



# AGENDA

## Ordinary Council meeting Monday, 26 February 2024

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

**Date:** Monday, 26 February 2024

**Time:** 9.30am

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

*Please note that this meeting will be livestreamed and the recording will be publicly available on Tauranga City Council's website: [www.tauranga.govt.nz](http://www.tauranga.govt.nz).*

**Marty Grenfell**  
Chief Executive

# Terms of reference – Council

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## Membership

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

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## Role

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

## Scope

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

## **Procedural matters**

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

## **Regulatory matters**

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



## Order of Business

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**1      OPENING KARAKIA**

**2      APOLOGIES**

### **3 PUBLIC FORUM**

- 3.1 Tauriko West - Kainga Ora - Mark Fraser, General Manager of Urban Development and Delivery, with support from Darren Toy and Campbell Larking**

#### **ATTACHMENTS**

**Nil**



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

## **7 CONFIRMATION OF MINUTES**

### **7.1 Minutes of the Council meeting held on 12 February 2024**

**File Number:** A15517755

**Author:** Anahera Dinsdale, Governance Advisor

**Authoriser:** Anahera Dinsdale, Governance Advisor

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### **RECOMMENDATIONS**

That the Minutes of the Council meeting held on 12 February 2024 be confirmed as a true and correct record.

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### **ATTACHMENTS**

#### **1. Minutes of the Council meeting held on 12 February 2024**



# MINUTES

**Ordinary Council meeting  
Monday, 12 February 2024**

## Order of Business

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	Nil	
<b>10</b>	<b>Recommendations from other committees</b>	<b>6</b>
	Nil	
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UNCONFIRMED

**MINUTES OF TAURANGA CITY COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE BAY OF PLENTY REGIONAL COUNCIL CHAMBERS,  
REGIONAL HOUSE, 1 ELIZABETH STREET, TAURANGA  
ON MONDAY, 12 FEBRUARY 2024 AT 9AM**

**PRESENT:** Commission Chair Anne Tolley (Chairperson), Commissioner Shadrach Rolleston, Commissioner Stephen Selwood, Commissioner Bill Wasley

**IN ATTENDANCE:** Marty Grenfell (Chief Executive), Paul Davidson (Chief Financial Officer), Barbara Dempsey (General Manager: Community Services), Nic Johansson (Head of Transport), Stephen Burton (Acting General Manager: Infrastructure), Christine Jones (General Manager: Strategy, Growth & Governance), Alastair McNeill (General Manager: Corporate Services), Sarah Omundsen (General Manager: Regulatory and Compliance), Gareth Wallis (General Manager: City Development & Partnerships), Anne Blakeway (Manager: City Partnerships), Sanjana France (CCO Specialist), Phillip Martelli (Principal Planner: Structure Planning), Andy Mead (Manager: City Planning and Growth), Brad Bellamy (Project Leader: Urban Planning), Alison Law (Manager: Spaces and Places), Jason Spencer (Transport Programme Manager – Dual Funding), Shawn Geard (City Centre Transport Advisor), Tom McEntyre (Principal Investment Advisor: Transport), Shawn Geard (City Centre Transport Advisor), Coral Hair (Manager: Democracy & Governance Services), Shaleen Narayan (Team Leader: Governance Services), Anahera Dinsdale (Governance Advisor), Janie Storey (Governance Advisor)

## **1 OPENING KARAKIA**

Commissioner Shad Rolleston opened the meeting with a karakia.

## **2 APOLOGIES**

Nil

## **3 PUBLIC FORUM**

### **3.1 Andrew Collins (Harrison Grierson) and Sam Pepper (applicant) - Plan Change request**

#### **Key points**

- Mr Collins noted that the applicant was supportive of the recommendations within the agenda.
- Culmination of 2.5 years work and a lot of money invested by Landsdale.
- The application was supported by a raft of specialist assessments on all matters.
- The land was considered important for urban growth in the city.
- Adoption of a medium density zone would be similar to other areas.
- Provision had been made for public transport with the land form gradient being adjusted to suit.
- Good engagement and consultation had been held with local iwi and hapu.
- A number of sites had been Identified by Council in a planning stage several years ago and this was the only parcel to proceed.
- It was originally thought that the Council would be the proponent, but as it became clear that this was not the case, Landsdale took the development on as a private plan change.

- The area was included in the Regional Policy statement with the Bay of Plenty Regional Council moving the urban limits out and was now included in the draft future development strategy.
- The area was considered a medium term growth area and there were no impediments for earthworks, with the subdivision expecting to start in 2026 and the first house built in 2027.
- The developer was not adverse to Council adopting the plan change as its own.
- Mr Pepper noted that it was a long winded process which had cost him a lot of money to date.

#### **In response to questions**

- In relation to a query regarding no connection to the land on the eastern side of the block Mr Collins noted that the land on the west was regarded as more optimistic as it included a large gully system and they were keen to provide a level of connectivity. He advised that a connection to the eastern side had not been raised previously but they could explore it further, noting that it would be expensive because of the nature of the gully. The land to the south looked most potentially practical.
- In answer to a question regarding the low level density anticipated of 15-20 dwellings per hectare, it was noted that although suitable earthworks were being carried out on 24ha of developable land, it was still subject to considerable earthworks and would remain a rolling topography with a need for platforming which had its challenges for terraced houses. A range of scenarios had been undertaken and while the density could be higher, after taking advice from urban designers they consider that 20 was the most likely the target.
- In relation to the transport assessment and connectivity to State Highway 29, it was noted that the process showing the staging of the first houses in 2027 gradually from the eastern block to 2030. A transport systems programme refresh was underway and included the predicated improvements to the state highway in the area. The developer was aware that the public transport system was not used much in that area and had upgraded the traffic plans and was also looking for wider improvements.
- Mr Collins thanked Brad Bellamy and other Council staff for their assistance with the plan change and noted that there were a lot of changes made along the way.

## **4 ACCEPTANCE OF LATE ITEMS**

### **4.1 Acceptance of late item**

#### **RESOLUTION CO1/24/1**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the Council:

Accepts the following late item for consideration at the meeting:

- Tauriko West Enabling Works Matters (public excluded)

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

**CARRIED**

## **5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**

Nil

## 6 CHANGE TO THE ORDER OF BUSINESS

Nil

## 7 CONFIRMATION OF MINUTES

### 7.1 Minutes of the Council meeting held on 11 December 2023

Correction – Page 16 – the word aggregated should be abrogated.

It was requested to include a timeline when reporting on the cost of the demolition of the Otumoetai pool.

Commissioners acknowledged the high quality of the Council meeting minutes.

#### RESOLUTION CO1/24/2

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That, subject to the foregoing correction, the minutes of the Council meeting held on 11 December 2023, be confirmed as a true and correct record.

**CARRIED**

## 8 DECLARATION OF CONFLICTS OF INTEREST

Nil

## 9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

## 10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

## 11 BUSINESS

### 11.1 Council-Controlled Organisations' Draft Statements of Intent 2024-27

**Staff** Gareth Wallis, General Manager: City Development & Partnerships  
Sanjana France, CCO Specialist  
Anne Blakeway, Manager: City Partnerships

#### Key points

- Five of the seven Draft Statements of Intent had been received, with four receiving the Councils Letters of Intent and included in their draft statements.

#### In response to questions

- Whakatane District Council had an annual review with Tourism BOP, which did not need to go to their Council.
- In relation to greater transparency, it was noted that some organisations were putting information on their websites and others were considering it moving forward.

#### Discussion points raised

- Commissioners requested that a detailed review be carried out on Year 1 of the Long Term



Plan and a refinement in Years 2 and 3 and included a further resolution to cover this.

### RESOLUTION CO1/24/3

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Council-Controlled Organisations' Draft Statements of Intent 2024-27".
- (b) Receives the draft Statements of Intent for Bay Venues Limited, Tauranga Art Gallery Trust, Tourism Bay of Plenty, Te Manawataki o Te Papa Limited, and Te Manawataki o Te Papa Charitable Trust for 2024/25 to 2026/27.
- (c) Notes that as joint shareholder of Tourism Bay of Plenty, Western Bay of Plenty District Council will be asked to approve their separate shareholder comments on the draft Statement of Intent for Tourism Bay of Plenty at their 22 February 2024 Council meeting.
- (d) Notes that these five draft Statements of Intent have been delivered ahead of the usual Local Government Act (2002) deadline, but that Bay of Plenty Local Authority Shared Services Limited and Local Government Funding Agency will provide their drafts as per the usual timeframes.
- (f) Approves a Statement of Intent development and review cycle to consist of a detailed review aligned with year 1 of the Long-term Plan, and a refresh/refinement aligned with years two and three of the Long-term Plan period.

**CARRIED**

## 11.2 Board review of council-controlled organisations

**Staff** Gareth Wallis, General Manager: City Development & Partnerships  
Sanjana France, CCO Specialist  
Anne Blakeway, Manager: City Partnerships

### Discussion points raised

- It was noted that the Govern 365 approach had been helpful in finding a focus for each of the Boards. Commissioners were keen include this for all of the Council Control Organisations.
- Acknowledgement of the comparison with the performance and operation of the Council Controlled Organisations and the significantly improved relationships they had with Council. They also acknowledged the work and resourcing provided by staff to assist with that process, noting that was working well for both parties.

### RESOLUTION CO1/24/4

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Board review of Council-Controlled Organisations".
- (b) Receives the Bay Venues board review summary document.
- (c) Receives the Tauranga Art Gallery Trust board review summary document.
- (d) Receives the Tourism Bay of Plenty board review summary document.

**CARRIED**

### 11.3 Plan Change 34 Belk Road Rural Residential

**Staff** Christine Jones, General Manager: Strategy, Growth & Governance  
Phillip Martelli, Principal Planner: Structure Planning

#### Key points

- This was a minor plan change which had been notified alongside Plan Change 35 Tauriko Business State extension as there was some overlapping of neighbours.
- All residents in the area were comfortable with what was proposed, but questioned what work NZTA were intending to do with the state highway alignment.

#### In response to questions

- The underlying reason NZTA were against the rural-residential zone was the concern that this could potentially put the land values up and they would need to pay more compensation to the Council.

#### Discussion points raised

- It was considered that NZTA were out of touch with what was happening locally and did not have the local knowledge as they were Wellington based.
- It was requested that within the documentation material to land owners and agencies it be noted as appropriate that the notice of the requirement as yet to be notified, to ensure that Council were signalling that they know the change was occurring as part of a package.

#### RESOLUTION CO1/24/5

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That Council:

- (a) Receives the report "Plan Change 34 Belk Road Rural Residential".
- (b) Approves Plan Change 34 Belk Road Rural Residential for public notification.
- (c) Authorises the General Manager: Strategy, Growth and Governance to arrange the public notification process in accordance with the provisions of the First Schedule to the Resource Management Act 1991.
- (d) Delegates authority to the General Manager: Strategy, Growth and Governance to approve any minor and technical changes to the proposed City Plan map and text amendments contained in Attachment 1, as necessary, prior to public notification.

**CARRIED**

### 11.4 Recommendation on Private Plan Change Request for Rezoning at 120, 125 Upper Ohauti Road

**Staff** Christine Jones, General Manager: Strategy, Growth & Governance  
Brad Bellamy, Project Leader: Urban Planning  
Andy Mead, City Planning & Growth

#### Key points

- The report was seeking to accept the private plan change based on the information received and the work that had been carried out by the applicant. Staff were comfortable to proceed to next point of notification.
- Bay of Plenty Regional Council would be notifying their decisions on Plan Change 6 on 12 February 2024, accepting the Hearings Panel recommendations for the change to the urban limit lines and accept the plan change in line with the change required by the National Policy

## Statement on Urban Development.

### In response to questions

- Concerns were noted with the opportunities to connect to the land in the Western Bay of Plenty District Council jurisdiction and private plan changes not taking a wider view than that which Council would take including the transport connections. It was queried how this could be remedied in terms of the plan change being notified and indicating a linkage to adjoining land on the eastern side. It was noted that the difference was that the western block adjoins the Western Bay of Plenty District Council boundary for which a connection had been provided for. This was not the case on the eastern boundary as there was another block of land within Tauranga's boundary which had a full frontage to the Upper Ohauiti Road boundary. The road had been significantly upgraded by the applicant as part of the plan change resulting in a change from a rural road to full urban design road with footpaths and the like. There was a lot of potential for that connectivity to still occur. Further beyond that the block they only had frontage to a significant stormwater reserve on the eastern side that joined on and delivered as part of the Adler Drive SHA area. The extent of earthworks and the dynamic around some of the overland flow paths had led to the design on the eastern block.
- There was already a developed subdivision on the east and special housing area of Adler Drive and a connection further east runs straight into that subdivision, but was difficult to achieve because of escarpment and stormwater infrastructure that was in place. If the city was to further expand to the south, or needed further connections towards Kaitemako Road and into Welcome Bay there were options along Ohauiti Road, but these would be difficult from a topography perspective. During the Welcome Bay and Ohauiti study it was felt that the primary need for future connectivity was more connection out of Welcome Bay and Ohauiti and back into the city. This plan change provided those corridors to the west and there were other options being investigated at high level at present for which information would be provided at a separate discussion. It was noted that this would not preclude further connectivity to the east in the future.
- During the course of the development Western Bay Of Plenty District Council had contacted Council with development plans further up Upper Ohauiti Road, which made the connections far easier to achieve than these challenges for the likes of stormwater on this site.
- In response to a query as to whether there were any internal cycling and walking connections, it was noted that they did not have that level of subdivision design at present, but that the urban design assessment does indicate and show the importance of those types of connections which staff would put that to the applicant for consideration.
- In response to the low density of housing it was noted that the reality was that the topography was more challenging as you go further up the road and were also further away from services that support the level of density that could be delivered.
- The Act allows for connectivity discussions to occur with private plan changes as once Council was in a position to accept, it directs the Council to prepare the plan change with the proponent and working with them to bring on board the matters raised and working towards notification. Although much of the pre-notification requirements had been completed by the applicant, especially in relation to iwi and hapu, there was still some to be done which also provided an opportunity for that feedback. It was anticipated that notification would be mid-March 2024.
- In relation to a query regarding ensuring that the slope hazard and stability work was fully accounted for, it was noted that a considerable amount of work had been done and this was the third iteration of plan change. One third of the site had been set back, some because of stormwater and slope. Multiple geotechnical assessments provided to update and refine some of the area, with a great of detail provided.

### Discussion points raised

- In relation to the costs it was noted that the benefit was clearly with the developer and land owner as a private plan change and should bear the cost rather than the ratepayer. It was requested that consideration be given to encapsulating that into a policy to provide clearer guidance to developers. Where it was an essential change that logically the Council should be making for itself there would be some sharing of costs.

**RESOLUTION CO1/24/6**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Recommendation on Private Plan Change Request for Rezoning at 120, 125 Upper Ohauti Road".
- (b) Accepts, in whole, the private plan change request by Landsdale Developments Limited in accordance with clause 25(2)(b) of Schedule 1 of the RMA and that the request be notified as soon as practicable.
- (c) Delegates authority to the General Manager: Strategy, Growth & Governance to approve the notification of the request in accordance with the provisions of the First Schedule to the Resource Management Act 1991.
- (d) Requires adherence to the Council's policy of full recovery of costs associated with processing the private plan change request (Private Plan Change 39).

**CARRIED**

**11.5 Destination Skatepark - Completion of Community Design**

**Staff** Barbara Dempsey, General Manager: Community Services  
Alison Law, Manager: Spaces and Places

**Key points**

- The project was progressing well and would be spectacular when opened.
- Council had previously approved stages 1 and 2 of the project with stages 3 and 4 reliant on external funding which had now been secured.
- Seeking consideration to increase the budget this year so the project could be continued while the contractors were still on site, allowing for it to be completed and opened mid-year.

**In response to questions**

- The additional funding was in the draft Long-term Plan and would delete \$850,000 out of the draft budget for next year. This was additional Community Services budget and adding in the 55% received from sponsorship. This was an increase in the budget that would increase the debt funding for this year.

**RESOLUTION CO1/24/7**

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Destination Skatepark - Completion of Community Design".
- (b) Approves the addition of zones 3 and 4 to the construction scope as part of the completion of the full community design.
- (c) Approves an updated total project budget for the construction of the full community design of \$4,945,080 which includes a total of 55% external funding to a total value of \$2,696,217.
- (d) Approves the allocation of the updated project budget to the 2024 financial year (\$3,805,157).

**CARRIED**

**11.6 Transport Resolutions Report No.49**

**Staff** Nic Johansson, Head of Transport

**Key points**

- Minor changes were requested for operational and safety reasons.

**In response to questions**

- In response to a concern that the road markings had been put in without the bylaw changes it was noted that there were also more changes coming up and along Cambridge Road that also needed to be tidied up.
- In relation to how much consultation and engagement had been undertaken with the removal of carparking along Millers Road for the improvements, it was noted that it was more information than consultation and engagement. The development was approved on the basis of providing off street parking. Workers could access all day parking around the corner and customers would use the off street parking.

**RESOLUTION CO1/24/8**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Transport Resolutions Report No.49".
- (b) Resolves to adopt the proposed traffic and parking controls as per Appendix A relating to minor changes for general safety, operational or amenity purposes, to become effective on or after 13 February 2024 subject to appropriate signs and road markings being installed.

**CARRIED**

**11.7 Temporary Road Closures - Events**

**Staff** Nic Johansson, Head of Transport

**Key points**

- The report included tweaks and updates to the road closures for the season now that the event planners had more of the details of the events.

**Discussion points raised**

- Commissioners noted that the Mount Ratepayers and Residents and Mount Business Associations had noted that the community held a lot of the events that were affecting their businesses and ability to travel around and asked that the road closures be as minimal as possible including blocking only one side of roads rather than the whole roadway.

**RESOLUTION CO1/24/9**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receive the report of Temporary Road Closures – Additional Event Road Closures 2024.
- (b) Pursuant to Clause 11(e) of the Tenth Schedule of the Local Government Act 1974, grants approval to close the roads and car parks listed on Attachment A to ordinary vehicular traffic on the dates and during the hours stated for the purposes of facilitating safe and successful operations during the following events in Tauranga.

**CARRIED**

**11.8 Fifteenth Avenue to Welcome Bay Detailed Design Early Pre-implementation funding**

**Staff** Nic Johansson, Head of Transport  
Jason Spencer, Transport Programme Manager – Dual Funding

**Key points**

- The work was an important project to ease congestion in the area and planned in an order to keep continuity with the work.
- The construction would start with some risk to Council with a funding gap from March to September 2024 prior to the Waka Kotahi funding approval which was expected in September 2024.
- The report outlined the works needed to be done with the detailed design and the white fronted tern rehabilitation programme to keep the project moving until the funding was approved.

**Discussion points raised**

- The delay in the funding for such a critical area to relieve congestion in the city was noted and the need for Council to take the risk and to keep moving the project through to ensure that the relocation of the nests was carried out for the next nesting season.
- Commissioners commended staff on the community engagement process undertaken and the feedback received around the options that had been agreed to.

**RESOLUTION CO1/24/10**

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Fifteenth Avenue to Welcome Bay Detailed Design Early Pre-implementation funding".
- (b) Approves \$3.5m of IFF funded budget before a decision is made by Waka Kotahi on the retrospective funding request and the DBC.
- (c) Accepts the increased level of costs to Council should the DBC not be approved by Waka Kotahi in September 2024.

**CARRIED**

**11.9 Arterial Road Reviews - Recommended Transport Infrastructure Improvements**

**Staff** Nic Johansson, Head of Transport

**Key points**

- The work would result in a better transport network and significant investigation on 50km of the arterial roading network.
- While some improvements had been seen, there were not as many of the initiatives being related to efficiency from the works done.
- 25% of the network improvements were carried out at a relatively low cost, with 65% of the improvements in the review being unsubsidised. Although they were important initiatives for through traffic they did not meet the Governments Policy Statement arterial criteria so were fully funded by the Council.
- The improvements were to ease traffic congestion, but not at the expense of road safety.

**In response to questions**

- Discussion ensued on the report and concern was noted that in order to move around the city, there were areas where the bulk of the traffic were congesting which was also adding time to their journeys. Staff needed to identifying the major routes and looking for entrepreneurial and alternative solutions as people were starting to use other roads to get to where they wanted to go quicker. The city would be at a standstill in 10 years if nothing was done to provide alternatives as people were still continuing to drive as their main mode of transport.
- It was agreed that more than \$20M was needed and while there were some identified and low risk, low money projects it should be totally used to focus on congestion as there were too many arterial routes that were not major routes and lateral thinking, working alongside major projects and looking earlier to see if things could be done to help the situation.
- It was noted that the major projects could have been represented better with low cost low risk projects within the network. Congestion improvements had been ranked and those easy projects where there was a safety effect and an effect on the number of vehicles using an area such as intersection improvements and the like. The major changes were noted in the major projects and there would be a massive demand to make those happen earlier.
- Further information had been gathered for a more extensive report which also connected this report and provided a bigger picture and an arterial review.
- In response to a query as to what would happen in the meantime with State Highway 29 commencing in 2027 and Hewlett Road in 2030, it was noted that there was additional work that was included in the Transport System Plan (TSP) work but not represented in this report, including the Papamoa East intersection that would take people out to highway and into town.
- A number of long term plan submissions made reference to the city being congested and Council were not being seen to be doing the work, it was noted that while there was a suite of



projects they were not sure how far the government were through the planning process for the new policy direction. There was an indication that resolving congestion would be included. Council could wait until the plan came out and then apply for funding.

- Discussion continued noting the work had to be done beforehand with a query raised as to what projects would make a difference in the TSP and what was able to be funded so that the work could be prioritised based on funding.
- The Council had been developing plans and projects for two years which would no longer to be government funded. There was a query as to whether Council should continue to deliver projects around cycling, walking and safety rather than reducing congestion. The direction provided by the Commissioners was to hold back due to lack of funding. There were some low cost shovel ready projects that would need to go through to completion.
- Council would be looking to leverage out of NZTA as priority for the government rather than proceeding with the nice to have marginal. A query was raised as to whether there had been a decongestion benefit of walking and cycling to see if those works had been worthwhile. It was suggested that the projects be put on hold until a clear lead had been provided from central government.
- Council already had good data and all of the information that was required and would provide a report on a number of decongesting projects to keep the project moving.
- It was agreed that information needed to be provided to the public and to get messaging out explaining the future of traffic in and around the city and what it means to them.

#### Discussion points raised

- Commissioner Selwood noted that a Regional Land Transport Meeting had been held on 9 February 2024 and while they realise that congestion was a problem, they did not realise the gravity of the existing congestion and where it was heading to. Agencies were doing as much as they could within budgets, but that was insufficient to do the work that needed to be done.
- It was estimated that there would be a 40% increase in traffic over the next 20 years, without the funding to support the road network for that amount of growth in the current regime. This needed to be understood so that Council could adequately engage and advice of the gravity of the situation to the public so that they could also help solve it.
- The report would be only be received at this meeting and a further report provided on the key findings of the arterial projects prior to any action being taken.

#### RESOLUTION CO1/24/11

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Arterial Road Reviews - Recommended Transport Infrastructure Improvements";

**CARRIED**

#### 11.10 Revision of the City Centre Movement Framework and Implementation of Enabling City Centre Movement Pilot Scheme

**Staff** Nic Johansson, Head of Transport  
Shawn Geard, City Centre Transport Advisor  
Tom McEntyre, Principal Investment Advisor: Transport

#### Key points

- The report follows on from the services of Commissioner check-ups, and applied detailed information from surveys carried out to understand more about the general traffic movement in and around the city centre, including the construction movements around Te Manawataki o Te Papa and other city centre developments in coming years.



- Under the Land Transport Rule, Council had the ability to conduct a two year pilot period with regular feedback sessions, stake holder engagement and to demonstrate listening and refining the pilot as required with the outcome of a long term future option in two years.
- The two year period would include Stage 1 of Te Manawataki o Te Papa and include the permanent street scaping and the like of the precinct.

**In response to questions-**

- The parking on the edge of the city centre was outside of the report oversight and staff were unsure of what was happening with that area at present.
- It was requested that pre-implementation engagement and signage be provided so that people were well aware of what was coming up and to improve street name signs as some areas did not include signs. Messaging around the tactical approach of it being done to cater for the development and construction within the city centre so the public were made aware that it was still an attractive place to visit and understood the reasoning. It was noted that staff were currently discussing the communication plan, the community conversations and what they would include. Staff noted that rather than providing maps, it was more about reminding the public there was a change with signage and people would be on the site to ensure the changes were well understood. All of the businesses had been spoken to and had taken that understanding into account.
- 14 carparks at the northern end were being removed to allow for better bus connection in that area. In return carparks would be recreated in areas where bus stops and yellow lines had previously been.
- The next steps was the engagement of what the area would look like with permanent fixtures and to look at what each street was used for. The pilot project would take in key streets with minor concrete painting, street furniture and planters and looking towards a longer term vision. The long term plan includes items over the next 10 years and staging to be developed so key corridors link into the plan.
- It was important that over the construction phases that those movement routes would be maintained allowing for the construction and ensuring that it worked and changes made accordingly for a semi-permanent movement plan.
- The project would allow getting big items and trucks into the areas without moving the permanent solution, and there may be times that they would need to close off a few more sections but these would be minimised as much as possible and mostly done at night and would not become the norm.
- With the massive construction planned it would be premature to put permanent solutions in place, the pilot could test with a temporary approach that could be changed as they understand the final construction and know what would work.

**Discussion points raised**

- It was requested that the word Pilot be added as noted in resolution (a) - Enabling City Centre Movement Pilot Scheme.

**RESOLUTION CO1/24/12**

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Revision of the City Centre Movement Framework and Implementation of Enabling City Centre Movement Pilot Scheme".
- (b) Adopts the revised City Centre Movement Framework.
- (c) Delegates the General Manager: City Development & Partnerships [via the Chief Executive] to ensure other documentation referencing the City Centre Movement Framework refers to this revision.
- (d) Endorses implementation of the City Centre Enabling Movement Pilot project.

**CARRIED**

**11.11 Tauranga Speed Management Plan**

**Staff** Nic Johansson, Head of Transport  
Shawn Geard, City Centre Transport Advisor

**Key points**

- Rules and objectives were changing with the government, so staff were adapting the speed management plan.
- While not mandatory yet school restrictions were being supported for funding if they were adopted. The balance of the city focus was on schools, marae and the city centre. A lot of engagement had already taken place with schools who were all promoting the implementation of lower speed outside their school.
- The next step was public consultation and receiving submissions with their views.

**In response to questions**

- In answer to a query as to why the electronic signs outside schools was being suggested at 30kph when many other areas had 40kph, it was noted that research carried out in Australia noted that the level of compliance at 40kph was quite low, whereas with 30kph being a much lower speed, there was a more significant reduction in the speed vehicles travelled in these areas.

**Discussion points raised**

- There was a need to explain the meaning of Variable Speed Limits to the public.
- It was requested that the next report include what the Western Bay District Council had implemented.

## RESOLUTION CO1/24/13

Moved: Commissioner Bill Wasley  
 Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report "Tauranga Speed Management Plan".
- (b) Adopt the following approaches:
  - (i) Continue developing a speed management plan focusing on safe speeds around schools, marae, and the city centre This will include community engagement and a Council decision will be required prior to implementation.

**CARRIED**

### 11.12 Order of candidate names for July 2024 election

**Staff** Christine Jones, General Manager: Strategy, Growth & Governance  
 Coral Hair, Manager: Democracy & Governance Services

#### Discussion points raised

- The Commissioners noted that they did not wish to change the method from the previous election.

## RESOLUTION CO1/24/14

Moved: Commission Chair Anne Tolley  
 Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Order of candidate names for July 2024 election".
- (b) Determines that the order of candidate names on the voting documents for the Tauranga City Council election on 20 July 2024 and any subsequent by-elections be the method used at the last election, which was in random order.

**CARRIED**

At 10.55am the meeting adjourned.

At 11.10am the meeting reconvened.

### 11.13 Executive Report

**Staff** Paul Davidson, Chief Financial Officer  
 Stephen Burton, Acting General Manager: Infrastructure Services  
 Nic Johansson, Head of Transport  
 Barbara Dempsey, General Manager: Community Services  
 Christine Jones, General Manager: Strategy, Growth & Governance  
 Alastair McNeil, General Manager: Corporate Services  
 Sarah Omundsen, General Manager: Regulatory and Compliance  
 Gareth Wallis, General Manager: City Development & Partnerships

#### Infrastructure

##### Key points

- The Sustainable and Waste team were running internal road shows with 20 key teams within

Council to ensure they were fully aware of moving more into the sustainability space in their business areas and to think of every aspect of work and how it aligned with the plan.

- The Water Watchers initiative had been fine-tuned over time, and staff wish to thank the community for the way in which they had responded by using water more efficiently and were continuing to do so.
- Acknowledgement to the community for taking heed of the use of alternative modes of traffic due to the works at SH 29A and Totara Street and doing what they could to lower the traffic volume on the network.
- SH 29A overall works had been progressing better than expected, and Waka Kotahi had been manning the phones, lights and traffic management.

### **In response to questions**

- The problems being experienced in Papamoa with odour and taste in the water was as a result of dissolved organics coming out of the catchment. No history had yet been developed with the catchment as it was a new amenity. Staff had implemented dosages of activated carbon in the short term which removed the organics and the water had been tested and was safe to drink with no bacteriological issues. Staff had been keeping in contact with the regulator and the Ministry of Health and they would be looking at more permanent dosing in the future.
- As part of the business case staff needed to recalibrate the real scenario to that which had been planned and a report back would be carried out within 12 months from completion.

### **Discussion points raised**

- There had been a number of positive comments from walkers and cyclist in relation to the recent works completed on Cameron Road, making it safer for them to cross the road. The plantings also made it an impressive corridor.
- Information was requested on Cameron Road now that it was operational to better understand the pre and post works, how people were using it, the number of vehicles, the travel time and whether it was working how it had been intended.

### **Community Services**

#### **Key points**

- Kiosks had been installed in He Puna Manawa and the Mount Hub so that payments could be made at those locations. These took longer than anticipated so they could be adapted to make them wheelchair accessible. The use was being monitored for possible installation at other sites.
- The new dual Tutarawananga/Yatton Park name plaque of copper on steel has been installed.

### **In response to questions**

- In response to a query regarding the economic impact of the four large concerts held it was noted that a presentation would be provided this week. Staff do selective data gathering and they were currently considering engaging a firm to carry out some engagement and data gathering for 6 months from March 2024.
- In relation to the use of facilities and Mauao being popular it was being requested by the Mauao Trust to balance these out with other reserves to take some of the pressure off the area. It was noted that staff were looking at a future strategic direction for events including how to bring them together as a balance and how many events were being held, as there was only so much money to support these. A report would be provided to Council in April 2024.
- Commissioners noted that the creation of space for events adjacent to the water was one of the reasons for developing Te Manawataki o Te Papa, with the walkway enabling people to move down the landscape and onto the beach.
- It was also noted that one of the criteria in the event funding framework was that preference was given to those events that were not in popular places as an incentive for people to use other spaces.
- Information was requested in the next report on the number of people visiting Omanawa to get a sense of the use of the area. It was noted that as there was still a risk with people going

down to bottom platform a sensor camera had been installed which showed a message that they should not be there and to leave the area.

**Discussion points raised**

- Commissioners noted that they had received many compliments on how good the city was looking and how well cared for it was. The Marine Parade walkway was being so well used with and people in wheelchairs now able to enjoy what they were not able to before.
- It was requested that there be a long lead in with the publicity for big events so that people were aware of what was occurring and giving them an opportunity to go elsewhere.

**Chief Financial Officer****Key points**

- There had been a 7.4% increase in air traffic volume not 74% as had been noted in the report.
- Rotorua airport were having similar issues with the insufficient number of air services coming into the Bay of Plenty.
- The general city revaluation would be completed and was expected to be implemented in the 2024/25 rating year.

**In response to questions**

- An additional 100 carparks had been opened on 9 February 2024 at the airport and the balance would be available for use in 6-8 weeks.
- Since the runway lighting had been taken over by Council, there had been a reduction of bad weather diversions to other airports.
- In response to a query regarding the orange Audit status, it was noted that there were elements with so much growth going on in the city and trying to get the valuations through in time.

**Discussion points raised**

- Acknowledgement was made of the significance of the \$75M payment going out into the Tauranga economy. It was a significant investment by the city to growth and was circulating across the economy to small and large businesses and suppliers.

**Strategy, Growth & Governance****Discussion points raised**

- The communications regarding the upcoming Candidate Information evening had been positively received with a good number already registered to attend.
- Commissioners signalled that they wish to hold a debrief on the Long Term Plan process once the hearings had concluded to consider how it would be managed.

**Corporate Services****Key points**

- A new performance monitoring and assurance activity group had been established and a performance measurement component would be included in future reports.
- Images had been provided in the report of internal portals that had been created and the benefits of these.
- 200 staff had attend contractor management training and teams had been taken through the new office building showing new ways of working.
- Website hits had been popular with the Mount Coastal Walkway being the most successful story and the Long Term Plan receiving 158,000 hits.

**In response to questions**

- In response to a query regarding the of Waka Kotahi granted improvements on contracting and procurement processes it was noted that the relationship with Waka Kotahi was to be strategic

and commercial and the recognised the Council's ability to manage longer term contracts. More staff had been trained to meet the required standards and resources had been dedicated on procurement and transport.

**Discussion points raised**

- Commissioners asked that the use of graphs in the report be reconsidered as they were unreadable. Also to consider whether Stellar was an appropriate tool to provide information to the incoming Council.

**Regulatory and Compliance****Key points**

- The meeting of statutory time frames for consents continues to improve.
- The report included data on how the dwelling numbers were performing against the SmartGrowth predictions. While it was not precise it did provide a base, noting that 900 Code of Compliance Certificates for dwellings had been issued against an expected target of 1,100. A factor within the last two years had included market conditions.
- IANZ assessments had all been successfully completed with the next assessment due in September 2025.

**In response to questions**

- In answer to a query as to how many sections were available to build on that no consent had been sought for to gauge how much land was available for housing in the city, it was noted that there was some information in the Development Trends report which included zoned and serviced land that had development capacity to build a dwelling on. There was also land available that had not yet been zoned and some subdivisions approved but not developed. Staff were breaking this down and monitoring it so the information could be provided in April 2024 and then on a quarterly basis.
- A report on the review of freedom camping would be provided to the 19 February 2024 Strategy, Finance and Risk Committee.

**Discussion points raised**

- Acknowledgment was given to the team for the pleasing results with the consent process and to the parking officers for helping members of the community in their hour of need.

**City Development & Partnerships****Key points**

- Tunks Reserve and Elizabeth Street works had been completed and opened before the new year. There was still some planting to be carried out at the Dive Crescent carpark to complete that project. All of the other projects were tracking as planned.
- Positive media had a good score of 3.5, indicating that the messaging was having an impact. The team were trying hard to have a positive impact and to share great stories across a number of media channels.

**Discussion points raised**

- Information was requested on the increased foot traffic count within the city centre and the availability of parking so that it could be monitored.

**RESOLUTION CO1/24/15**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Executive Report".

**CARRIED**

**12 DISCUSSION OF LATE ITEMS**

Nil

**13 PUBLIC EXCLUDED SESSION**

**Resolution to exclude the public**

UNCONFIRMED

**RESOLUTION CO1/24/16**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<b>13.1 - Public Excluded Minutes of the Council meeting held on 11 December 2023</b>	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p> <p>s7(2)(j) - The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage</p>	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.2 - Exemption from Open Competition - To direct procure the fitouts of City Operations vehicles</b>	s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.3 - Tauriko West Enabling Works Matters.</b>	<p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including</p>	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or



	commercial and industrial negotiations)	section 7
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**CARRIED**

#### **14 CLOSING KARAKIA**

There was no closing karakia as the Long Term Plan submission hearings were commencing at 1.30 pm.

**The meeting closed at 12.25 pm.**

**The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 26 February 2024.**

.....  
Anne Tolley  
**CHAIRPERSON**

**8 DECLARATION OF CONFLICTS OF INTEREST**

**9 DEPUTATIONS, PRESENTATIONS, PETITIONS**

Nil

**10 RECOMMENDATIONS FROM OTHER COMMITTEES**

Nil

## 11 BUSINESS

### 11.1 Adoption of Variation 1 to Plan Change 33 - Tauriko West Urban Growth Area

**File Number:** A15413820

**Author:** Richard Harkness, Project Leader: Urban Planning

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

#### PURPOSE OF THE REPORT

1. The purpose of this report is to seek adoption of proposed Variation 1 – Tauriko West (Variation 1) to proposed Plan Change 33 (PPC33) for the purpose of public notification.

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#### RECOMMENDATIONS

That the Council:

- (a) Receives the report “Adoption of Variation 1 – Tauriko West to proposed Plan Change 33”.
- (b) Adopts proposed Variation 1 – Tauriko West to proposed Plan Change 33 (Attachment 1) for public notification, to implement the Intensification Planning Instrument (IPI) required under the Resource Management Act (Enabling Housing Supply and Other Matters) Amendment Act 2021.
- (c) Authorises the General Manager: Strategy, Growth and Governance to arrange the public notification process in accordance with the provision of section 95(2) of Part 6 of Schedule 1 of the Resource Management Act 1991 (RMA).
- (d) Delegates authority to the General Manager: Strategy, Growth and Governance to approve any minor and technical changes to the proposed text amendments contained in Annotated Text, Structure Planning Maps and proposed Planning maps contained in Attachment 1, as required prior to public notification.

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#### EXECUTIVE SUMMARY

2. In response to the Council decision on 7 November 2022 (A14149974) staff have progressed proposed Variation 1 to PPC33 to the operative Tauranga City Plan to implement the Intensification Planning Instrument (IPI) as set out in the RMA Amendment Act 2021 (Enabling Housing Supply and Other Matters) (Amendment Act). The Amendment Act requires Council to implement the IPI to give effect to the residential intensification provisions of the National Policy Statement – Urban Development (NPS-UD) and implement the Medium Density Residential Standards (MDRS).
3. This approach to rezoning Tauriko West is also in accordance with Directions received from the Minister for the Environment. The most recent of these Directions (dated 7 September 2023) requires Council to notify decisions of the Independent Hearing Panel's recommendations for Variation 1 by 31 December 2025. Adoption of Variation 1 for public notification at this time is aligned to meet this timeframe.
4. The rezoning of Tauriko West for urban development is aligned to the Council's and key partners' strategic direction that is provided by the SmartGrowth Strategy, Urban Form and Transport Initiative (UFTI) and the Regional Policy Statement. Tauriko West is an agreed 'Priority Development Area' and key initiative to support the 'Connected Centres' concept.
5. Variation 1 seeks to rezone the majority of Tauriko West from Rural Zone to the Medium Density Residential Zone (MDRZ) provided for by PPC33 with supporting zones for Open

Space and Conservation along the Wairoa River. A small area of the southern portion of Tauriko West will remain Rural zone to reflect the constraints of this land.

6. Variation 1 would further implement the Amendment Act by varying PPC33 to rezone Tauriko West to enable greater housing choice and residential density. The Variation would also contribute to Council meeting the NPS-UD housing requirements for the short to medium term and in this regard, it is a critical component of addressing Tauranga's urgent and acute housing shortage. It also addresses the Local Government boundary reorganisation requirements to bring the southern part of the growth area from Western Bay of Plenty District to come under the Tauranga City Plan.
7. Variation 1 to PPC33 is specific to Tauriko West UGA. The Variation does not make any changes to the broader PPC33 provisions. This means that decisions can continue to be made on PPC33 and it can become Operative, while Variation 1 continues through its own submission, hearing and decision steps.
8. However, Variation 1 does propose additional provisions to PPC33 where necessary to address matters relevant to Tauriko West that were identified through consultation and engagement and technical assessment. The Section 32 report, attached to this Report, provides a detailed assessment, as required by the RMA, to establish whether the Variation 1 content / provisions are the most appropriate course of action.
9. The three attachments to this report, along with all other documents to support notification will be publicly available on the Tauranga City Council at:  
<http://www.tauranga.govt.nz/variation1-pc33-keydocuments>

## BACKGROUND

10. Tauranga City continues to experience significant growth with the population projected to reach 182,400 by 2033, an increase of 13% from 2023. There is an existing acute shortage of housing in Tauranga. Tauriko West is an area that has been identified in various strategic planning documents (e.g. SmartGrowth Strategy; UFTI; Regional Policy Statement) to provide much needed land for housing.
11. Since 2017 the Tauriko West rezoning process has progressed as a multi-stakeholder project, under the Tauriko for Tomorrow project (<https://www.taurikofortomorrow.co.nz/>). The Tauranga City Council, Western Bay of Plenty District Council, Bay of Plenty Regional Council, New Zealand Transport Agency have been the four key partners driving this broader project, while collaborating closely with mana whenua and landowners.
12. Other key steps undertaken to support re-zoning of Tauriko West under 'Tauriko for Tomorrow' include:
  - (a) Regional Council's Regional Policy Statement (RPS) urban limits adjusted through Plan Change 4 (Tauriko West Urban Limit) becoming operative 30 October 2018.
  - (b) Western Bay of Plenty District Council and TCC boundary re-organisation approved by the Minister for Local Government in January 2021 which enabled the entire urban growth area site to come within the jurisdiction of Tauranga City Council.
  - (c) Establishment of a forum, known as Te Kauae a Roopu<sup>1</sup>, to support consultation and engagement with tangata whenua.
  - (d) Development of NZTA transport business cases for the Enabling Works and also wider network improvements necessary to support urban development of Tauriko West and across the wider Western Corridor<sup>2</sup>.
13. Developing the rezoning proposal has been complex and taken much longer than originally programmed. There have been a number of reasons for this - for example, changing

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<sup>1</sup> Te Kauae a Roopu is a hapu centric forum recognising 6 hapu as having mana whenua status for Tauriko West: Ngati Kahu, Ngati Rangī, Ngati Pango, Ngati Hangarau, Pirirakau and Ngai Tamarawaho.

<sup>2</sup> <https://www.nzta.govt.nz/projects/tauriko-network-plan/>

government policy (like that relevant to transport and freshwater) which has influenced the ability for necessary technical assessments to be completed, and the complexity of some of the issues needing to be well understood and assessed (like natural hazard risk from flooding and its potential impact on development yield within the growth area and upstream/downstream land).

14. On 7 November 2022 Council directed staff to progress the rezoning of Tauriko West as a Variation to PPC33. Variation 1 is in response to that Council decision.

### SUMMARY OF PROPOSED VARIATION 1 PROVISIONS

15. A summary of the key Tauriko West rezoning provisions to enable the delivery of up to 4,000 homes is as follows:

- (a) Rezone the majority of Tauriko West from Rural Zone to create the new MDRZ consistent with the National Planning Standards to:
  - i) Enable the MDRS as a permitted activity.
  - ii) Enable four or more dwellings as a restricted discretionary activity, non-notified.
- (b) MDRZ provisions amended to:
  - i) Provide for 1 local commercial centre and 2 neighbourhood commercial centres through a restricted discretionary resource consent.
  - ii) Introduce commercial activities to the activity status table.
  - iii) Introduce provisions that control the scale and built form of commercial development.
- (c) Amendments to Chapter 12 – Subdivision to:
  - i) Introduce objectives, policies and rules specific to Tauriko West relating to the provision of three waters and transport infrastructure including staging associated with this (e.g. a limitation on up to 2,400 homes being provided for by the Tauriko West Enabling Works transport improvements and the full build-out of Tauriko west being dependent on New Zealand Transport Agency – Waka Kotahi (NZTA) delivery of Stage 3 of the Tauriko Network Connections improvement<sup>3</sup>.
- (d) Amendments to Chapter 6 – Natural Features and Landscapes to:
  - i) Introduce rules to manage development at the interface of the Wairoa River Important Amenity Landscape (i.e. 20m wide management area that includes a 5m building setback, building colour and reflectivity controls, visual permeability controls on fencing, and controls on the slope and retaining walls along the boundary).
  - ii) Introduce rules to manage the effects of development on natural character values of the Wairoa River Important Amenity Landscape (i.e. landscape, development and earthworks controls within an identified visual mitigation buffer area).
- (e) Flood risk:
  - (i) Managed through the provisions of Plan Change 27 (Flooding from intense rainfall); and
  - (ii) A new provision which requires the minimum building platform to be 500mm above the flood level for a 1% Annual Event Probability (AEP) rainfall event

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<sup>3</sup> <https://www.nzta.govt.nz/projects/tauriko-network-plan/>

coinciding with a 5% AEP storm tide taking into account the effects of climate change on rainfall and sea level based on the Representative Concentration Pathway (RCP) 8.5+ median scenario as of the year 2130. This is higher sea level rise than Plan Change 27 as required in the RPS for greenfield development.

- (f) Amendments to the Planning Maps to:
  - (i) Rezone the part of the site that was formerly in the Western Bay of Plenty District Plan to be within the Tauranga City Plan.
  - (ii) Introduce Urban Growth Plan 11 – Tauriko West (refer Attachment 2 to this report).
  - (iii) Rezone the majority of the Rural Zone to Medium Density Residential Zone, and keep the small area south of Redwood Lane as Rural Zone.
  - (iv) Introduce an Open Space Zone along the Wairoa River Margin.
  - (v) Extend the Conservation Zone along the bank of the Wairoa River.
  - (vi) Amend the extent of Wairoa River Important Amenity Landscape Area and introduce the Wairoa River Important Amenity Landscape Management Area.
  - (vii) Extend the extent of the NZTA Reverse Sensitivity Plan Area (i.e. a provision which manages reverse sensitivity effects adjacent to the State Highway).
- (g) The Variation does not introduce or amend any provisions of the City Plan that relate to parks and open spaces, except to rezone the margin of the Wairoa River as Open Space Zone. The project relies on the development of an Open Space Masterplan to deliver the outcomes sought in the Open Space Zone, the Wairoa River corridor and reserves. The development of this masterplan is underway with the three main Tauriko West landowners and is intended to be confirmed in a Developers Agreement.
- (h) The Variation also does not introduce any new archaeological or cultural heritage items into the City Plan heritage schedules. While various studies on this topic have identified sites of cultural significance along the Wairoa River, aligned to stakeholder advice the Variation proposes to manage and recognise archaeological and cultural heritage through the Open Space Zoning and the Open Space Masterplan. This approach ensures that any cultural sites can be recognised and provided for.

## OTHER MATTERS

- 16. Once adopted, public notification of Variation 1 is proposed for early March. Following the submission processes (submission and further submission) a hearing by an Independent Hearing Panel (IHP) is required who will make a recommendation to Council for a decision. There is no Environment Court appeal process, to the Council decision once one has been made. A later report will be presented to Council to confirm the IHP.
- 17. It is noted that in parallel to Variation 1 Council staff are also preparing the Comprehensive Stormwater Consent (CSC) to manage stormwater runoff from the future urban development of Tauriko West. It is programmed to lodge the CSC application with Bay of Plenty Regional Council (BOPRC) in parallel with the public notification of the Variation.

## STRATEGIC / STATUTORY CONTEXT

- 18. In 2013, the SmartGrowth Strategy was reviewed and updated to address the appropriate staging of urban growth as part of the Western Corridor Strategy Study. Through the assessment and feasibility analysis, Tauriko West was identified by the SmartGrowth Implementation Committee in 2016 as the next area appropriate for urban development in the Western Corridor. The Settlement Pattern Review (SPR) process showed why additional greenfield residential land supply was required to address a projected shortfall in

development capacity, establishing that without it, there would be no more residential greenfield land available in the Western Corridor by 2026.

19. To address the need for greater integration of land use planning and transport solutions, SmartGrowth established the Urban Form and Transport Initiative (UFTI) in 2019. UFTI produced its final report in 2020 which proposed a 'Connected Centres' Programme; and which identified Tauriko West as one of the 'planned urban growth areas'. Tauriko West is also identified in the SmartGrowth Strategy review 2023 as 'Staged Growth Area – Short Term'.
20. Tauriko West is also recognised in the Transport System Plan (TSP), and as a Priority Development Area through SmartGrowth partnerships with local authorities, tangata whenua and government departments.
21. The NPS-UD requires Council to meet certain housing supply obligations for the short, medium and long term as a Tier One urban environment. Tauriko West can help deliver much needed housing over the short to medium term but is not sufficient in-of-itself, to resolve the City's acute housing supply challenges.
22. Depending on the final landform established by the developers, and the density of development, as well as housing typology provided, Tauriko West's yield could likely range from approximately 3,600 dwellings to 4,000 dwellings – this being based on the assumptions that developable land extent could be around 140 – 160ha out of 333ha; and the density of urban development being a minimum average of 25 dwellings per hectare.
23. The provision of an increased supply and variety of housing to meet market demand over time is a key part of the overall city growth objectives being delivered through:
  - (a) Variation 1 to PPC33, partially addresses residential development capacity constraints and contributes towards achieving the targets for housing development capacity as set out in Objective 2A.3 (Housing Bottom Lines) of the City Plan.
  - (b) The Council's current Long Term Plan 2021-31 objectives (e.g. '*We have a well-planned City*') and the draft 2024-34 priorities (Growth in the West (Tauriko)).

## OPTIONS ANALYSIS

24. **Option 1:** Adopt Variation 1 to PPC33 for public notification as per the attachments to this report. Proceeding with Variation 1 to PPC33 will implement the Amendment Act, by varying PPC33 to rezone Tauriko West as MDRZ, thereby enabling housing and helping Council meet NPS-UD housing requirements for the short to medium term as a Tier One urban environment; as well as addressing the Local Government boundary reorganisation requirements to bring the southern part of the growth area from Western Bay of Plenty District to come under the Tauranga City Plan.
25. **Option 2:** Do not adopt Variation 1 to PPC33. The implications of this option are that the land in Tauriko West will remain Rural Zoned and not enable urban development. The issues associated with this option include:
  - (a) Reputational issues to Council in that extensive engagement with the local community, tangata whenua, stakeholders and the developers has set expectations that a plan change will be developed to support a re-zoning process to support urban development in Tauriko West.
  - (b) Would not align with strategic direction as set out in the SmartGrowth Strategy and UFTI which identify Tauriko West as a key short-term growth area to support the Connected Centres concept.
  - (c) Not adopting Variation 1 (i.e. retaining the status quo and Rural Zone) would mean that Tauriko West remains Rural zone, and likely not available to contribute to resolving the acute the housing shortage facing Tauranga, and required by the NPS-UD to be addressed by Council.



- (d) Would not support broader investment programmes of Council, key partners (like NZTA) and stakeholders (like Developers) who have invested (and continue to consider further investment) to support urban development in Tauriko West.
- 26. The options to progress Variation 1 to PPC33, to implement the RMA Amendment Act are further discussed in the section 32 report included as Attachment 1.
- 27. Staff recommend proceeding with Option 1.

### FINANCIAL CONSIDERATIONS

- 28. The cost associated with adopting the Variation for notification are provided for within existing LTP budgets.
- 29. Adopting Variation 1 for notification is a key step in progressing the rezoning of Tauriko West for urban development and is aligned to other decisions by Council to support this outcome. These include past and potential future decisions associated with investing in enabling services and infrastructure (e.g. water, wastewater, stormwater, transport, community facilities) to support the development of Tauriko West.
- 30. Adopting Variation 1 is aligned with:
  - (a) Decisions of others like New Zealand Transport Agency (Waka Kotahi) who have invested (and are currently considering further investments through the development of the next National Land Transport Programme) in significant projects (e.g. Enabling Works; Tauriko Network Connections) to identify improvements to the transport network, to enable the urban development of Tauriko West and growth planned for the wider Western Corridor.
  - (b) Investments made by the private sector (e.g. landowners and developers in the Western Corridor and at Tauriko West) to deliver urban development and much needed housing in Tauriko West. This has included cost sharing associated with developing the Variation and the infrastructure and services to deliver urban development at Tauriko West.
  - (c) Funding agreements with parties (e.g. through the Infrastructure Acceleration Fund) to enable urban development in Tauriko West.
  - (d) Decisions made by Council in terms of financial responsibility of financing infrastructural investment until such time as funding from other parties flows when specific conditions have been met.

### LEGAL IMPLICATIONS / RISKS

- 31. Variation 1 has been prepared to meet the legislative requirements under Schedule 1 of the Resource Management Act 1991.
- 32. The Amendment Act sets out what must be included, can be included, and cannot be included within the IPI, including a Variation. The Variation is required to be notified shortly (proposed for early March 2024) in order to align with the programme for PPC33 and Direction from the Minister for Environment (e.g. notification of Council decision by 31 December 2025).
- 33. A legal review has been undertaken of key components of Variation 1 to PPC33 (e.g. proposed text amendments) to ensure these documents meet the legislative requirements of the RMA Amendment Act.

### CONSULTATION / ENGAGEMENT

- 34. Consultation and engagement is required by the RMA when developing a Variation.
- 35. There has been a considerable programme of ongoing consultation and engagement over a number of years to develop Variation 1. This has generally been progressed under the broader 'Tauriko for Tomorrow' collaborative project (<https://www.taurikofortomorrow.co.nz/>).



36. A 'Record of engagement and consultation key feedback – Key stakeholders and community' is appended to the section 32 attached to this report. In particular, it is noted that a partnership forum, known as Te Kauae a Roopu, was established and has facilitated consultation and engagement with tangata whenua at hapu level. This forum is represented by Ngati Kahu, Ngati Rangī, Ngati Pango, Ngati Hanganau, Pirirakau and Ngai Tamarawaho. A record of engagement with tangata whenua including Te Kauae a Roopu and Iwi Authorities is also appended to the section 32 attached to this report.
37. In accordance with Schedule 1 clauses 3, 4 and 4A of the RMA, consultation and engagement has been undertaken with those required (e.g. NZTA, Ministry for Education), and including Iwi Authorities.
38. Feedback to the consultation and engagement (including as part of the structure plan development process, transport business cases and rezoning proposal) has been incorporated where appropriate into Variation 1.
39. Variation 1 is required under Schedule 1 of the RMA to be publicly notified. While Schedule 1 clause 5A of the RMA provides for "limited notified" this is only available if the local authority is able to identify all the persons directly affected by the proposed Variation. This test is not considered to be met in this case and therefore public notification is proposed. The notification process provides for submissions to be made and this provides for further input into the development of Variation 1.

## SIGNIFICANCE

40. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
41. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
  - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
  - (b) any persons who are likely to be particularly affected by, or interested in, the decision.
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
42. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of high significance, based on the consequences for the City Plan. It is proposed that the variation will be publicly notified as required by the RMA.

## NEXT STEPS

43. The finalised Variation 1 to PPC33 and the accompanying section 32 report will be publicly notified in accordance with the requirements of Schedule 1 of the RMA.
44. Following the submission (proposed early March to mid-April 2024) and further submission (proposed late May to mid-June 2024) processes, Variation 1 is required to proceed to a hearing (potentially late 2024 / early 2025) and recommendation (potentially July 2025) processes. The nature, scope and complexity of submissions and further submissions received influences the hearing date (e.g. if submissions / further submissions raise matters that require further technical investigation or the Independent Hearings Panel direct expert conferencing on particular matters this can affect the hearing date).
45. Council is then able to consider either accepting or rejecting the recommendations of the Independent Hearings Panel (potentially September 2025).

## ATTACHMENTS

1. **Attachments to Council Report - Adoption of Variation 1 to Plan Change 33 (Tauriko West Urban Growth Area) for Notification - A15525775** [↓](#) 

### Attachments to Council report: Adoption of Variation 1 to Plan Change 33 – Tauriko West Urban Growth Area for Notification

Due to the size of the attachments to this report, the documents can be found on the Tauranga City Council website at the link provided below.

Attachment no.	Attachment	Link to documents
1	<u>Section 32 Report</u>	<a href="http://www.tauranga.govt.nz/variation1-pc33-keydocuments">http://www.tauranga.govt.nz/variation1-pc33-keydocuments</a>
2	<u>Proposed Annotated Text Amendments</u>	
3	<u>Proposed Map Amendments</u>	

## 11.2 Transfer of Te Pāhou Reserve

**File Number:** A15376731

**Author:** Christine Tarrant, Strategic Property Advisor  
Alicia Oldham, Team Leader: Strategic and Commercial Property  
Simon Collett, Manager: Commercial Property

**Authoriser:** Barbara Dempsey, General Manager: Community Services

### PURPOSE OF THE REPORT

1. This report seeks final direction on the future legal ownership of the Council-owned land known as the Te Pāhou Reserve following public consultation, which was carried between the dates of 13 December 2023 and 19 January 2024.
2. A Council decision is sought on:
  - the transfer of ownership of the land to the Ngāi Te Ahi Settlement Trust ("the Trust"); and
  - delegation to the Chief Executive to negotiate and enter into an agreement recording the specific terms and conditions of the proposed transfer.

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### RECOMMENDATIONS

That the Council:

- (a) Receives the report "Transfer of Te Pāhou Reserve ";
- (b) Receives the submissions lodged during the public consultation period 13 December 2023 to 19 January 2024;
- (c) Agrees to receive the late submission from Buddy Mikaere on behalf of Ngāti Pūkenga Iwi ki Tauranga Trust (the Ngāti Pūkenga runanga);
- (d) Approves the reconnection of the land known as Te Pāhou Reserve by way of transfer to the Ngāi Te Ahi Settlement Trust at nil consideration; and
- (e) Delegates authority to the Chief Executive to negotiate and approve the terms and conditions of the Sale and Purchase Agreement on the following material terms:
  - (i) *Purchaser:* Ngāi Te Ahi Settlement Trust;
  - (ii) *Purchase Price:* \$1.00;
  - (iii) *Property:* Reserve Land as described;
  - (iv) *Settlement Date:* 10 working days following issue of title for the Reserve Land;
  - (v) *Conditions of Agreement:* Reserve Land title to be subject to registration of easements in favour of Council to enable maintenance and access of Council infrastructure (water main and the stormwater ponds) located within the Reserve Land post transfer; and
  - (vi) *Other Key Terms:* As may be appropriate based on legal advice received by Council.

## EXECUTIVE SUMMARY

3. Te Pāhou Reserve is a Council owned park which was acquired and is still held by Council for recreational reserve purposes. The land is not a reserve under the Reserves Act 1977.
4. The below aerial photograph highlights:
  - (a) in yellow dashed lines, the recreational land owned by the Council which is the land being considered for transfer to hapū (“the Reserve Land”).
  - (b) in orange, the neighbouring urupā.



5. This report outlines the prior Council resolution and subsequent public consultation regarding the future legal ownership of Te Pāhou Reserve Land, sought by Ngāi Te Ahi and Ngāti Hē hapū since 2000.
6. The Council resolved to classify the disposal of the reserve as a Strategic Disposal, acknowledging its significant cultural heritage and agreeing to consult the public under section 138 of the Local Government Act.
7. Public consultation, garnered overwhelmingly positive support from the community, with over 170 submissions favouring the transfer of the Reserve Land to the Ngāi Te Ahi Settlement Trust. No submissions opposing the proposal were received.
8. Financially, the recommendation proposes a non-competitive divestment by transferring the Reserve Land to the Trust at nil consideration, aligning with the Strategic Disposal classification to achieve environmental, social, or cultural outcomes.
9. Legal implications were considered, with advice concluding that there is a valid legal basis not to offer the Reserve Land back to former owners due to significant changes in the character of the reserve.
10. Following the positive engagement and feedback received, no further engagement is deemed necessary before Council makes a decision.
11. The proposed terms of the disposal include transferring the Reserve Land to the Trust for \$1.00, subject to easements for Council infrastructure maintenance and access.

## PRIOR COUNCIL REPORT AND PUBLIC CONSULTATION

### General Council Meeting on 27 November 2023

12. On 27 November 2023, a report was presented to Council to seek direction on the future legal ownership of the Reserve Land following requests from Ngāi Te Ahi and Ngāti Hē hapū dating back to 2000 to return Te Pāhou Reserve back to the hapū (“the Report”). A copy of the Report is included at **Attachment 1**.

13. Council resolved the following:
- (a) that the disposal of Te Pāhou Reserve be classified as a Strategic Disposal in accordance with Council's Property Acquisitions and Disposals Policy 2021 ("the Policy"), noting that:
    - (i) the possible disposal to hapū would achieve strategic cultural objectives and acknowledges that Te Pāhou is a highly significant cultural heritage site with historical, spiritual, and ancestral values that connect hapū directly with Te Pāhou; and
    - (ii) the terms and conditions of any proposed disposal of Te Pāhou Reserve will be presented to Council for approval prior to entering into a sale and purchase agreement;
  - (b) To proceed with the process of public consultation for disposal of a park under section 138 of the Local Government Act 2002 ("LGA"); and
  - (c) Approval in principle to the reconnection of the land known as Te Pāhou Reserve to hapū by way of transfer of the land to the Ngāi Te Ahi Settlement Trust ("the Trust") for nil consideration.
14. A copy of the formal resolution from the Council meeting on 27 November 2023 is included at **Attachment 2**.

**Public Consultation under s138 of the Local Government Act**

15. Council consulted with the community between 13 December 2023 and 19 January 2024 (the Consultation Period") on the proposal to dispose of the Reserve Land to the Trust at nil consideration.
16. All the submissions received during the Consultation Period are enthusiastically positive and support the in-principle decision.
17. Under guidance from Council's Community Relations department and Council's Significance and Engagement Policy 2020, consultation included the following steps:
- (a) Publishing of the consultation document, included at **Attachment 3** in:
    - i. the Bay of Plenty Times on Wednesday 13 December 2023 and Wednesday 10 January 2024; and
    - ii. on the 'Public Notices' section of Council's website for the entirety of the Consultation Period.
  - (b) Letters to neighbouring owners of the Reserve Land detailing the proposal with an option to provide feedback to a specifically designated Tauranga City Council email address.
18. Council received over 170 submissions detailing support on the proposal to transfer the Reserve Land to the Trust. The submissions represents a significant number of individuals and members of various entities including Te Rangapū Mana Whenua o Tauranga Moana which represents all 17 Iwi and Hapū within Tauranga Moana, separately from Ngāi Te Rangi Iwi, Ngāti Pukenga Iwi ki Tauranga Trust (late), Ngāti Kaahu Hapū, Ngā Pōtiki a Tamapahore Trust, Ranginui No.8 Trust, Ranginui No.12 Trust, The Reweti & Te Pere Whānau Trust, Raimona-Rangimauata Tawa Whānau Trust, Makarauri ki Rotorua Whenua Trust and the Ngāi Te Ahi Settlement Trust. All submissions signed off on letters and emails of support of the proposal and were sent to the designated consultation email address set up for receiving feedback on the proposal. The submissions received are included at **Attachment 4**.
19. Council received no submissions opposing the proposal.
20. The key themes noted in the submissions are as follows:
- (a) Ngāi Te Ahi and Ngāti Hē hold strong cultural connections to the Reserve Land, notably ancestral, historical, spiritual, and physical connections;

- (b) the loss of stewardship by Ngāi Te Ahi and Ngāti Hē over Te Pāhou has negatively impacted on hapū cultural wellbeing resulting in a loss of connection and loss of traditional practices;
  - (c) town planning infrastructure has eroded the natural ecology and biodiversity and has severely impacted hapū ability to access their urupā;
  - (d) Hapū wish to protect, preserve, and strengthen the Reserve Land's ecology and biodiversity; and
  - (e) reconnection of the land to hapū will enable revitalisation of cultural practices and transfer of cultural knowledge to future generations.
21. It is evident from the submissions received that the proposal has community support. Strategic / Statutory Context.

### STRATEGIC / STATUTORY CONTEXT

22. The Reserve Land is a Council owned park and meets the definition of a park under the LGA, being land acquired principally for recreational purposes. Section 138 of the LGA requires that Council consult on the proposal to sell or dispose of the park before it can do so. We consider Council's obligation to consult under section 138 of the LGA has now been met.

### FINANCIAL CONSIDERATIONS

23. The recommendation set out in this report would require Council to enter a non-competitive divestment by transferring the Reserve Land to the Trust at nil consideration. The proposed disposal has been classified in the prior Council report presented on 27 November 2023 as a Strategic Disposal under the Policy. As discussed in the prior report, 5.7.5 the Policy specifically references that Council will consider a strategic disposal at non-market value in order to achieve environmental, social, or cultural outcomes.

### LEGAL IMPLICATIONS / RISKS

24. As noted in the Report, Council sought legal advice in relation to its obligations under Section 40 of the Public Works Act 1981 ("PWA") when it is considering a disposal, to offer the Land to the former owners from whom Council acquired the Reserve Land from.
25. Legal advice noted that while there is some risk that the Former Owners or their successors could make a claim that the Reserve Land should be offered back to them, Council has a valid legal basis not to offer the Reserve Land back to the Former Owners or their successors as there has been a significant change in the character of the Reserve Land resulting from the creation of the State Highway intersecting with the Reserve Land. Accordingly, the exception in s 40(2)(b) of the PWA applies.

### ENGAGEMENT

26. Taking into consideration the above assessment, that the proposal is of medium significance and taking into account the engagement/consultation completed to date and the positive feedback received, officers are of the opinion that no further engagement is required prior to Council making a decision.

### TERMS AND CONDITIONS OF PROPOSED DISPOSAL





27. The proposed terms of the disposal are:
- (a) *Purchaser*: Ngāi Te Ahi Settlement Trust;
  - (b) *Purchase Price*: \$1.00;
  - (c) *Property*: Reserve Land as described;
  - (d) *Settlement Date*: 10 working days following issue of title for the Reserve Land;

- (e) *Conditions of Agreement:* Reserve Land title to be subject to registration of easements in favour of Council to enable maintenance and access of Council infrastructure (water main and the stormwater ponds) located within the Reserve Land post transfer; and
- (f) *Other Key Terms:* As may be appropriate based on legal advice received by Council.

### NEXT STEPS

- 28. Council will instruct Simpson Grierson to prepare the sale and purchase agreement of the Reserve Land to the Trust at nil consideration.
- 29. Settlement will be contingent on several final legalisation actions currently being completed by The Property Group which will result in:
  - (a) creation of roading parcels to reflect the physical works of the Hairini Link Stage 4 Project;
  - (b) creation of separate legal title for the Reserve Land;
  - (c) vesting of reserve parcels for local purpose (stormwater) in Council for those parts of the current title which have Council stormwater ponds located;
  - (d) creation of separate legal titles for the aforementioned stormwater parcels; and
  - (e) registration of easements in favour of Council over the Reserve Land to enable maintenance and access of Council infrastructure (water main and the stormwater ponds) located within the Reserve Land post transfer.

### ATTACHMENTS

- 1. **Attachment 1 - Copy of Council Report on 27 November 2023 - A15509598** [↓](#) 
- 2. **Attachment 2 - Copy of Resolution from 27 November 2023 Report - A15509599** [↓](#) 
- 3. **Attachment 3 - Copy of Consultation Proof Document - A15509600** [↓](#) 
- 4. **Attachment 4 - Copy of Submissions - A15509601 (Separate Attachments 1)** 



**11.3 Consultation Regarding Te Pāhou Reserve****File Number: A15289854****Author: Simon Collett, Manager: Commercial Property  
Alicia Oldham, Team Leader: Strategic and Commercial Property****Authoriser: Barbara Dempsey, General Manager: Community Services****PURPOSE OF THE REPORT**

1. This memorandum seeks direction on the future legal ownership of the Council-owned land known as the Te Pāhou Reserve following requests from hapū dating back 2000 to return the land.
2. A Council decision is sought on:
  - an in principle decision to transfer ownership of the land to hapū
  - the disposal classification for the property under the Property Acquisitions and Disposals Policy
  - progressing the process of public consultation for the proposal

**RECOMMENDATIONS**

That the Council:

- (a) Resolves that the disposal of Te Pāhou Reserve be classified as a Strategic Disposal in accordance with Council's Property Acquisitions and Disposals Policy 2021, noting that:
  - i. the possible disposal to hapū would achieve strategic cultural objectives and acknowledges that Te Pāhou is a highly significant cultural heritage site with historical, spiritual, and ancestral values that connect hapū directly with Te Pāhou; and
  - ii. the terms and conditions of any proposed disposal of Te Pāhou Reserve will be presented to Council for approval prior to entering into a sale and purchase agreement.
- (b) Proceed with the process of public consultation for disposal of a park under section 138 of the Local Government Act 2002 ("LGA"); and
- (c) Approves in principle the reconnection of the land known as Te Pāhou Reserve to hapū by way of transfer of the land to the Ngāi Te Ahi Settlement Trust ("the Trust") for nil consideration.

### EXECUTIVE SUMMARY

3. Te Pāhou Reserve is a Council owned park which was acquired and is still held by Council for recreational reserve purposes.
4. The below aerial photograph highlights:
  - (a) in yellow dashed lines, the recreational land owned by the Tauranga City Council which is the land being considered for possible disposal ("the Reserve Land"); and
  - (b) in orange, the neighbouring urupā:



5. Ngāi Te Ahi and Ngāti Hē have an ongoing interest in the Reserve Land, as it surrounds their urupā. Ngāi Te Ahi has made several representations to Council since 2000 asking for Council to consider returning ownership of the Reserve Land to the hapū. The main reasons for the request are the strong cultural and historical links to the site and poor access to the existing urupā.

### BACKGROUND

6. Prior to European settlement, Te Pāhou was recognised as a Pā and Kāinga — a new residence for the Ngāi Te Ahi community, closely affiliated with the hapū of Ngāti Hē and Ngāti Ruahine. As years passed, the region was systematically settled, leading to the establishment of multiple Kainga and adjacent Marae. The land historically referred to as Te Pāhou spanned a much broader area than what is being discussed for potential disposal in this document.
7. The tract of the Reserve Land under consideration for disposal is part of the "Hairini Block", which was a larger block of land encompassed in the confiscation under the Tauranga District Lands Act of 1867. The initial title record for the Hairini 1A 527A Block was documented in 1886. Subsequently, a Native Land Court Partition Order in 1924 vested the land, now known as the Te Pāhou Reserve, to several Māori owners in various parcels.
8. Raymond Kenneth Phelps and Te Aouru Smith ("the Former Owners") acquired (separately) parcels of this partitioned land from the aforementioned Māori owners.
9. Following Mr Phelps death, Council purchased the parcel of land owned from Phelps' executors in 1981. In 1982 Council purchased the parcel owned by Mr Smith.
10. Council used the low-lying area on the western side of the intersection of Hammond Street and Welcome Bay Road to dump soil and other road construction refuse. The land was also grazed. This contributed to erosion on the fill batter leading down from the upper roadway level.
11. The government and local authority pinpointed this area as a crucial node for traffic management. Council and Waka Kotahi entered into agreements to record the Crown's

- acquisition of parts of the land to enable construction of the Hairini Link – Stage 4 (“the Project”) over parts of the Reserve Land. The physical works aspect of the Project has been completed and Waka Kotahi are now completing the final legalisation works to declare the land acquired as road.
12. The culmination of the Hairini Link Project has made the reduced remaining segments of this culturally significant Reserve Land accessible for potential reconnection with the hapū.
  13. The proposal has been discussed with Council’s internal asset managers and, if the transfer proceeds, easements will be required to protect existing stormwater ponds and water infrastructure to ensure on-going rights of access to the infrastructure is preserved.
  14. The Reserve Land is zoned in the City Plan marked as “Passive Open Space.” Owing to its positioning to the implemented major traffic routes, its suitability for public accessibility and its recreational potential is now limited.
  15. While the Reserve Land is not classified as reserve under the Reserves Act, it is, however, included in Council’s Tauranga Reserves Management Plan 2019 (“TRMP”), and is categorised as a Heritage Reserve. As the Land is not held under the Reserves Act, the status of the TRMP is a non-statutory guiding policy document. The TRMP indicates that Council will consider the options for land ownership of Te Pāhou Reserve once the new land parcels are created and returned to the Council from the Waka Kotahi, following completion of the Hairini Link.
  16. Ngāi Te Ahi submitted to elected members on the urupā and Te Pāhou Reserve again in August 2017 with an onsite presentation.
  17. As per the response to the submission of Ngāi Te Ahi and Ngāti Hē hapū to the 2018 Long-Term Plan, Council advised they would consider the options for land ownership of Te Pāhou Reserve upon completion of the Hairini Link Project.
  18. The legalisation of new land parcels is nearing completion. Accordingly, now is the appropriate time to consider options for the reconnection of hapū with the Reserve Land, subject to consideration of relevant council policy and legislation.
  19. The Reserve Area and wider surrounds hold significant cultural value for the hapū, especially given its proximity to their urupā. During pre-European periods, numerous burials were conducted in repo (wetlands and swamps), where bodies were buried with limited tools. This was a conventional method for the times. One such wetland area is situated around the base of the Te Pāhou urupā, meaning the burial sites included both the high grounds and the lower wetlands (the land in discussion in this report). While these wetlands were often perceived as obstacles to development, they were cherished resources for the residents of Te Pāhou and surrounds.
  20. Ngāi Te Ahi and Ngāti Hē have confirmed their preference for the Reserve Land to be conveyed to the Trust.

#### APPLYING THE PROPERTY ACQUISITIONS AND DISPOSALS POLICY (“PADP”)

21. Before proceeding with the transfer of the Reserve Land, council must classify the Reserve Land as either:
  - (a) Surplus - Property that has been reviewed from a whole of organisation perspective and assessed as no longer required for strategic or operational purposes; or
  - (b) Atypical – A unique property, which has a lack of similar sales to inform market value assessments, or a property with a range of uses (all with a significant range of values), or a property which has a different value for a sub-section of the market than it does for the market as a whole; or
  - (c) A Strategic Disposal - Disposal of property for the purposes of achieving strategic or operational outcomes for the community.

22. When classifying a property for disposal, Council must undertake three steps, these are addressed by the following sections.

**Step 1: Assessment**

23. Council must assess three key elements: its statutory and legal obligations, whether the purpose of the sale is to achieve strategic objectives, and if the property is suitable for an open market sale process.

**Pre-existing statutory or legal obligations**

24. Council's pre-existing statutory or other legal obligations in relation to the Reserve Land is discussed at the Legal Implications/Risks section of this report.

**Strategic Objectives**

25. The transfer of the Reserve Land would seek to achieve the site-specific strategic objective of reconnecting hapū with the Reserve Land which:
- (a) addresses the long-standing request the hapū have made to Council to be reconnected with the Reserve Land;
  - (b) acknowledges hapū strong cultural ties to the Reserve Land, with specific recognition of the proximity of the Reserve Land to their urupā which is the neighbouring parcel of land; and
  - (c) Recognises the principle of partnership between the Council and hapū being a well-established principle in Treaty jurisprudence. Note section 4 of the Local Government Act 2002 which provides Council has a role in ensuring the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi is recognised and respected.

**Suitability for an Open Market Sale Process**

26. The ecology of the Reserve Land and the presence of significant Council infrastructure throughout means that the Reserve Land's suitability for development or amenity is limited. Given the unique and significant cultural objectives which could be achieved through a direct transfer of the land to hapū, we consider that an open market process is not suitable for this parcel of land.
27. The PADP requires that once the above assessment has been made (as discussed in paragraph 23-26 above), Council will, as soon as reasonably practicable, notify Mana Whenua of the details of the property being considered and a summary of the assessment undertaken. This step has taken place over the last several years, with Council making the commitment to hapū that they would consider the options for land ownership of Te Pāhou Reserve upon completion of the Hairini Link Project. If the property is not subject to pre-existing statutory or other legal obligations, Council staff are required under the PADP to meet with Mana Whenua within 30 days of giving the above notice and engage in good faith to ensure any cultural matters have been appropriately identified and considered in the assessment and to receive any comments Mana Whenua may have in respect to the possible classification of the property. It is considered the PADP requirements in respect of *Engagement with Mana Whenua on Cultural Matters* have been satisfied. The hapū detailed articulation of the Reserve Land's significance during multiple hui and site presentations emphasises the value of a strategic disposal in this case. This is particularly relevant for the following reasons which have come direct from hapū:
- (a) **Cultural and Ancestral Connection:** Te Pāhou is intricately linked to the history and culture of Ngāi Te Ahi. It is a place where their ancestors, including Ngāti Hē individuals, were and continue to be laid to rest with their whānau and matua tupuna. The process of interment of their own people in this wāhi tapu (sacred place / site) signifies a deep personal and ancestral connection that anchors them to Te Pāhou, Hairini and Ngāi Te Ahi.

- (b) **Ecological and biodiversity values:** Te Pāhou has intrinsic associations with the Kaitemako Stream and Te Tāhuna o Tehe me Te Tāhuna o Rangataua. These are the most eastern tāhuna o Tauranga Moana that binds us directly to our Moana whanaunga.
- (c) **Historical Significance:** The site is associated with historical events that are integral to the identity and heritage of Ngāi Te Ahi.
- (d) **Preservation of hapū tūrangawaewae:** The urupā site plays a significant role and association in preserving the ongoing traditions of interment for Ngāi Te Ahi whānau and the ongoing cultural significance of the site with the surround cultural landscape.
- (e) **Cultural Heritage and Spiritual Significance:** Te Pāhou is part of the cultural heritage and identity of Ngāi Te Ahi. The site's connection to the burial customs and rituals of the hapū, contributes to our sense of identity and belonging in the region. This spiritual aspect adds to its importance within Ngāi Te Ahi and Ngāti Hē belief system.
- (f) **Community Amenity:** Te Pāhou provides a cultural amenity for the local Hairini, Ohauti, Maungatapu and Welcome Bay communities and is recognised in the Tauranga City plan as a significant Māori site M30 in the Heritage provisions in Chapter 7 and Appendix 7B Register of Significant Māori Areas.

28. A copy of hapū cultural narrative is included in this report as Attachment 1.

### Step 3: Classification

- 29. Following completing an assessment of the property and engaging with Mana Whenua, Council classifies the property via Council resolution. Once Council has classified the disposal type, Mana Whenua will be advised within 30 days of the Council resolution.
- 30. This report recommends that the Te Pāhou Reserve is classified as a strategic disposal subject to public consultation in accordance with the requirements under s138 of the Local Government Act. This recommendation is discussed further in the Options Analysis of The Local Government Act sections of this report.

## OPTIONS AND RECOMMENDATIONS

### Disposal classification

**Option one:** Classify the disposal of the Reserve Land as a Strategic Disposal: **RECOMMENDED**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Ensures the delivery of key strategic cultural outcomes.</li> <li>Strategic disposals allow for desired outcomes to be non-financial in nature.</li> <li>Recognises the historical and cultural connections hapū have to the land.</li> <li>Acknowledges the role that hapū have in building, protecting, and celebrating Tauranga.</li> </ul>	<ul style="list-style-type: none"> <li>There is some reputational risk to Council as this will be negatively perceived by some people in the Community.</li> </ul>

**Option two:** Classify the disposal of the Reserve Land as an atypical disposal or surplus property: **NOT RECOMMENDED**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Provides greater flexibility regarding the terms of any sale and purchase agreement, as Council will not be prioritising the achievement of strategic outcomes via the sale.</li> <li>May result in a financial benefit to Council.</li> </ul>	<ul style="list-style-type: none"> <li>Council has no control (or less control) over the strategic outcomes of the sale, as these are not prioritised via the property classification.</li> <li>Surplus property must be sold at market value which may limit cultural objectives being met through the disposal.</li> </ul>

## DIVESTMENT APPROACH

**Option One:** Transfer the land at nil consideration to the Ngāi Te Ahi Settlement Trust  
**RECOMMENDED OPTION**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Ensures delivery of meeting cultural objectives.</li> <li>Strengthens the relationship between the hapū and Council.</li> <li>Recognises the long-standing aspirations of hapū to have management and influence over the land neighbouring their urupā.</li> <li>The Reserve Land holds limited developable potential (due to zoning and its ecological state).</li> <li>Transfer will result in a long-term financial benefit to the community as ownership of the site will sit with the Trust.</li> <li>Aligns with principles of Te Tiriti o Waitangi.</li> </ul>	<ul style="list-style-type: none"> <li>Requires Council to enter into a non-competitive divestment, which may potentially expose Council to criticism.</li> <li>There is some reputational risk to Council as this will be negatively perceived by some people in the Community.</li> </ul>

**Option Two:** Council to Retain Reserve Land **NOT RECOMMENDED**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Avoidance of potential negative sentiment from a small sector of the community.</li> </ul>	<ul style="list-style-type: none"> <li>Does not recognise the hapū aspirations for the land and does not strengthen Council's relationship with hapū.</li> <li>Missed opportunity to reconcile longstanding requests from hapū to Council for reconnection to the Reserve Land.</li> <li>Sole financial and management responsibility will continue to lie with Council</li> <li>Public amenity and value of the Reserve Land will remain low.</li> </ul>

## LEGAL IMPLICATIONS/RISKS

31. Council sought legal advice in relation to its obligations under Section 40 of the Public Works Act 1981 ("PWA") when it is considering a disposal, to offer the Land to the Former Owner from whom Council acquired the Land from. The advice set out that:

- (a) the Land is held for a public work, namely for recreational purposes; and
- (b) two valid exceptions to s40 offer back requirements give Council a basis not to offer back the Land to the Former Owners as follows:
  - i. there has been a significant change in the character of the Land (s 40(2)(b)); and
  - ii. due to the size, shape and situation to dispose of the Land to the owner of the adjacent land (s 40(4)).



32. There is some risk that the Former Owners or their successors could make a claim that the Reserve Land should be offered back to them. Council has a valid basis not to offer the Land back to the Former Owners or their successors as there has been a significant change in the character of the Reserve Land resulting from the creation of the State Highway intersecting with the Reserve Land. Accordingly, the exception in s 40(2)(b) applies.
33. The Reserve Land is considered a park in accordance with s138 of the LGA. Section 138 records that Council must consult on the proposal to dispose before it sells or otherwise disposes of, or agrees to dispose of, the park or part of the park.

### OTHER CONSIDERATIONS

#### Road Stopping

34. We have identified that the legal owner of the Reserve Land could make an application to Toitū Te Whenua Land Information New Zealand to stop and amalgamate this neighbouring parcel with the Reserve land. This is a separate statutory process to the legalisation work Waka Kotahi are currently completing which can be completed by an adjoining owner to this parcel.



#### Possible Works Program

35. Hapū have expressed a desire to work with Council and other key stakeholders to continue and build upon the restoration works on the Reserve Land. Waka Kotahi have partnered with hapū to actively progress some wetland enhancement and creation works on the Reserve Land which has had a positive impact on the ecology of the Reserve Land. This work involves:
- (a) Vegetation clearance of pest plant species on parts of the sites;
  - (b) Restorative planting in compliance with Tongaparaoa and Te Pāhou Wetland Ecology and Cultural Restoration Plans submitted as part of the Resource Consent for the Project Works;
  - (c) Maintenance of plantings on the Sites during a two-year period after Waka Kotahi achieved 90% of the native vegetation cover (the Maintenance Period") including plant pest control; and
  - (d) Installation and checking of traps for animal pest control during the Maintenance Period.

36. While reconnection of the Reserve Land back to hapū is a main objective in a possible disposal to hapū, conversations with hapū has highlighted that further restorative works are desirable. These possible restoration works would be carried out in consultation with Council.

#### **CONSULTATION / ENGAGEMENT ON DISPOSAL OF THE RESERVE LAND**

37. Consultation on disposal of the Land is required in accordance with s138 of the LGA and Part B, Clause 10.9.2 of the TRMP.
38. The type of engagement is directed by Council's Significance and Engagement Policy 2020.
39. Depending on the assessment, the engagement will likely comprise of the following:
- (a) Public notice to dispose of the Reserve Land in a print newspaper twice over one calendar month;
  - (b) Notice on 'Public Notices' section of Council's website;
  - (c) Letter drop to residents in the immediate vicinity of the Reserve Land; and
  - (d) Any feedback received will be followed up by a Council representative.
40. All feedback will then be collated and reported back to Council following the consultation.
41. Council may wish to hear from people who want to provide feedback in person, but this is not expressly required by section 138 of the Local Government Act nor the TRMP.

#### **SIGNIFICANCE AND ENGAGEMENT**

42. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy ("SAEP"). Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
43. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
- (a) the current and future social, economic, environmental, or cultural well-being of the district or region
  - (b) any persons who are likely to be particularly affected by, or interested in, the decision.
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
44. In accordance with the considerations above, criteria and thresholds in the SAEP, it is considered that the decision is of medium significance, as the proposed transfer:
- a) is not a 'strategic asset' as defined under Council's SAEP but is still a transfer of a Council asset;
  - b) there is likely moderate public interest in the sites transfer given:
    - i. the Reserve Land's ecology is made up of a majority of wetland, with limited public amenity;
    - ii. the limited public amenity is amplified by the poor access ability given its location is in the middle of a busy intersection (as a result of the Hairini Link State Highway Project); and
    - iii. the land is currently included in the TRMP and will be removed as a result of this proposed transfer.
45. Taking into consideration the above assessment, that the proposed transfer is of medium significance, officers are of the opinion that the further engagement process specified at points 39-43 is required prior to Council making a decision.



**NEXT STEPS**

46. If the proposal to return the Reserve Land to hapū for nil consideration is supported in principle, staff will complete the public consultation required in accordance with s138 of the LGA to inform a final report back to Council in 2024.

**ATTACHMENTS**

1. **Ngāi Te Ahi Cultural Narrative - A15305918** [↓](#) 

### Te Riu o Te Pahou.

Te Pahou is a highly significant cultural heritage site with historical, spiritual, and ancestral values with the physical connections to Ngāi Te Ahi. The urupā site and adjoining land have been significantly devastated and affected by the growth and development of Tauranga City through the construction of the cities transport network that has severed Te Pahou from its whānau and communities of interest. Te Pahou is one of the three Ngāi Te Ahi urupā (final resting places) for our whānau. The other two hapū urupā are known as Waitaia on Tutauanui Crescent and the Poike urupā on College Place, Poike.

Ngāi Te Ahi people transformed the Te Pahou spur into a traditional trench Pa site<sup>1</sup> that overlooked the Kaitemako Stream, across Te Tāhuna o Te Tehe to Te Tokitoki Pa, and Te Tāhuna o Rangataua. Te Pahou was one of the many traditional pa sites that formed the defensive network of Pa sites that held the high ground around the Maungatapu peninsula.

Ngāi Te Ahi trace their ancestry directly to Ngāti Ranginui / Tākitimu waka through their tipuna whaea a Ngariunga (Ngāti Ruahine) and her union with Tamahika from Ngāti Ngāranui / Ngāti Tamahika / and Whakaue (Te Arawa).

Te Pahou, is situated at the Hairini roundabout at the intersection of Hairini Street, State Highway 29 and Welcome Bay Road), holds strong associations to Hairini Marae and the Ngāi Te Ahi hapū. It also serves as the final resting place for numerous Ngāti Hē individuals / whānau who share close kinship with Ngāi Te Ahi through intermarriage.

Te Pahou holds significant importance to Ngāi Te Ahi for several reasons, as inferred from the provided information:

1. **Cultural and Ancestral Connection:** Te Pahou is intricately linked to the history and culture of Ngāi Te Ahi. It is a place where their ancestors, including Ngāti Hē individuals, were and continue to be laid to rest with their whānau and matua tupuna. The process of interment of their own people in this wāhi tapu (sacred place / site) signifies a deep personal and ancestral connection that anchors them to Te Pahou, Hairini and Ngāi Te Ahi.
2. **Ecological and biodiversity values,** Te Pahou has intrinsic associated with the Kaitemako Stream and Te Tāhuna o Tehe me Te Tāhuna o Rangataua. These are the most eastern tāhuna o Tauranga Moana that binds us directly to our Moana whanaunga.

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<sup>1</sup> Phillips, K, Archaeological Survey and Assessment of Effects: Proposed State Highway 29/Welcome Bay Road Intersection Capacity Improvements Tauranga, January 2005.

3. **Historical Significance:** The site is associated with historical events that are integral to the identity and heritage of Ngāi Te Ahi.
4. **Preservation of hapū tūrangawaewae:** The urupā site plays a significant role and association in preserving the ongoing traditions of interment for Ngāi Te Ahi whānau and the ongoing cultural significance of the site with the surround cultural landscape.
5. **Cultural Heritage and Spiritual Significance:** Te Pahou is part of the cultural heritage and identity of Ngāi Te Ahi. The site's connection to the burial customs and rituals of the hapū, contributes to our sense of identity and belonging in the region. This spiritual aspect adds to its importance within Ngāi Te Ahi and Ngāti He belief system.
6. **Community Amenity:** Te Pahou provides a cultural amenity for the local Hairini, Ohauti, Maungatapu and Welcome Bay communities and is recognised in the Tauranga City plan as a significant Māori site M30 in the Heritage provisions in Chapter 7 and Appendix 7B Register of Significant Māori Areas.  
Link: [http://econtent.tauranga.govt.nz/data/city\\_plan/ch/7/appendix\\_7b.pdf](http://econtent.tauranga.govt.nz/data/city_plan/ch/7/appendix_7b.pdf)

Ngā wāhi tūturu o Ngāi Te Ahi traditional sites of significance located and associated with Te Pahou.



7. **Tongaparaoa:** Te Riu o Te Pahou is connected to the development of Te Papa Takaro o Tongaparaoa being the Illa Place playground, public reserve and Scout Hall. The use of the name Tongaparaoa for

the playground reflects the hapū associations as traditional area of occupation that is nestled below the Pukepoto Pa site (Sapphire Dr) and Te Pahou.

These cultural narratives and associations were included in the Ngāi Te Ahi submission to include Te Pahou as SMA 30 in the schedule of Significant Māori Areas in the Tauranga District Plan review in 2008 / 2009.

## FOR ACTION

**COUNCIL****27/11/2023****TO:** Manager: Commercial Property (Simon Collett)

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**Subject:** Consultation Regarding Te Pāhou Reserve  
**Target Date:** 11/12/2023  
**File Number:** A15289854

**Notes:**

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**RESOLUTION CO22/23/4**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the Council:


- (a) Resolves that the disposal of Te Pāhou Reserve be classified as a Strategic Disposal in accordance with Council's Property Acquisitions and Disposals Policy 2021, noting that:
  - i. the possible disposal to hapū would achieve strategic cultural objectives and acknowledges that Te Pāhou is a highly significant cultural heritage site with historical, spiritual, and ancestral values that connect hapū directly with Te Pāhou; and
  - ii. the terms and conditions of any proposed disposal of Te Pāhou Reserve will be presented to Council for approval prior to entering into a sale and purchase agreement.
- (b) Proceed with the process of public consultation for disposal of a park under section 138 of the Local Government Act 2002 ("LGA"); and
- (c) Approves in principle the reconnection of the land known as Te Pāhou Reserve to hapū by way of transfer of the land to the Ngāi Te Ahi Settlement Trust ("the Trust") for nil consideration.

**CARRIED**

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[View Item in Minutes Document](#) [View the report](#)

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## Public Notice

*Tauranga City*

### TRANSFER OF TE PAHOU RESERVE

The commissioners have agreed in principle to transfer the land known as Te Pāhou Reserve to Ngāi Te Ahi and Ngāti Hē hapū. The land is located between Welcome Bay Link Road, State Highway 29A and Welcome Bay Road.

A copy of a Council report showing a map of the area can be found at the following web address:  
["https://infocouncil.tauranga.govt.nz/Open/2023/11/CO\\_20231127\\_AGN\\_2516\\_AT.PDF"](https://infocouncil.tauranga.govt.nz/Open/2023/11/CO_20231127_AGN_2516_AT.PDF)  
 at 11.3 page 61.

- The land was historically part of a very large area of land confiscated under the Tauranga District Lands Act 1867 and later divided through a Native Land Court Partition Order in 1924. The land was then bought and sold by various private landowners before the Council purchased it in 1981 and 1982 for reserve purposes.
- Since then, parts of the reserve have been modified for roading and other infrastructure purposes. The remaining land is mostly wetland and not open to the public.
- Next to the land is an urupā (cemetery) and prior to European settlement the wetland was also a burial site.
- The area Council proposes to reconnect to hapū is much smaller than what Te Pāhou historically represented. Council proposes to transfer ownership of this land to hapū at no cost to reconnect the hapū with the whenua (land) and where their ancestors lay.

Once Council has completed consultation, a final decision will be sought from the commissioners at a general Council meeting next year. If you wish to give feedback to Council as part of this consultation, please email [TePahou@tauranga.govt.nz](mailto:TePahou@tauranga.govt.nz) by **19 January 2024**.

Tauranga City Council, 306 Cameron Road  
 Private Bag 12022, Tauranga, Telephone 07 577 7000  
[www.tauranga.govt.nz](http://www.tauranga.govt.nz)

ADVERTISING PROOF
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your contact: Brooke

### **11.3 Links Avenue Transitional Improvements**

**File Number:** A15508719

**Author:** Karen Hay, Team Leader: Cycle Plan Implementation

**Authoriser:** Nic Johansson, Head of Transport

#### **PURPOSE OF THE REPORT**

1. The purpose of this report is to seek approval to implement Links Ave Safety Improvements Phase 3.

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#### **RECOMMENDATIONS**

That the Council:

- (a) Receives the report "Links Avenue Transitional Improvements.
- (b) Endorses the Links Ave Safety Improvements Phase 3 for Implementation

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#### **EXECUTIVE SUMMARY**

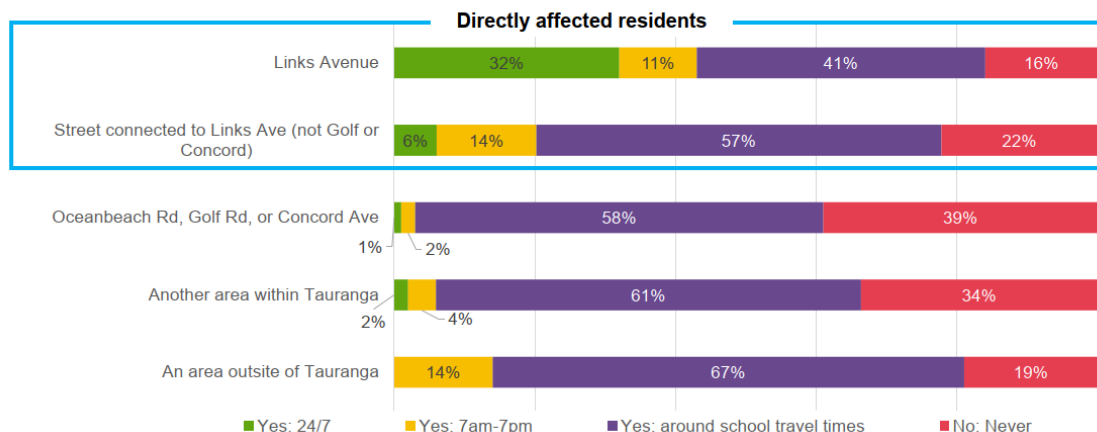
2. Safety concerns for Links Ave school children has resulted in a proposal to enhance safety and the establishment of the Links Avenue panel.
3. While the panel has since retired, council staff wish to acknowledge the dedication, passion and commitment from the panel. It has been a privilege to work with them to achieve better outcomes for Links Avenue and its community.
4. This plan is intended to deliver on the outcomes of the panel's work, which is to create a safer more people friendly neighbourhood, while allowing necessary vehicle movement.
5. The Council endorsement is sought in this instance, given the high level of community interest in the matter.
6. The proposed changes are temporary or transitional. They are intended to test the design before developing options to inform a permanent solution.
7. Introduction of these transitional changes test how the perception of, and actual safety is improved for students, people catching the bus, walking, cycling or scootering.
8. The cycleway improvements are only to the existing facility terminating at Spur Avenue. Alternative temporary solutions remove all parking in Links Avenue. A final solution needs to be considered within a business case process at later date.
9. The safety and neighbourhood improvements are to be implemented concurrently with the upcoming resealing/rehabilitation work on the Links Ave. The reseat programme is on a critical path to be completed in April 2024, prior to winter conditions.
10. Of the 779 letters sent to owners and occupiers in Links Avenue, 17 people responded. The plans were also shared with Mount Maunganui Intermediate School and on Council's website.
11. Where possible, changes to the design have been made, in response to feedback from local residents.
12. The outstanding matter is the future of the cul-de-sac and resident exemption. Council committed to evaluate the cul-de-sac following B2B opening in December 2023. This is on track with vehicle volume counting taking place in February 2024, once traffic patterns normalise. The outcome is anticipated to be reported to Council in April 2024.

## BACKGROUND

13. Council introduced the cul-de-sac following an independent review in March/April 2021 which identified that there was an unacceptable level of risk for vulnerable users along Links Avenue. These users are predominately school children that walk and bike to get to and from the schools in the area.
14. There was also a strong community desire to remove bus lanes along the street. These were in place due to the high level of congestion experienced along Links Avenue during the peak times. These were removed as part of the implementation of the cul-de-sac.
15. Links Avenue is a key bus route with around 200 buses per day servicing Links Avenue and the wider area.
16. The cul-de-sac purposely prioritised the safety of the vulnerable users over the convenience of having the road open to traffic and it being used as a third route to get through the Arataki area.
17. The trial achieved its intended purpose and did reduce the traffic volume on Links Avenue significantly. Bus lanes were removed on Links Avenue.
18. The trial showed the traffic network was able to cope with the increased traffic flows. Travel times in the monitored sections were <1minute in the morning peak and 2-4minutes in the evening peak compared to those that were being recorded prior to the trial.
19. Following survey of people on Links Avenue and the wider area, overwhelming support was received to manage traffic during school times as outlined in Figure 1 below:

Figure 1: Summary of feedback on restricting traffic on Links Avenue.

### What best describes your views on whether traffic volumes should managed/restricted on Links Avenue?



20. An independent Links Avenue Panel was established in mid-2022, to work with Council to deliver a number of safety improvements on Links Avenue. The Links Avenue Panel representatives included a number of people living in and around Links Avenue.
21. The panel developed a three phased approach with a number of initiatives already delivered. This included pedestrian crossing facilities, speed tables, reduced operating weekday hours of the cul-de-sac in the afternoon peak (reduced from 6pm to 4pm), opening Links Avenue for use on the weekends, speed limit changes and changes to Spur Avenue intersection.
22. The final part of that plan was to further enhance safety of students and for the community by providing:
  - (a) a safer more people friendly neighbourhood.
  - (b) street calming pockets to help reinforce a slower speed environment.



- (c) improved access and safety for people crossing the road by converting the temporary speed humps on each side of Ascot to speed tables.
  - (d) reducing or optimising the number of bus stops.
  - (e) providing some protection for people using the existing cycle lane on one side of the road and
  - (f) improved signage to warn people of the cul- de-sac operation.
  - (g) remove signage clutter from the street.
  - (h) improving the road surface by resealing of Links Avenue
  - (i) improving access and safety at the school with widening to provide more space for cyclists, pedestrians, bus passengers, and scooter users.
23. Plans were shared with directly affected residents and the school, noting this is not the final solution for Links Avenue.
24. The adopted approach is to build transitional/temporary interventions to enable testing of the design, prior to investing in a permanent transformational solution.
25. This recognises some of the concerns expressed when a project is only on paper can often be resolved once interim installations are in place, providing valuable community feedback in real time for any permanent upgrade.
26. The more expensive transformational phase where all the changes are made permanent is planned to be developed as part of a business case process.

## STRATEGIC / STATUTORY CONTEXT

27. This project is aligned with Councils Connected Centres Programme, the Transport System Plan and the Arataki Spatial Plan where people have said they support options for how we move around and get to where we want to go. Providing safer school streets is a key consideration for this project.

## OPTIONS ANALYSIS

28. Options were discussed with the Links Ave Panel to seek initial views on proposed changes for Links Avenue. Feedback from students said that the cycle path needed to be protected as people were driving within the lane.
29. One of the options was to provide a transitional two-way cycleway between Golf Road and Concorde Road but would remove all parking along Links Avenue (Figure 2) and have all bus stops in lane.
30. The removal of all parking and all in lane bus stops was not acceptable, hence an alternative option was developed. Transformational (permanent) solutions such as increased path widths, were not part of the scope of the project and hence the focus on low-cost interventions.

Figure 2: Artist impression of an option of providing a two way cycleway between Golf Road and Concorde Avenue.



31. A revised option was presented to local residents and schools that included planter boxes between the existing cycleway and traffic lane, noting that the existing cycle lane is only one direction and does not extend to entire length to Concorde Road.
32. Feedback on the proposed plans related to concerns of the planter box maintenance, potential for vandalism/graffiti and access to properties. While planter boxes were well used in transitional projects in various cities as part of the national Streets for People project, Council has taken this feedback into account and amended the proposed design accordingly.
33. Conflict with buses at bus stops was also raised as being of concern. One in lane bus stop is proposed along the route while the remaining nine are not. Two bus stops have been removed as part of the proposed change.
34. The updated proposed design for implementation is outlined in the artist impression below.

Figure 3: Artist impression - preferred option for implementation on Links Avenue.



## FINANCIAL CONSIDERATIONS

35. An approved budget for all work on Links Avenue is \$2M. The final phase 3 implementation costs are within the current budget allocation and is estimated to be \$450,000.

## LEGAL IMPLICATIONS / RISKS

36. There is a concern from some in the community that the project is not delivering a long term solution for Links Avenue. This is acknowledged, with the intention of a business case process that considers longer term solution for people using Links Ave in the longer term.

## CONSULTATION / ENGAGEMENT

37. 779 letters were sent to owners and occupiers in Links Avenue and the plans shared with Arataki Primary School and on Council website. 17 responses were received.
38. Of the 17 responses, 7 supported the changes and provided feedback into the design. The remaining either did not support the project (7) or had concerns with aspects of the proposal (3) such as planter boxes. As a result of feedback, changes to the design were made.
39. Mount Maunganui Intermediate preference was to extend the cycleway to Concorde, acknowledging options will be considered and consulted upon within the context of a wider business case for the area.

## SIGNIFICANCE

40. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.

41. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
  - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
  - (b) any persons who are likely to be particularly affected by, or interested in, the decision.
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
42. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.
43. The level of significance is low, given the proposal does not affect city or region as a whole. The proposed changes are minor in nature considering that improvements to the cycleway is only to the existing facilities and a transitional approach is proposed.
44. Notwithstanding, the Links Avenue community, students the school community and TCC have a high interest in safety of students. The local community engagement was targeted at those directly affected to present their views.
45. The operation of the cul-de-sac is considered of high interest to Links Avenue and the surrounding road users. The re-evaluation of the traffic volumes following opening of B2B is being progressed and will be reported separately.

### ENGAGEMENT

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

### NEXT STEPS

47. Key planned dates are below:
  - (a) 26 Feb 2024 - Council meeting to get approval.
  - (b) 30 March 2024 Traffic volume counts and evaluation of cul-de-sac.
  - (c) 30 March 2024 – Construction procurement concludes
  - (d) 13th and 28th April 2024 (school holiday period) – Construction and resealing of the road (between Golf and Spur) carried out by the maintenance team, subject to weather conditions.
  - (e) April 2024 – Report to Council on traffic volumes, cul-de-sac operation and potential exemption process for residents.

### ATTACHMENTS

Nil

## 11.4 Project update; Civic Whare, Exhibition and Museum

**File Number:** A15540465

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**Authoriser:** Paul Davidson, Chief Financial Officer

### PURPOSE OF THE REPORT

1. The purpose of this report is to provide a project update and confirm approval to commence Stage 1 Enabling Works and Stage 1 Procurement of materials and early trades, for the Civic Whare, Exhibition and Museum (CWEM) component of Te Manawataki o Te Papa. The objective of this early work is reducing programme risk and associated costs, and potentially mitigating other cost risks.

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### RECOMMENDATIONS

That the Council:

- (a) Receives the report "Project update; Civic Whare, Exhibition and Museum".
- (b) Notes that Te Manawataki o Te Papa Limited endorse the approach outlined in this report for CWEM Stage 1 Enabling Works and the CWEM Stage 1 Procurement of materials and early trades.
- (c) Notes that an update will be presented to a future Council meeting updating progress on the financial strategy for the funding of Te Manawataki o Te Papa noting that work continues consistent with the principles outlined in the previous Financial Strategy presented to the Council meeting of 24 July 2023.
- (d) Confirms authority for the Chief Executive to enter contracts on behalf of Council for CWEM Stage 1 Enabling Works and the CWEM Stage 1 Procurement of materials and early trades in accordance with approved delegated financial authority processes, subject to prior recommendation from Te Manawataki o Te Papa Limited.

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### EXECUTIVE SUMMARY

2. On 24 July 2023, Council delegated to the Chief Executive authority to enter contracts on behalf of Council for the delivery of the Te Manawataki o Te Papa (Site A) programme of works, including CWEM, subject to:
  - (a) endorsement by the Te Manawataki o Te Papa Limited Board; and
  - (b) sufficient funds being available in accordance with the Te Manawataki o Te Papa Financial Strategy Report resolutions approved by Council at the 24 July 2023 meeting.
3. Notwithstanding the authority provided to the Chief Executive pursuant paragraph 2, significant procurement decisions need to be made in relation to CWEM. For reasons further outlined in this report, it is recommended that these decisions and commitments be made prior to commencement of the construction of the project and before the final cost is known. (Note that the cost of the procurement will be evaluated against the RLB cost estimate for the particular item of works.)

4. Given the significance and timing of these decisions and to ensure prudent Council governance and oversight, this report seeks Council endorsement of the proposed CWEM Stage 1 Enabling Works and the CWEM Stage 1 Procurement of materials and early trades.
5. This report outlines the key opportunities and risks to Council of the proposed enabling works and procurement, in the context of the wider programme of works and financial strategy for Te Manawataki o Te Papa.
6. It is recommended that Council endorses the early procurement of materials and the packages of work as outlined in this report.
7. There are a number of programme opportunities to progressing the CWEM early works as construction teams and machinery engaged on the Library Community Hub site can be deployed to provide overall programme savings from establishment and disestablishment costs.
8. The Te Manawataki o Te Papa Limited Board have had input into the approach outlined in this report and endorse the recommendations contained herein. In addition, the Te Manawataki o Te Papa Limited Board will oversee implementation and approve all packages of work and early orders for materials in accordance with existing policies and delegations.

## PROJECT UPDATE

9. Construction of CWEM is not expected to commence until August 2025 and is due for completion in June 2028. However, CWEM is currently in the detailed design phase and is being designed now because it is part of a precinct project – it informs, and is informed by, other Te Manawataki o Te Papa projects that are being developed around it.
10. The Council has delegated authority to the Chief Executive to enter contracts on behalf of Council for the delivery of Te Manawataki o Te Papa (Site A) programme of works, including CWEM. Two conditions were placed on that authority, including gaining endorsement by the Te Manawataki o Te Papa Limited Board and sufficient funds being available in accordance with the Te Manawataki o Te Papa Financial Strategy Report resolutions approved by Council at the 24 July 2023 meeting. Both of these conditions have been met, noting a further update to the financial strategy report will be presented to future council meetings.
11. To action the delivery of CWEM, this paper outlines a proposal to maximise the efficiency of procurement and resources in order to meet the construction timeframes of CWEM.
12. The timeframes that have been developed allow the opportunity to de risk the programme for delivery of these projects by early ordering of materials and the execution of various packages of work.
13. Early contractor involvement and early procurement has become common within the industry, particularly for large projects which have significant design and delivery complexities, as they provide the ability to overlap design, procurement, and construction, which in turn can lead to shorter overall programme times and mitigate associated cost risk. They can also potentially mitigate cost escalation and currency exchange risk.
14. Under the proposed strategy, significant expenditure will be undertaken prior to the commencement of physical construction of the project and before the final cost is known. However, this also allows certain costs and conditions relevant to project delivery to be established sooner than would be the case with a traditional procurement strategy, meaning if mitigation measures are required, they can be implemented in a timelier way.
15. The Long Term Plan will be updated to reflect the latest cash flows for the project.
16. The CWEM Stage 1 Enabling Works include, preliminary & general - enabling works, services relocations/ capping / services for site setup, demolition, excavation & pile mat, temporary retention and ground improvements.
17. The CWEM Stage 1 Procurement of materials and early trades include, tender supply of cross laminated timber, laminate veneer lumber and glulam, structural steel tender, vertical transportation and façade.



18. Further commercial details of the CWEM Stage 1 Enabling Works and the CWEM Stage 1 Procurement of materials and early trades are included in a separate report being provided to the Council in public excluded of this agenda.

### **CWEM STAGE 1 ENABLING WORKS**

19. The Stage 1 Enabling Works include;
- Preliminary & General - Enabling Works
  - Services Relocations/ capping / services for Site Setup
  - Demolition, Excavation & Pile Mat
  - Temporary Retention
  - Ground improvements
20. The proposed CWEM Stage 1 Enabling Works reduce the overall risk of the project by removing higher risk works from the critical path of the project, including providing cost and design certainty for specialist trades and long lead materials.
21. Doing the enabling works as early as possible will assist in addressing in-ground risk. Separating the enabling works from the rest of the build means that any issues found in the ground can be addressed and managed without having a flow on effect impacting the main works (programme and cost).
22. Some key reasons to progress stage 1 enabling works at this time include:
- Utility diversions required outside the site need to be completed before the sheet-piling can commence. Moving utilities involves impacting neighbouring properties and dealing with external utility providers who don't necessarily have programme priorities that align with Te Manawataki o Te Papa's.
  - Scheduling efficiencies, ensuring delivery of works needed to be completed prior to other works being able to start.
  - Construction of CWEM is subject to risks associated with hidden obstructions and weaker than expected ground conditions. Our experience on Library and Community Hub is that the piers may need to be deeper than originally thought. Since CWEM is on the site of a previous building, there is risk of discovering unknowns below the slab.
  - Alignment with the broader precinct development, including the Library & Community Hub where synergies will allow CWEM to share some resources.
23. Key risks of not progressing stage 1 enabling works at this time include:
- Any issues discovered during the work, for example ground conditions, could impact the programme and cost of the main build.
  - Critical contractors not able to do the work to the desired programme.

### **CWEM STAGE 1 PROCUREMENT**

24. The Stage 1 Procurement packages include:
- Tender supply of Cross Laminated Timber, Laminate Veneer Lumber and Glulam
  - Structural Steel Tender
  - Vertical Transportation – tender for all lifts
  - Façade
25. The proposed CWEM Stage 1 Procurement of specialised trades and essential long lead items has significant benefits in ensuring resource availability (both supply chain and personnel).

26. Some key reasons to progress stage 1 procurement at this time include:

- Lifts (vertical transportation) are long lead time items are often a bottle neck on projects and early orders to secure a manufacturing slot (informed by lessons learnt on 90 Devonport Road and Library Community Hub).
- Identifying and confirming the suppliers early will de-risk a large project element. Early contractor involvement by suppliers will assist with detail refinement and buildability. This will allow supplier's specific detailing and install methodology to be incorporated into the design documents.
- Discussions with the supplier will identify when the actual material order needs to be placed dependant on where it will come from and other factory commitments.
- The shop drawing process for the façade are extensive and therefore procurement of this specialist supplier is integral to finalising the design and reducing risks of design changes during construction.

Key risks of not progressing stage 1 procurement at this time include:

- Materials not available when required by the construction programme, increasing cost and programme timeframes.
- A less thorough shop drawing phase resulting in some coordination requirements not being incorporated in the drawings, resulting in costly on-site works (rather than factory).
- Less time to test methodology and temporary works to find the optimal solution.
- Design efficiencies and coordination missed, resulting in unnecessary costs.
- Delays in the consenting process.
- Ensuring that the supply of materials is scheduled to avoid delays in delivery.

27. It should be noted that, should Council wish to cease procurement of any of the identified materials, its legal obligations in respect of the same will depend on the timing of such a decision (for example, whether production of the materials has commenced) and the terms on which the materials are being supplied.

## OTHER RISKS

28. Whilst key risks are identified within this report, the following table outlines further risks to Council and how those will be appropriately mitigated:

#	Risk	Mitigation
1.	Project cost increase	<p>The Project team has managed the design process to ensure that the design is within the original budgets agreed as part of the adoption of the Te Manawataki o Te Papa Masterplan. Through the various stages of the project (masterplan, enhanced master plan, preliminary design, developed and detailed design) the design has been subject to a rigorous cost estimation and subsequent value engineering process. In addition, the estimates include both a contingency and cost escalation to completion amount, to ensure that the project has sufficient budget to completion.</p> <p>Given Council has already committed to deliver this project within an agreed funding envelope, opportunities will be looked at to value engineer across the project and the wider Te Manawataki o Te Papa project. The façade of the CWEM is the area that currently has the most opportunity for value engineering and as the project</p>

		<p>progresses this, and other areas, will be reviewed as prices are confirmed to determine the best way to maintain the project within the agreed budget envelope. Other external funding opportunities also continue to be explored.</p> <p>Entry into contract for certain packages of work does not result in commitment to an unbridled price. There will be checks and balances put in place to monitor the cost of the project relative to the budget. In particular, trade costs can be compared against the project quantity surveyor estimate, the project team can “dig into” the reasons for any differences, and an assessment made as to whether any costs can be “pulled back”.</p>
2	Design risk	<p>The Stage 1 early trades will be priced off the Developed Design drawings. For the mass timber, structural steel and lifts, the documentation will be very close to Detailed Design and we do not expect to see much change. For the façade pricing, the Developed Design set will be augmented by workshops and written explanation which will flesh out any gaps. The pricing package will not be released to contractors until after the Developed Design drop. Contractor input will be valuable for the Detailed Design and will assist in de-risking the façade package.</p>
3	Financial	<p>The procurement strategy reflects a comprehensive plan to minimise the risk of cost increase and allows early contractor involvement in design to assist with keeping costs within overall budgets.</p>

## PROBITY

29. Procurement of the Stage 1 Enabling Works and Stage 1 Procurement packages will be via direct negotiation with LT McGuinness. Following the completion of an extensive competitive procurement process, Willis Bond was selected by TCC as its preferred development partner for the delivery of the (now called) Te Manawataki o Te Papa. In response to the requirements of the procurement process, Willis Bond included its proposed team of professional advisers, consultants and contractors for the design, construction, and completion of Te Manawataki o Te Papa. The named main contractor within the Willis Bond team was LT McGuinness and, accordingly, LT McGuinness is to be appointed as the preferred main contractor for Te Manawataki o Te Papa. As the Willis Bond team were expressly included in Willis Bond's RFP Response, it is considered that the engagement of the Willis Bond team to assist with the delivery of Te Manawataki o Te Papa is a key part of the procured overall project solution.
30. Council has a discretionary right to enter into the relevant contracts so, whilst the Willis Bond team are a key part of the procured solution, Council is not required to enter into contract at any cost. All costs of materials and trades are assessed by the Quantity Surveyor as part of the process. This helps to ensure that Council achieves public value in the engagement of the Willis Bond team. Similarly, to further ensure public value, Council can require that any subcontractors or subconsultants are subject to a competitive procurement process before being engaged.

## INDEPENDENT ASSURANCE

31. Te Manawataki o Te Papa Limited have considered and endorse the proposed approach outlined in this report. In addition, the Te Manawataki o Te Papa Limited Board will oversee implementation and approve all packages of work in accordance with existing policies and delegations.



32. Rider Levett Bucknall and Barnes Beagley Doherr are the appointed quantity surveyors for Te Manawataki o Te Papa projects. Both companies provide assurance of cost estimates against tenders received.
33. Bell Gully provides direction in respect to legal obligations and contract documentation.
34. An independent review of the procurement approach outlined in this report has been undertaken by external firm TwentyTwo.

### **STRATEGIC / STATUTORY CONTEXT**

35. This is consistent with previously agreed strategies and project budgets and outlines the risks and benefits of the proposed approach to implementation.

### **FINANCIAL CONSIDERATIONS**

36. Costs have been included within updated long term plan forecasts. Staff continue to work on the external funding package consistent with the previous financial strategy presented to Council in July 2023. A more detailed update of this strategy will be presented to future council meetings. Whilst there is likely to be some variations around the make up of the funding package it is intended that sufficient external funding remains including the use of the asset realisation reserve and other funding mechanisms.

### **LEGAL IMPLICATIONS / RISKS**

37. Risks are outlined within the body of the report.

### **CONSULTATION / ENGAGEMENT**

38. Consultation has previously occurred on this project and no further consultation is proposed.

### **SIGNIFICANCE**

39. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
40. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
  - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
  - (b) any persons who are likely to be particularly affected by, or interested in, the decision.
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
41. This report is part of a wider process for the development of Te Manawataki o Te Papa. The wider project involves the development of significant community infrastructure and involves significant expenditure. However, the project has been the subject of previous Council decisions.
42. In accordance with the considerations above, and criteria and thresholds in the policy, it is considered that the decision to progress early procurement to deliver Te Manawataki o Te Papa is of low significance. The decision is materially consistent with and has a strong and logical flow from the decision made by Council on 24 July 2023, and approves expenditure that is within existing budget.

### **NEXT STEPS**

43. The Project Team will continue with the objective of entering into contract for the packages of work outlined in this report. The Te Manawataki o Te Papa Limited Board will oversee

implementation and approve all packages of work in accordance with existing policies and procedures.

## **ATTACHMENTS**

**Nil**

**12      DISCUSSION OF LATE ITEMS**

## 13 PUBLIC EXCLUDED SESSION

### Resolution to exclude the public

#### RECOMMENDATIONS

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<b>13.1 - Public Excluded Minutes of the Council meeting held on 12 February 2024</b>	<p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.2 - Hairini Bridge Detailed Design Direct Appointment</b>	<p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.3 - Project Update; Civic Whare, Exhibition and Museum</b>	<p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations</p>	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	(including commercial and industrial negotiations)	
<b>13.4 - Te Manawataki o Te Papa Infrastructure Funding and Financing Levy</b>	<p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

**14 CLOSING KARAKIA**