



# **ATTACHMENTS**

**Strategy, Finance and Risk Committee  
meeting  
Separate Attachments 1**

**Monday, 4 December 2023**





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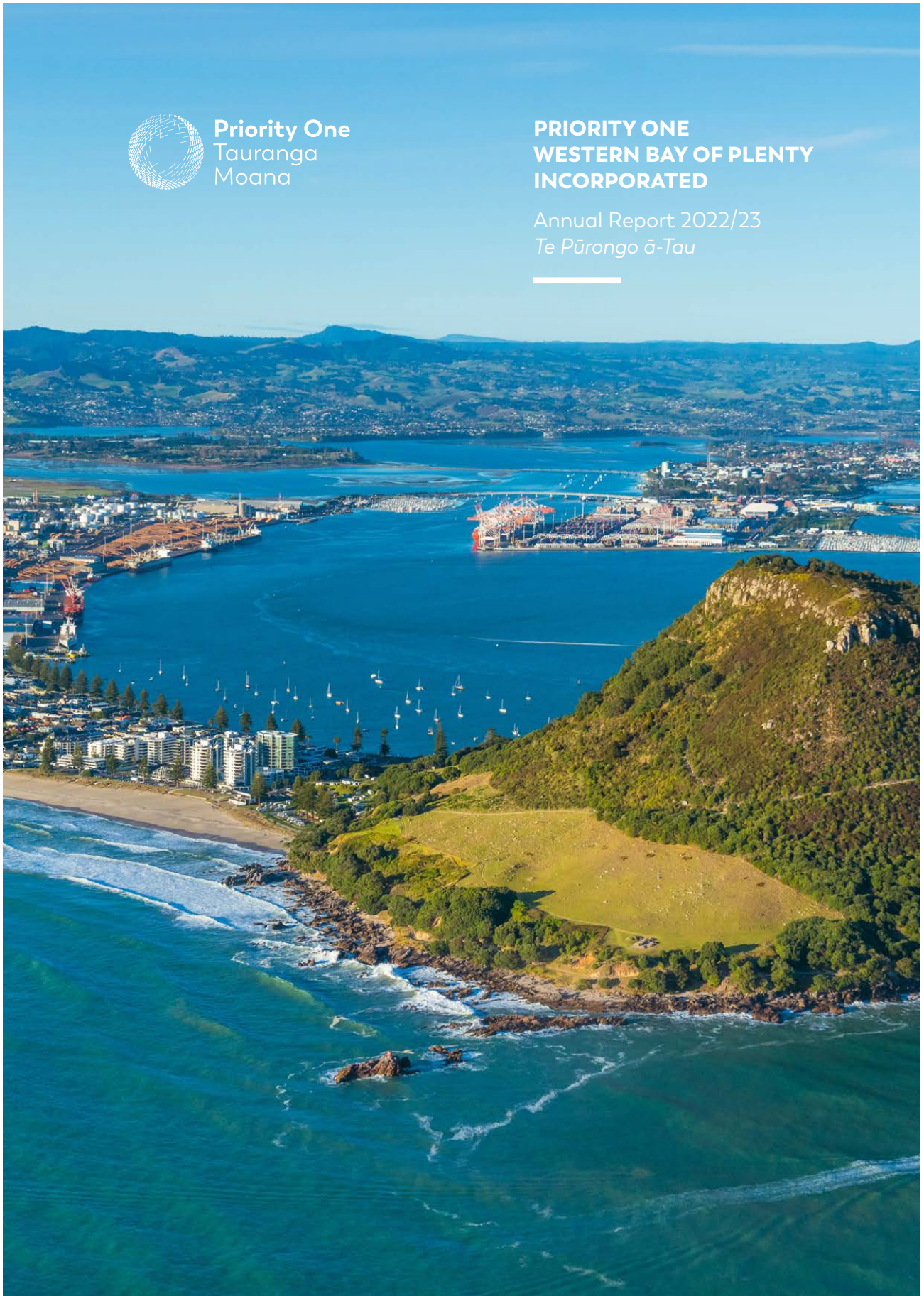


**Priority One**  
Tauranga  
Moana

**PRIORITY ONE  
WESTERN BAY OF PLENTY  
INCORPORATED**

Annual Report 2022/23  
*Te Pūrongo ā-Tau*

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# TE PAI ME TE WHAI RAWA O TAURANGA MOANA KITE AO

The prosperity and splendour  
of Tauranga Moana to the world

## Enabling business success

Championing  
business success.

## Fostering innovation

Creating an ecosystem  
where new ideas  
can flourish.

## WHAT WE DO

Creating a  
prosperous and  
sustainable  
region

## Attracting talent and investment

Enticing the  
best people and  
businesses to  
our region.

## Focusing on education

Developing the skills  
and talent to drive us  
forward. Strengthening  
opportunities for  
Māori success.

Priority One is supported by businesses  
and the following strategic partners:



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## CHAIR REPORT

*Tā te tiamana pūrongo*



Simon Clarke *Chair*

**As I reflect on the past 12 months and my 12-year tenure at Priority One, I am filled with a sense of pride around our progress and am optimistic for our city's future.**

Priority One has had a strong year despite our region facing several headwinds. The impacts of high inflation led to increased conservatism across our membership and a downturn in the property and construction sector. Our Western Bay of Plenty economy also felt the effects of the second consecutive poor kiwifruit season. Undoubtedly, it has been challenging for some members and parts of our economy. However, I firmly believe the worst is behind us, and Priority One has a good base and capability to support our members as we rebound into better times.

Our city's growth over the last decade has been transformative, and the progress towards becoming a grown-up, outwardly focused city is palpable. In recent years, Tauranga Moana has been under the stewardship of government-appointed Commissioners. Their tenure has been marked by clarity, stability, sound evidence-based decision making, and forward-thinking governance. The city has benefited immensely from the ability of the Commissioners to meticulously plan, make some tough decisions, engage positively with iwi, central government and our communities

and focus their attention on investing in key infrastructure and civic amenity challenges. They have done a great job moving Tauranga Moana forward and enabling long-term, sustainable economic prosperity. This continues to be critical.

I take immense pride in the momentum that Priority One has built to deliver and enrich the wellbeing of our communities. Our highly-skilled team, strengthened membership base, and strategic partnerships are a testament to the commitment to the region's sustainable economic growth.

The Priority One team continues to do a great job of ensuring future opportunities for our young people and creating talent pipelines for the region's businesses. Simultaneously, they are drawing attention to the urgent need for significant investment in our city's infrastructure and community amenities. This is crucial to address the deficit and position us for the future. They also support the Māori economy, including the strong relationships with iwi and support of Toi Kai Rawa – the region's Māori economic development organisation.

The programmes the Priority One team have run over the past year, which include a comprehensive range of sustainability and talent programmes, also aim to deliver on making Tauranga Moana a more liveable city. The ongoing work through the CBD Blueprint is a shining example of the synergies in our city between the private sector, and local and central government. It provides a vision for future city precincts (cultural & historical, justice, sports & events, civic, retail & commercial, and knowledge) and showcases more than \$1.5b in large strategic investment in the city centre, including Tauranga City Council's investment into the civic heart – Te Manawataki o Te Papa.

Well done to Nigel and the Priority One team for another year full of delivery success and continued effort to ensure the prosperity and splendour of the region is shared by those who live here.

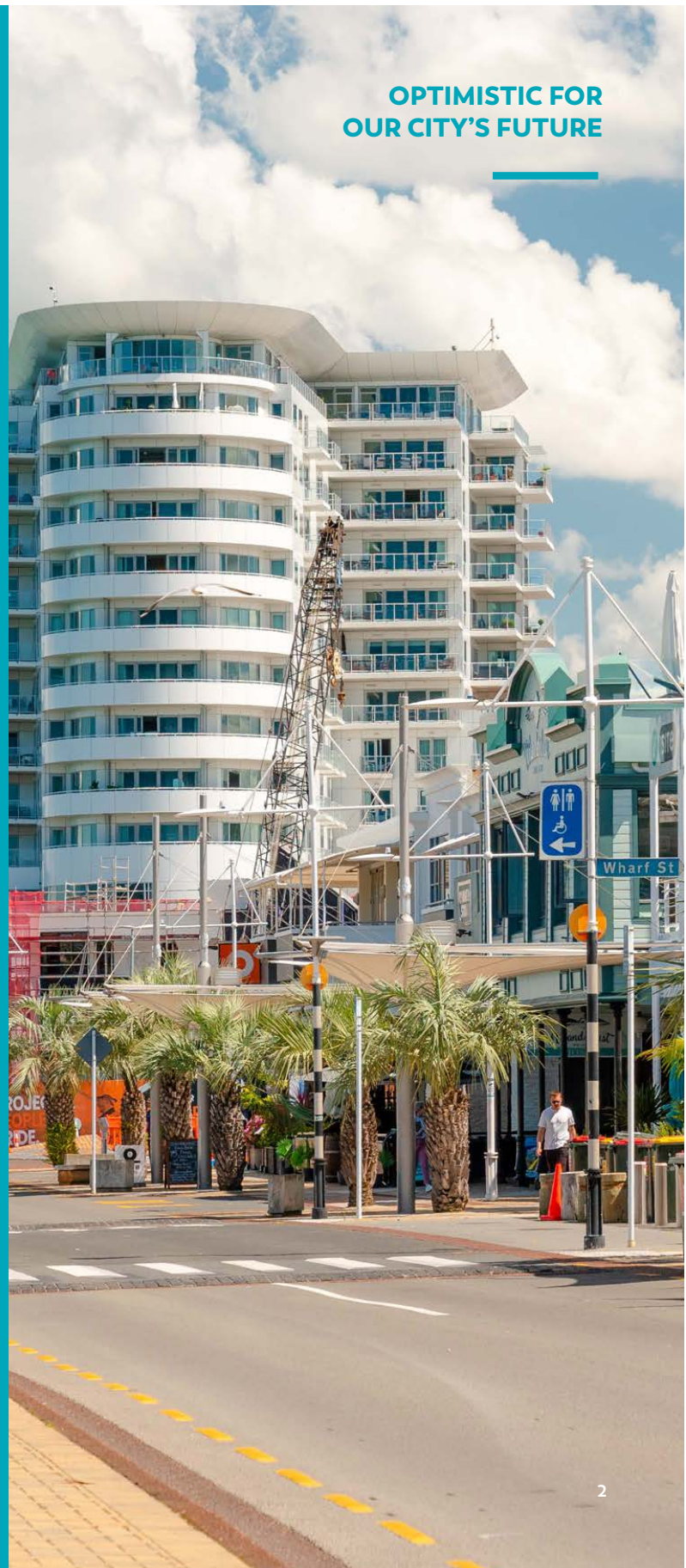
Thanks to all my fellow board members for their voluntary contribution to the governance of Priority One. You are all deeply committed and our community thanks you for your service. I would also like to acknowledge former young professional board

## OPTIMISTIC FOR OUR CITY'S FUTURE

members Christina Finlayson and Laura Murphy, whose terms finished during the reporting period and who made substantial contributions to the organisation. In their place, Rikki-Lee Joyce and Jessica Bevin have come on as our two new young directors during the year.

I would also like to acknowledge our strategic partner corporate members Ballance Agri-Nutrients, Craigs Investment Partners, Element IMF, Mercury, Port of Tauranga, University of Waikato, Zespri, Tauranga City Council and Western Bay of Plenty District Council, and thank TECT for their continued support.

Finally, as I conclude my tenure as Chair and a board member of Priority One, I encourage everyone to stay focused on maintaining the progress we have all recently made together. The legacy of the last few years' good governance, strategic planning, and investment in our future must be preserved and continued. A grown-up Tauranga Moana and its current and future communities deserve nothing less.





## OUR ECONOMIC RESILIENCE IS EVIDENCED BY OUR STRONG EMPLOYMENT MARKET AND ECONOMIC GROWTH

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## CEO REPORT

*Tā te tumuaki pūrongo*

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**Nigel Tutt** *Chief Executive*

The 2022/23 year has seen the Western Bay of Plenty sub-region face some difficult economic challenges; however, our economic resilience is evidenced by our strong employment market and economic growth that surpasses the rest of Aotearoa New Zealand. We remain confident in our region's potential and the strength of our community.

Despite economic headwinds, challenges to some traditionally strong sectors, and lower business confidence, our goal to improve living standards by raising incomes remains on target. In the past year, we have seen growth in high value jobs, led by the professional services sector. While incomes in the Western Bay remain below the national average, we are pleased that the gap is closing.

The 2022/23 financial year provided a number of highlights, as listed below.

The formation and launch of the Western Bay of Plenty Infrastructure Forum was in response to a worsening infrastructure situation in our region and acknowledgement of the need for the business community to be more involved. The Forum comprises local businesses and organisations, with Priority One as a founding member. Sustained population growth has led to an acute infrastructure deficit in our region, with investment in transport corridors critical to the ability to improve housing supply. We must also ensure that we protect our supply chains through the Port of Tauranga. The Forum was launched in April 2023 alongside a 10-point Infrastructure Action Plan.

Priority One's core role is to grow the value of our economy and, in doing so, help raise income levels and address labour supply issues within the sub-region. During the year, we launched our Talent Action Plan, a comprehensive

strategy to deliver a sustainable supply of talent to local businesses. Through our Instep programme, we've engaged with over 3,500 students, equipping them with the tools they need to join the workforce. Our Future of Work portfolio has empowered local businesses with the tools necessary to support youth in the workplace and prepare for a future where readily accessible talent will be increasingly constrained. It is pleasing to see that in 2022, the sub-region witnessed a 3.7 per cent uptick in job placements and a 6.8 per cent increase in mean annual earnings.

Our skills and employment hub, Ara Rau – Pathways to Work, has seen remarkable progress, successfully guiding 132 people, categorised as NEETs (not in employment, education or training), into jobs or training during the year. It was a pleasure to host Prime Minister Chris Hipkins in February when he announced an extension to Ara Rau's funding arrangements with the government. There's a growing need for these services within our community, and we extend our thanks to the myriad of local businesses we collaborate with. Their commitment to offering entry-level job opportunities and pastoral care ensures enduring employment success.

This year marked the resumption of our international talent and investment attraction activities with investor migrants in North America and Asia. Additionally, we proudly represented Tauranga Moana at the international

education fairs in Korea, showcasing our city as a prime destination for international students. Central to the success of these initiatives is collaboration with local companies, investment funds and education providers.

We also launched our environmental sustainability strategy during the year, holding events and initiating several high-impact projects spanning transportation, energy, waste, and land, focusing on decarbonisation and circular economy. Alongside partners, the team delivered a decarbonisation programme, supporting local businesses to craft and implement their own internal sustainability strategies and a project to collaboratively enable construction businesses to divert waste from their projects across the region.

Lastly, I want to thank the board for their unwavering support towards Priority One's purpose and goals. We bid farewell to our Chair and long-serving board member, Simon Clarke. Simon has served on the board for 12 years and stepped up as our first Independent Chair two years ago. His advocacy for strong governance for Tauranga Moana, alongside his vision of balancing a sustainable future with more traditional economic outcomes, has been instrumental in developing the strong Priority One we have today. On behalf of Priority One, I extend our heartfelt thanks to Simon for his invaluable contribution to Priority One and our region's future wellbeing.





5 Priority One Annual Report 2022/23

## WESTERN BAY OF PLENTY METRICS 2022

*Ngā ngahuru ohaoha o Te Tai Hauāuru  
o te Moana o Toi*



Unemployment

# 3.1%

vs NZ 3.4%  
(3.9% in 2021)



Māori unemployment

# 6.8%

vs NZ 7.0%  
(6.1% in 2021)



Rental affordability

# 26.4%

**mean weekly rent /  
mean household income**

vs NZ 22.0%  
(26.3% in 2021)

Source: Infometrics (as at October 2023)

**Housing affordability****10.9x**

mean household income

vs NZ 9.0x  
(9.7x in 2021)**Population****218,000**vs NZ 5,124,100  
(214,600 in 2021)**Mean annual income****\$63,960**vs NZ \$69,585  
(\$59,908 in 2021)**Filled jobs****108,146**vs NZ 2,693,301  
(104,256 in 2021)**Māori mean  
annual income****\$56,808**vs NZ \$62,534  
(\$53,672 in 2021)**Emissions****74%**of the Western Bay of Plenty region's  
emissions are from transportation\***75%**  
of CO<sub>2</sub>e

Private vehicles

**25%**  
of CO<sub>2</sub>eHeavy & medium  
commercial vehicles

\*As reported by Bay of Plenty Regional Council Tauranga  
Community Carbon Footprint report, October 2022.



## 2022/23 ACHIEVEMENTS

*Ngā paetae*

**Driving a prosperous  
and sustainable economy  
underpinned by talent,  
education, innovation  
and business success**



## WE FOCUS ON INVESTING IN LOCAL TALENT AND CONNECTING LOCAL BUSINESSES WITH THE PEOPLE THEY NEED

### Talent

*Priority One's regional talent strategy supports Tauranga Moana to build its reputation for skilled talent and talent development. We focus on investing in local talent and connecting local businesses with the people they need to be able to grow sustainably. The Western Bay of Plenty sub-region has huge potential as a talent magnet, but it's also critical that we support everyone already in our rohe to develop their skills to get a quality job and earn a decent income.*



**Ara Rau – Pathways to Work** supports some of the most vulnerable members of our community, especially rangatahi not in employment, education or training (NEETs). We must help get these young people into good jobs, and it's heartening that our Ara Rau team have seen substantial success over the past 12 months, including securing \$1m worth of new funding from the Ministry of Social Development in 2022/23. This funding has enabled Ara Rau to increase its service offering and grow to a team of three. Demand for Ara Rau's services during the 2022/23 period has increased significantly – by both businesses needing and being open to training entry-level employees and rangatahi needing support into mahi. During the reporting period, Ara Rau supported 132 people into jobs and training across 27 businesses in the Western Bay of Plenty sub-region.

[www.ararau.co.nz](http://www.ararau.co.nz)



### Collaborative talent planning.

Priority One delivered a Professional Services and Technology Sector Talent Plan, bringing together 34 local tech and professional services businesses to develop a set of agreed actions supporting industry skill needs. As a result, several new talent initiatives were delivered, including:

1. Work Life Tauranga – a regional talent attraction tool.
2. Business Beyond Usual – an employer upskilling series of educational events to help prepare local businesses for the future of work.
3. Growing Tauranga Moana's reputation as a tertiary destination of choice.

Work also included planning a Horticulture Sector Talent Plan to be delivered in 2023/24.



**Work Life Tauranga** is a talent attraction tool redeveloped and launched to support the needs of a growing job market and projections of 40,000 more local jobs by 2050. Work Life Tauranga, previously known as Wish You Were Working Here, was co-designed with local employers and is a data-driven, integrated online platform aligned to targeted skills personas and local employer needs. The site's analytics will help support targeted regional talent attraction campaigns and provide insight to help guide Priority One's regional talent strategy.

[www.worklifetauranga.co.nz](http://www.worklifetauranga.co.nz)

## 2022/23 ACHIEVEMENTS

### Ngā paetae

**Business Beyond Usual** is an event series initiated by Priority One and delivered in partnership with Datacom that supports local businesses to explore, discover and prepare for a 'Future of Work' that will look very different to today. The first event, held in May 2023, shared key insights from six talented businesspeople on the influence of Artificial Intelligence to an audience of over 100 people.



**University City Strategy.** Priority One, Tauranga City Council and the University of Waikato entered into a collaborative partnership to grow the city's reputation as a tertiary study destination leading to good local employment outcomes. During the year, the University of Waikato established a fourth year offering for Mechatronics and Civil Engineering at the Tauranga campus; the Tauranga Moana Futures program was initiated, providing local students with scholarships, study awards and work experience opportunities during their university study in Tauranga Moana; and 46 university students from around the country participated in the Summer Open Lab which helps to connect students working in local firms during the summer break, whilst also providing industry-led professional development. Progress was also made in planning for student accommodation requirements.

**Talent and investment attraction** programmes were revitalised in 2022/23 following previous COVID-19 border restrictions. Priority One and partners, including WNT Ventures, Enterprise Angels, Malcolm Pacific, Virtuo and New Zealand Trade and Enterprise, delivered six offshore investor migrant events in the United States of America and Singapore.



### 20 years of fostering partnerships between schools and businesses through the Instep programme.

Throughout 2022/23, Instep engaged 3,835 students from the sub-region's 11 secondary schools in activities to showcase local career pathways and connect rangatahi to work opportunities. Instep Young Leaders' Forum saw 34 students from around the region interact with local businesses to explore essential leadership skills such as collaboration, networking, and communication. Instep also organised the annual Canvas Careers Expo in partnership with the Rotary Club of Tauranga. The two-day event attracted approximately 2,200 people to explore career and education options.



**International Education** resumed in 2022/23 following COVID-19 disruptions. In September 2022, for the first time since 2019, Priority One, Education Tauranga and 23 primary and secondary school leaders from the Western Bay of Plenty sub-region travelled to Japan and South Korea to showcase the region's education opportunities to prospective international students.



## A COLLABORATIVE PARTNERSHIP TO GROW THE CITY'S REPUTATION AS A TERTIARY STUDY DESTINATION



### Innovation

*Fostering our innovation eco-system and shifting the sub-region's industry sector mix to be more knowledge-intensive will help create higher-value jobs.*

**Tauranga Moana Futures**, which is part of our University City Strategy, was facilitated by Priority One in collaboration with Tauranga City Council and the University of Waikato. The programme delivered a range of activities to engage tertiary talent to fulfil the needs of business and the region while growing local innovation capability. Based on problem-solving, innovative philosophies, and working on projects that deliver on the needs of our growing city and region, in early 2023, the first scholarship and two impact labs were delivered.



The **Young Innovator Awards programme (yia!)** in 2022 supported the development of innovation capability and creativity amongst local intermediate and secondary school students. The 2022 yia! programme, sponsored by a number of innovative businesses, saw over 700 students participate, enabling connections with over 26 of the region's most innovative businesses.

**Design & Innovation Meetups** help connect local innovators, designers and those interested in design thinking throughout the sub-region. Priority One hosted three events, flexible working, robotics and hybrid project management, to an audience of 50 people each session.

### City Centre

*Tauranga Moana's city centre is undergoing a significant transformation and will help position the sub-region as the ideal place to live, work and study.*

The transformation of the city centre, detailed in **Priority One's CBD Blueprint**, was shared with local businesses and community members through a series of informative walking tours, bringing the \$1.5b of investment to life and helping promote the vision of Tauranga Moana's city centre as the civic, commercial and cultural capital of the Bay of Plenty.







## 2022/23 ACHIEVEMENTS

### Ngā paetae

#### Sustainability

*A strong stance on environmental sustainability is crucial for the future resilience of the sub-region's economy.*

**Priority One's Environmental Sustainability Strategy** was redefined in 2022/23, focusing on decarbonisation and the circular economy, with projects across land, energy, transport, and waste. Priority One delivered eleven workshops and events supporting local businesses and attracting 454 attendees to build capability and learn about financing sustainability initiatives, decarbonisation, transport alternatives, electrifying transport fleets, sustainability brand storytelling, circular economy and Green Star building standards. Priority One also implemented our own sustainability framework, measuring our environmental footprint and developing a plan to reduce our impact.

**Decarbonisation Programmes** delivered by Priority One, in partnership with Tadpole, enabled 32 local businesses to start their sustainability journeys. The decarbonisation programme worked with businesses to understand their current sustainability status and to provide the tools to enable them to begin measuring their internal footprints and implementing strategies to lessen their impact.

**Construction Sector Sustainability Workshops** were hosted throughout the year, bringing together 24 construction businesses to collaborate on solving environmental issues. In a city that continues to grow and develop, these workshops proved a useful vehicle to allow information and knowledge sharing and to form a collaborative project in waste diversion and circular economy. Priority One has linked with local government to ensure circular economy and waste infrastructure solution projects are informed by business.



## PROJECTS ACROSS LAND, ENERGY, TRANSPORT, AND WASTE

### Māori Economic Development

*Working with Iwi/Māori partners, our focus is on improving education and employment outcomes for Māori to help address the earnings gap between Māori and non-Māori.*

The **Amotai Social Procurement event** was held in March 2023 and brought Māori and Pasifika businesses in the Bay of Plenty together to connect with government sector contract opportunities and business support. Sponsored by Priority One, the event attracted 110 'supplier' businesses, ranging from owner-operators to medium-sized businesses, while providing an opportunity for whakawhanaungatanga (the process of building relationships), and kotahitanga (unity), and was also attended by key 'buyers'. The event provided an excellent platform for exploring innovative ways of collaborating to achieve greater social impact and facilitated a shift away from traditional and outdated procurement methods. Instead, fostering a deeper understanding of the meaningful contributions social procurement can have on the local business community of Tauranga Moana.

A **Māori and Pasifika Aviation Career Expo** was co-hosted by Pacific Growth and Priority One in March 2023. The event connected more than 200 Māori and Pasifika high school students from throughout the Western Bay of Plenty sub-region with aviation industry professionals and businesses, providing hands-on experiences such as drone operation and rescue drills with Fire and Emergency New Zealand.

**Mana Wāhine Day** was the first of its kind for the region, bringing together 236 young wāhine from secondary schools across Tauranga Moana for career inspiration from influential wāhine Māori. Priority One collaborated with Kanoa – Regional Economic Development & Investment Unit (an initiative within the Ministry of Business, Innovation and Employment) and the Ministry of Education, to host an event at Tauranga Girls' College. The event aimed to empower rangatahi Māori to pursue their aspirations by embracing their inner strength and resilience.



Priority One's strategic partnership with **Toi Kai Rawa** (the Bay of Plenty's regional Māori economic development agency), supported them to deliver STEAM (science, technology, engineering, arts and mathematics) activities into Western Bay of Plenty primary schools, as well as enabling the growth of their Toi Ki Tua Māori Internship Programme within local primary industries.



### Infrastructure

*Priority One is committed to helping address the sub-region's substantial infrastructure deficit brought about by its rapid population growth over the last two decades.*



The **Western Bay of Plenty Infrastructure Forum** was launched in April 2023 by Priority One and partners. The Forum, which includes representatives from 10 organisations, is designed to address critical infrastructure challenges in the sub-region, including housing and transport, and has outlined a 10-point Action Plan.

A **Tauranga Community Stadium preliminary business case** was delivered by Priority One and partners and presented for consideration by Tauranga City Council. The boutique, multi-use stadium exemplifies the community and social infrastructure required to support a growing population. Tauranga City Council's Long-Term Plan for public consultation now includes a staged implementation plan.

**Mount Maunganui Industrial Blueprint** research was undertaken by Priority One to understand the current environmental position of Mount Maunganui businesses in preparation for launching the Mount Maunganui Industrial Blueprint in late 2023. Two pieces of independent research were undertaken; the first reviewed the environmental outlook of businesses in the industrial zone, including efforts to mitigate environmental impacts. The second gained a view from residents of their perception of the Mount Maunganui Industrial Area. An outline of findings and insights from the research will be made public in late 2023.







### The University of Waikato

Achieving the largest increase in research rankings of any New Zealand university in the latest 2024 QS World University Rankings, the University was ranked in the top 250 universities in the world, helping put Tauranga Moana on the map as a growing university city. The University was recognised as having had significant success in broadening its offerings, research and student places, and gaining research funding in areas important to the region, including marine environments, HortTech and climate mitigation.



### Rangiuru Business Park

The region's newest business park, centrally located in Paengaroa, began development and will provide 148 hectares of high-quality, modern and connected industrial space. The Park's prime position leverages the demand for quality industrial space as part of the 'Golden Triangle' and Central North Island links with Whakatāne, Rotorua and Taupō, with possible road, rail and sea connections. 2022/23 saw earthworks begin on the site, plus preparation for the future interchange, located 6km east of the Pāpāmoa East Interchange on the Tauranga Eastern Link Toll Road. Rangiuru Business Park is majority-owned by Quayside Properties Limited (40 per cent), a wholly owned subsidiary of Quayside Holdings Limited.

### Katikati Innovative Horticulture Centre

**GrowHub** opened in May 2023 by the Katikati Innovative Horticulture Trust. The building, funded by local industry and erected on Katikati College land under an agreement with the Ministry of Education, acts as a centre of horticultural educational excellence catering for school-aged students, rangatahi, NEETs and the community. It brings together education, skills and training providers, offering pathways into horticulture under one umbrella and supporting the horticulture sector to grow the skills it needs for a sustainable future.



Image credit: Love Kivis

## PRIORITY ONE BOARD AS AT 30 JUNE 2023

*Te Poari*



**Simon Clarke (Chair)**  
INDEPENDENT CHAIR



**Te Horipo Karaitiana  
(Deputy Chair)**  
TOI KAI RAWA BOARD  
REPRESENTATIVE



**Wayne Beilby**  
TE RANGAPU MANA WHENUA  
O TAURANGA MOANA  
REPRESENTATIVE



**Jessica Bevin**  
HEAD OF STRATEGY AND  
IMPACT, MERCURY ENERGY



**Marty Grenfell**  
CHIEF EXECUTIVE,  
TAURANGA CITY COUNCIL



**John Holyoake**  
CHIEF EXECUTIVE,  
WESTERN BAY OF PLENTY  
DISTRICT COUNCIL



**Richard Hopkins**  
CHIEF FINANCIAL  
OFFICER, ZESPRI



**Rikki-Lee Joyce**  
MANAGER, INTEGRATED  
OPERATIONS AND INSIGHTS,  
MINISTRY OF EDUCATION



**Dan Kneebone**  
GM PROPERTY &  
INFRASTRUCTURE  
PORT OF TAURANGA



**Scott McKenzie**  
CHIEF EXECUTIVE,  
PMG FUNDS



**Fiona McTavish**  
CHIEF EXECUTIVE,  
BAY OF PLENTY  
REGIONAL COUNCIL



**Jon Murie**  
INVESTMENT ADVISER,  
CRAIGS INVESTMENT  
PARTNERS



**Kevin Palmer**  
PROFESSIONAL DIRECTOR  
AND STRATEGIC ADVISER



**Steven Saunders**  
CHIEF EXECUTIVE & FOUNDER,  
ROBOTICS PLUS



**Peter Tinholt**  
PARTNER,  
ORIENS CAPITAL

## PRIORITY ONE TEAM AS AT 30 JUNE 2023

*Te Tima*



**Nigel Tutt**  
CHIEF EXECUTIVE



**Greg Simmonds**  
GENERAL MANAGER –  
WORKFORCE AND  
POLICY



**Mel Conrad**  
GENERAL MANAGER –  
COMMUNICATIONS  
AND ENGAGEMENT



**Colin Baskin**  
GENERAL MANAGER –  
BUSINESS  
PARTNERSHIPS



**Gail Elliott**  
OFFICE MANAGER



**Jill Beedie**  
PROJECT COORDINATOR



**Shane Stuart**  
INNOVATION MANAGER



**Marissa Nikora**  
PROJECT MANAGER –  
SUSTAINABILITY LEAD



**Meg Davis**  
PROJECT MANAGER –  
FUTURE OF WORK  
AND YIA!



**Vee de Koster**  
INSTEP MANAGER



**Darlene Sayers**  
VOCATIONAL  
COORDINATOR



**Melissa Gillingham**  
EDUCATION TAURANGA –  
REGIONAL RELATIONSHIP  
MANAGER



**Dean Prendergast**  
COMMUNICATIONS EXECUTIVE  
AND INTERNATIONAL  
RELATIONS



**Melissa Mae**  
MARKETING AND  
COMMUNICATIONS  
EXECUTIVE



**Mary Stewart**  
ARA RAU – OPERATIONS  
MANAGER



**Michelle Clarke**  
ARA RAU – EMPLOYMENT  
MENTOR



**Jock Nicholson**  
ARA RAU – EMPLOYMENT  
MENTOR





## FINANCIAL STATEMENTS

*Ngā tauākī pūtea*

for the year ended  
30 June 2023



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**Priority One Western Bay of Plenty Incorporated**

Financial statements for the year ended 30 June 2023

## Directory

as at 30 June 2023

<b>Purpose</b>	Priority One Western Bay of Plenty Incorporated ('the Society') is incorporated under the Incorporated Societies Act 1908. Its purpose is to develop the economy of the Western Bay of Plenty region by building a vibrant economy that retains and attracts talented, skilled and creative people and the businesses that need them.
<b>Chair</b>	Simon Clarke
<b>Deputy Chair</b>	Te Horipo Karaitiana (re-appointed 12 December 2022)
<b>Executive Board</b>	<p>As at 30 June 2023:</p> <p>Marty Grenfell            Scott McKenzie            Fiona McTavish            Steven Saunders            Kevin Palmer            Peter Tinholt            Dan Kneebone            Richard Hopkins            Wayne Beilby            Jon Murie            John Holyoake            Jessica Bevin            Rikki-Lee Joyce</p> <p>Resigned/retired during the year ended 30 June 2023:</p> <p>Christina Finlayson            Laura Murphy</p>
<b>Auditors</b>	Baker Tilly Staples Rodway Audit Limited Level 1, 247 Cameron Road Tauranga 3110
<b>Bankers</b>	ANZ SBS
<b>Business Address</b>	Ground Floor, 29 Grey Street Tauranga 3110
<b>Registered Office</b>	Holland Beckett Lawyers The Hub on Cameron 525 Cameron Road Tauranga 3110



## PRIORITY ONE STATEMENT OF SERVICE PERFORMANCE

### Te pai me te whai rawa o Tauranga Moana ki te ao

*The prosperity and splendour of Tauranga Moana to the world*

This statement of service performance presents the performance of Priority One Western Bay of Plenty Incorporated against the Priority One economic strategy and Kaupapa deliverables.

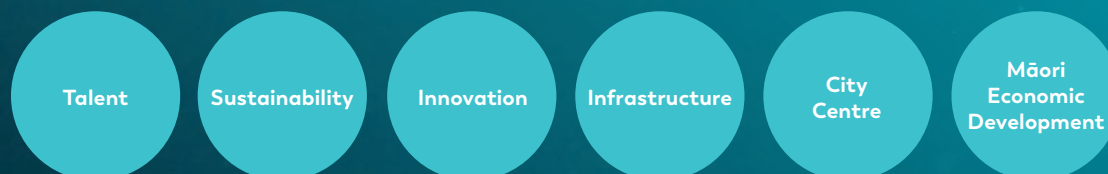
### OUR OBJECTIVE

Priority One has a clear purpose to drive an economy underpinned by talent, education, innovation and business success in order to deliver a prosperous and sustainable region. We deliver value to our members through this business model which forms the base of strategic work plans across the key pillars of Talent, Innovation, Māori Economic Development, City Centre Rejuvenation, Sustainability and Infrastructure.

### OUR BUSINESS MODEL



### OUR PROJECT PILLARS





## WE DELIVERED 2022/23

259

**Priority One members<sup>1</sup>**

276 in 2021/22

88

**Events<sup>2</sup>**

15 in 2021/22

1,984

**Business people engaged in Priority One events<sup>2</sup>**

550 in 2021/22

3,835

**Students engaged in Priority One youth programmes<sup>2</sup>**

Not recorded in 2021/22

3

**Economic reports released<sup>3</sup>**

3 in 2021/22

132

**People engaged through Ara Rau – Pathways to Work<sup>4</sup>**

66 in 2021/22

14

**Engagements related to investment attraction<sup>5</sup>**

N/A in 2021/22

32

**Businesses through Priority One's decarbonisation programmes<sup>6</sup>**

New in 2021/22

1. Priority One is an independent business membership organisation working with organisations of all sizes and across all sectors in the rohe. Measurement of total membership is as at 30 June 2023 and provides an indicator of the breadth of our reach across the economy as a membership funded organisation. This is measured by tracking new and re-signed members.
2. Measurement of engagement through Priority One's business events and youth programmes provides an understanding of the organisation's ability to support stakeholders to learn, develop connections, and have access to the tools that help deliver on our economic strategy. The measurement tracks attendees via an internal process. The 2022 year was impacted by COVID restrictions. The lifting of restrictions contributed to the increase in events, engagements and other activities able to be undertaken in 2023. Engagement figures include Priority One staff members that attended to facilitate and participate in events, which is considered relevant as engagements are a two-way process.
3. Priority One delivers quarterly economic reports to stakeholders. These reports capture local economic data and insights providing stakeholders with information that helps inform them on the current and future state of the region's economy. This is measured by the number of economic reports produced.
4. Ara Rau - Pathways to Work, is Priority One's skills and employment hub. It is focussed on supporting local people not in employment, education or training (NEETs) into sustainable employment or training. Ara Rau helps connect the local labour supply and demand pipeline by working with employers and job seekers to develop relationships for long-term success. We track the number of individuals we engaged with to assist into jobs and training which contributes to the region's supply of work ready talent. This is measured through quarterly reporting to the Ministry of Social Development. The 2022 year was impacted by COVID restrictions. The lifting of restrictions contributed to the increase in events, engagements and other activities able to be undertaken in 2023.
5. Priority One delivers investor migrant attraction engagement opportunities to help create a high value, knowledge-intensive local economy. We also support investment attraction initiatives that help grow the region's entrepreneurial eco-system. We do this via offshore investment attraction activities and our strategic partnership with Enterprise Angels. This is measured by the number of investment attraction events hosted and supported via an internal process. The 2022 year was impacted by COVID restrictions. The lifting of restrictions contributed to the increase in events, engagements and other activities able to be undertaken in 2023.
6. Priority One delivers an environmental sustainability strategy that supports the region's transition to a low carbon, circular economy that protects and enhances Tauranga Moana's reputation as a great place to live, learn, work and play. The decarbonisation programme enables local businesses to develop their own environmental sustainability plan. This is measured by the number of businesses through the programme via an internal process.


**Priority One Western Bay of Plenty Incorporated**

Financial statements for the year ended 30 June 2023

**Statement of Comprehensive Revenue and Expense**

For the year ended 30 June 2023

	Note	2023 \$	2022 \$
Membership Fees	4	733,503	470,623
Funding Revenue	4	3,258,646	2,856,437
Interest Received		30,725	3,605
Dividend income		1,000	41,867
Other Income		6,230	5,698
<b>Total Revenue</b>		<b>4,030,104</b>	<b>3,378,229</b>
Operating and Project Expenses		1,985,779	1,566,439
Employee Benefits Expense	5	1,411,703	1,209,779
Administration Expenses	6	492,978	488,709
<b>Total Expenses</b>		<b>3,890,460</b>	<b>3,264,927</b>
<b>Net Surplus/(Deficit)</b>		<b>139,644</b>	<b>113,301</b>
<b>Other Comprehensive Revenue and Expense for the Year</b>			
Gain/(loss) in fair value movement of investment in WNT Ventures	9	129,594	(24,439)
		129,594	(24,439)
<b>Total comprehensive revenue and expense</b>		<b>269,238</b>	<b>88,862</b>

The accompanying notes form part of these financial statements

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## Priority One Western Bay of Plenty Incorporated

Financial statements for the year ended 30 June 2023

## Statement of Changes in Net Assets

For the year ended 30 June 2023

	Investment fair value reserve	Accumulated Funds	Total Equity
<b>Balance at 1 July 2021</b>	298,843	723,557	1,022,400
<b>Total Comprehensive Revenue and Expense</b>			
Surplus/(Deficit) for the year	-	113,301	113,301
Other Comprehensive Revenue	(24,439)	-	(24,439)
<b>Total Comprehensive Revenue and Expense</b>	<b>(24,439)</b>	<b>113,301</b>	<b>88,862</b>
<b>Balance at 30 June 2022</b>	<b>274,404</b>	<b>836,858</b>	<b>1,111,262</b>
<b>Total Comprehensive Revenue and Expense</b>			
Surplus/(Deficit) for the year	-	139,644	139,644
Other Comprehensive Revenue	129,594	-	129,594
<b>Total Comprehensive Revenue and Expense</b>	<b>129,594</b>	<b>139,644</b>	<b>269,238</b>
<b>Balance at 30 June 2023</b>	<b>403,998</b>	<b>976,502</b>	<b>1,380,500</b>

The accompanying notes form part of these financial statements

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## Priority One Western Bay of Plenty Incorporated

Financial statements for the year ended 30 June 2023

## Statement of Financial Position

As at 30 June 2023

	Note	2023 \$	2022 \$
<b>Current Assets</b>			
Cash and Cash Equivalents	7	1,207,647	772,004
Short term deposits	7	72,426	70,856
Trade and Other Receivables	8	709,096	501,794
		<b>1,989,168</b>	<b>1,344,654</b>
<b>Non-current Assets</b>			
Investments	9	477,382	347,788
Property, Plant and Equipment	10	43,864	54,907
		<b>521,246</b>	<b>402,694</b>
<b>Total Assets</b>		<b>2,510,414</b>	<b>1,747,349</b>
<b>Current Liabilities</b>			
Accounts Payable	11	554,406	229,843
Employee Entitlements	12	64,110	51,367
Deferred Revenue		511,398	354,876
		<b>1,129,914</b>	<b>636,086</b>
<b>Total Liabilities</b>		<b>1,129,914</b>	<b>636,086</b>
<b>Net Assets</b>		<b>1,380,500</b>	<b>1,111,262</b>
<b>Equity</b>		<b>1,380,500</b>	<b>1,111,262</b>

Director  
24 October 2023

Chief Executive  
24 October 2023

The accompanying notes form part of these financial statements

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## Priority One Western Bay of Plenty Incorporated

Financial statements for the year ended 30 June 2023

## Statement of Cash Flows

For the year ended 30 June 2023

	Note	2023 \$	2022 \$
<b>Cash flows from operating activities</b>			
<i>Cash was provided from:</i>			
Membership receipts		792,548	374,890
Funding received		3,206,169	2,577,900
Interest		29,804	3,376
Dividends		1,000	41,867
Other operating receipts		6,230	5,698
		<b>4,035,750</b>	<b>3,003,729</b>
<i>Cash was applied to:</i>			
Employee and Supplier Payments		(3,590,690)	(3,270,411)
		<b>(3,590,690)</b>	<b>(3,270,411)</b>
<b>Net cash flow - operating activities</b>		<b>445,060</b>	<b>(266,682)</b>
<b>Cash flows from investing activities</b>			
<i>Cash was applied to:</i>			
Purchase of investments		-	(32,500)
Purchase of short term deposits		(1,570)	(651)
Purchase of property, plant and equipment		(7,848)	(12,541)
		<b>(9,418)</b>	<b>(45,692)</b>
<b>Net cash flow - investing activities</b>		<b>(9,418)</b>	<b>(45,692)</b>
<b>Net cash flow for the year from all activities</b>		<b>435,643</b>	<b>(312,374)</b>
Cash at beginning of year		772,004	1,084,378
<b>Cash at end of year</b>		<b>1,207,647</b>	<b>772,004</b>
<i>Represented by:</i>			
<b>Cash on hand and at bank</b>	7	<b>1,207,647</b>	<b>772,004</b>

The accompanying notes form part of these financial statements

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## Priority One Western Bay of Plenty Incorporated

Financial statements for the year ended 30 June 2023

# Notes to the Financial Statements

For the year ended 30 June 2023

## 1 Reporting Entity

Priority One Western Bay of Plenty Inc. ('the Society') is incorporated under the Incorporated Society's Act 1908. Its mission is to develop the economy of the Western Bay of Plenty region. It was incorporated on 20th April 2001.

The Society is considered a public benefit entity for the purposes of financial reporting in accordance with External Reporting Standard A1 *Application of the Accounting Standards Framework*.

Its purpose is to develop the economy of the Western Bay of Plenty region by building a vibrant economy that retains and attracts talented, skilled and creative people and the businesses that need them.

## 2 Basis of Preparation

The financial statements have been prepared on a going concern basis, and the accounting policies have been consistently applied throughout the period.

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

### (a) Statement of Compliance

The financial statements have been prepared in accordance with New Zealand Generally Accepted Accounting Principles ("NZ GAAP"). They comply with Public Benefit Entity International Public Sector Accounting Standards ("PBE IPSAS") and other applicable Financial Reporting Standards, as appropriate for Tier 2 not-for-profit public benefit entities. The entity has elected to report in accordance with the Tier 2 standards, taking advantage of all disclosure concessions as it is not publicly accountable and has expenses less than \$30 million.

These financial statements were authorised for issue by the Executive Board on 24 October 2023.

### (b) Measurement Basis

The financial statements have been prepared on the basis of historical cost, apart from investments which are carried at fair value.

### (c) Functional Currency

The financial statements are presented in New Zealand dollars and all values are rounded to the nearest dollar (\$).

### (d) Goods and Services Tax

All balances are presented net of goods and services tax (GST), except for receivables and payables which are presented inclusive of GST.

### (e) Income tax

Priority One is exempt from income tax under CW 40(1) of the Income Tax Act 2007.

## 3 Changes in accounting policies

Prior year comparatives have been amended to match current year presentation.

PBE IPSAS 41 *Financial Instruments* became effective in the current period and has resulted in changes to the accounting policies for financial assets and financial liabilities. None of the changes were significant and the value of assets and liabilities were not changed as a result of the policy changes,



## Priority One Western Bay of Plenty Incorporated

Financial statements for the year ended 30 June 2023

## Notes to the Financial Statements

For the year ended 30 June 2023

## 4 Revenue

<b>Membership Fees</b>	2023	2022
<i>Exchange Revenue</i>	\$	\$
Membership Fees	733,503	470,623
	<b>733,503</b>	<b>470,623</b>
<b>Funding Revenue</b>	2023	2022
<i>Non Exchange Revenue</i>	\$	\$
Local Authority Funding	1,965,586	1,178,412
Government Funding	439,774	486,832
INSTEP Funding	213,500	141,525
Project Funding	639,786	1,049,668
	<b>3,258,646</b>	<b>2,856,437</b>

## Policies

Membership fees are recognised when invoiced, which is on the date of the member's joining anniversary. Membership fees in-kind are recognised at the end of the year in which the corresponding expenditure has been incurred.

Local Authority Funding - Funding income is recognised as income when it becomes receivable, at the fair value of the amount receivable, unless the Society is required to repay the funding income if requirements are not met. A liability is recognised to the extent that such milestones in the contract are unfulfilled at the end of the reporting period.

Government Funding - Funding income is recognised as income when it becomes receivable, at the fair value of the amount receivable, unless the Society is required to repay the funding income if requirements are not met. A liability is recognised to the extent that such milestones in the contract are unfulfilled at the end of the reporting period.

Grants - Grant income is only able to be deferred when there is a use or return obligation and the conditions have not yet been met. Included within INSTEP funding and project funding are grants which are recognised initially as deferred income (at the fair value of the consideration received) and then recognised as income when there is reasonable assurance that they will be received and that Priority One will comply with the conditions associated with the grant.



## Priority One Western Bay of Plenty Incorporated

Financial statements for the year ended 30 June 2023

## Notes to the Financial Statements

For the year ended 30 June 2023

## 5 Employee Benefits

	2023	2022
	\$	\$
Wages and Salaries	1,343,062	1,136,495
Other employee benefits	68,641	73,284
	<b>1,411,703</b>	<b>1,209,779</b>

## 6 Administration Expenses

	2023	2022
	\$	\$
<i>Included within Administration expenses are the following:</i>		
Audit Fees	18,000	15,000
Depreciation	16,111	21,388
Rent & Car park lease payments	155,046	133,963

## 7 Cash and Cash Equivalents

	2023	2022
	\$	\$
Cash and Bank Balances	1,207,647	772,004
	<b>1,207,647</b>	<b>772,004</b>

## Policies

Cash and cash equivalents are cash balances that are short term in nature (with an original maturity of three months or less) for the purposes of the Statement of Cash Flows, and are classified as a financial asset measured at amortised cost.

Short Term Deposits have maturities between 90 days and 1 year and are shown as current assets, and are not included as cash and cash equivalents.

## 8 Trade and Other Receivables

	2023	2022
	\$	\$
Accounts Receivable (Exchange transactions)	613,126	463,164
Accrued interest	1,459	538
GST Refund	48,299	-
Prepayments	46,212	38,092
	<b>709,096</b>	<b>501,794</b>

Accounts receivable are shown net of allowances for bad and doubtful debts of \$nil (2022: \$nil).

## Policy

Accounts receivable are initially measured at fair value, then adjusted for any expected credit loss. Accounts receivable are classified as a financial asset measured at amortised cost.





## Priority One Western Bay of Plenty Incorporated

Financial statements for the year ended 30 June 2023

## Notes to the Financial Statements

For the year ended 30 June 2023

**9 Investments**

	2023 \$	2022 \$
WNT Ventures Limited Partnership	477,382	347,788
	<b>477,382</b>	<b>347,788</b>

Priority One has entered into an agreement to invest up to \$350,000 over a period of one to five years in WNT Ventures Limited Partnership.

At balance date a share of 10% is held in WNT Ventures Limited Partnership (2022: 10%).

The fair value for WNT Ventures Limited Partnership is based on 10% of the net assets per unaudited financial statements prepared by WNT Ventures Limited Partnership, previously adjusted for calls not yet made. The final call was made in the 2022 financial year.

Previously management has based their assessment of the fair value of the investment in the WNT Ventures Limited Partnership at balance date on information provided in audited financial statements of WNT Ventures Limited Partnership. In 2020, WNT Ventures Limited Partnership changed their reporting basis and no longer include fair value assessments in their audited financial statements. As with 2022, the estimate of fair value has been based on unaudited WNT Management estimates.

WNT Ventures Limited Partnership is considered a related party. Refer Note 14.

**Policy**

The investment in WNT Ventures Limited Partnership is classified as an equity instrument, with initial recognition made at fair value less transaction costs. The investment is not held for trading purposes and Priority One has made an irrevocable decision to present subsequent changes in fair value in other comprehensive revenue and expense. When sold, the cumulative gain or loss previously recognised in other comprehensive revenue and expense is transferred within equity to accumulated surplus/(deficit).

**Key sources of estimation uncertainty**

Key sources of estimation uncertainty as at the reporting date that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include venture capital in start ups and fair value based on WNT Venture Limited Partnership's assessment of future expectations.



## Priority One Western Bay of Plenty Incorporated

Financial statements for the year ended 30 June 2023

## Notes to the Financial Statements

For the year ended 30 June 2023

## 10 Property, Plant and Equipment

	Computer and Office Equipment	Leasehold Improvements	Total
<b>Cost</b>			
Balance at 1 July 2021	138,282	135,084	273,366
Additions	12,534	-	12,534
Disposals	(16,690)	(54,595)	(71,285)
Balance at 30 June 2022	134,126	80,489	214,615
Balance at 1 July 2022	134,126	80,489	214,615
Additions	5,059	-	5,059
Disposals	-	-	-
Balance at 30 June 2023	139,185	80,489	219,674
<b>Depreciation</b>			
Balance at 1 July 2021	(101,208)	(97,031)	(198,239)
Depreciation	(18,427)	(2,961)	(21,388)
Disposals	15,471	44,457	59,928
Balance at 30 June 2022	(104,164)	(55,535)	(159,699)
Balance at 1 July 2022	(104,164)	(55,535)	(159,699)
Depreciation	(13,154)	(2,958)	(16,111)
Balance at 30 June 2023	(117,318)	(58,493)	(175,811)
<b>Carrying Amounts</b>			
Balance at 30 June 2021	49,014	26,104	75,128
Balance at 30 June 2022	29,962	24,954	54,916
Balance at 30 June 2023	21,867	21,996	43,864

**Policies***Measurement*

All property plant and equipment are stated at cost less accumulated depreciation.

*Depreciation*

Depreciation is allocated over the estimated useful life of the asset. The following methods are used in the calculation of depreciation:

Leasehold Improvements	Straight line over remaining expected lease term
Computer & Office Equipment	1.5-12 years      Straight Line



## Priority One Western Bay of Plenty Incorporated

Financial statements for the year ended 30 June 2023

## Notes to the Financial Statements

For the year ended 30 June 2023

**11 Accounts Payable**

		2023 \$	2022 \$
Accounts Payable		487,792	188,980
Related Party Payable	13	35,312	7,100
GST payable		-	22,764
Accrued expenses		31,302	10,999
		<b>554,406</b>	<b>229,843</b>

**Policy**

Accounts payable are recognised at cost when the Society becomes obliged to make future payments resulting from the purchases of goods and services. Accounts payable are classed as an 'amortised cost financial liability'.

**12 Employee Entitlements**

		2023 \$	2022 \$
<b>Short Term</b>			
Accrued Wages, Salaries and Holiday Pay		64,110	51,367
		<b>64,110</b>	<b>51,367</b>

**Policy**

Provision is made for benefits accruing to employees in respect of wages and salaries and annual leave when it is probable that settlement will be required and they are capable of being measured reliably.

**13 Provisions**

		2023 \$	2022 \$
<b>Opening balance 1 July</b>		-	32,500
Provisions made during the year		-	-
Provisions used during the year		-	(32,500)
Unused provisions reversed during the period		-	-
<b>Closing balance 30 June</b>		-	-
		2023 \$	2022 \$
Current		-	-
Non-current		-	-
		-	-

**Capital Call**

Priority One had an agreement to commit \$350,000 to WNT Ventures Limited Partnership over 5 years as part of a capital call agreement. The contributions were made when requested by the Limited Partnership dependant on business needs. The final capital call was made during the 2022 financial year.

**Policy**

Provisions are recognised when there is a present obligation (legal or constructive) as a result of a past event, it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation.



## Priority One Western Bay of Plenty Incorporated

Financial statements for the year ended 30 June 2023

## Notes to the Financial Statements

For the year ended 30 June 2023

## 14 Related Party Transactions

## (i) Key Management &amp; Governance Personnel Remuneration

Priority One classifies its key management personnel in to the following categories:

- Directors
- Executives

Priority One had 17 directors during the year ended 30 June 2023 (2022: 18). Other than the Independent Chair, the directors did not receive any remuneration for their services.

The annual Independent Chair fee is determined by the Board and is currently set at \$30,000 (plus GST) per annum. Simon Clarke's term as Independent Chair was extended by the Board through to the 2023 AGM and was paid Chair fees of \$30,000 (plus GST) in the financial year. All other Board members provided their services for free.

Executives are employees and are on standard employment contracts. Priority One had five Officers in this category during the year ended 30 June 2023 (2022: four). Remuneration of these Officers and the Independent Chair during the period amounted to \$717,697 (2022: \$613,173).

## (ii) Transactions with other related parties

Priority One transacts with other related parties in the normal course of their business. Such entities include those related by virtue of common governance and management personnel.

During the year, Priority One made the following purchases from related parties and at year end, the following balances remained owing:

	Purchases 2023 \$	Payable 2023 \$	Purchases 2022 \$	Payable 2022 \$
Toi Kai Rawa (Operating and Project Expenses)	70,000	-	71,400	-
Bay Venues Limited	46,047	32,437	15,061	4,225
Matua Governance Limited	30,161	2,875	30,000	2,875
	<b>146,208</b>	<b>35,312</b>	<b>116,461</b>	<b>7,100</b>

WNT Ventures Management Limited is considered a related party due to Steven Saunders (Director) also being a director of WNT Ventures Management Limited. Other than the investment of capital and receipt of distributions, there have been no transactions during the year (Refer Note 8).

Toi Kai Rawa is considered a related party due to Priority One Director, Te Horipo Karaitiana also being on the board of Toi Kai Rawa.

Bay Venues Limited is considered a related party due to Priority One Chair, Simon Clarke also being the Chair of Bay Venues Limited (appointed July 2021).

Matua Governance Limited is considered a related party due to Priority One Chair, Simon Clarke also being the Director of Matua Governance Limited.


**Priority One Western Bay of Plenty Incorporated**

Financial statements for the year ended 30 June 2023

## Notes to the Financial Statements

For the year ended 30 June 2023

### 15 Commitments

An operating lease exists for ground floor of the property at 29 Grey Street Tauranga, with the current lease term expiring on 30 June 2023. Priority One is currently in the process of extending this lease for a further two years and subsequent to balance date signed an agreement to extend the lease to 1 July 2025 on updated lease conditions.

A number of operating leases are also held for office equipment and motor vehicles with periods up to three years.

Immaterial finance leases have been accounted for as operating leases and included in lease commitments disclosure.

<b>Operating Lease Commitments</b>	<b>2023</b>	<b>2022</b>
	<b>\$</b>	<b>\$</b>
No later than one year	38,846	164,221
More than one year	57,369	17,433
	<b>96,215</b>	<b>181,654</b>

### 16 Contingent Liabilities

There were no contingent liabilities as at 30 June 2023 (2022: nil).

### 17 Subsequent events

There are no subsequent events to disclose.

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## INDEPENDENT AUDITOR'S REPORT

### To the Members of Priority One Western Bay of Plenty

#### Report on the Audit of the General Purpose Financial Report

##### Qualified Opinion

We have audited the general purpose financial report of Priority One Western Bay of Plenty ('the Society') which comprises the financial statements on pages 6 to 17, and the service performance information on pages 4 to 5. The complete set of the financial statements comprise the statement of financial position as at 30 June 2023, the statement of comprehensive revenue and expense, the statement of changes in net assets and the statement of cash flows for the year then ended, and notes to the financial statements, including significant accounting policies.

In our opinion, except for the effects of the matters described in the *Basis for Qualified Opinion* section of our report the accompanying general purpose financial report presents fairly, in all material respects, the financial position of the Society as at 30 June 2023, and the financial performance and cash flows for the year then ended, and the service performance for the year ended 30 June 2023 in accordance with the service performance criteria of the Society in accordance with Public Benefit Entity Standards Reduced Disclosure Regime ('PBE Standards RDR') issued by the New Zealand Accounting Standards Board.

Our report is made solely to the Members of the Society. Our audit work has been undertaken so that we might state to the Members of the Society those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Members of the Society as a body, for our audit work, for our report or for the opinions we have formed.

##### Basis for Qualified Opinion

As described in Note 9 to the financial statements, the Society bases their assessment of the fair value of the investment in the WNT Ventures Limited Partnership ('WNT') at balance date on unaudited WNT Management estimates. Accordingly, there is insufficient appropriate audit evidence available to enable us to form an opinion on whether the carrying value of investment in WNT amounting to \$477,382 and the consequent impact on Other Comprehensive Income is materially correct.

We conducted our audit of the financial statements in accordance with International Standards on Auditing (New Zealand) ('ISAs (NZ)') and the audit of the service performance information in accordance with the ISAs (NZ) and New Zealand Auditing Standard ('NZ AS') 1 *The Audit of Service Performance Information*. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the General Purpose Financial Report* section of our report. We are independent of the Society in accordance with Professional and Ethical Standard 1 *International Code of Ethics for Assurance Practitioners (including International Independence Standards)* (New Zealand) issued by the New Zealand Auditing and Assurance Standards Board and the International Ethics Standards Board for Accountants' *International Code of Ethics for Professional Accountants (including International Independence*

Baker Tilly Staples Rodway Audit Limited, incorporating the audit practices of Christchurch, Hawkes Bay, Taranaki, Tauranga, Waikato and Wellington.

Baker Tilly Staples Rodway Audit Limited is a member of the global network of Baker Tilly International Limited, the members of which are separate and independent legal entities.



*Standards*) ('IESBA Code'), and we have fulfilled our other ethical responsibilities in accordance with these requirements and the IESBA Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified opinion.

Other than in our capacity as auditor we have no relationship with, or interests in, Priority One Western Bay of Plenty.

#### **Other Information**

The Executive Board is responsible for the other information. The other information comprises the information included in the Society's annual report for the year ended 30 June 2023 (but does not include the general purpose financial report and our auditor's report thereon).

Our opinion on the general purpose financial report does not cover the other information and we do not express any form of audit opinion or assurance conclusion thereon.

In connection with our audit of the general purpose financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the general purpose financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

#### **Responsibilities of the Executive Board for the General Purpose Financial Report**

Those Charged with Governance are responsible on behalf of the Society for:

- the preparation and fair presentation of the financial statements and the statement of service performance in accordance with PBE Standards RDR;
- service performance criteria that are suitable in order to prepare service performance information in accordance with PBE Standards RDR; and
- such internal control as Those Charged with Governance determine is necessary to enable the preparation of the general purpose financial report that is free from material misstatement, whether due to fraud or error.

In preparing the general purpose financial report, Those Charged with Governance are responsible on behalf of the Society for assessing the Society's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless Those Charged with Governance either intend to liquidate the Society or to cease operations, or have no realistic alternative but to do so.

#### **Auditor's Responsibilities for the Audit of the General Purpose Financial Report**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole, and the statement of service performance are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (NZ) and NZ AS 1 will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate,



they could reasonably be expected to influence the decisions of users taken on the basis of this general purpose financial report.

A further description of the auditor's responsibilities for the audit of the general purpose financial report is located at the External Reporting Board's website at:

<https://www.xrb.govt.nz/assurance-standards/auditors-responsibilities/audit-report-14/>

#### **Matters Relating to the Electronic Presentation of the Audited General Purpose Financial Report**

This audit report relates to the general purpose financial report of Priority One Western Bay of Plenty for the year ended 30 June 2023 included on Priority One Western Bay of Plenty's website. The Executive Board of Priority One Western Bay of Plenty is responsible for the maintenance and integrity of Priority One Western Bay of Plenty's website. We have not been engaged to report on the integrity of Priority One Western Bay of Plenty's website. We accept no responsibility for any changes that may have occurred to the general purpose financial report since it was initially presented on the website.

The audit report refers only to the financial statements and the statement of service performance named above (together the general purpose financial report). It does not provide an opinion on any other information which may have been hyper linked to or from the general purpose financial report. If readers of this report are concerned with the inherent risks arising from electronic data communication they should refer to the published hard copy of the audited general purpose financial report and related audit report dated 25 October 2023 to confirm the information included in the audited general purpose financial report presented on this website.

Legislation in New Zealand governing the preparation and dissemination of financial statements may differ from legislation in other jurisdictions.

*Baker Tilly Staples Rodway*

**BAKER TILLY STAPLES RODWAY AUDIT LIMITED**

**Tauranga, New Zealand**

26 October 2023





**Priority One**  
Tauranga  
Moana

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## DRAFT STREET USE POLICY



<b>Policy type</b>	City		
<b>Authorised by</b>	Council		
<b>First adopted</b>	Occupation of Road Berms for Public Parking and for Planting on Berms in front of Private Residences 11/12/2000 Lease of subsoil of roads 8/04/2002 Lease of Airspace above Roads 28/02/2000 Licence to Occupy Road Reserves 19/02/1997	<b>Minute reference</b>	M00/131.9 M02/234.7 M00/9.2 M96/9.10
<b>Revisions/amendments</b>	Policy consolidated into single: Street Use Policy 2023	<b>Minute references</b>	
<b>Review date</b>	As required		

### 1. PURPOSE

- 1.1. To provide a consistent approach on leasing, licencing or use of streets owned or administrated by Tauranga City Council.

### 2. SCOPE

- 2.1. This policy covers the leasing, licencing or use of streets (including road berms, road reserves and unformed roads). It does not include leasing, licencing or use of roadways, except for the lease of subsoil below roadways.
- 2.2. This policy does not cover the use of streets (including road berms, road reserves and unformed roads) by mobile shops, events or promotions and giveaways, which is covered by the Use of Council Land Policy.

### 3. DEFINITIONS

Term	Definition
Airspace	The right of the council to the space above the roadway, road berm, road reserve or unformed legal road.
Balcony	A structure protruding into the airspace that has a habitable floor.
Berm	The area of land under the control of the council between the road and the property boundary, this includes the footpath and vehicle crossings.
Council	Tauranga City Council or any committee, subcommittee or elected member of the council or officer or other person authorised to exercise the authority of the council.
Licence	A licence to occupy agreement.
Street	Includes the road berm, road reserve and unformed legal road, it excludes the roadway, except when referring to subsoil leases
Subsoil	The right of the council to the land below the roadway, road berm, road reserve or unformed legal road.
Vehicle crossings	Vehicle crossings are the portion of a driveway located on council land between the road and the property boundary.
Veranda or Design Feature	A structure protruding into the airspace for the purpose of providing shelter and/or visual appeal to the streetscape. A veranda or design feature may not have a habitable floor (see balcony).

### 4. PRINCIPLES

- 4.1. Streets support a well-connected city and make it easy to move around in and with a range of sustainable transport choices.
- 4.2. Streets are safe, inclusive, and accessible public spaces for the community to use, any use of a street must comply with relevant legislation and plans, including appropriate health and safety requirements.
- 4.3. Streets are public spaces; any private or commercial use of a street should offer a public benefit.
- 4.4. The activation of streets through alfresco dining, events or commercial activities can create vibrant and diverse commercial centres.
- 4.5. Streets can support environmental and wellbeing outcomes through providing green spaces and spaces for nature within the city.
- 4.6. Street spaces with high cultural, archaeological, and historical value are recognised, valued, and protected.

## 5. USE OF THE STREET

- 5.1. The use of the street for private plantings is permitted under the conditions and criteria set out in Schedule One. The Group Manager: Infrastructure<sup>1</sup> is authorised to exercise discretion in waiving criteria and conditions where, in their professional opinion, such waiver is appropriate.
- 5.2. Converting the street into parking is discretionary and requires the permission of the Group Manager: Infrastructure and considering the conditions outlined in Schedule Two.
- 5.3. The use of artificial grass is not permitted on the street.
- 5.4. The use of the street for signs, merchandise displays, events, parades and assembly is permitted in accordance with the conditions set out in the Street Use and Public Places Bylaw.

## 6. LICENCE TO OCCUPY THE STREET

- 6.1. The following criteria must be met before a licence will be issued:
- the licence aligns with the principles of this policy
  - the licence will not prevent the adjoining landowners access to their land
  - the licence does not constitute a pedestrian or vehicular obstruction or hazard
  - there is no immediate requirement for the land
  - the access to all services are readily available
  - there is a land survey conducted in the relevant area as to the license proposal
  - the licence of the area is beneficial to the general public (ie. council no longer has to maintain the land at our cost, or provides a public benefit)
  - the proposed use of the land does not contravene the City Plan
  - no compensation for any improvements put on the land by the licensee.
- 6.2. Licences must be issued on a month-to-month basis determinable on one month's notice.
- 6.3. Private and commercial use of the street will require an application fee reflective of the costs of administering the licence and rental fees as set out in council's user fees and charges.
- 6.4. Private and commercial use of the street will require an asset bond reflective of the cost of removing the activity and restoring the streetscape to its original condition.
- 6.5. The council will require businesses with street dining in the zones outlined in Schedule Three to:
- have a licence to occupy the footpath
  - pay fees as per the council users fees and charges
  - promote smoke and vape free street dining through displaying smoke and vape free signage and removing ashtrays
  - align with the street dining design guidelines.

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<sup>1</sup> Or any equivalent future role.



6.6. The licence fees payable in respective street dining zones will be set through user fees and charges considering information (where available) on:

- the footfall of the area
- the hospitality spend information
- the traffic and volume parking information
- the relevant rental/lease assessments
- the related use of council land zoning fees
- the standard of public infrastructure in wider area (eg, destination playgrounds, walkways, community facilities).

6.7. The zone fee should aim to reflect the average commercial value for street dining in that zone. In considering the information in 6.6, council will consider information from different time periods in the year to account for the seasonal differences in the value of street dining.

6.8. Council may consider reducing the fees for street dining for a limited time, subject to financial considerations, when circumstances arise that result in:

- a limited-time disruption to foot traffic in an area, and
- a significant reduction in the likelihood of people utilising street dining, and
- an impact on ongoing viability of the business.

## **7. LEASE OF AIRSPACE ABOVE STREETS**

7.1. As a general principle public airspace is not available for private development.

7.2. Requests may be made for approval for buildings to encroach into the airspace above public streets. This creates potential for development which may conflict with public objectives of ensuring continued functioning of the street and protecting the amenity of the street space and the loss of the use and enjoyment of space for the public. In considering requests to use the airspace the council will consider the principles of this policy, in addition to:

- maintaining public benefits provided by the street space
- ensuring that the safe and efficient functioning of the street for the movement of pedestrians and vehicles is not compromised in any way by building encroachment
- avoiding any loss of amenity or potential amenity including the planting of trees as well as pleasantness, coherence and harmony of the street space caused by building encroachment
- enabling development of street airspace which is consistent with established urban design themes and alfresco dining experience within commercial areas.

7.3. Encroachment of buildings into airspace above streets generally should be limited to:

1. verandas allowed or required by the District Plan, or verandas or design features approved by council as appropriate for the area
2. “alfresco” dining on open balconies above verandas at first floor level adjoining premises in commercial business zones.

- 7.4. Verandas and design features under 7.3 (1) do not require a licence to occupy or need to pay fees. The property owner is responsible for the ongoing safety and maintenance of the structure.
- 7.5. Balconies under 7.3 (2) require approval from the Group Manager: Infrastructure<sup>2</sup> and must have a licence to occupy. Fees for balconies under 7.3 (2) will be set at 75% of the relevant street dining rate for the area occupied as set out in councils user fees and charges.
- 7.6. Encroachment of buildings into airspace above roads other than that set out in 7.3. above should:
- be allowed only in unusual or exceptional circumstances
  - not be contrary to section 7.2 (1) or (2)
  - ensure that public amenities are provided which completely offset the effects of the loss of any public space
  - pay fees set at a market rate or provide public amenities to offset the loss of public space at a value of at least equal to the market value of the lease, capitalised over 50 years.
- 7.7. When considering an application to lease airspace above streets, the following factors must be assessed to ensure that the public interest is protected, and legal requirements are met:
- An encroachment must ensure that sufficient airspace remains above the surface of the street for the free and unobstructed passage of vehicles and pedestrians lawfully using the road.
  - No encroachment will be allowed into the airspace above the (roadway), nor be lower than a height to be specified by the council in each case, above the surface of the footpath or street below.
  - An encroachment must not interfere with or in any way obstruct the right of the Crown, or of any authorised person to run utility services along the road as set out in Section 357(2) of the Local Government Act.
  - An encroachment must comply with the City Plan and be subject to obtaining all necessary consents whether under Resource Management Act, Building Act or otherwise.
  - Council must have no immediate or foreseeable use for the air space.
- 7.8. Private and commercial use of the airspace will require an application fee reflective of the costs of administering the lease as set out in council's user fees and charges.
- 7.9. Private and commercial use of the airspace will require an asset bond reflective of the cost of removing the activity and restoring the streetscape to its original condition.

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<sup>2</sup> Or any equivalent future role.

## 8. LEASE OF SUBSOIL BELOW STREETS<sup>3</sup>

8.1. That, as a matter of general policy, the council would not lease subsoil below streets for the use of private developers.

8.2. The following items are specifically excluded from consideration under this policy for leasing of subsoil below streets and will require specific council approval in each case:

- leases for underpasses
- leases for pedestrian walls
- leases for occupied space.

8.3. When considering any application to lease subsoil below streets, the following factors must be assessed to ensure that the public interest is protected, and legal requirements are met:

- Public benefits provided by the street space are maintained
- The safe and efficient functioning of the road for the movement of pedestrians and vehicles is not compromised in any way by the building encroachment.
- No loss of amenity or potential amenity, including the planting of trees, as well as pleasantness, coherence and harmony of the street space caused by building encroachment.
- The encroachment of buildings into subsoil below streets is limited to: foundation pads, wall beams or piles at least two metres below the road surface.
- The encroachment of buildings into subsoil below roads other than that set out above would require specific approval of the council.
- The encroachment must ensure that at least two metres of subsoil space remains below the surface of the street for the free and unobstructed passage of underground services lawfully laid in the street.
- The encroachment must not interfere with or in any way obstruct the right of the Crown, or of any authorised person to run utility services along the road as set out in Section 357 (2) of the Local Government Act 1974.
- The encroachment must comply with the City Plan and be subject to obtaining all necessary consents whether under Resource Management Act, Building Act or otherwise.
- The council or other network utilities who have rights to lay services in the road must have no immediate or foreseeable use for the subsoil space.

8.4. Lease rentals, shall be payable:

- at a market rate, or
- by providing public amenities to offset the loss of public space at a value of at least equal to the market value of the lease, capitalised over 50 years.

<sup>3</sup> Note in the case of subsoil leases can be considered for land below the roadway in addition to the street.

- 8.5. A lease may only be granted to the owner and occupier of any adjacent site. Any such lease is not capable of registration.
- 8.6. The term of the lease should not exceed fifty (50) years (subject to obtaining subdivision for a lease greater than 20 years) and should include a condition allowing the council to terminate the lease and require the removal of the foundations if required for a public purpose, upon 12 months' notice.
- 8.7. The terms of the lease may be reviewed in the event of the loss or destruction of the building to which the lease applies.
- 8.8. The lessee must pay all costs associated with any lease.
- 8.9. The applicant must provide written evidence that he has consulted all those that have rights to lay services in the road and that none of them have any objection to their proposal.
- 8.10. Leases shall be granted on terms and conditions as advised by the council's solicitor and approved by the chief executive.

## **9. ROAD STOPPING**

- 9.1. Council will consider permanent road stopping and disposal, where:
- the road is not likely to be required for council or community purposes, or
  - the road stopping is required to meet the operational requirements of either council or the Crown.
- 9.2. Road stopping will be undertaken in accordance with the processes outlined in the Local Government Act 1974 or the Public Works Act 1981.
- 9.3. All costs associated with the road stopping shall be met by the requesting party or as otherwise specified by council's user fees and charges in the long-term plan or annual plan.
- 9.4. Road stopping requests will not be treated as surplus property under the Property Acquisitions and Disposals Policy 2021 and are not subject to right of first refusal process.

## **10. VEHICLE CROSSINGS**

- 10.1. Property owners may install vehicle crossings as per the conditions set out in the Traffic and Parking Bylaw.
- 10.2. Council may relocate vehicle crossings when:
- a street or area is being redeveloped and the existing vehicle crossing obstructs the desired outcome from the redevelopment
  - a suitable alternative vehicle crossing is already available to service the property, or a relocated vehicle crossing could be developed to service the property.



## **11. TRANSITIONAL ARRANGEMENTS**

11.1. Charges for new or renewed leases or licences to occupy the street for outdoor dining and balcony dining will be set on a case by case basis until the new fee structure is introduced through the council's user fees and charges.

## **12. RELEVANT DELEGATIONS**

12.1. The implementation of this policy is delegated to the chief executive and their subdelegates.

12.2. The chief executive may make changes to the schedules of this policy. Any changes to schedules must be notified on the Tauranga City Council website.

## **13. REFERENCES AND RELEVANT LEGISLATION**

- Local Government Act 2002
- Local Government Act 1972
- Land Transport Act 1998

## **14. ASSOCIATED BYLAWS AND POLICIES/USE OF COUNCIL LAND POLICY 2022**

- Street Use and Public Places Bylaw 2018
- Property Acquisitions and Disposals Policy 2021

## **15. SCHEDULES**

- Schedule One: Conditions for private plantings on streets
- Schedule Two: Conditions for converting streets into parking
- Schedule Three: Street dining zones

**Schedule One: Conditions for private plantings on streets**

Private property owners may plant on road berms along the frontage to their property in special circumstances where there will be a saving in maintenance costs to the council or the proposed planting compliments a plan for the streetscape in the area, subject to the following requirements:

1. The Group Manager: Infrastructure has provided a letter of permission<sup>4</sup>.
2. A sketch plan of the area to be planted showing all underground and overhead services with a detailed plant list naming those plant species to be used is to be submitted for approval to the Group Manager: Infrastructure<sup>5</sup> prior to any on site work.
3. The plants shall not be poisonous or have spines, thorns or prickles.
4. The plants used shall not be contained in either "National Surveillance Plant Pests" or "Plant Pests of the Bay of Plenty" as set out in the " Plant Pest Management Strategy for the Bay of Plenty Region" prepared by Environment Bay of Plenty.
5. Any planting shall be entirely at the approval of council and may be removed, trenched, or altered by council or service authorities with no compensation paid, however notice will be given where practicable.
6. The planting shall be maintained by the property owner on whose frontage it is. This maintenance shall include keeping the vegetation low, clear of the footpath and free of weeds, excluding tree species where their natural shape and form is desirable.
7. If the planting is not maintained to a tidy standard, then council reserves the right to remove the planting, reinstate the grass and to recover the costs from the licence holder or the property owner.
8. No private structures are to be erected or alterations to the ground level are to be permitted within the berm frontage (other than structures associated with public works and official signs).
9. The garden planting on the berm cannot be fenced.
10. The property owner enters into a written agreement accepting these conditions which will be held on the property file.

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<sup>4</sup> Or any equivalent future role.

<sup>5</sup> Or any equivalent future role.

**Schedule Two: Conditions for converting streets into parking**

Converting streets into parking is at the discretion of the Group Manager: Infrastructure considering the conditions and criteria set out in this schedule. The Group Manager: Infrastructure is authorised to exercise discretion in waiving criteria and conditions where, in their professional opinion, such waiver is appropriate. The conditions and criteria to be considered include:

1. Road berms that are currently planted in grass can be converted to angle or parallel parking (the parking area), paved where possible with “gobi blocks” or similar permeable surfacing in any of the following situations, subject to specific designs being approved by the Group Manager: Infrastructure.
  - Where the activity on the property adjacent to the “parking area” meets all the requirements of the City Plan, and any resource consent which may apply.
  - Where there is no physical impediment to pedestrian paths or vehicle flow past the parking area and no adverse impact on road safety.
  - Where the parking area is adjacent to a Residential Zone, the neighbours will be asked by the applicant to comment on the proposal and the comments shall be included with any application.
  - Where the proposed parking area is served by a vehicle crossing(s).
  - Where road widening is undertaken to maintain the traffic flow capacity of the street.
  - Where there are Council Buildings, Properties or Reserves that attract people in cars and there are not enough car parks on the site to cater for the usual demand.
  - Where there are crèches, kindergartens, schools or other community related activities on site, which need short term, pick up and set down areas.
  - Where the significance of any council street trees to the streetscape affected by the paved areas is assessed by the City Arborist prior to consideration of the application.
  - Where consideration is given in the design to the planting of additional street trees to screen the parking and to visually soften the effect. The position, species and grade of tree are to be approved by the City Arborist. Urban safety and traffic safety need to be allowed for when screen planting.
2. Road berms that are currently planted in grass can not be converted to angle or parallel parking (the parking area) under the following circumstances:
  - Where home-based businesses or medical rooms are established in residential zones and the demand for parking exceeds what is required under the City Plan to be provided on site.
  - Where businesses have grown beyond their site and are unable to provide sufficient on site car parks.
  - Where high profile garden areas are removed or obscured.
3. Council will not contribute to the costs of construction of the extra parking areas and street lighting unless it can be shown that:
  - There is a greater public use and benefit from the work than that to the frontage on which the parking is constructed, or
  - Council owns the building, property or reserve which needs the parking, or

- Council is undertaking road works in the area and there is road land available on which it is possible to construct such parking at a reasonable cost in conjunction with the planned works, or
  - A financial contribution is offered by the owner of the property on whose frontage the parking is to be built which is considered to match the private/public benefit apportionment of the benefits of the works, and
  - The council expenditure is in the approved Annual Plan and budget for the year or council resolves to allocate money for the work during the financial year.
4. The ongoing maintenance of the paved area and any street gardens or trees will be included into the annual maintenance budgets for the road section.



**Schedule Three: Street Dining Zones**

Zone A – Inner City Centre, South of Marsh Street to First Ave (inclusive)

Zone B – South City Centre, Second Ave to Eleventh Ave (inclusive)

Zone C – Mount Mainstreet, Maunganui Road from Grace Road to Salisbury Avenue (inclusive)

Zone D – Mount Central, North of SH2, Hewletts Road and Golf Road (inclusive)

DRAFT





### Summary of Submissions

Question One: Charging for street and balcony dining

Question text:

Currently, some businesses pay to use public streets, and some don't.

We have suggested a change to the policy to help us consistently manage and charge how public streets are used, such as restaurants putting tables on the footpath, or with balconies that overhang the footpath used for dining. The charges are administration fees, rental fees and refundable bonds for any potential damage caused by businesses using these spaces, and this money contributes to the maintenance and improvement of the city's public spaces. The proposed change covers four zones, and the charge for each zone will be set through the council's annual user fees and charges process. The zones group together streets with similar levels of popularity, use and vibrancy.

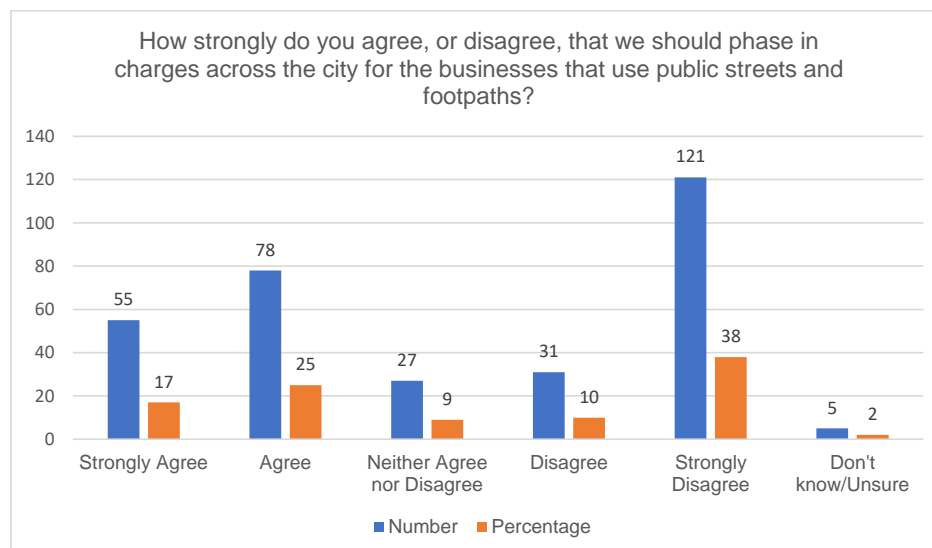
The zones are:

- City zone 1 – Inner City Centre, South of Marsh Street to First Ave (inclusive)
- City zone 2 – South City Centre, Second Ave to Eleventh Ave (inclusive)
- Mount zone 1 – Mount Central, North of SH2, Hewletts Road and Golf Road (inclusive)
- Mount zone 2 – Mount Mainstreet, Maunganui Road from Grace Road to Salisbury Avenue (inclusive)

You can see these zones in the attached maps at the back of this survey.

We want to make the policy fairer by phasing in charges over several years for businesses that benefit from public street spaces across these popular dining areas in the city centre and Mount Maunganui.

How strongly do you agree, or disagree, that we should phase in charges across the city for the businesses that use public streets and footpaths?



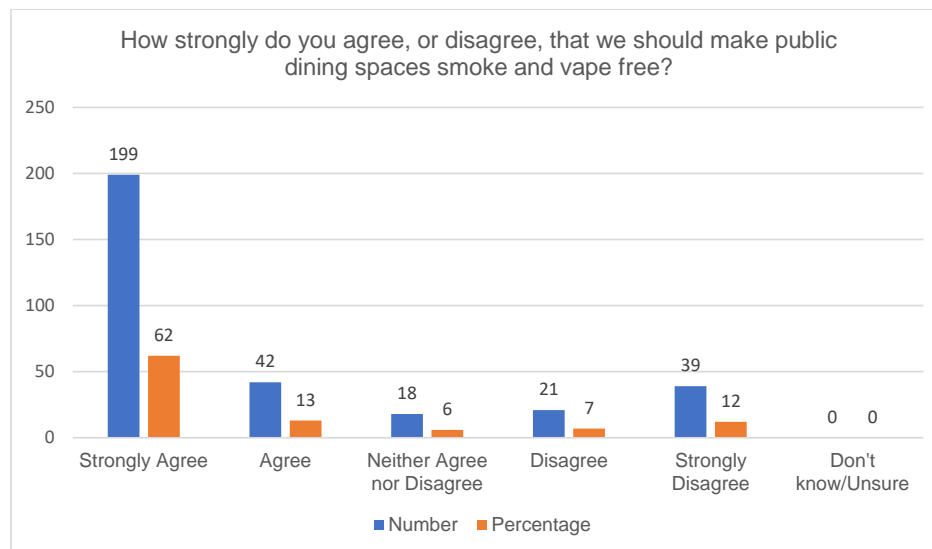
Submitters were also asked to share with us why they gave this answer.

**Question Two: Smoke and vape free dining spaces**

Question text:

We think it's fair to make dining areas on our public streets and footpaths smoke and vape free, so that streets are places for everyone to enjoy.

How strongly do you agree, or disagree, that we should make public dining spaces smoke and vape free?



Submitters were also asked to share with us why they gave this answer and asked if they thought there was anything else we should consider if we put this policy in place.



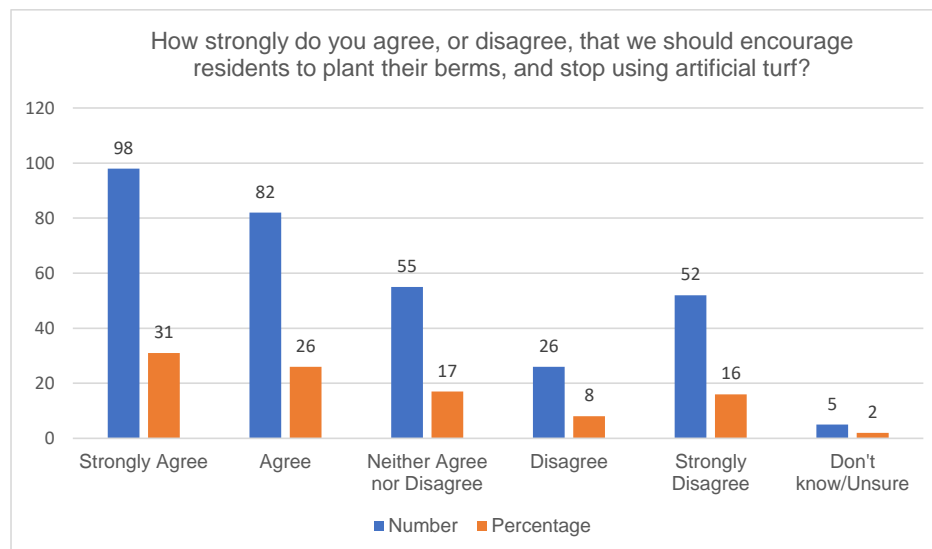
**Question Three: Artificial grass**

Question text:

Grass and other plants manage heavy rain and stormwater better than artificial grass. We suggest stating in the policy

that residents should use environmentally friendly methods to manage berms outside their houses, rather than artificial grass.

How strongly do you agree, or disagree, that we should encourage residents to plant their berms, and stop using artificial turf?



Submitters were also asked to share with us why they gave this answer.

## DRAFT TRAFFIC AND PARKING BYLAW 2023



<b>First adopted</b>	2007	<b>Minute reference</b>	M07/60
<b>Revisions/amendments</b>	October 2011	<b>Minute reference</b>	M12/68
	TBC		
<b>Review date</b>	This bylaw is to be reviewed 10 years after date of adoption		
<b>Relevant legislation</b>	This bylaw was made under the Local Government Act 2002		

*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 Land Transport (Traffic Control Devices) Rule 2004
- the Utilities Access Act 2010
- the Land Transport (Setting of Speed Limits) Rule 2022
- the Land Transport (Vehicle Dimensions and Mass Amendment) Rule 2016.

### 1. TITLE

- 1.1 This bylaw is the Traffic and Parking Bylaw

### 2. COMMENCEMENT

- 2.1 This bylaw comes into force on (TBC)

### 3. APPLICATION

- 3.1 Unless otherwise stated, this bylaw shall apply to the whole of the city other than roads which are not under the control of Tauranga City Council.
- 3.2 Words which refer to the singular include the plural and the plural includes the singular.
- 3.3 Any resolution of Council may be amended, revoked or reinstated by a further resolution of Council. The most recent resolution of Council shall be the operative resolution.
- 3.4 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.
- 3.5 Reference to the display of council approval, licence or permit includes electronic registration with an approved council system available for that purpose

~~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.~~

3.6 Notes in italics are for information only and are not part of this bylaw.

#### 4. PURPOSE

4.1 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 Tauranga City Council.

#### 5. DEFINITIONS

Term	Definition
<b>Access Way and Service Lane</b>	As defined in section 315 of the Local Government Act 1974.
<b>Angle Parking</b>	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.
<b>Authorised Officer</b>	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.
<b>Bus</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>Bus lane</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>City</b>	City means the district of the Tauranga City Council.
<b>Corridor Manager</b>	As defined in the Utilities Access Act 2010.
<b>Council</b>	Refers to the elected member body representing Tauranga or any Committee, Sub-committee or elected member of the Council authorised to exercise the authority of the Council.
<b>Cycle</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>Cycle lane</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>Cycle path</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>Disabled Persons Motor Vehicle</b>	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 Tauranga City Council.
<b>Driver</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>Enforcement Officer</b>	As defined in the Land Transport Act 1998.

<b>Footpath</b>	Footpath has the same meaning as in the Land Transport (Road User) Rule 2004.
<b>Heavy Motor Vehicle</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>High-Productivity Motor Vehicle</b>	As defined in the Land Transport (Vehicle Dimensions and Mass) Rule 2002.
<b>Leased Area</b>	A parking space or group of parking spaces where a parking fee is payable by written agreement with Tauranga City Council.
<b>Leased Space</b>	Means a parking space within a leased area.
<b>Loading Zone</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>Mobility Device</b>	As defined in the Land Transport Act 1998.
<b>Moped</b>	As defined in the Land Transport Act 1998.
<b>Motorcycle</b>	As defined in the Land Transport Act 1998.
<b>Motor Vehicle</b>	As defined in the Land Transport Act 1998.
<b>Owner</b>	<p>In relation to a motor vehicle, the person lawfully entitled to possession of that vehicle, except where:</p> <ul style="list-style-type: none"> <li>(a) the motor vehicle is subject to a bailment for a period not exceeding 28 days; or</li> <li>(b) the motor vehicle is let on hire under the terms of a rental-service licence;</li> </ul> <p>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.</p>
<b>Parking</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>Parking Area</b>	A specific parking place or part of a parking place set aside by Council for parking.
<b>Parking Fee</b>	<p>The amount payable for parking:</p> <ul style="list-style-type: none"> <li>(a) in a Pay Space, as calculated in accordance with the parking charges prescribed by the Council from time to time; or</li> <li>(b) in a leased space, by the relevant written agreement with Tauranga City Council.</li> </ul>
<b>Parking Machine</b>	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.
<b>Parking Place</b>	As defined in section 591(6) of the Local Government Act 1974.

<b>Parking Space</b>	A portion of a parking place marked out with painted lines for the specific purpose of accommodating a parked vehicle.
<b>Parking Warden</b>	A person appointed by the Council under section 128D of the Land Transport Act 1998.
<b>Passenger Service Vehicle</b>	As defined in the Land Transport Act 1998.
<b>Pay Area</b>	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.
<b>Pay Space</b>	A parking space within a Pay Area where a parking fee is payable.
<b>Public Holiday</b>	As defined in section 44 of the Holidays Act 2003.
<b><u>Registration Required Parking Area</u></b>	<u>A parking area where a person must register their vehicle upon arrival, even where they will not be required to pay a fee for parking.</u>
<b>Residents' Parking Area</b>	An area declared to be a residents' parking area under Section 22 of this Bylaw.
<b>Residents' Parking Scheme</b>	A scheme for residents' only parking in a Residents' Parking Area.
<b>Road</b>	As defined in the Land Transport Act 1998.
<b>Roadway</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>Sign</b>	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 Land Transport (Traffic Control Devices) Rule 2004.
<b>Special Vehicle Lane</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>Street</b>	Street has the same meaning as "Road".
<b>Tauranga City Council</b>	Tauranga City Council or any person authorised or delegated to act on its behalf.
<b>Taxi</b>	As defined in the Land Transport Act 1998.
<b>Trailer</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>Traffic Control Device</b>	A device used on a road for the purpose of traffic control; and includes a: <ul style="list-style-type: none"> <li>(a) sign, signal or notice;</li> <li>(b) traffic calming device;</li> <li>(c) marking or road surface treatment.</li> </ul>
<b>Traffic Sign</b>	As defined in the Land Transport (Traffic Control Devices) Rule 2004.
<b>Transport Station</b>	As defined in section 591(6) of the Local Government Act 1974.



<b>Use</b>	As defined in the Land Transport (Road User) Rule 2004.
<b>Utility Operator</b>	As defined in the Utility Access Act 2010.
<b>Vehicle</b>	As defined in the Land Transport Act 1998.
<b>Vehicle Class</b>	As defined in the New Zealand Transport Agency Vehicle Equipment Standards Classification.

These definitions apply unless the context requires otherwise.

## Part One: Traffic

### 6. TURNING RESTRICTIONS

6.1 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*

6.2 No person shall drive a vehicle contrary to any turning restriction made under clause 6.1.

### 7. DIRECTION OF TRAVEL

7.1 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*

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

- (a) drive the vehicle other than in any direction specified under clause 7.1
- (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.

### 8. FOOTPATHS AND CYCLE PATHS

~~8.1 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.~~

~~8.28.1~~ 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.

~~8.38.2~~ 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.

~~8.48.3~~ 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.

~~8.5 — 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*

~~8.6 — The Council will establish signs and markings for cycle paths in accordance with the Traffic Control Devices Manual 2008 or subsequent amendments.~~

~~8.78.4~~ The Council may, by resolution, regulate control or prohibit the use of footpaths and cycle paths.

~~8.8 — No person may use a footpath or cycle path contrary to any resolution under clause 8.4. 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.~~

## **9. SPECIAL VEHICLE LANES**

9.1 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:

- (a) passenger service vehicles (including buses) and/or
- (b) motorcycles and/or
- (c) mopeds and/or
- (d) cycles and/or
- (e) 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*

~~9.2 — 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.~~

~~9.3 — 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.~~

~~9.4 — Any restrictions on the use of the road made under clause 6.1 shall be marked out with the appropriate traffic signs or markings.~~

## **10. PROHIBITED STREET RACING IN INDUSTRIAL AREAS**

- 10.1 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*

- 10.2 Nothing in a resolution made under clause 10.1 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.

- 10.3 The Council shall erect signs on the roads described in resolutions made under clause 10.1 advising the times of the prohibition and that the prohibition applies to motor vehicles weighing less than 3,500 kilograms.

## **11. HEAVY MOTOR VEHICLES**

- 11.1 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*

- 11.2 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*

- 11.3 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 11.2(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.

- 11.4 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.

- 11.5 A prohibition under clause 11.1, or 11.2, 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.

~~11.6 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.~~

~~11.7 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.~~

~~11.8 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.~~

## ~~12. Temporary Restrictions on the Use of Roads~~

~~12.1 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.~~

~~12.2 Any temporary speed limit will be set in accordance with the Land Transport Rule: Setting of Speed Limits 2003.~~

~~12.3 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.~~

~~12.4 Any restriction under clause 9.1 above must be defined by the display of temporary warning signs in conformity with any rules.~~

~~12.5 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.~~

## ~~13.12. VEHICLE CROSSINGS~~

~~12.1 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.~~

~~13.12.2 Property owners must have written permission from the Tauranga City Council transportation team before installing a secondary vehicle crossing.~~

## Part Two: Parking

### ~~14.~~ **Parking Wardens**

~~14.1~~ The Council may appoint Parking Wardens to undertake parking enforcement activity on behalf of Council under the Land Transport Act 1998.

### ~~15.13.~~ **STOPPING, STANDING AND PARKING, AND PARKING AREAS**

~~15.13.1~~ The Council may by resolution:

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

~~15.213.2~~ 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

~~(g)(h)~~ declare a parking area or part of a parking area or group of parking spaces to be a Registration Required Parking Area

~~(h)(i)~~ declare a parking area or part of a parking area or group of parking spaces to be a leased area

~~(i)(j)~~ 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)(k)~~ 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)(l)~~ declare days and times for which parking fees are payable and declare days on which no parking fees are payable

~~(l)(m)~~ 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)(n)~~ declare that parking in a specified parking space or parking spaces is free of charge

~~(n)(o)~~ 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*

~~45-3~~13.3 Tauranga City 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.

~~45-4~~13.4 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 13.1, 13.2 or 13.3.

~~45-5~~13.5 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.

~~45-6~~13.6 No driver or person in charge of a vehicle shall without the written approval of Tauranga City 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, Tauranga City Council may impose conditions.

~~45-7~~13.7 Any prohibition, condition or restriction under clause 13.1 or 13.2 shall be marked out with the appropriate traffic signs or markings.

#### **~~46-14.~~ PAY AREAS**

~~46-1~~14.1 Without limiting Part 13 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*

~~46-2~~14.2 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.

~~46-3~~14.3 Parking machines shall be located within or reasonably adjacent to the Pay Area they control.

~~16.4~~ 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.

**47.15. PAYMENT FOR PARKING**

47.15.1 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.

47.215.2 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.

47.315.3 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.

15.4 This Part does not apply to any parking paid for by a prepaid parking voucher authorised by and used in accordance with clause 25 of this bylaw.

**48.16. REGISTRATION REQUIRED PARKING AREAS**

16.1 Without limiting part 13 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 Registration Required Parking Area
- (b) declare the number and situation of Registration Required Parking Spaces within a Registration Required Parking Area
- (c) declare the time allowed for parking in a Registration Required Parking Area beyond which it shall be unlawful to remain parked
- (d) declare the time allowed for for parking free of charge in a Registration Required Parking Area beyond which it shall become a Pay Space
- (e) prescribe the method of registration, by the use of parking machines or in any other specified manner
- (f) prescribe any requirements as to proof of registration, for example through the display of a parking voucher or receipt.

*Note: See Attachments 9 for the resolutions made under this clause*

**49.17. EXEMPT VEHICLES**

49.17.1 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 Tauranga City Council on specific Tauranga City Council business away from the premises where that officer customarily works.

## **20.18. INTERFERENCE WITH PARKING MACHINES**

**20.18.1** 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 Tauranga City Council, affix any placard, advertisement, notice, list, document, board or thing on any Parking Machine or barrier arm
- (d) unless authorised by Tauranga City 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
- (a) deposit in any Parking Machine which accepts payment by cash anything other than payment in New Zealand currency.

## **21.19. PARKING IN LEASED AREAS**

**21.19.1** 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 Tauranga City Council for the lease of that area or space.

## **22.20. LOADING ZONES**

**22.20.1** The Council may by resolution:

- (a) declare any road, land or building under the control of Tauranga City 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*

**22.20.2** Land vested in Tauranga City 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.

**22.320.3** 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 20.1 or 20.2.

~~**22.4** The restrictions made under clause 18.1 shall be marked out with the appropriate traffic signs or markings.~~

**23.21. ANGLE PARKING**

23.21.1 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*

23.21.2 Vehicles must be parked in an angle park on the angle indicated and front first.

23.21.3 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 21.1 or 21.2.

**24.22. PASSENGER SERVICE AND OTHER VEHICLE STANDS**

24.22.1 The Council may by resolution declare an area of road, land or building under the control of Tauranga City 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*

24.22.2 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.

24.22.3 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 22.1 are complied with.

~~24.4 The restrictions in clause 20.1 shall be marked out with the appropriate traffic signs or markings.~~

**25.23. PARKING OF HEAVY MOTOR VEHICLES IN RESIDENTIAL AREAS**

23.1 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 Tauranga City Council policy.

25.123.2 ~~provided however, that~~ Notwithstanding clause 23.1, 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.~~

25-223.3 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*

## **26-24. RESIDENTS' PARKING AREA**

26-124.1 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*

26-224.2 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.

26-324.3 A residents' parking area shall be indicated by appropriate signage.

26-424.4 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 Tauranga City 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.

26-524.5 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 Tauranga City 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 Tauranga City 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 17.1(a), (b) or (c) of this bylaw.

#### **27-25. PREPAID PARKING VOUCHERS**

**27-425.1** Tauranga City Council, or any person authorised on its behalf may issue to any person parking vouchers on payment of the appropriate parking fees.

**27-225.2** All such prepaid parking vouchers must be issued with printed instructions as to the required display and activation of the vouchers.

**27-325.3** 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.

**27-425.4** 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.

**27-525.5** 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.

#### **28-26. TEMPORARY DISCONTINUANCE**

**28-426.1** Where Tauranga City 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, Tauranga City 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.

**28-226.2** No person shall park a vehicle in a discontinued parking space, except with the permission of Tauranga City Council.

#### **29-27. OTHER UNLAWFUL CONDUCT IN PARKING PLACES**

**29-427.1** No person shall park any vehicle in a parking space except as permitted by the provisions of this bylaw.

**29-227.2** 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.

29.327.3 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.

29.427.4 No driver or person in charge of any vehicle shall, within 30 minutes of leaving a **time restricted** parking space or **time restricted** parking area, re-park in that parking space or parking area, or in any other **time restricted** parking space or **time restricted** parking area, which is subject to the same parking **time** restriction and which is within 50 metres of the original parking space or parking area.

29.527.5 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.

29.627.6 No person may park a motorhome or immobilised vehicle on any road for a continuous period exceeding seven days without prior approval from Tauranga City Council.

27.7 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 Tauranga City Council.

29.727.8 A person commits an infringement offence who, having parked in a Registration Required Parking Area, fails to register their vehicle, even where that person otherwise complies with the conditions of parking in that area.

### **30.28. DISPLAYING VEHICLES FOR SALE ON ROADS**

30.128.1 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*

30.228.2 No person shall stop or park a vehicle on any section of any road to which a resolution made under clause 28.1 applies, or on any other road within 30 metres of any intersection of any road to which a resolution made under clause 28.1 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.

### **31.29. VEHICLE REMOVAL**

31.129.1 An authorised officer may remove or cause to be removed any vehicle or other thing from any road or other area controlled by Tauranga City Council, if that vehicle or thing is parked or present in breach of this bylaw, or any resolution made under this bylaw, and Tauranga City Council may recover from any person responsible for committing the breach all expenses incurred by Tauranga City Council in connection with the removal of the vehicle or thing.

[~~31.229.2~~](#) Tauranga City 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.

[~~31.329.3~~](#) 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

### **32-30. OFFENCES, BREACHES AND PENALTIES**

**32-430.1** 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 Tauranga City Council on any road, car park, reserve or other place controlled by the Tauranga City 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 Tauranga City 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 Tauranga City Council under this bylaw.

**32-230.2** 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.

**32-330.3** 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.

**32-430.4** Every person guilty of an infringement offence is liable for the applicable infringement fee relating to that offence.

### **33-31. DEFENCES**

**33-431.1** 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.

### **34.32. SERVING OF NOTICES AND DOCUMENTS**

34.132.1 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, Tauranga City 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.

34.232.2 If that person is absent from New Zealand, the notice may be sent to his or her agent instead of to that person.

34.332.3 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.

34.432.4 If that person has died, the notice may be served on his or her personal or legal representative or executor.

34.532.5 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.



**Attachment Two: Section 155 analysis of amendments to the Traffic and Parking Bylaw 2012**

<b>Perceived Problem</b>	<b>Is a bylaw the most appropriate way of addressing the perceived problem?</b>	<b>Is the Draft Traffic and Parking Bylaw the most appropriate form of bylaw?</b>	<b>Any NZ Bill of Rights 1990 implications?</b>
Time limited parking can help maintain safe access to parking. There are difficulties monitoring time-limited free parking due to the need for visual surveillance over an extended time.	<p>Creating registration required parking will enable the electronic monitoring of time-limited parks.</p> <p>Increasing manual monitoring of time-limited parking is an alternative option to electronic monitoring options. However manual monitoring is costly, time intensive and can have health and safety issues. Issues with aggression from people have been noted when parking wardens are issuing tickets for time-limited parking.</p> <p>Taking an education-based approach to raise awareness of the need to stick to the time-limit is not expected to increase compliance.</p>	<p><b>Proposed Clauses 13.2 (h), 16, 16.1, 27.8</b></p> <p>Clauses 13.2 (h), 16, 16.1, 27.8 each authorise the council, by subsequent resolution, to establish registration required parking areas.</p> <p>This approach is the most appropriate because it gives the council the necessary flexibility to address particular problems, as and when they arise, or as circumstances change. This approach is authorised by section 22AB(3) of the LTA.</p>	Restricting use of parking spaces to those who have met the requirements of use for those parking spaces, such as registering at a parking machine, if considered a restriction on freedom of movement is a justified limitation to address safety and access concerns.

Perceived Problem	Is a bylaw the most appropriate way of addressing the perceived problem?	Is the Draft Traffic and Parking Bylaw the most appropriate form of bylaw?	Any NZ Bill of Rights 1990 implications?
Vehicle crossings can create a public health and safety risk for road and footpath users so require assessment to ensure safety. There is a lack of awareness that council permission is required for secondary vehicle crossings	<p>The council as a landowner can require people to seek permission prior to installing a vehicle crossing. However, this requirement is not well known. As the requirements for vehicle crossings to meet the council's Infrastructure Development Code is currently included in the Traffic and Parking Bylaw, the bylaw is a natural place for people to look to also find the rules for secondary vehicle crossings.</p> <p>We considered whether an education campaign would have the same effect. Whilst raising awareness is useful, having the provision in the bylaw helps further support awareness and compliance.</p>	<p><b>Proposed Clause 12.2</b></p> <p>Clause 12.2 requires written council permission to install a vehicle crossing.</p> <p>This allows for the council to assess any safety implications and the need for a secondary vehicle crossing.</p> <p>The need for written permission also ensures that an accurate record is kept. Issues have been raised by residents that advised they had been given verbal permission, however no record of the permission could be found.</p>	None.

Perceived Problem	Is a bylaw the most appropriate way of addressing the perceived problem?	Is the Draft Traffic and Parking Bylaw the most appropriate form of bylaw?	Any NZ Bill of Rights 1990 implications?
<p>Legislative changes since the last review of the bylaw mean that some references in the bylaw are out of date and some material is no longer required as it is covered in other legislation. Editorial changes were also undertaken.</p> <p>A change was made to correct omission in clause 27.4 of the bylaw. The clause aims to stop people moving between free time restricted carpark with a 50m distance of each other. However, the clause as read, would apply to all carparks across the city, not just timed carparks.</p>	<p>Updating the legal references in the bylaw and removing the redundant provisions would provide the best user experience.</p> <p>Whilst explanatory notes could be added to the bylaw noting legislative changes this may be confusing for readers.</p> <p>Correcting the omission in clause 27.4 of the bylaw to clarify this restriction only applies to time restricted car parks ensures the clause is used as intended.</p>	<p>The updates to the bylaw ensure redundant provisions have been removed, omission corrected, legislative references updated, and the bylaw is presented in the updated bylaw template and in accordance with the council's "our voice" guidelines.</p>	<p>None.</p>

Perceived Problem	Is a bylaw the most appropriate way of addressing the perceived problem?	Is the Draft Traffic and Parking Bylaw the most appropriate form of bylaw?	Any NZ Bill of Rights 1990 implications?
The council would like to clarify that council approval may be through an electronic permit for the avoidance of doubt as more electronic monitoring tools are used in future.	<p>Updating the bylaw will clarify that the council may issue electronic permits and avoid doubt.</p> <p>Relying on manual monitoring of parking was considered undesirable due to cost and health and safety considerations.</p>	<p><b>Proposed Clause 3.6</b></p> <p>The updated bylaw clarifies that council approval may be in the form of an electronic permit in clause 3.6 of the application section of the bylaw.</p> <p>This allows for a consistent approach to electronic options across different activities within the bylaw.</p> <p>The bylaw drafting ensure physical permits for mobility permits will still be valid forms of approval. This ensures that those wanting to use physical permits may continue to do so.</p>	<p>Restricting use of parking spaces to those who have met the requirements of use for those parking spaces, such as applying for an electronic permit, if considered a restriction on freedom of movement is a justified limitation to address safety and access concerns.</p> <p>Continuing to offer a physical permit for mobility permits, gives disabled people the choice of method that best suits their preferences.</p>

## DRAFT GAMBLING VENUES POLICY



<b>Policy type</b>	Council		
<b>Authorised by</b>	Council		
<b>First adopted</b>	2004	<b>Minute reference</b>	<b>M04/58.9</b>
<b>Revisions/amendments</b>	22 March 2007 9 March 2010 12 March 2013 14 March 2016 14 March 2019 16 May 2022 <u>[December 2023]</u>	<b>Minute references</b>	M07/19.3 M10/13.4 M13/10.6 M16/10.3 M19/3.7 SFR4/22/2 <u>[TBC]</u>
<b>Review date</b>	Council must complete a review of the policy within three years of the previous review – refer 102(5) Gambling Act 2003 and <u>s65E Racing Act 2003s97(4) Racing Industry Act 2020</u> .		

### 1. PURPOSE

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

### 2. SCOPE

- 2.1. Under the Gambling Act 2003, Council is required to adopt a policy for Class 4 venues. Under the Racing Industry Act 2020, the Council is required to adopt a policy for TAB venues. Council has chosen to combine the two policies, as the Council's role is to regulate gambling venues and ensure they meet the requirements outlined in this policy.
- 2.2. This policy and any subsequent reviews must be adopted in accordance with the special consultative procedures set out in the Local Government Act 2002.
- 2.3. This policy:
  - must state whether or not Class 4 venues and TAB venues may be established in the city boundaries and if so where they may be located; and
  - may specify any restrictions on the number of Gaming machines that may be operated at any Class 4 venue.

*Draft Gambling Venues Policy 2023 mark up for deliberations meeting (A1534051) Gambling Venues Policy*

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Objective Number: xxx



- 2.4. In developing its policy on Class 4 and TAB venues, Council must have regard to the social impacts of gambling in its district.
- 2.5. Gambling affects the social and economic wellbeing of our community. ~~It is important that Council manages this correctly in order must balance the interests of members of our community that experience harm from gambling and members of our community that seek to generate funding from gambling to achieve a city with that is Tauranga Matarauui, inclusive, safe, resilient and healthy, and is Tauranga Tātai Whenua, well planned with successful and thriving communities.~~  
~~The draft Community Wellbeing Strategic Plan 2018-21 notes the Gambling Venues Policy will be reviewed to provide policies that support healthy and active living.~~

### 3. DEFINITIONS

Term	Definition
Class 4 gambling	Gambling that utilises or involves a Gaming machine or gambling that has been categorised as class 4 gambling by the Secretary for Internal Affairs.
Class 4 venue	A place to conduct Class 4 gambling.
Club	A voluntary association of persons combined for a purpose other than personal gain, as defined in the Gambling Act 2003.
Council	Tauranga City Council
Corporate society	A society that is: (a) incorporated under the Incorporated Societies Act 1908; or (b) incorporated as a board under the Charitable Trusts Act 1957; or (c) a company incorporated under the Companies Act 1993 that: a. does not have the capacity or power to make a profit; and b. is incorporated and conducted solely for authorised purposes; or (d) a working men's club registered under the Friendly Societies and Credit Unions Act 1982.
Family or children's activity	An activity which, in Council's opinion, is primarily associated with and/or promoted as an activity that is appropriate for any group that includes children under the age of 18.
Gaming machine	A device, whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for gambling, or as otherwise defined in the Gambling Act 2003. Also commonly known as 'pokie machines'.
NZ <del>Index of Deprivation</del> Dep 2013	The area-based measure of socioeconomic deprivation as defined in the <del>NZDep</del> 2013 <del>8</del> Index of Deprivation published by University of Otago, Wellington <del>or such subsequent or replacement publications as determined by Council.</del>
Primary activity	The principal purpose of, and promoted by, the venue.

TAB venue	Premises owned or leased by <del>the NZ Racing Board</del> <u>TAB New Zealand</u> and where the main business at the premises is providing racing or sports betting services.
Venue licence	A class 4 venue licence issued by the Secretary for Internal Affairs.

#### 4. PRINCIPLES

- 4.1. Gambling can have negative impacts on the financial, health and emotional wellbeing of individuals and their families.
- 4.2. Gambling is also considered by many as a positive form of entertainment and contributes funding to the local community.

#### 5. POLICY STATEMENT

- 5.1. What the policy applies to

- This policy applies to both Class 4 venues and TAB venues.

- 5.2. When Council consent is required

Council consent for a venue is required in the circumstances set out under section 98 of the Gambling Act 2003 and section ~~65A of the Racing Act 2003~~93 of the Racing Industry Act 2020 which, at the date of this policy, includes:

- if a Corporate society applies for a Venue licence and a Venue licence has not been held by any Corporate society for the venue within the last six months.
- if ~~the NZ Racing Board~~TAB New Zealand proposes to establish a TAB venue.
- if a Corporate society proposes to increase the number of Gaming machines that may be operated at a Class 4 venue (this includes at a venue where Clubs propose to merge under s95 of the Gambling Act).
- if a Corporate society proposes to change the location of a venue to which a Venue licence currently applies.

- 5.3. Conditions of consent

- An applicant for Council consent under this policy must meet both the application conditions and the fee requirements.

- 5.4. When Class 4 and TAB venues may be established

No new Class 4 or TAB venues may be established within the Tauranga City boundaries.

However, Council may consider granting consent for the relocation of existing Class 4 venues or TAB venues, ~~if the premises cannot continue to operate at the existing venue site.~~

~~Examples of such circumstances include but are not limited to the following:~~

- ~~• due to a natural disaster or fire, the licensed premises is unfit to continue to operate; and/or~~
- ~~• the venue is deemed to be earthquake-prone; and/or~~
- ~~• the property is acquired under the Public Works Act 1981; and/or~~
- ~~• expiration of lease; and/or~~

• ~~site redevelopment.~~

~~Where Council considers that it may grant consent for a relocation, relocated~~ Class 4 and TAB venues may ~~be established~~ only be relocated subject to the following restrictions:

- The venue is located within a commercial or industrial zone identified in the operative Tauranga City Plan, excluding areas within 100 metres of residential zones with a deprivation index of ~~8, 9 or 10~~, measured on the NZ ~~Index of Deprivation~~ Dep-2013 (and any subsequent updates), as identified on the maps in Schedule 4. Maps illustrating these zones will be available on the Council website and venues wishing to relocate under this clause may request current maps and confirmation of locations meeting these criteria from the Council.
- Except for TAB venues, the venue shall hold a current on-licence or club licence under the Sale and Supply of Alcohol Act 2012.
- The Primary activity of the Class 4 venue shall:
  - not be gambling;
  - not be an activity associated with Family or children's activities.
- The Primary activity of a TAB venue shall:
  - be for providing race and sports betting services, and
  - not be an activity associated with Family or children's activities.
- That the proximity of the relocated venue to other gambling venues and sensitive locations, for example, kindergartens, early childhood centres, schools, kura, places of worship, marae and other community facilities, be identified and considered when determining whether to grant consent to a relocation.

5.5. Number of Gaming machines to be allowed

No additional Gaming machines may be operated at Class 4 venues within the Tauranga City boundaries.

For clarification:

- where the Council receives an application to relocate a Class 4 venue, the maximum number of Gaming machines at the relocated venue shall be the maximum number of Gaming machines at the venue before relocation.
- where Clubs merge in accordance with section 95 of the Gambling Act 2003, the maximum number of Gaming machines shall be the same as allowed under section 95 of the Gambling Act 2003. This is 30 Gaming machines or the combined total of the number of existing machines, whichever is the lesser.

5.6. Applications for consent

- All applications for consent must be made on an approved application form.

5.7. Gambling venues consent application fee

- Council will set fees and charges appropriate to cover the costs associated with processing an application for a Gambling Venues Consent, pursuant to section 150 of the Local Government Act 2002, and through its usual fees and charges processes.

5.8. Decision making

- Consent applications are to be processed and a decision made within 30 working days of the Council receiving the application.

#### 5.9. Appeals

- A decision made in respect of an application for a gambling venues consent may be appealed to a meeting of the Council on grounds including, but not limited to:
  - An error of fact (i.e. an incorrect interpretation of the application against this policy)
  - Improper process followed in making the decision
- A meeting of the Council may determine an appeal of a decision made in respect of an application for gambling venues consent. Decisions of the meeting of the Council are final.

#### 5.10. Monitoring and review

- Council will review the social and economic impact of gambling on the Tauranga community and consider such impacts in any review of this policy
- Where Council amends or replaces this policy, it will do so in accordance with the special consultative procedure outlined in the Local Government Act 2002.

### 6. RELEVANT DELEGATIONS

- 6.1. The implementation of this policy is delegated to the chief executive and his/her delegates.
- 6.2. The Manager: Environmental Regulation is responsible for providing advice, support and the implementation of this policy.

### 7. REFERENCES AND RELEVANT LEGISLATION

- 7.1. Gambling Act 2003
- 7.2. Racing Industry Act 2003
- 7.3. Local Government Act 2002
- 7.4. Regulatory Hearings Panel, Tauranga City Council

### 8. ASSOCIATED POLICIES/PROCEDURES

N/A.

### 9. SCHEDULES

~~Schedule 1: Maps indicating locations within commercial and industrial zones where Class 4 and TAB venues may relocate.~~ N/A

**ADDRESSING POINTS RAISED IN THE HEARINGS MEETING****13 November 2023****GAMBLING VENUES POLICY**

At the hearings on 13 November the committee requested further information on some points raised by submitters.

1. An explanation of how, with a sinking lid policy in place, the number of gaming machines and gambling venues had increased,<sup>1</sup>:
  - A possible explanation for the increase in the number of venues between 2019 and 2020 (from 34 up to 36) is that, when the policy first came into force, there may have been some venues that were already in the process of obtaining or renewing licences within permitted timeframes and when those renewals were completed the total number of venues rose. We note there has been no increase in venue numbers after the first year of the sinking lid policy.
  - The changes in machine operating numbers can be attributed to some venues not always operating at the maximum number of machines. While there is a maximum number of machines permitted per venue there is not a sinking lid on the total number of gaming machines separate to the sinking lid on venues.
  - The Gambling Act 2003 states that if a venue wishes to operate more than the maximum number of machines permitted under a current licence, they must apply to council for consent. Under our current policy this consent would not be granted.
  - As two venues closed earlier this year, the maximum number of venues is now 34 and the number of gaming machines they operated prior to closing are not available for other venues to take up.
  - Council staff are enforcing the sinking lid as venues close.
2. In a recent decision on where new bottle stores could be located, the committee decided to allow new bottle stores outside of areas where the deprivation index is 9 or 10. Our current and proposed Gambling Venues Policy prevent gambling venues from moving into areas that are less than 100meters from residential areas where the deprivation index is 8, 9 or 10. This was not raised by submitters but the committee asked for consideration of the potential implications for using different levels of the deprivation index in the different policies. We note:
  - There is no requirement that the council approach for reducing gambling harm match its approach for reducing alcohol harm. Although the Deprivation Index is a common measurement tool that is used to inform decision making it does not guarantee outcomes.
  - The alcohol decision is in respect of bottle stores but class 4 gambling venues (not TABs) are required to have a current on-licence or club licence.
  - To match the criteria for new bottle stores would allow gambling venues to relocate within 100meters of residential areas where the deprivation index is 8 and increase the relocation options for gambling venues.

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<sup>1</sup> The Social Impact Assessment, provided to the committee meeting on 18 September 2023 and through the public consultation, reported in Table 1 that there were 34 venues in March & June 2019, 35 venues in September and December 2019, a high of 36 venues in March 2020 and then 33 or 34 venues between June 2020 and June 2023. Since June 2023 there are 32 venues.



- To illustrate the difference between the area consulted on and removing the level 8 exclusion, a set of maps showing the two have been prepared on the following pages.

