga Civic Precinct Masterplan and any further approvals or variations advised by Council.
- Ensure that the total capital project cost does not exceed budget and appropriately balance the capital cost of initial construction, the cost of operation, and the cost of refurbishments over the lifetime of the precinct.
- Meet contracted delegations, New Zealand legislation and regulations, and New Zealand construction industry best practice, including adopting/exceeding New Zealand construction industry best practice standards for the health, safety and wellbeing of all involved in the project.
- Deliver a sustainable approach to the design and construction of the project, including consideration of 6 Green Star sustainability and WELL certifications for the buildings associated with the Project.
- Ensure that the Project recognises and reflects the inherent connection with mana whenua.
- Respect the name gifted by mana whenua representatives from Otamataha Trust for the Project, being Te Manawataki o Te Papa.
- Provide an uplifting, enjoyable experience for those enjoying the civic precinct area for recreation, enjoyment and business, and for those bringing events or experiences to the precinct.
- Ensure the precinct area is accessible to all in the region, addressing both access for those with disabilities, and ease of access for all in terms of transport and connectedness to the outer regions of Tauranga.

The Council is the agency responsible for the delivery of the Project and is responsible for securing the funding for the Project (including any third-party contribution), the management of the Project, ensuring that the Project remains strategically aligned and viable, and that the benefits sought are on track to be realised.

Appropriate project governance for a project of this scale is critical. Council has approved the establishment of TMOTPL as a company, to govern the delivery of the Project, TMOTPL being a council-controlled organisation (CCO) under the Local Government Act 2002 (LGA) and a public benefit entity for financial reporting and tax purposes.

Purpose of Te Manawataki o Te Papa Limited (TMOTPL)

TMOTPL is responsible for the governance of the delivery of the Project from planning, design, execution, monitoring and control, through to the completion of construction. *See Attachment 1 for the full scope of The Project.*

At this stage, TMOTPL will not have an ongoing role after the completion of the Project, but Council will determine in due course the appropriate vehicles to own and operate the completed Te Manawataki o Te Papa precinct, which may be the Council itself, TMOTPL, or another entity.

TMOTPL is to provide project governance to ensure that:

- The Project is successfully delivered by the target delivery dates, within the targeted delivery costs, and in accordance with contractual obligations, New Zealand laws, regulations and good industry practice.
- The key deliverables for the Project are achieved.
- The Project is capable of delivering the benefits and objectives outlined in this Letter of Expectation.

The Council may identify further responsibilities of the Board from time to time.

Expectations of the Board

Council expects the TMOTPL Board to undertake its activities in accordance with all relevant regulatory and statutory requirements, policy and administrative requirements, and in accordance with best practice governance.

Directors will need to ensure they are familiar with the directors' duties in the Companies Act 1993 (Companies Act), the rights, powers, duties and obligations under the Companies Act and the TMOTPL constitution (Constitution), and the requirements of the LGA. In particular, Part 5 'Council-controlled organisations and council organisations,' and Schedule 8 'Statements of intent for council-controlled organisations' of the LGA.

The Council expects the Board to:

- Ensure appropriate project governance and management practices are in place for the Project.
- Provide best practice governance in relation to the delivery of the Project.
- Actively identify, quantify and mitigate risks in a timely manner to the Council as the accountable agency for the delivery of the Project, including (without limitation) financial risk, delivery risk and reputational risk.
- Actively seek opportunities to add value to any Council investment in the Project.
- Ensure the procurement processes meet the legal requirements of the LGA (section 14), and the principles governing public spending within the Controller and Auditor-General's Procurement Guidance by adhering to Council's Procurement Policy and Framework.
- Maximise opportunities for Council to obtain third party contributions to the Project.
- Actively engage with key stakeholders and mana whenua to ensure the Project functionality is fit for purpose, enables an outstanding experience for guests, and minimises whole-of-life asset management, maintenance and compliance costs.
- Demonstrate a proactive and transparent approach to notifying, consulting and sharing information with all relevant stakeholders.
- Develop and report against meaningful and measurable performance targets (to be set out in the Statement of Intent).
- Assist with and engage in assurance and post-project evaluation processes.
- Ensure health and safety is a priority for both TMOTPL and the Board across all aspects of the Project.

Relationship between the Council and TMOTPL Board

Council expects a high level of engagement between the Board and Council. It expects the Board to:

- Meet the key accountability requirements under the LGA.
- Give Council reasonable prior notice of all Board meetings so that representatives of the Council can attend in an advisory/observer capacity. To this end, Council expects the Board to extend a standing invitation to such Council representatives in respect of all Board meetings (including any committee meeting) and to provide the relevant papers for these meetings concurrently with circulation to directors.
- Provide Council with accurate and timely advice as required, including performance reports highlighting the status of the Project, including the management of key risks, programme progress, and identifying upcoming decisions required in relation to the Project.
- Seek Council approval prior to making decisions that may materially affect the Project outcomes and key deliverables, or which may breach the targeted delivery costs or targeted delivery date(s).
- Inform the Council well in advance of any significant matter relating to the Project, whether positive or negative, on a "no surprises" basis. This "no surprises" approach will also apply from the Council to the Board.
- Advise Council in advance of any significant issues that may be discussed in the public arena, or which may have a reputational impact on the Council.

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- Promptly inform Council of any imminent media coverage of any matters relating to TMOTPL or the Project on which the Council may be asked to make a media comment or public statement.
- Provide the Council with sufficient information and time to enable Council to make a decision on any matter which falls outside the scope of the Board's authority.
- Provide the Council with all required information promptly, on request, to allow the Council to fulfil any of its obligations to third parties in relation to the Project.
- Provide the Council with sufficient information and time to enable Council to consult any third parties in relation to the Project, as Council determines is appropriate.
- Advise Council of the referral of any notifiable incidents to WorkSafe and keep Council fully informed as to any such incidents that are subject to investigation by WorkSafe.

Council expects TMOTPL to deliver value for money in its activities. In this regard, it expects TMOTPL to be a small entity, which will work collaboratively with Council and its various business units and make full use of their capacity and skills to successfully deliver the Project.

Accountability documentation

The table below details the annual cycle of preparation and approval of accountability documentation and reporting requirements for council-controlled organisations:

Date	Accountability documentation and reporting requirements
July	Council sets priorities through the Long-term Plan/Annual Plan
November/December	Council issues a Letter of Expectations to its CCOs, communicating priorities
February to June	CCO translates priorities into a three-year work programme, through the Statement of Intent process
On or before 1 March	CCO delivers a draft Statement of Intent to Council for shareholder comment
By 1 May	Council provides shareholder feedback to the draft Statement of Intent, which must be considered by the CCO Board
By 30 June	CCO finalises its Statement of Intent with Council and publishes one month thereafter. In the case of TMOTPL, the Statement of Intent will need to be delivered in draft as soon as possible for shareholder review and comment, if appropriate.
Ongoing	Performance monitoring by Council staff
30 September and 28 February	Annual reporting within three months following 30 June balance date. Interim six-monthly reporting within two months following 31 December
	Publication of the final Statement of Intent, Letter of Expectations and monitoring reports within the timelines provided in the LGA

Auditor-General is auditor of council-controlled organisations

Despite sections 207P to 207V of the Companies Act, a council-controlled organisation or a subsidiary of a council-controlled organisation is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Directors and remuneration

The Council highly values diversity in its organisations and will take this into consideration for new director appointments.

The Council is responsible for board remuneration and expects the Board to show restraint regarding reimbursement of additional expenses in relation to travel and accommodation.

If you would like to discuss the content of this letter of expectations or any other governance-related matters, please contact Gareth Wallis at Gareth.Wallis@tauranga.govt.nz or on 027 551 7310.

We welcome you to the Tauranga City Council whānau and look forward to working with the TMOTPL Board in the coming months.

Statement of Intent

Council expects that the strategic priorities contained in this Letter of Expectation will be reflected in TMOTPL's Statement of Intent and supported by performance indicator measures where appropriate.

The Commissioners believe that by working collaboratively, with a shared approach, goals and culture, the Tauranga City Council whānau can deliver best value for money, high-quality and cost-effective outcomes, and services for our community.

Thank you for your contribution to this process. We look forward to receiving your final Statement of Intent by 30 June 2023.

Ngā mihi

Anne Tolley

COMMISSION CHAIR

Cc: Marty Grenfell – Marty.Grenfell@tauranga.govt.nz

Gareth Wallis – Gareth.Wallis@tauranga.govt.nz

Attachment 1

Scope of the Te Manawataki o Te Papa Limited Board

City Development & Partnerships Group	Rates \$ Confirmed	TMOTPL In/Out
Te Manawataki o Te Papa		
Library/Community Hub	Yes	In
Museum	Yes	In
Exhibition Gallery	Yes	In
Civic Whare	Yes	In
Baycourt upgrade	Yes	In
Public realm	Yes	In
Masonic Park	Yes	In
Art Gallery entrance	Yes	In
Strand Central Plaza	Yes	In
Wharf St wharf	Yes	In
Willow St pedestrianisation	Yes	In
Waterfront Masterplan		
Cargo Shed	COMPLETED	
Cargo Shed Wharf	No	In
Beacon Wharf	Yes	In
Dive Crescent carpark	Yes	In
Fisherman's Wharf	Yes	In
Seawall replacement	Yes	In
Strand North Reserve	Yes	In
Destination playground	Yes	In
Pavilion/public conveniences	Yes	In
Strand South Reserve	No	In
Wharewaka development	Yes	In
Railway underpass	Yes	In
Tunks Reserve	Yes	In
Elizabeth Street East streetscape	Yes	In
Te Honoga Te Awanui - coastal path Stage 1	Yes	In
Te Honoga Te Awanui - coastal path Stage 2	Partial	Out
90 Devonport Road fitout		
Internal fitout	Yes	In
Site B		
Hotel	No	Out
Conference centre	No	Out
2nd performance space	No	Out
Memorial Park		
Aquatics	Partial	Out
Indoor courts	Partial	Out
Master planning	Partial	Out
Tauranga Domain		
Community Stadium	No	Out

12.2 Traffic & Parking Bylaw Amendment 44

File Number: A14689966

Author: Will Hyde, Senior Transportation Engineer

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

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

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Traffic & Parking Bylaw Amendment 44".
- (b) Adopts the proposed amendments to the Traffic and Parking Bylaw (2012) Attachments as per Appendix B, relating to minor changes for general safety, operational or amenity purposes, to become effective on or after 30 May 2023 subject to appropriate signs and road markings being implemented.

EXECUTIVE SUMMARY

2. The Traffic and Parking Bylaw 2012 includes Attachments each of which lists various traffic and parking restrictions.
3. Council can amend the Attachments by Council Resolution.
4. This report sets out amendments to the following:
 - (a) Attachment 7.1: No Parking Behind Kerb
 - (b) Attachment 7.2: Prohibited Stopping and Standing of Vehicles
 - (c) Attachment 7.7: Mobility Parking
 - (d) Attachment 7.9: Parking Time Restrictions
5. These amendments are proposed for general operational reasons, principally requests from the public or other stakeholders for numerous small changes to parking controls.
6. These amendments are summarised in Appendix A, with details listed in Appendix B.

BACKGROUND

7. The amendments set out in Appendix B are changes proposed to reflect and support operational and safety needs on the road network.
8. A number of parking restriction amendments have been proposed on Cameron Road between Hamilton Street and Seventeenth Avenue, to reflect changes to parking within the Cameron Road multimodal Project.
9. The remainder of the proposed amendments are minor changes to parking restrictions across the city which have arisen through requests from the public, transportation staff or other stakeholders, changes resulting from approved developments, plus other minor changes deemed necessary by the Network Safety and Sustainability team.

STRATEGIC / STATUTORY CONTEXT

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

FINANCIAL CONSIDERATIONS

11. Negligible – the associate signs and markings costs can be accommodated within existing project or operational budgets.

LEGAL IMPLICATIONS / RISKS

12. The bylaw amendment is needed to allow enforcement of changes deemed necessary for safety and amenity purposes.

CONSULTATION / ENGAGEMENT

13. The changes related to the Cameron Road Multimodal Project have been publicised during the engagement processes of the project.
14. The introduction of small areas of parking time limits is in line with the recently publicised Parking Management Plan.
15. The remaining amendments proposed in Appendix B have been assessed as being of a minor nature.
16. Consultation is not required for minor stopping and parking amendments, or other minor amendments required to support operational or safety improvements

SIGNIFICANCE


17. 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.
18. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the decision.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.

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

ENGAGEMENT

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

ATTACHMENTS

1. **Appendix A - T&P Bylaw Amendment 44 - A14705164** [!\[\]\(a16a19bbc0e991a431a3f945e52ea4ee_img.jpg\)](#) 
2. **Appendix B - T&P Bylaw Amendment 44 - A14705165** [!\[\]\(b6dfdc469db7bdd9d4753ebc0f182e12_img.jpg\)](#) 

APPENDIX A: Summary Table of Amendments to Traffic and Parking Bylaw 2012 (Amendment 44)

Proposed amendment Location	Details of amendments	Reason	Consultation
Attachment 7.1 – No Parking Behind Kerb (Bylaw clauses 12.1 & 12.3)			
Various locations	Short lengths of berm parking prohibition.	To address localised concerns relating to utility infrastructure damage (water meters), blocked sight lines at driveways, or vehicles being driven on footpaths to get to back berm areas.	Not required.
Attachment 7.2 – Prohibited Stopping and Standing of Vehicles (Bylaw clauses 12.1 and 12.3)			
Various locations	Short lengths of yellow lines at various locations.	On request, and following assessment by safety engineer, to address situations where parked vehicles block property access, through-movement of vehicles along a road, or restrict sight lines.	Not required.
Cameron Road	Various lengths between Hamilton Street and Seventeenth Avenue	Changes related to the Cameron Road Multimodal Project.	Carried out as part of the wider project engagement.
Attachment 7.7 – Mobility Parking (Bylaw clauses 12.1 and 12.2d)			
Cameron Road near Fourth Avenue	Proposed new space	Demand for mobility space identified through public feedback, in an area with no provision at present.	Not required, can be integrated into Cameron Rd project without reduction in proposed parking.
Attachment 7.9 – Parking Time Restrictions (Bylaw clauses 12.1 and 12.2c)			
Maungatapu Road	Time-limits introduced near to school as part of wider road safety upgrades.	To reduce parking congestion in immediate vicinity of the school.	The school and local residents have been consulted.
Second Avenue	Adding time limits to CBD spaces currently providing all-day parking.	To provide consistency around parking provision.	Previously consulted under the Parking Management Plan
Seventh Avenue and Fraser Street	Introducing time limits on sections of road on the periphery of Memorial Park	To address the use of these spaces in and around the reserve for all-day (commuter) parking which reduce the availability of parking for leisure use at this destination reserve.	Previously consulted under the Parking Management Plan

APPENDIX B: Proposed Amendment No.44 to the Traffic and Parking Bylaw 2012**Attachment 7.1: No Parking Behind Kerb**

Pursuant to clause 12.1 and Clause 12.3 of the Traffic and Parking Bylaw 2012 the parking of motor vehicles is at all times prohibited between the kerb line and road boundary in the locations listed below:

Location	Details
Cameron Road West side	From opposite Maleme Street to opposite Pooles Road.
Chadwick Road Southwest side	Along the frontage of No.320
Sharman Place End of cul-de-sac	Along the southern boundary of the road (between the vehicle accesses to Nos.15 – 27 and Nos. 36 – 56)

APPENDIX B: Proposed Amendment No.44 to the Traffic and Parking Bylaw 2012**Attachment 7.2: Prohibited Stopping and Standing of Vehicles**

Pursuant to Clause 12.1 and Clause 12.3 of the Traffic and Parking Bylaw 2012, the parking of motor vehicles is prohibited at all times in the following locations:

Prohibited Stopping and Standing of Vehicles	
Aviation Avenue South side	From a point 5m west of the eastern boundary of No.45A (drainage reserve) eastwards for 17m.
Cameron Road Both Sides	Delete all restrictions From Hamilton Street to Seventeenth Avenue, to be replaced with those listed below.
Cameron Road East Side	From Hamilton Street southwards to a point 22m south of the southern boundary of Third Avenue, except for 28m of inset parking outside Nos.96 and 100, and marked bus stops.
Cameron Road East Side	Between Third Avenue and Fourth Avenue, except for eight marked parking spaces.
Cameron Road East Side	Between Fourth Avenue and Arundel Street except for seven marked parking spaces.
Cameron Road East Side	From Arundel Street to Sixth Avenue, except marked bus stop.
Cameron Road East Side	From Sixth Avenue to Eighth Avenue, except the eight marked parking spaces outside Nos.402 to 408, and marked bus stops.
Cameron Road East Side	From Eighth Avenue to Tenth Avenue, except for two marked parking spaces outside No.414, and marked bus stops.
Cameron Road East Side	From Tenth Avenue to Eleventh Avenue, except for eight marked parking spaces outside Nos.504 to 518.
Cameron Road East Side	From Eleventh Avenue to Twelfth Avenue, except for marked parking spaces outside No.556 Cameron Rd and No.132 Eleventh Avenue, and marked bus stop.
Cameron Road East Side	From Twelfth Avenue to Thirteenth Avenue, except for three marked taxi stands outside No.61, eight marked parking spaces outside No.618.
Cameron Road East Side	From Thirteenth Avenue to Fifteenth Avenue, except for fifteen marked parking spaces, and the marked bus stop.
Cameron Road East Side	From Fifteenth Avenue to Seventeenth Avenue, except for marked bus stops.
Cameron Road West side	From Hamilton Street to First Avenue, except for in-set parking spaces between Nos.93 to 101.
Cameron Road West side	From First Avenue to Second Avenue, except for ten marked parking spaces.
Cameron Road West side	From Second Avenue to Third Avenue, except for five marked parking spaces, and a marked bus stop.
Cameron Road West side	From Third Avenue to Fourth Avenue, except for seven marked parking spaces.

APPENDIX B: Proposed Amendment No.44 to the Traffic and Parking Bylaw 2012

Prohibited Stopping and Standing of Vehicles	
Cameron Road West side	From Fourth Avenue to Fifth Avenue, except for six marked parking spaces, and the marked bus stop.
Cameron Road West side	From Fifth Avenue to Sixth Avenue, except for six marked parking spaces.
Cameron Road West side	From Sixth Avenue to Eighth Avenue, except for eleven marked parking spaces and the marked bus stop.
Cameron Road West side	From Eighth Avenue to ninth Avenue, except for six marked parking spaces.
Cameron Road West side	From Ninth Avenue to Tenth Avenue, except for three marked parking spaces and the marked bus stop.
Cameron Road West side	From Tenth Avenue to Eleventh Avenue, except for twelve marked parking spaces and the marked bus stop.
Cameron Road West side	From Eleventh Avenue to Twelfth Avenue.
Cameron Road West side	From Twelfth Avenue to Thirteenth Avenue, except for eighteen marked parking spaces.
Cameron Road West side	From Thirteenth Avenue to Fourteenth Avenue, except for eight marked parking spaces and the marked bus stop.
Cameron Road West side	From Fourteenth Avenue to Fifteenth Avenue, except for nine marked parking spaces and the marked bus stop.
Cameron Road West side	From Fifteenth Avenue to Seventeenth Avenue, except for marked bus stops.
Doncaster Drive West side	From a point 2m south of the common boundary of No176 and No178, northwards for 17m.
Edgecumbe Road East side	From a point 11m north of the southern boundary of No10, northwards for 21m.
Edgecumbe Road East side	From a point 8m south of the southern boundary of No.2 northwards to Fourth Avenue.
Matakokiri Drive West side	From a point 2m south of the southern boundary of No206, northwards for 19m.
Ōtūmoetai Road West side	From the southern boundary of No24, northwards for 50m.
Rainey Crescent South and west side	From a point 10m north of the southern boundary of No.16, northwards and westwards to a point 22m east of the western boundary of No16.
Wayne Place Cul-de-sac end	The turning head of the cul-de-sac from the eastern boundary of No6 to the eastern boundary of No7.

APPENDIX B: Proposed Amendment No.44 to the Traffic and Parking Bylaw 2012**Attachment 7.7: Mobility Parking**

Pursuant to Clause 12.1 and Clause 12.2(d) of the Traffic and Parking Bylaw 2012 the driver or person in charge of a motor vehicle in which an approved disabled persons parking permit is displayed may park in the following parking space.:

Prohibited Stopping and Standing of Vehicles	
Cameron Road West side	The northernmost kerb-side space fronting No.359

APPENDIX B: Proposed Amendment No.44 to the Traffic and Parking Bylaw 2012**Attachment 7.9: Parking Time Restrictions**

Pursuant to Clause 12.1 and Clause 12.2(c) of the Traffic and Parking Bylaw 2012 no vehicle (except for passenger service vehicles in vehicle stands) may park on the following roads for longer than the applicable time limit listed below:

Parking Time Restrictions: 15 minute parking	
Maungatapu Road North-west side Between 08:30 and 09:15; and Between 14:45 and 15:30 On school days only	The angled spaces at the rear of Nos.10, 12 and 20 Tutauanui Crescent.

Parking Time Restrictions: 60 minute parking	
Second Avenue North side	Commencing 64 metres west of the western boundary with Cameron Road and extending 6 metres westwards.
Second Avenue North side	From the western boundary of Cameron Road, westwards for 62m.

Parking Time Restrictions: 180 minute parking	
Seventh Avenue Both sides	From Devonport Road south-eastwards to end of the road (water's edge), wherever parking is not otherwise prohibited.
Fraser Street Both sides	All marked spaces within the cul-de-sac section north of Eleventh Avenue.

12.3 Parking Rule Change

File Number: A14714730

Author: Reece Wilkinson, Parking Strategy Manager

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. To update in line with the parking strategy and public request.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Parking Rule Change".
- (b) Approves the following changes to the Traffic and Parking Bylaw 2012 to come into effect on 5 June 2023
 - (a) Clause 12,13.1 and 14, attachment 7.14 - Change the paid parking finish time to 5pm weekdays (currently 6pm).
 - (b) Clause 12,13.1 and 14, attachment 7.14 - Introduce free parking on Saturdays in the City Centre.

EXECUTIVE SUMMARY

2. Feedback from the public suggests that parking is seen as a deterrent for visitors to the city centre. To encourage more people into the city centre, there is a need to address this parking concern. Working with businesses in the city centre and listening to the community, we have identified this proposed change to the parking bylaw will help reduce any potential obstacles for visitors coming into the city, particularly during weekends and evenings.

BACKGROUND

3. After paid parking was reintroduced in the city centre, visits to the area remained stable until around April of this year. However, since then, footfall in the city centre has started to decline, while the number of parking transactions has increased. This suggests that the current parking regulations may be impacting city centre footfall and average spending by those visiting the city.
4. Public perception plays a crucial role in shaping the success of any area, including the city centre. If visitors perceive parking rules as inconvenient or expensive, it can discourage them from frequenting the city centre, resulting in a decrease in footfall and spending. To address this issue, it may be necessary to re-evaluate the existing parking bylaw and consider adjusting paid parking times that can strike a balance between generating revenue for car parking maintenance and creating an attractive and visitor-friendly environment.
5. Engaging with the public and local businesses to gather feedback and understand their concerns and preferences can provide valuable insights for improving the parking situation. By taking into account public sentiment and considering adjustments to the parking bylaw, it may be possible to mitigate the negative impact on footfall and average spending in the city centre. Collaborative efforts between the relevant stakeholders, such as local authorities, business owners, and the community, can help create a more vibrant and welcoming city centre for visitors.

STRATEGIC / STATUTORY CONTEXT

6. The proposed changes aim to eliminate any perceived obstacles for individuals entering the city centre after 5pm and during weekends. It is important to establish a collaborative approach with the city centre businesses to effectively inform the public about the upcoming change. Setting a rollout date, in this case, the 5 June 2023, will allow sufficient time for communication efforts and preparations.
7. Given that adjustments to the existing bylaw are not necessary, the implementation process can be expedited. However, it is crucial to ensure that all relevant parties are well-informed about the change, including business owners, employees, residents, and visitors. Clear and comprehensive communication should be devised to explain the revised parking rules, highlighting the benefits and addressing any concerns.

OPTIONS ANALYSIS

8. It is important to consider various options when addressing parking strategies in the city centre. While the public may have proposed alternatives, it is mentioned that they do not align with the wider goals and parking strategy for the city centre at this time. However, it is acknowledged that similar parking arrangements may be implemented in more targeted situations in the future, indicating a willingness to consider alternative approaches when appropriate.
9. Two popular options that were mentioned are:
 - a) Two hours of free parking: While this option may seem appealing, its successful implementation would require strict enforcement to achieve the desired effect. Heavy reliance on enforcement would be necessary to ensure turnover and availability of parking bays. However, the potential stress and inconvenience caused by rigorous enforcement may counteract the benefits of free parking. Inaccurate enforcement could lead to a situation where parking bays are not available for visitors, and the revenue shortfall would need to be covered by increased parking rates. This option, therefore, may not align with the current expectations and goals for the city centre.
 - (b) Adjusting the paid parking finish time from 6pm to 4pm: This proposal suggests moving the end of paid parking earlier in the evening. However, it is important to keep in mind that the purpose of paid parking during certain hours is to discourage long-term parking in on-street city centre bays. Introducing periods of free parking during business hours would go against this objective. Therefore, this option may not align with the overall strategy of promoting turnover and availability of parking spaces.
10. While these alternative options were considered, it is emphasised that the chosen approach aligns with the current expectations and goals for the city centre and its parking strategy. Flexibility may exist for implementing similar options in specific contexts in the future, but for now, the proposed changes aim to address the perceived obstacles and promote the vibrancy and growth of the city centre.

FINANCIAL CONSIDERATIONS

11. Based on the provided information, it is expected that implementing the proposed changes to the parking rules will not have a significant financial impact. Here are the reasons supporting this conclusion:
 - (a) Average Saturday revenue since 1st March has been \$3,500 per day, which is less than half of the revenue generated during weekdays. This indicates that the revenue generated during weekends is already lower compared to weekdays. Therefore, the potential impact of removing obstacles for visitors to the city centre after 5pm and on weekends is not expected to have a major financial effect.
 - (b) Transactions after 5pm only accounted for 2.45% of total transactions since 1st March. This indicates that the number of parking transactions during the evening hours is relatively low compared to other times. As a result, the potential revenue loss from

allowing free or reduced-cost parking during these hours is not expected to be significant.

12. Based on these figures, it can be inferred that the financial impact of implementing the proposed changes will likely be minimal. However, it is important to continuously monitor and assess the actual impact once the changes are implemented to ensure that the expected financial outcomes align with the reality.

LEGAL IMPLICATIONS / RISKS

13. It is important to acknowledge the potential risk that the public may not engage with the proposed changes, which could lead to a further decline in footfall within the city centre. Offering free parking alone does not necessarily guarantee an increase in visitors, as evidenced by low occupancy numbers in buildings with free parking (averaging 5%).
14. To address this risk and ensure the effectiveness of the proposed changes, it is crucial to closely monitor parking trends in the city centre going forward. By collecting data on visitor numbers, parking occupancy, and other relevant metrics, it will be possible to evaluate the impact of the new parking rules accurately. If, after a thorough monitoring period, it is determined that the changes have not yielded the desired results and footfall continues to decline, there may be a need to consider proposing a reversion to the previous parking changes. The willingness to reassess and make necessary adjustments demonstrates a responsive and adaptable approach. By monitoring the situation and being open to potential paid parking changes, we demonstrate a willingness to ensure that the city centre remains vibrant and attractive to visitors. Regular evaluation and flexibility allow for proactive decision-making based on the actual impact of the parking changes rather than a rigid adherence to a specific strategy.

CONSULTATION / ENGAGEMENT

15. The proposal for changes in the city centre parking rules is a response to the widely expressed public discourse surrounding the Tauranga city centre. The recognition that there is a significant call for change indicates the importance of addressing the concerns and desires of the community.

SIGNIFICANCE

16. Based on the assessment conducted in accordance with the Local Government Act 2002 and the Significance and Engagement Policy, it is determined that the proposal for changes to the city centre parking rules is of high significance. This assessment takes into account the likely impact and consequences for the current and future social, economic, environmental, and cultural well-being of the district or region.
17. The proposal has the potential to affect various aspects of the community's well-being, including social dynamics, economic activities, environmental sustainability, and cultural experiences within the city centre. As such, it is recognised that the proposal holds a high degree of importance for individuals, groups, and agencies affected by it.
18. Additionally, the assessment considers the likely impact and level of interest from those who are likely to be particularly affected by or interested in the proposed changes. This includes local businesses, residents, visitors, and other stakeholders with a vested interest in the city centre's development and success.
19. Considering these factors, along with the criteria and thresholds outlined in the policy, it is determined that the proposal for changes to the city centre parking rules is of high significance. This recognition emphasises the importance of engaging with the public, stakeholders, and affected parties to ensure transparency, inclusivity, and effective decision-making throughout the process.



ENGAGEMENT

20. Based on the assessment that the proposal for changes to the city centre parking rules is of high significance, it is mentioned that officers believe no further engagement is required prior to the Council making a decision. While it is understandable that certain situations may arise where further engagement is not deemed necessary, it is crucial to ensure that the decision-making process remains transparent, inclusive, and representative of the interests and concerns of the community. Public and affected stakeholders' feedback has contributed to the development of this report.

NEXT STEPS

21. Once the proposed changes to the city centre parking rules are approved, the implementation process will commence immediately under the guidance of the Parking Strategy Manager. To ensure effective communication and dissemination of information, the following steps will be taken:
22. A date will be set in collaboration with the communications team and private businesses operating within the city centre. This coordination will allow for sufficient time to prepare and distribute information regarding the changes to their respective customers. By implementing a well-coordinated communication plan, the public will have the necessary information to understand and adapt to the revised parking regulations in the city centre.

ATTACHMENTS

1. **Attachment 7.14 - A14725145** [↓](#) 
2. **Traffic-and-parking-2012 - A14725146** [↓](#) 

Attachment 7.14: Pay Area Spaces & Car Park Buildings

Council resolution dated 23 October 2012 and Minute Number M12/68.6
 Council resolution dated 9 May 2013 and Minute Number M13/27.6
 Council resolution dated 19 July 2016 and Minute Number M16/45.13
 Council resolution dated 18 July 2017 and Minute Number M17/63.6
 Council resolution dated 30 July 2020 and Minute Number CO18/20/7
 As approved at the Council Meeting held on 12 December 2022

Pursuant to Clauses 12, 13.1 and 14 of the Traffic and Parking Bylaw 2012 the parking fees payable for parking vehicles in pay area spaces and car park buildings are as follows:

Parking Fees: Pay Area Space Fees:

The parking fee in each pay area space is based on the hourly rate listed on the pay meter and charged at directly proportional amounts for each hour or part thereof.

Parking Fees: Car Park Building Fees:

The parking fee in each parking space in a Car Park Building is charged at the rate advertised.

Parking Fees: On-Street Fees

Monday to Saturday 8.00 am to 6.00 pm

Parking Fees: Off-Street Fees

(i) Pay Area:	
Non-Time Restricted	Monday to Saturday 8.00 am – 6.00 pm
Time Restricted	Monday to Saturday 8.00 am – 6.00 pm
(ii) Car Park Buildings:	
Spring Street Car Park Building "Pay on Exit"	As per advertised operating hours
Elizabeth Street Car Park Building "Pay on Exit"	As per advertised operating hours



Tauranga City Council

Traffic and Parking Bylaw 2012

This Bylaw is made under the Land Transport Act 1998, Local Government Act 2002 and Bylaws Act 1910. In addition, traffic and parking issues are also regulated by other Acts and Regulations which should be referred to in conjunction with this Bylaw. These include:

- the Land Transport (Driver Licensing) Rule 1999,
- the Land Transport (Vehicle Dimensions and Mass) Rule 2002
- the Land Transport (Road User) Rule 2004,
- the Traffic Control Devices Manual 2008 and
- the Utilities Access Act 2010
- the Land Transport (Vehicle Dimensions and Mass Amendment) Rule 2010

1. Scope and Purpose

- 1.1 The purpose of this Bylaw is to set the requirements for control of traffic and parking in respect of roads, parking places and transport stations owned or controlled by Council.
- 1.2 Except as herein expressly provided this Bylaw shall apply to the whole of the City other than roads which are not under the control of the Council.
- 1.3 Words which refer to the singular include the plural and the plural includes the singular.
- 1.4 Any resolution of Council may be amended, rescinded or reinstated by a further resolution of Council. The most recent resolution of Council shall be the operative resolution.
- 1.5 Reference to any Act or Rule or provision of any Act or Rule includes any amendment to that Act or Rule or any Act or Rule passed in substitution for it.
- 1.6 A power for the Council to make a resolution includes the power to amend or revoke the resolution or to revoke it and replace with another.
- 1.7 Notes in italics are for information only and are not part of this Bylaw.

2. Interpretation

In this Bylaw:

Access Way and Service Lane have the same meanings as in section 315 of the Local Government Act 1974.

Angle Parking means parking other than parallel with the roadway in the direction of travel, and with the front of the vehicle facing towards the kerb or footpath. "Angle parks" has a corresponding meaning.

Authorised Officer means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and includes any Parking Warden appointed under the provisions of the Land Transport Act 1998 or any Enforcement Officer.

Bus has the same meaning as in the Land Transport (Road User) Rule 2004.

Bus lane has the same meaning as in the Land Transport (Road User) Rule 2004.

City means the district of the Tauranga City Council.

Corridor Manager has the same meaning as in the Utilities Access Act 2010.

Council means the Tauranga City Council or any Committee, Sub-committee or elected member of the Council or officer or other person authorised to exercise the authority of the Council.

Cycle has the same meaning as in the Land Transport (Road User) Rule 2004.

Cycle lane has the same meaning as in the Land Transport (Road User) Rule 2004.

Cycle path has the same meaning as in the Land Transport (Road User) Rule 2004.

Disabled Persons Motor Vehicle means a parked motor vehicle displaying a Mobility Parking Permit issued by CCS Disability Action Incorporated or Somerville Centre for Special Needs Wanganui Incorporated or approved by the Council.

Driver has the same meaning as in the Land Transport (Road User) Rule 2004.

Enforcement Officer has the same meaning as in the Land Transport Act 1998.

Footpath has the same meaning as in the Land Transport (Road User) Rule 2004.

Heavy Motor Vehicle has the same meaning as in the Land Transport (Road User) Rule 2004.

High-Productivity Motor Vehicle has the same meaning as in the Land Transport (Vehicle Dimensions and Mass) Rule 2002.

Leased Area means a parking space or group of parking spaces where a parking fee is payable by written agreement with the Council.

Leased Space means a parking space within a leased area.

Loading Zone has the same meaning as in the Land Transport (Road User) Rule 2004.

Mobility Device has the same meaning as in the Land Transport Act 1998.

Moped has the same meaning as in the Land Transport Act 1998.

Motorcycle has the same meaning as in the Land Transport Act 1998.

Motor Vehicle has the same meaning as in the Land Transport Act 1998.

Owner in relation to a motor vehicle means the person lawfully entitled to possession of that vehicle, except where:

- (a) The motor vehicle is subject to a bailment for a period not exceeding 28 days; or
- (b) The motor vehicle is let on hire under the terms of a rental-service licence; in which case "owner" means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and "owned" and "ownership" have corresponding meanings.

Parking has the same meaning as in the Land Transport (Road User) Rule 2004.

Parking Area means a specific parking place or part of a parking place set aside by the Council for parking.

Parking Fee means the amount payable for parking:

- (a) in a Pay Space, as calculated in accordance with the parking charges prescribed by the Council from time to time; or
- (b) in a leased space, by the relevant written agreement with the Council.

Parking Machine means a parking meter or other device used to facilitate the payment of parking fees for parking a vehicle in a Pay Area for a limited time, for example through the collection of payment or the processing of an electronic payment.

Parking Place has the same meaning as in section 591(6) of the Local Government Act 1974.

Parking Space means a portion of a parking place marked out with painted lines for the specific purpose of accommodating a parked vehicle.

Parking Warden means a person appointed by the Council under section 128D of the Land Transport Act 1998.

Passenger Service Vehicle has the same meaning as in the Land Transport Act 1998.

Pay Area means a parking space or group of parking spaces declared by the Council to be a Pay Area, and includes any area previously declared under this Bylaw to be a Pay and Display Area.

Pay Space means a parking space within a Pay Area where a parking fee is payable.

Public Holiday has the same meaning as section 44 of the Holidays Act 2003.

Residents' Parking Area means an area declared to be a residents' parking area under Section 22 of this Bylaw.

Residents' Parking Scheme means a scheme for residents' only parking in a Residents' Parking Area.

Road has the same meaning as in the Land Transport Act 1998.

Roadway has the same meaning as in the Land Transport (Road User) Rule 2004.

Sign and all components of a Sign (including but not limited to the **face, legend, panel, plate or stand**) have the same meanings as in the Traffic Control Devices Manual 2008.

Special Vehicle Lane has the same meaning as in the Land Transport (Road User) Rule 2004.

Street has the same meaning as "Road".

Taxi has the same meaning as in the Land Transport Act 1998.

Trailer has the same meaning as in the Land Transport (Road User) Rule 2004.

Traffic Control Device means a device used on a road for the purpose of traffic control; and includes a:

- (a) sign, signal or notice;
- (b) traffic calming device;
- (c) marking or road surface treatment.

Traffic Sign has the same meaning as in the Traffic Control Devices Manual 2008.

Transport Station has the same meaning as in section 591(6) of the Local Government Act 1974.

Use has the same meaning as in the Land Transport (Road User) Rule 2004.

Utility Operator has the same meaning as in the Utility Access Act 2010.

Vehicle has the same meaning as in the Land Transport Act 1998.

Vehicle Class has the same meaning as the New Zealand Transport Agency Vehicle Equipment Standards Classification.

These definitions apply unless the context requires otherwise.

Part One: Traffic

3. Turning Restrictions

3.1 The Council may by resolution :

- (a) prohibit vehicles on a specified roadway or any part of a specified roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (No 'U-turns');
- (b) prohibit vehicles or specified classes of vehicles on a specified roadway turning to the right or to the left or from proceeding in any other specified direction;
- (c) permit turning movements by specified classes of vehicles prohibited by all other vehicle types;

Note: See Attachment 1 for the resolutions made under this clause

3.2 No person shall drive a vehicle contrary to any turning restriction made under clause 3.1.

4. Direction of Travel

4.1 The Council may by resolution specify roads or portions of road where vehicles may travel in one specified direction only.

Note: See Attachment 2 for the resolutions made under this clause

4.2 No person being the driver or in charge of any vehicle shall:

- (a) drive the vehicle other than in any direction specified under clause 4.1;
- (b) drive the vehicle otherwise than on the left hand side of any central island or strip, unless otherwise indicated by appropriate signs, where any road or portion of road is divided longitudinally by a traffic island, central plot, enclosure or other dividing structure;
- (c) travel over a road or parking place in any direction other than the direction indicated by the prescribed signs or markings.

5. Footpaths and Cycle Paths

5.1 Subject to clauses 5.2, 5.5 and 5.9, no person shall park or drive any vehicle on any footpath or any part thereof.

5.2 A vehicle may be driven over a footpath by means of a vehicle crossing constructed on the road for the purpose of gaining vehicular access to or from any property on that road.

- 5.3 No person may stop a vehicle so that any part of the vehicle or its load remains upon or over a footpath or any part of a footpath other than temporarily while in the process of gaining access to or leaving a property.
- 5.4 No person may load or unload a vehicle in such a manner as to cause, or be likely to cause, damage to the footpath or any part of it.
- 5.5 The Council may by resolution declare specified footpaths or portions of footpath to be cycle paths, for the use of pedestrians and cyclists, either permanently or for a set period of time.

Note: See Attachment 3 for the resolutions made under this clause

- 5.6 The Council will establish signs and markings for cycle paths in accordance with the Traffic Control Devices Manual 2008 or subsequent amendments.
- 5.7 The Council may, by resolution, regulate control or prohibit the use of footpaths and cycle paths.
- 5.8 No person may use a footpath or cycle path contrary to any resolution under clause 5.7.
- 5.9 Nothing in this section prohibits on a footpath:
 - (a) the use of a mobility device; or
 - (b) the use of a bicycle, moped or motorcycle for the purpose of delivering newspapers, mail or printed material to letterboxes.

6. Special Vehicle Lanes

- 6.1 The Council may by resolution declare specified roads or parts of specified roads to be Special Vehicle Lanes, use of which is restricted either permanently or for a set period of time, to specified:
 - (i) passenger service vehicles (including buses) and/or
 - (ii) motorcycles and/or
 - (iii) mopeds and/or
 - (iv) cycles and/or
 - (v) motor vehicles carrying not less than a specified number of persons (including the driver).

Note: See Attachment 4 for the resolutions made under this clause

- 6.2 No person being the driver or in charge of a vehicle shall use a Special Vehicle Lane contrary to a restriction made under clause 6.1.
- 6.3 These restrictions shall not apply to the use of a Special Vehicle Lane for a distance of not more than 50 metres for the purpose of turning into or out of a side street or property.
- 6.4 Any restrictions on the use of the road made under clause 6.1 shall be marked out with the appropriate traffic signs or markings.

7. Prohibited Street Racing in Industrial Areas

- 7.1 The Council may by resolution specify roads on which a person may not use, or permit to be used, a motor vehicle under 3,500kg between 9pm and 5am.

Note: See Attachment 5 for the resolutions made under this clause

- 7.2 Nothing in a resolution made under clause 7.1 shall apply to:

- (a) The owner or occupier of any land having a frontage to the road described in the resolution, or to his or her bona fide visitors;
- (b) Any fire appliance, ambulance, police or medical motor vehicle being used for genuine business purposes;
- (c) Any trade or service vehicle for the provision or maintenance of a utility on the road or on the land having a frontage to the road being used for genuine business purposes;
- (d) Any vehicle owned by the Council being used for genuine business purposes;
- (e) Any vehicle operated by a security service being used for genuine business purposes.

- 7.3 The Council shall erect signs on the roads described in resolutions made under clause 7.1 advising the times of the prohibition and that the prohibition applies to motor vehicles weighing less than 3,500 kilograms.

8. Heavy Motor Vehicles

- 8.1 The Council may by resolution specify roads or parts of roads on which the operation of an engine brake or similar is prohibited.

Note: See Attachment 6.1 for the resolutions made under this clause

- 8.2 The Council may by resolution:

- (a) specify roads on which heavy motor vehicles are prohibited at specified times;
- (b) specify the maximum weight of vehicles or loads that may pass over bridges or culverts.

Note: See Attachment 6.2 for the resolutions made under this clause

- 8.3 No person shall drive or permit to be driven any heavy motor vehicle on or along those roads or parts of roads specified in a resolution made under clause 8.2(a) at the times set out in the resolution, except for the purpose of picking up or delivering goods to an address in those roads when alternative access is not available for this purpose.

- 8.4 No person shall drive or permit to be driven a High-Productivity Motor Vehicle on any road which is not authorised in terms of the permit for that vehicle issued under the Land Transport (Vehicle Dimensions and Mass) Rule 2002.

- 8.5 A prohibition under clause 8.1, or 8.2, shall not apply to:

- (a) any fire appliance, ambulance, police or medical motor vehicle;
 - (b) any passenger service vehicle;
 - (c) a utility operator or its authorised agent or contractor engaged in the provision of, or maintenance of a utility operation.
 - (d) any Council vehicle undertaking emergency works;
 - (e) refuse collections carried out by either the local authority or a contractor engaged by the local authority
 - (f) construction, horticultural or agricultural vehicles which the Council has given permission to use the road.
- 8.6 The Council shall erect signs on the roads or parts of road described in a resolution made under clause 8.1 advising that the use of an engine brake or similar is prohibited.
- 8.7 The Council shall erect signs on the roads described in a resolution made under clause 8.2(a) advising the times of the prohibition and that the prohibition applies to heavy motor vehicles.
- 8.8 The Council shall erect signs in the vicinity of a bridge or culvert described in a resolution made under clause 8.2(b) advising the maximum weight of vehicles or loads that may pass over the bridge or culvert.

9. Temporary Restrictions on the Use of Roads

- 9.1 The Council may temporarily restrict the use of, or speed of, or class of vehicles which may use any part of a road when Council's Corridor Manager considers that:
- (a) There is, or is likely to arise at any place on that road a risk of danger to the public or to a person working on or near a road or a risk of damage to the road; or
 - (b) It is necessary for the safety of a special event.
- 9.2 Any temporary speed limit will be set in accordance with the Land Transport Rule: Setting of Speed Limits 2003.
- 9.3 No person being the driver or in charge of a vehicle shall drive or use the vehicle contrary to any restriction made under clause 9.1.
- 9.4 Any restriction under clause 9.1 above must be defined by the display of temporary warning signs in conformity with any rules.
- 9.5 Any vehicle being used for the purpose of maintenance or construction of roading, or a vehicle of a utility operator, may, with permission of an authorised officer, be driven or parked in a manner contrary to any restriction in force under clause 9.1, provided it is driven or parked with due consideration of other road users.

10. Vehicle Crossings

- 10.1 Any vehicle crossing must be constructed in accordance with the standards set out in the Tauranga City Council Infrastructure Development Code applicable at the time the crossing is constructed.

Part Two: Parking

11. Parking Wardens

- 11.1 The Council may appoint Parking Wardens to undertake parking enforcement activity on behalf of Council under the Land Transport Act 1998.

12. Stopping, Standing and Parking, and Parking Areas

- 12.1 The Council may by resolution:

- (a) prohibit or restrict the stopping, standing or parking of vehicles on any roads; or
- (b) limit the stopping, standing or parking of vehicles on any road to vehicles of any specified class or description.

- 12.2 The Council may by resolution:

- (a) Declare areas of road, land or building under its control to be parking areas.
- (b) Declare the number and situation of parking spaces.
- (c) Prohibit a specified class or classes of vehicles from using a parking area or specified parking spaces.
- (d) Restrict the use of a parking area or specified parking spaces to a specified class or classes of vehicles.
- (e) Set the maximum time allowed for parking in any parking area or parking space and restrict the hours of availability of any parking area or specified parking spaces.
- (f) Regulate entry to, and exit from, parking areas and prescribe direction of travel within a parking area.
- (g) Declare a parking area or part of a parking area or group of parking spaces to be a Pay Area.
- (h) Declare a parking area or part of a parking area or group of parking spaces to be a leased area.
- (i) Fix the charges payable for the parking of vehicles or a specified class or classes of vehicles in a Pay Area, leased area or Residents' Parking Area, including how such charges will be measured.
- (j) Prescribe the method of payment of the parking fee, by the use of parking machines or in any other specified manner, and any requirements as to proof of that payment and/or the period of time paid for, for example through the display of a parking voucher or receipt.
- (k) Declare days and times for which parking fees are payable and declare days on which no parking fees are payable.
- (l) Declare a parking area or part of a parking area or group of parking spaces to be for a specified class or classes of vehicle (e.g. tour coach) or class of road user (e.g. disabled parking) or for a designated activity (for example a loading zone) and the charges payable, if any, for that area or space.
- (m) Declare that parking in a specified parking space or parking spaces is free of charge.

- (n) Specify any other conditions which apply to parking in a specified parking area.

Note: See Attachment 7 (parts 7.1 – 7.27) for the resolutions made under this clause

- 12.3 The Council may temporarily prohibit, restrict or control parking in a parking area or parking space by placement of a sign. The sign must clearly state the nature of the parking prohibition, restriction or control.
- 12.4 No person being the driver or in charge of any vehicle shall stop, stand or park the vehicle, or leave it parked, contrary to any prohibition, condition or restriction made under clause 12.1, 12.2 or 12.3.
- 12.5 No driver or person in charge of a vehicle shall allow that vehicle to remain in or occupy a parking space for longer than the period allowed for parking in that parking space.
- 12.6 No driver or person in charge of a vehicle shall without the written approval of the Council park that vehicle (whether attended or unattended) on any parking place for the primary purpose of displaying or promoting any trade, business or event. In granting approval, the Council may impose conditions.
- 12.7 Any prohibition, condition or restriction under clause 12.1 or 12.2 shall be marked out with the appropriate traffic signs or markings.

13. Pay Areas

- 13.1 Without limiting Part 12 of this bylaw, the Council may by resolution:
- (a) Declare any parking place or transport station, including a road or part of a road or a parking area, to be a Pay Area.
 - (b) Declare the number and situation of Pay Spaces within a Pay Area.
 - (c) Declare the time allowed for parking in a Pay Area beyond which it shall be unlawful to remain parked.
 - (d) Fix the charges payable for the parking of vehicles within the Pay Area, and how such charges will be measured.
 - (e) Prescribe the method of payment of the parking fee, by the use of parking machines or in any other specified manner.
 - (f) Prescribe any requirements as to proof of that payment and/or the period of time paid for, for example through the display of a parking voucher or receipt.

Note: See Attachments 7.12 to 7.14 for the resolutions made under this clause

- 13.2 Pay Area parking requirements apply between 8am and 6pm every day of the week except Sundays and public holidays, except where signs relating to those Pay Areas indicate otherwise.
- 13.3 Parking machines shall be located within or reasonably adjacent to the Pay Area they control.
- 13.4 Parking spaces within Pay Areas shall be indicated by white lines painted on the road in accordance with the Land Transport Rule: Traffic Control Devices 2004.

14. Payment for Parking

- 14.1 Where the Council has fixed a charge for parking in a parking place, the driver or person in charge of the vehicle parking in that area must pay the applicable parking fee without delay and in the manner prescribed in or under this Bylaw.
- 14.2 The driver or person in charge of a vehicle shall also comply with any prescribed requirements as to proof of payment of the parking fee and/or the period of time paid for, for example through the display of a parking voucher or receipt.
- 14.3 No driver or person in charge of a vehicle shall allow that vehicle to remain in or occupy a parking space for which a parking fee is payable:
 - (a) without paying the appropriate parking fee; and
 - (b) in excess of the time authorised by the payment of the parking fee.
- 14.4 This Part does not apply to any parking paid for by a prepaid parking voucher authorised by and used in accordance with clause 23 of this bylaw.

15. Exempt Vehicles

- 15.1 The driver or person in charge of any of the following vehicles may park free of charge in any parking space within a Pay Area:
 - (a) A vehicle used as an ambulance and which is at the time being used on urgent ambulance service.
 - (b) A vehicle used by the fire service for attendance at fires, and which is at the time attending a fire or responding to a fire alarm.
 - (c) A vehicle used by the police service and which is at the time being used for police service.
 - (d) A vehicle used by a medical practitioner and at the time being used on urgent medical service.
 - (e) A branded Tauranga City Council vehicle, but only when being used by an officer of the Council on specific Council business away from the premises where that officer customarily works.

16. Interference with Parking Machines

- 16.1 No person shall:
 - (a) Misuse or wilfully damage any Parking Machine or barrier arm;
 - (b) Interfere or tamper with the working operation of any Parking Machine or barrier arm;
 - (c) Unless authorised by the Council, affix any placard, advertisement, notice, list, document, board or thing on any Parking Machine or barrier arm;
 - (d) Unless authorised by the Council, paint or write on any Parking Machine or barrier arm;
 - (e) Place, park or leave a motorcycle or cycle on or against a Parking Machine or barrier arm or its supporting post;

- (f) Operate any Parking Machine except in accordance with the instructions printed on the Parking Machine, or on any nearby notice or sign, or;
- (g) Deposit in any Parking Machine which accepts payment by cash anything other than payment in New Zealand currency.

17. Parking in Leased Areas

- 17.1 No driver or person in charge of any vehicle may park a vehicle in a leased area or leased space other than in accordance with a current valid written agreement with the Council for the lease of that area or space.

18. Loading Zones

- 18.1 The Council may by resolution:
- (a) Declare any road, land or building under the control of Council or portion of such road, land or building to be a loading zone.
 - (b) Prescribe any conditions prohibiting, limiting, controlling or restricting the use of any loading zone.
 - (c) Declare the types of vehicles which may use a loading zone.

Note: See Attachments 7.15 to 7.18 for the resolutions made under this clause

- 18.2 Land vested in the Council as service lane is deemed to be a loading zone unless any stopping restrictions are on, or in, the near vicinity of the service lane.
- 18.3 No person being the driver or in charge of a vehicle shall park in or use a Loading Zone contrary to a requirement or restriction in or made under clause 18.1 or 18.2.
- 18.4 The restrictions made under clause 18.1 shall be marked out with the appropriate traffic signs or markings.

19. Angle Parking

- 19.1 The Council may by resolution:
- (a) Declare that a parking space or group of parking spaces is to be used for angle parking only,
 - (b) Regulate the use of angle parks.

Note: See Attachment 7.19 for the resolutions made under this clause

- 19.2 Vehicles must be parked in an angle park on the angle indicated and front first.
- 19.3 No person being the driver or in charge of a vehicle shall park in or use a parking space contrary to a requirement or restriction in or made under clause 19.1 or 19.2.

20. Passenger Service and Other Vehicle Stands

- 20.1 The Council may by resolution declare an area of road, land or building under the control of Council to be a vehicle stand for a specified vehicle or class, or classes, of vehicles and may prescribe the following in respect of that vehicle stand:

- (a) The location and size of any vehicle stand;
- (b) The fee for using any vehicle stand;
- (c) The hours of operation of any vehicle stand;
- (d) The place and size of any temporary vehicle stand;
- (e) Any conditions of use of any vehicle stand.

Note: See Attachments 7.20 to 7.27 for the resolutions made under this clause

- 20.2 No driver or person in charge of any taxi, bus, or other passenger service vehicle shall park that vehicle, other than within a vehicle stand, while soliciting for passengers or dropping off passengers.
- 20.3 No driver or person in charge of a vehicle may park a vehicle on a vehicle stand unless the vehicle is of the class authorised to park in that vehicle stand and all conditions made under clause 20.1 are complied with.
- 20.4 The restrictions in clause 20.1 shall be marked out with the appropriate traffic signs or markings.

21. Parking of Heavy Motor Vehicles in Residential Areas

- 21.1 No person shall stop, stand or park a heavy motor vehicle for a period of more than one hour in any part of a road where there is adjacent residential zoned land on either side of the road except for sites that have been designated for motor homes in accordance with Council policy, provided however, that it shall not be an offence to stop, stand or park a heavy motor vehicle on any such road for such period as is reasonably required for the purpose of loading or unloading that vehicle and that such loading or unloading takes place and except in any area of road, which by way of Council resolution is declared a parking area for heavy vehicles.
- 21.2 The Council may by resolution declare roads or parts of roads where heavy motor vehicle parking is permitted at specified times

Note: See Attachment 7.26 for the resolutions made under this clause

22. Residents' Parking Area

- 22.1 The Council may by resolution:
 - (a) specify parking places or parking spaces to be a residents' parking area the subject of a residents' parking scheme;
 - (b) specify the hours and days of the week during which a residents' parking scheme shall operate.
 - (c) impose conditions, and prescribe fees and charges, for use of residents' parking scheme;
 - (d) specify any other conditions related to the residents' parking scheme.

Note: See Attachment 7.27 for the resolutions made under this clause

- 22.2 A residents' parking area is for the exclusive use at the specified times of vehicles owned by residents of the surrounding area and which display a residents' parking permit issued for the vehicle.
- 22.3 A residents' parking area shall be indicated by appropriate signage.

- 22.4 Where a permit is required to be held for the use of a resident's parking scheme:
- (a) the parking permit shall be displayed so as to be legible through the front window where fitted, or visible on the vehicle where no front window is fitted, on a motor vehicle stopped, standing or parked in the residents' parking area;
 - (b) the permit shall identify the motor vehicle for which it has been issued. The permit only applies to the motor vehicle displayed in the permit;
 - (c) the permit shall be returned to Council immediately after the resident ceases to be entitled to the permit;
 - (d) the permit is valid and effective only during the time specified on the permit and in the road or roads specified on the permit.
- 22.5 No person shall park, stop or stand a vehicle in a residents' parking area without displaying a valid permit, except for:
- (a) vehicles operated by or for the Council if necessary for the provision of, or maintenance of, facilities within the road reserve;
 - (b) vehicles operated by utility operators if necessary for the provision of, or maintenance of, a utility operation;
 - (c) vehicles driven by Council officers (e.g. dog control officers, building inspectors) attending the property of a resident holding a residents' parking scheme permit;
 - (d) vehicles being used to pick up or deliver goods to, or in connection with emergency maintenance of, the property of a resident holding a residents' parking scheme permit;
 - (e) medical practitioners such as doctors, district nurses and midwives who are attending a patient;
 - (f) vehicles specified in clause 15.1(a), (b) or (c) of this Bylaw.

23. Prepaid Parking Vouchers

- 23.1 The Council, or any person authorised on its behalf may issue to any person parking vouchers on payment of the appropriate parking fees.
- 23.2 All such prepaid parking vouchers must be issued with printed instructions as to the required display and activation of the vouchers.
- 23.3 Each prepaid parking voucher shall state:
- (a) the prescribed fees for specified periods of parking;
 - (b) the authorised parking spaces or parking area;
 - (c) the parking time limit;
 - (d) rules about displaying the voucher.
- 23.4 A prepaid parking voucher must be activated in accordance with the instructions printed on it and the date and time of the commencement of parking must be displayed so as to be legible through the front window where fitted, or visible on the vehicle where no front window is fitted.
- 23.5 Any Authorised Person may require the driver or person in charge of, or any passenger in, any motor vehicle to produce for inspection any parking voucher displayed in that vehicle and that Authorised Person may retain the voucher.

24. Temporary Discontinuance

- 24.1 Where the Council is of the opinion that any parking space or spaces should be temporarily discontinued as a parking space or should be reserved for use by a utility operator or other specified vehicle, the Council may place or erect a sign or notice that sufficiently indicates 'No Stopping' at such parking space or spaces, or may issue a Parking Voucher for sole use of the space or spaces to the trades vehicle or other specified vehicle.
- 24.2 No person shall park a vehicle in a discontinued parking space, except with the permission of the Council.

25. Other Unlawful Conduct in Parking Places

- 25.1 No person shall park any vehicle in a parking space except as permitted by the provisions of this Bylaw.
- 25.2 No driver or person in charge of any vehicle shall stop, stand or park a vehicle:
- (a) outside the extremities of any parking space unless the vehicle by virtue of its size cannot be contained in one space. If that vehicle is parked, the driver or person in charge of that vehicle is liable for a parking fee for each Pay Space occupied or encroached on by that vehicle;
 - (b) in a parking space if that vehicle is of a class not permitted to use that parking space or parking place;
 - (c) in any parking space already occupied by another vehicle or vehicles unless that vehicle is a motorcycle;
 - (d) in any parking space for longer than the maximum period allowed for parking in that space;
 - (e) in a Pay Space for longer than the maximum indicated on the Parking Machine if the Parking Machine is not in operation;
- 25.3 No driver or person in charge of any vehicle shall drive a vehicle in any parking area contrary to the direction of travel prescribed by the Council and shown by marks on the surface or other indications.
- 25.4 No driver or person in charge of any vehicle shall within 30 minutes of leaving a parking space or parking area re-park in that parking space or parking area or in any other parking space or parking area within 50 metres of that parking space or parking area and which is subject to the same parking restriction.
- 25.5 No driver or person in charge of any motorcycle or moped, shall park closer than 1 metre from the front and/or rear of a parking space.
- 25.6 No person may park a motorhome or immobilised vehicle on any road for a continuous period exceeding seven days without prior approval from Council.
- 25.7 No person may leave a vehicle on the road for the purpose of storage in connection with their trade or business without prior approval from Council.

26. Displaying Vehicles for Sale on Roads

- 26.1 The Council may by resolution declare roads or parts of roads where vehicles may not be displayed for sale.

Note: See Attachment 8 for the resolutions made under this clause

- 26.2 No person shall stop or park a vehicle on any section of any road to which a resolution made under clause 26.1 applies, or on any other road within 30 metres of any intersection of any road to which a resolution made under clause 26.1 applies, for the purpose of selling that vehicle or advertising that vehicle for sale to the public, or for the purpose of selling to the public any matter, object or thing within the vehicle.

27. Vehicle Removal

- 27.1 An authorised officer may remove or cause to be removed any vehicle or other thing from any road or other area controlled by Council, if that vehicle or thing is parked or present in breach of this Bylaw, or any resolution made under this Bylaw, and the Council may recover from any person responsible for committing the breach all expenses incurred by the Council in connection with the removal of the vehicle or thing.
- 27.2 The Council must use reasonable care in the removal and storage of any vehicle removed under this clause but is not liable for any loss or damage arising directly or indirectly from the removal of any vehicle under this clause unless caused by the negligence of its agents or employees.
- 27.3 The powers that may be exercised under this clause are in addition to those provided by the Land Transport Act 1998 and sections 356 and 356A of the Local Government Act 1974.

Part Three: Offences, Breaches, Penalties, Notices and Documents

28. Offences, Breaches and Penalties

Every person commits an offence against this bylaw who:

- (a) does, or causes or permits to be done, or is concerned in doing, anything contrary to or otherwise than in accordance with this bylaw;
- (b) omits, or neglects to do, or permits to remain undone, anything which according to this bylaw ought to be done by that person at the time and in the manner provided;
- (c) does not refrain from doing anything which that person is required to refrain from doing under this bylaw;
- (d) causes or permits any condition or thing to exist or continue to exist contrary to this bylaw;
- (e) does anything, or causes anything to exist, for which a licence, permit or approval is required under this bylaw without first obtaining that licence, permit or approval;
- (f) fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by lines, markings, traffic signs or other signs or notices laid down, placed, made or erected by the Council on any road, car park, reserve or other place controlled by the Council, under any of the provisions of this bylaw;
- (g) fails, refuses or neglects to comply with any notice direction or order served on that person under this bylaw;
- (h) obstructs or hinders any Authorised Officer or other person for the time being appointed, employed or authorised by the Council in the performance or attempted performance of any duty to be discharged by such person under or in the exercise of any power conferred by this bylaw;
- (i) fails or refuses to comply with any notice or conditions contained in any licence, permit or approval granted by the Council under this bylaw.

28.1 Subject to any provision to the contrary, any person convicted of an offence against this bylaw is liable for the penalties set out in section 242 of the Local Government Act 2002.

28.3 Any person breaching a bylaw made under section 22AB of the Land Transport Act 1998 and in respect of which no other penalty provision applies is liable for a fine of \$500.

28.4 Every person guilty of an infringement offence is liable for the applicable infringement fee relating to that offence.

29. Defences

29.1 A person is not in breach of this Bylaw if that person proves that the act or omission complained of:

- (a) Took place in compliance with the directions of an authorised officer, a parking warden or a traffic control device; or
- (b) Was performed by an authorised officer or a parking warden and was necessary in the execution of that person's duty.

30. Serving of Notices and Documents

- 30.1 Except as otherwise expressly provided for in any Act, where any notice, order, or other document is required to be served on any person for the purposes of this Bylaw, the Council may serve notice by:
 - (a) delivering it personally;
 - (b) sending it by messenger;
 - (c) sending it by registered post to the person's last known place of residence or business
- 30.2 If that person is absent from New Zealand, the notice may be sent to his or her agent instead of to that person.
- 30.3 If that person has no known name or address or is absent from New Zealand and has no known agent, and the notice relates to any land or building, the notice may be served on the occupier, or if there is no occupier the notice may be put on some conspicuous part of the land or building without the notice naming the owner or occupier.
- 30.4 If that person has died, the notice may be served on his or her personal or legal representative or executor.
- 30.5 Where a notice is sent by registered post it will be sent to arrive in the normal course no later than the notice is required to be served and will be deemed to have been served at the time when the registered letter would be delivered in the ordinary course of post.

31. Commencement

- 31.1 This Bylaw comes into force on 1 November 2012.

Council resolution dated 20 June 2017 and Minute Number M17/51.10

12.4 SmartGrowth Leadership Group (Joint Committee) Membership and Terms of Reference

File Number: A14721092

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

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

PURPOSE OF THE REPORT

1. To approve the refreshed SmartGrowth arrangements as per the SmartGrowth Leadership Group resolutions from the meeting of 5 April 2023.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "SmartGrowth Leadership Group (Joint Committee) Membership and Terms of Reference".
- (b) Approves the SmartGrowth Leadership Group (Joint Committee) Agreement 2023 and SmartGrowth Leadership Group Committee Terms of Reference (attachment 1)
- (c) Notes that the recruitment process for the Independent Chair position is underway.

BACKGROUND

2. The SmartGrowth Leadership Group at the 5 April 2023 meeting considered a SmartGrowth Governance Refresh Proposal and the following resolutions were passed:

That the SmartGrowth Leadership Group:

- a) **Resolved** to proceed with the Refresh.
- b) **Resolved** to accept the draft SmartGrowth Leadership Group Agreement and associated Terms of Reference contained in Appendix Two of the report dated 5 April 2023 and clarifying the Terms of Reference that each partner Council appoints three representatives
- c) **Noted** that resolutions 1 and 2 above will subsequently be recommended to the SmartGrowth partner agencies for adoption.
- d) **Noted** that any agreed changes to the membership of SLG and SGIG will be implemented after the 5 April SLG meeting, but further work will need to occur on the detailed changes to be made at the SGIG and Secretariat level prior to implementing them.
- e) **Resolved to** commence the recruitment process for the Independent Chair position following this meeting.
- f) **Note that** the Chief Executives have appointed Craig Batchelar as Interim Implementation Advisor while the recruitment process occurs.

3. The proposal key changes involve:

- Composition of SmartGrowth Leadership (SLG) membership
- Ministers and Chairs/Mayors (including the Combined Tangata Whenua Forum Chair) to meet outside of SLG

- Strengthening the implementation role of the current Chief Executives Advisor Group, to operate as the SmartGrowth Implementation Group (SGIG)
 - Positioning the SmartGrowth Secretariat to contribute to the regional spatial strategy under the RMA Reforms and to better support the SGIG and SLG with an enhanced role in programme management and co-ordination of community engagement.
4. The proposed arrangements are contained in:
- SLG resolved Terms of Reference (attachment 1)
 - SLG resolved Agreement (attachment 1)
 - Summary of members, key responsibilities, and spatial planning relationships (attachment 2)

SIGNIFICANCE

5. 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.
6. 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 .
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
7. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.



ENGAGEMENT

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

NEXT STEPS

9. When all three Councils have passed resolutions to approve the refreshed arrangements the Agreement will be signed by all parties, and letters written to the new members of the SLG.

ATTACHMENTS

1. **SmartGrowth Partnership Agreement and Terms of Reference (2023 Updates) - 5 April 2023 - A14732231** [↓](#) 
2. **SmartGrowth Arrangements (including key responsibilities) - A14732232** [↓](#) 



SmartGrowth Leadership Group (Joint Committee) Agreement 2023

1. Purpose

This Agreement is made pursuant to Clause 30A, Schedule 7 of the Local Government Act 2002 (“LGA 2002”). The purpose is to provide for a Joint Committee of Tauranga City Council, Western Bay of Plenty District Council, the Bay of Plenty Regional Council, and tāngata whenua¹ to undertake and implement strategic spatial planning across the western Bay of Plenty sub-region² in accordance with the SmartGrowth Strategy and the outcomes from the Urban Form and Transport Initiative and the joint spatial plan as agreed between the Crown and the SmartGrowth partners. This joint committee is known as the ‘SmartGrowth Leadership Group’.

The Leadership Group has additional public body representation from Waka Kotahi (the New Zealand Transport Agency - NZTA) through its Director of Regional Relationships, and the Bay of Plenty District Health Board (DHB) Te Whatu Ora - Te Manawa Taki and Water Services Entity B. The Leadership Group also has representation from the Transport System Plan through its Independent Chair and from Priority One, the western Bay of Plenty sub-region's economic development organisation. The NZTA, and DHB Te Whatu Ora, Water Services Entity B, the Transport System Plan Chair and Priority One are non-voting members but have speaking rights.

The SmartGrowth Leadership Group has expanded membership for the Urban Growth Management Partnership and associated programmes to include Central Government.

This Agreement focuses on the Leadership Group, including its membership and delegations. Any additional Memoranda of Understanding that are completed will be in addition, and complementary to, this Agreement.

The joint SmartGrowth Leadership Group has been established to focus on strategic spatial planning, including how these connect with the four well-beings (social, economic, environmental, cultural), and growth management in the western Bay of Plenty sub-region. This will occur through developing and implementing plans and strategies and recommending these to the SmartGrowth partners, as well as monitoring and undertaking reviews in accordance with the delegations set out in section 4 and the principles set out in the Terms of Reference attached to this Agreement as Appendix 1.

The Leadership Group is a formal joint committee pursuant to the Local Government Act 2002 (Clause 30 and 30A, Schedule 7). The Leadership Group will not be discharged at the point of the next election period (in line with Clause 30(7) of Schedule 7, LGA 2002).

2. Membership

The SmartGrowth Leadership Group is to be comprised of three elected member representatives as appointed by each of the local authorities, for Tauranga City and Western Bay of Plenty District this includes including the Mayors and Regional Council Chairperson; and four tāngata whenua representatives to be nominated by Iwi or through any other agreed mechanism. The SmartGrowth Leadership Group may at its discretion appoint an additional tāngata whenua representative.

¹ This is a reference to western Bay of Plenty sub-region tāngata whenua.

² The ‘sub-region’ refers to the territorial areas of Tauranga City Council and Western Bay of Plenty District Council.



In addition, up to three Ministers of the Crown who will have voting capacity, are to be appointed by the Crown. Additional Ministers, if and when relevant and required, can be appointed by the SmartGrowth Leadership Group in a non-voting capacity.

An Independent Chairperson (non-elected member) is to be appointed by the SmartGrowth Leadership Group to chair the Committee. The Independent Chairperson has speaking rights and voting capacity. A Deputy Chairperson is also to be appointed by the SmartGrowth Leadership Group at the beginning of each triennium, from the existing voting membership.

The partners shall also appoint alternates. One nominated alternate shall be appointed by Tauranga City Council, one for Western Bay of Plenty District Council, one for the Bay of Plenty Regional Council, one for tāngata whenua and one for the Crown. These alternates will only attend and participate in Leadership Group meetings if the relevant Mayor, ~~Regional Council Chair~~, Councillor, tāngata whenua, or Ministerial representative is unavailable. The alternates can only speak or vote when deputising for the respective Mayor, ~~Regional Council Chair~~, Councillor, tāngata whenua or Ministerial representative.

The Waka Kotahi - NZTA is to be represented through its Director of Regional Relationships with speaking rights but in a non-voting capacity. The Te Whatu Ora – Te Manawa TakiDHB is also represented on the Leadership Group, by a nominated person to be nominated by the Board with speaking rights but in a non-voting capacity. Water Services Entity B is also represented on the Leadership Group, by a nominated person with speaking rights but in a non-voting capacity.

The Leadership Group has representation from the Transport System Plan through its Independent Chair, with speaking rights but in a non-voting capacity. Priority One is also represented by a nominated person with speaking rights but in a non-voting capacity.

The standing membership of the Leadership Group shall be limited to 22 members (including the Independent Chairperson), but with the power to co-opt up to a maximum of three additional non-voting members where required to ensure effective planning and implementation. In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Leadership Group shall be 11 voting members.

Other representatives of voting and non-voting organisations are permitted to attend meetings of the Leadership Group. Speaking rights of other representatives at Leadership Group meetings (whether in public session or not) shall only be granted with the prior approval of the Chairperson. In respect of SmartGrowth Leadership Group workshops, all members of partner governance groups can attend and participate.

3. Meeting Frequency

Quarterly, or as necessary and determined by the Independent Chairperson.

Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 and will be undertaken by the agreed administration authority.

4. Delegations

The SmartGrowth Leadership Group is delegated the following functions in support of its overall purpose:



Co-ordinating Sub-regional Spatial Planning

- Providing sub-regional leadership on spatial planning, growth, infrastructure planning and development, focusing on how these relate to key issues including the four well-beings³ and the sustainable management of natural resources.
- Undertaking high-level spatial or strategic planning and dealing with cross boundary matters.
- ~~Determining as far as practicable consistency between the various Government National Policy Statements~~
- Overseeing and coordinating National Policy Statement on Urban Development implementation, including incorporating the future development strategy requirements into the SmartGrowth Strategy
- Reviewing and updating the SmartGrowth Strategy and the SmartGrowth Settlement Pattern, including adopting any drafts for public consultation.
- Overseeing infrastructure / facilities and the funding necessary to implement the Settlement Pattern.
- Setting overarching sub-regional policy, actions and approaches relevant to the SmartGrowth Strategy.
- Sharing the challenges of implementation and overcoming the barriers moving forward.

Urban Growth Partnership

- ~~Overseeing the development and implementation of a joint spatial plan for the western Bay of Plenty sub-region and associated work streams, including adopting any drafts for public consultation.~~
- Overseeing, including any reviews and monitoring, a joint urban growth or implementation programme.
- Ensuring organisation systems and resources support implementation of the joint spatial plan SmartGrowth Strategy and any associated urban growth programme.
- Addressing cross-boundary matters within the western Bay of Plenty sub-region, as well as with other neighbouring regions.
- Addressing housing affordability matters.
- Monitoring the implementation of the spatial plan SmartGrowth Strategy and the Urban Form and Transport Initiative, along with any associated work streams.
- Reviewing and recommending changes to the spatial plan Strategy if circumstances change.
- Ensuring alignment with existing council plans, strategies and policies, and with existing evidence.
- Ensuring alignment with initiatives existing programmes already underway such as the Urban Form and Transport Initiative.
- Facilitating consultation with the partners, key stakeholders and the wider community where relevant.

Future Thinking and Advocacy

- Having a united voice where issues require joint advocacy.
- Development and leadership of any agreed sub-regional advocacy programme
- Engagement on intra and inter-regional matters where there are impacts beyond the sub-

³ The four well-beings refer to cultural, economic, environmental and social matters.



region,
North Island or

Building our futures together

including matters of Upper
national importance.

- Facilitating community understanding and discussions/conversations.
- Facilitating as agreed, specific consultation with the community on SmartGrowth implementation matters.
- Establishing working groups / forums when considered appropriate.
- Communicating and engaging with key stakeholders where a sub-regional level view is required.
- Identifying and resolving any consultation inconsistencies between the SmartGrowth strategies and subsequent public consultation processes of the partner Councils.

SmartGrowth Strategy Development, Implementation and Alignment Monitoring

- Overseeing the development and implementation of the 2023 SmartGrowth Strategy (which incorporates the requirements of a future development strategy), in particular the strategy actions Implementation Plan, including adopting any drafts for public consultation.
- Reviewing and recommending adjustments to the strategy if circumstances change.
- Undertaking any comprehensive reviews or updates to the Strategy.
- Ensuring organisation systems and resources support strategy implementation.
- Taking responsibility for progressing those actions specifically allocated to the SmartGrowth Leadership Group in the strategy implementation plan and making sure implementation does occur.
- Champion integration and implementation through partner strategies, programmes, plans and policy instruments (including the Regional Policy Statement, Regional and District Plans, Long Term Plans (LTPs), Annual Plans, transport plans and triennial agreements) and through partnerships with other sectors such as health, education and business.
- Approving submissions to Local Authorities, Central Government and other agencies on SmartGrowth related matters
- Monitoring of the strategic outcomes and ensuring a joined-up approach to strategy implementation, including monitoring and reporting implementation progress against key milestones
- Overseeing the management of the risks identified in implementation.
- Making specific recommendations to partners on the joined-up thinking needed for resolving issues

Committee Operations

- Selecting and appointing an Independent Chairperson and a Deputy Chairperson.
- Implementing any Memoranda of Agreement or Understanding, as adopted by the Leadership Group.
- Establish protocols and arrangements to ensure that implementation, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.

The Standing Orders of the SmartGrowth Administration Authority will apply to the SmartGrowth Leadership Group.

Central Government's participation in the SmartGrowth Leadership Group does not constitute endorsement of initiatives in any way, and all financial, policy and other decisions still need to be approved by Central Government.



5. Variation of this Agreement

This agreement may be varied from time to time, but only with the agreement of each of the partners.



Execution

Bay of Plenty Regional Council by:

Cr. Jane Nees

Dated:

Tauranga City Council by:

Commissioner Anne Tolley
Chair (Acting)

Dated:

Western Bay of Plenty District Council by:

Mayor James Denyer

Dated:

Tangata Whenua Representatives by:

Name:

Dated:

Central Government by:

Hon. Dr Megan Woods

Dated:



Appendix 1: SmartGrowth Leadership Group Terms of Reference

SmartGrowth Leadership Group (SLG)

Purpose:	<p>The purpose of the Joint Committee (SmartGrowth Leadership Group) is to undertake and implement strategic spatial planning across the western Bay of Plenty sub-region⁴ in accordance with the SmartGrowth Strategy <u>and the outcomes from the Urban Form and Transport Initiative and the joint spatial plan as agreed between the Crown and the SmartGrowth partners.</u></p> <p>The SmartGrowth Leadership Group carries out its purpose in accordance with the delegations set out in the Agreement.</p>
General Principles:	<p>The SmartGrowth Leadership Group operates under the following principles:</p> <ul style="list-style-type: none"> ▪ Supporting the aim of developing a thriving western Bay of Plenty sub-region that is prosperous, has high levels of sustainable economic growth, supports affordable housing along with a transport system that can support that growth. ▪ Supporting <u>a four well-being an integrated</u> approach to urban growth and <u>strategic /</u> spatial planning which incorporates cultural, economic, environmental and social well-being ▪ Building on the SmartGrowth 'live, learn, work and play' vision. ▪ Reinforcing an integrated planning approach incorporating land use, all infrastructure and funding. ▪ Building on existing SmartGrowth work, including the outcomes from Urban Form and Transport Initiative (<u>"UFTI"</u>), and the general SmartGrowth arrangements already in place. ▪ Adopting a shared evidence base so that all parties are using common data. ▪ Recognising and supporting the existing Urban Form and Transport Initiative (<u>"UFTI"</u>) which will underpin the development of one joint sub-regional spatial plan the 2023 SmartGrowth Strategy. ▪ <u>Having an integrated SmartGrowth Strategy for the sub-region which includes the requirements for a future development strategy under the National Policy Statement on Urban Development</u> ▪ Taking account of the Western Bay Transport System Plan <u>and its priorities findings.</u> ▪ Acknowledging the benefits of a collaborative approach to urban growth and spatial planning, and to share responsibility for such planning between

⁴ The 'sub-region' refers to the territorial areas of Tauranga City council and Western Bay of Plenty District Council.



	<p>the parties. in consultation with key sector groups and the sub-regional community</p> <ul style="list-style-type: none"> Supporting the <u>values, and</u> economic and social aspirations of tāngata whenua while protecting cultural identity. Sustaining and improving the natural environment. <u>Responding to climate change at a strategic level.</u> <u>Promoting affordable housing.</u>
Monitoring and Review:	<p>The SmartGrowth Leadership Group has responsibility for:</p> <ul style="list-style-type: none"> Six monthly monitoring and reporting on implementation of the principles set out in this Terms of Reference. Monitoring the implementation of any joint urban growth programme developed. Monitoring and reporting on SmartGrowth implementation progress against key milestones. Monitoring and reporting on the implementation of the Urban Form and Transport Initiative, including <u>the key performance indicators</u> <p>Reviewing and recommending any changes to the SmartGrowth Strategy if circumstances change.</p>
Membership:	<p>That representation of the SmartGrowth Leadership Group be comprised of:</p> <ul style="list-style-type: none"> Three elected member representatives <u>each</u> as appointed by the contributing local authorities, including the Mayors and Regional Council Chairperson of Tauranga City and Western Bay of Plenty District - voting Four representatives to be nominated by tāngata whenua - voting An Independent Chairperson, to be appointed by the Leadership Group, to chair the Group – voting Up to three Ministers of the Crown – voting Additional Ministers, if and when relevant and required – non-voting One DHB <u>Te Whatu Ora - Te Manawa Taki</u> representative – non-voting One NZTA representative – non-voting <u>One Water Services Entity B representative – non voting</u> <u>One Transport System Plan representative – non voting</u> <u>One Priority One representative – non voting</u> One alternate member per voting organisation <p>That the standing membership of the Leadership Group shall be limited to 22 members (including the Independent Chairperson), but the SmartGrowth Leadership Group has the power to co-opt up to a maximum of three additional non-voting members where required to ensure the effective implementation of any part or parts of the SmartGrowth Strategy including the joint (Crown and local partners) spatial plan.</p>
Meeting Frequency:	<p>Quarterly, or as necessary and determined by the Independent Chairperson.</p>

SMARTGROWTH ARRANGEMENTS



SmartGrowth Leadership Group

Key responsibilities:

- ✓ Oversight of Growth Management Partnership with the Crown
- ✓ Sub-regional spatial plan development
- ✓ Sub-regional Future Development Strategy development
- ✓ Tangata Whenua spatial plan development
- ✓ Determination of partnership project priorities e.g PDAs
- ✓ Determines key sub-regional inputs into spatial plan
- ✓ Ensure community engagement occurs
- ✓ Responds to legislative change
- ✓ Responds to regional spatial strategy initiatives and provides input & ensuring alignment between RSS & Spatial Plan
- ✓ Oversight of monitoring and ensuring collaboration and delivery against strategic measures - reporting by Implementation Group

Meets 3 monthly

SmartGrowth Implementation Group

Key responsibilities:

- ✓ Oversight of implementation, funding and delivery of approved plans & strategies- (Urban Form & Transport Initiative, Western Bay Transport System Plan, Housing Action Plan, Priority Development Areas, Emissions Reduction Plan etc.)
- ✓ Political and management buy-in
- ✓ Accountability for delivery by all parties
- ✓ Allocation of resources
- ✓ Develops and prioritises work programme
- ✓ Resolves implementation issues
- ✓ Reporting on implementation to governance - SLG

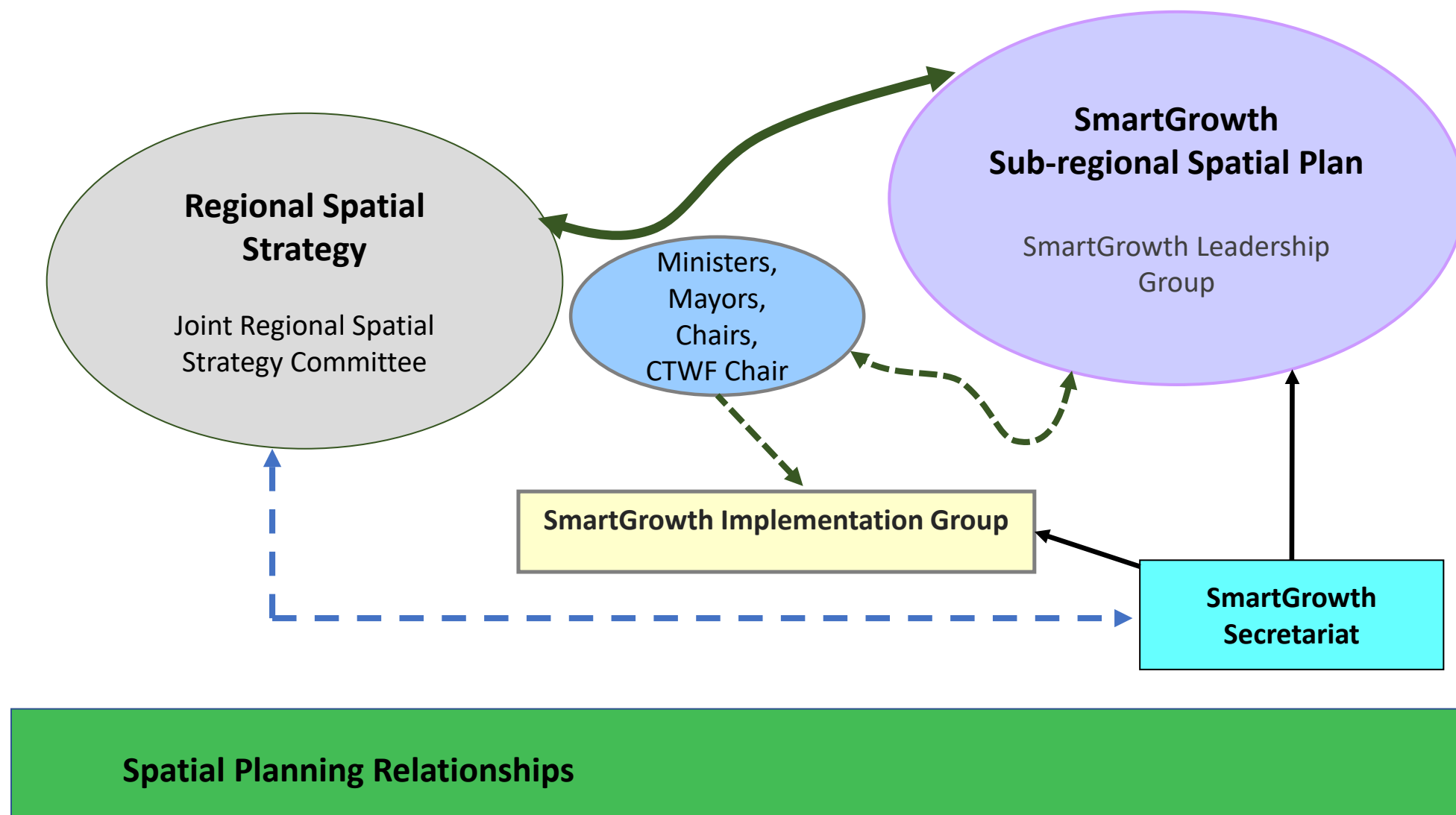
Meets 2 monthly

SmartGrowth Secretariat

Independent Advisor, Tū Pakari Advisors, SG Programme Manager, & others (term contracts, secondment)

Key responsibilities:

- Development of strategic documentation
- Programme management
- Monitors and reports on delivery
- Co-ordination of community engagement
- Advice/support to SLG members
- Managing governance meetings & administrative support (Administration Agency)



12.5 Draft User Fees and Charges 2023/24 - Hearings

File Number: A14648196

Author: Kathryn Hooker, Corporate Planner

Authoriser: Paul Davidson, Chief Financial Officer

PURPOSE OF THE REPORT

1. To receive and hear submissions from the public on the Draft User Fees and Charges 2023/24.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Draft User Fees and Charges 2023/24 - Hearings."
- (b) Receives the written submissions on the "Draft User Fees and Charges 2023/24" (**Attachment 2**).
- (c) Receives submission numbers 138 and 139 that were received after submissions closed at 5pm on 24 April 2023.
- (d) Receives the verbal submissions from those submitters that wish to speak to their submission.

EXECUTIVE SUMMARY

2. Council's fees and charges are usually consulted on annually alongside the Long-term Plan (LTP) or annual plan (as applicable in any given year). This year there were no significant changes being proposed in the annual plan compared to what was outlined in the LTP.
3. As council remain committed to actions outlined in the LTP, we chose not to undertake formal consultation on the 2023/24 Annual Plan. This decision is permitted under the Local Government Act 2002.
4. However, as a part of the review process, Council must consult and seek feedback from the community on the Draft User Fees and Charges 2023/24. This must be undertaken in accordance with the Local Government Act 2002, Special Consultative Procedure.
5. At its meeting of 20 March 2023, Council adopted the Draft User Fees and Charges Schedule and Statement of Proposal: User Fees and Charges, with the consultation period opening on 24 March 2023.
6. Community consultation occurred between 24 March 2023 to 24th April 2023 and 139 submissions were received (**Attachment 2**). A large portion of submissions received related to the Bay Venues proposed fees increases.
7. The consultation asked submitters to provide what their views were on the proposed changes.
8. Of the 139 submitters, 8 to date have requested to be heard today.
9. During the consultation period it was brought to council's attention via an email that there was an error in some of the percentage change figures in the Bay Venues fees.
10. Upon being informed of this Council took the following actions: corrected the percentage change error in the user fees schedule for the effected Bay Venues fees, issued a statement about the correction on the project's website and also emailed 100 submitters that has

submitted so far to also inform them of this and offer them the opportunity to add any additional information to their submissions.

11. It should be noted that that the fee which is the part that is consulted on, was always correct. The percentage change is additional information in the schedule and not material.
12. As a result of this processes are being reviewed for the next revision of the User Fees and Charges to ensure that this type of error does not happen again during the Long-term Plan.

DISCUSSION

13. A full set of submissions received for the Draft User Fees and Charges 2023/24 are part of this Agenda (**refer Appendix 2**).
14. A list of the order of speakers (**Attachment 1**) is also attached to this agenda. This will be subject to change as speakers are confirmed and will be updated, if required, for the hearings.

LATE SUBMISSIONS

15. The Draft User Fees and Charges 2023/24 submission period closed on the 24th of April 2023 at 5pm. Two late submissions were received via email after this date.
16. However, in recognition of 25 April 2023 being a public holiday and disruptions to the postal service we have accepted and processed all submissions received up to 27 April 2023.

STRATEGIC/STATUTORY CONTEXT

17. Setting fees and charges at the correct level enables the funding of council's activities. These activities help deliver our community outcomes and facilitate improved quality of life, quality of economy and sound city foundations.
18. The recommendation meets the requirements of the Local Government Act 2002.
19. Council is authorised to set fees and charges under specific legislation, including:
 - Local Government Act 2002
 - Resource Management Act 1991
 - Dog Control Act 1996
 - Building Act 2004
 - Reserves Act 1977
 - Waste Minimisation Act 2008
 - Local Government Official Information and Meetings Act 1987
 - Food Act 2014
 - Food Hygiene Regulations 2015
 - Impounding Act 1955
 - Health Act 1956
 - Sale of Alcohol Act 2012

SIGNIFICANCE

20. 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.

21. 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,
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
22. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the Draft User Fees and Charges 2023/24 are of high significance.



ENGAGEMENT

23. Taking into consideration the above assessment, that Draft User Fees and Charges 2023/24 are of high significance, officers are of the opinion that no further engagement is required prior to Council making a decision due to the special consultative procedure having just concluded.

NEXT STEPS

24. Council will consider the submissions and deliberate on the Draft User Fees and Charges at its meeting on 19 June 2023.

ATTACHMENTS

1. **Submitters Schedule Draft User Fees and Charges Hearing 2023 24 - A14703745** [↓](#) 
2. **Fees and Charges Submissions_with_attachments - A14675782 (Separate Attachments 1)** 

Draft User Fees and Charges Hearing

Monday 29 May 2023					
Time	Name	Organisation	Submission Number	Agenda page number	Attending remotely
1:30pm	OPEN HEARING				
1:35pm	Mark Rogers	Tauranga City Basketball	132	37 And attachment 3	Will speak for 10 mins together
1:40pm	Jenny Kirk	Tauranga Volleyball	134	39 And attachment 4	Will speak for 10 mins together
1:45pm	Stacey Whalen		13	4	Via Zoom Confirmed
1:50pm	Julie Batten	Fusion Dance	5	1	
1:55pm	Mamie Li'Wagener		14	4	Via Zoom Confirmed
2:00pm	Karen Prins Retief		98	25	Via Zoom Confirmed
2:05pm	Pamela Somerville		112	28	
2:10pm	Frances Wilcockson		43	11	
2:15pm	Perry Farrell		27	7	

13 DISCUSSION OF LATE ITEMS

14 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

RECOMMENDATIONS

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
14.1 - Public Excluded Minutes of the Council meeting held on 1 May 2023	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
14.2 - Exemption to Open Competition - Maintenance and Operations Services	s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
14.3 - Request for Management Reserve for Building our future - Cameron Road, Te Papa Stage 1	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
14.4 - Marine Precinct Lot Purchase - 35 Hikuwai Place	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure

	supplied or who is the subject of the information	of information for which good reason for withholding would exist under section 6 or section 7
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