



AGENDA

Ordinary Council meeting Monday, 26 August 2024

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

Date: Monday, 26 August 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.

**Marty Grenfell
Chief Executive**

Terms of reference – Council

Membership

Chairperson	Mayor Mahé Drysdale
Deputy Chairperson	Deputy Mayor Jen Scoular
Members	Cr Hautapu Baker Cr Glen Crowther Cr Rick Curach Cr Steve Morris Cr Marten Rozeboom Cr Kevin Schuler Cr Mikaere Sydney Cr Rod Taylor
Quorum	<u>Half</u> of the members present, where the number of members (including vacancies) is <u>even</u> ; and a <u>majority</u> of the members present, where the number of members (including vacancies) is <u>odd</u> .
Meeting frequency	As required

Role

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

Scope

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

- Authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council.
- Make appointments of members to the council-controlled organisation Boards of Directors/Trustees and representatives of Council to external organisations.
- Undertake all statutory duties in regard to Council-controlled organisations, including reviewing statements of intent and receiving reporting, with the exception of the Local Government Funding Agency where such roles are delegated to the Accountability, Performance and Finance Committee. This also includes Priority One reporting.
- Consider all matters related to Local Water Done Well.
- Consider any matters referred from any of the Standing or Special Committees, Joint Committees, Chief Executive or General Managers.

Procedural matters

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

Regulatory matters

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

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1 OPENING KARAKIA

2 APOLOGIES

3 PUBLIC FORUM

3.1 Kelli Hutchison and Robert Coe - Fluoridation of Tauranga's city water supply

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

Nil

8 DECLARATION OF CONFLICTS OF INTEREST

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

11 BUSINESS

11.1 Fluoridation of Tauranga city's water supply

File Number: A16415420

Author: Peter Bahrs, Manager: Water Services
Fiona Nalder, Principal Strategic Advisor

Authoriser: Nic Johansson, Head of Transport

PURPOSE OF THE REPORT

1. To provide elected members with background information regarding the Director-General of Health's direction to fluoridate the Tauranga's water supply by 30 November 2024, noting that plans are well advanced to achieve full fluoridation of the city's supply by end of October 2024, ensuring Council meets its legal obligations.
2. To seek approval to complete further work investigating approaches and options for the provision of a non-fluoridated water supply for those who choose it.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Fluoridation of Tauranga city's water supply".
- (b) Notes that fluoride will begin to be added to Tauranga's water supply by mid-September, with full fluoridation of the water supply by the end of October, to allow for compliance with the direction from the Director-General of Health and the conditions of the funding agreement with the Ministry of Health.
- (c) Authorises staff to complete further investigation of options to provide a non-fluoridated water supply for those who choose it.
- (d) Notes that staff will return to Council with a report in December 2024 outlining options for a non-fluoridated water supply for those who choose it, this report will provide information on costs, risks and feasibility.

EXECUTIVE SUMMARY

3. Tauranga City Council's (Council's) water supply does not currently have fluoride added to it.
4. In November 2021 the Health (Fluoridation of Drinking Water) Amendment Act (the Act) was passed. This Act empowered the Director-General of Health to direct local governments to fluoridate water supplies, i.e. it removed decision-making regarding the fluoridation of water supplies from local authorities.
5. On 27 July 2022 Council received a letter from the Director-General of Health directing Council to fluoridate the city's water supply and this is now due to occur by 30 November 2024.
6. The fluoridation of water supplies is viewed by some groups, including the Ministry of Health as a safe, effective and affordable public health measure which improves oral health. However, other groups and individuals strongly oppose the fluoridation of water supplies.

7. Groups opposing fluoridation have instigated a legal challenge to the Director-General of Health's directions to councils requiring fluoridation of water supplies, and this legal challenge is currently ongoing.
8. The New Zealand judiciary system has confirmed that, in the interim, the existing directions to fluoridate continue to be legal and valid unless, or until, revoked by the Director-General of Health.
9. This means that Tauranga City Council is legally required to fluoridate the city's water supply by 30 November 2024 or risk substantial fines.
10. Additionally, Council has a funding agreement in place with the Ministry of Health, which will cover the capital costs of fluoridating Tauranga's water supply (estimated as \$3.4m). If Council does not meet the terms of funding agreement, which require fluoridation of the water supply to have been in continuous operation for one month prior to 30 November, it may be required to repay in full any received funding.
11. The technical upgrades required to allow for the fluoridation of Tauranga's water supply are now almost complete, and fluoride will begin to be added to the water supply from mid September 2024, with the entire water supply scheduled to be fluoridated by the end of October 2024. This will ensure that Council is compliant with the 30 November 2024 deadline and with the terms of the funding agreement with the Ministry of Health.
12. This report recommends that Council continues to progress the well-advanced plans to fluoridate the city's water supply.
13. Alternative options are:
 - Seek an extension to the deadline of 30 November 2024, until after the judicial review process is completed in 2025.
 - Choose to ignore the legal direction and leave the city's water supply un-fluoridated.
14. This report also recommends that Council authorise staff to complete further work investigating options for the provision of un-fluoridated water to those who want it.

BACKGROUND

15. Tauranga City Council's (Council's) water supply does not currently have fluoride added to it. The fluoridation of community water supplies is viewed by the Ministry of Health, World Health Organization, and Centres for Disease Control and Prevention as a safe, effective and affordable public health measure which improves the oral health of communities¹.
16. However, the fluoridation of water supplies is a contentious issue for some individuals and groups, including active community groups within Tauranga. In the past, Tauranga City Council has taken the position that fluoridation decisions are a health issue and should therefore be made by the Ministry of Health, rather than by local authorities. As a result, Tauranga City Council's water supply has been un-fluoridated since 1992.
17. In November 2021 the Health (Fluoridation of Drinking Water) Amendment Act (the Act) was passed. This Act empowered the Director-General of Health to direct local governments to fluoridate water supplies, i.e. it removed decision-making regarding the fluoridation of water supplies from local authorities.
18. On 27 July 2022 Council received a letter from the Director-General of Health directing Council to fluoridate the city's water supply by 31 July 2024. Council was one of 14 local authorities directed to fluoridate water supplies. A further 27 councils are being considered and may also be directed to add fluoride to their water supplies.
19. Council sought an extension to this timeline due to technical issues, and the due date for fluoridation of the city's water supply is now 30 November 2024. For further detail on

¹ <https://www.fluoridefacts.govt.nz/> <https://www.pmcsa.ac.nz/topics/fluoridation-an-update-on-evidence>

historical fluoridation of Tauranga's drinking water and on the Act, refer to Attachment 1: Timeline - Fluoridation and Tauranga City Council.

20. The technical upgrades required to allow for the fluoridation of Tauranga's water supply are now almost complete, and fluoride will begin to be added to the water supply from mid September 2024, with the entire water supply scheduled to be fluoridated by the end of October 2024. This will ensure that Council is compliant with the 30 November 2024 deadline.

Legal challenges

21. The directions by the Director-General of Health to the 14 local authorities to fluoridate water supplies have been the subject of a judicial review challenge brought by New Health New Zealand Inc.
22. As a result of this challenge, in November 2023 Justice Radich instructed the Director-General of Health to "turn his mind to" whether the directions to fluoridate were a reasonable limit on the right to refuse medical treatment (s11 Bill of Rights), and if so, provide the reasons why. This analysis by the Director-General of Health is ongoing.
23. In the meantime, the Director-General of Health and the Attorney General have appealed the decision by Justice Radich. The appeal is scheduled to be heard by a Full Bench of the Court of Appeal in June 2025.
24. In February 2024 Justice Radich issued a relief judgement which confirmed that the existing directions to fluoridate continue to be legal and valid unless, or until, revoked by the Director-General of Health.
25. More recently, on 8 April 2024 the Hastings District Council recommenced fluoridation of their water supply, in accordance with the direction given to them by the Director-General of Health.
26. The Fluoride Action Network (NZ) Inc and New Zealand Doctors Speaking Out with Science Inc immediately applied for an urgent injunction to stop the fluoridation of the Hastings water supply.
27. These organisations viewed their application as acting in the interests of the general public and argued that it was unlawful for Hastings District Council to fluoridate the water supply before the final resolution of the challenge by New Health New Zealand Inc (scheduled for 2025 as discussed above).
28. The application was dismissed in May 2024. In July 2024 the Fluoride Action Network (NZ) Inc and New Zealand Doctors Speaking Out with Science Inc were instructed to pay \$20,470 to Hastings District Council and \$20,566 to central government to cover costs.
29. Whilst the Fluoride Action Network (NZ) Inc and New Zealand Doctors Speaking Out with Science Inc viewed their actions as in the general public's interest, the judge (Justice La Hood) determined their actions "reflected the special interests of their members".

Ministry of Health funding

30. In 2022 the Ministry of Health established an \$11.3m fund for capital works associated with implementing fluoridation of water supplies. Councils who were directed to fluoridate their water supplies were invited to apply to this fund.
31. Tauranga was successful in their application for funding, and the capital cost of the project will be covered up to \$3.43m. The total project cost for the fluoridation of Tauranga's water supply is estimated to be \$3.4m (slightly lower than the 2022 estimate of \$3.6m).
32. The Ministry of Health funding is contingent on Council having achieved 'Completion of the Works' as defined in the funding agreement. Meeting this requirement means Council must achieve one month of continuous operation of the 'Works' by 30 November 2024.
33. This condition will be met if Council maintains its current work programme, which has full fluoridation of the city's water supply scheduled for the end of October 2024.

Tauranga City Council's options

34. There is a legal direction in place requiring Council to fluoridate the city's water supply by 30 November 2024. Given this, Council has the following options.
- i. Continue existing work to fluoridate the city's water supply in compliance with the legal direction given to Council and the funding agreement with the Ministry of Health.
 - ii. Seek an extension to the deadline of 30 November 2024, until after the judicial review process is completed in 2025.
 - iii. Choose to ignore the legal direction and leave the city's water supply un-fluoridated.
35. These options are discussed in more detail in the options analysis section of this report. If Council adopts the recommendations of this report, the work underway by the organisation will continue, ensuring legal compliance.

Providing alternatives for Tauranga's communities

36. There are some residents and groups within Tauranga city which strongly oppose fluoridation. In recognition of this, there has been some limited initial identification of approaches which would support these residents and groups to access treated, but un-fluoridated, water.
37. There are three potential approaches to deliver this outcome.
- i. **Prevent fluoride from being added at the source, or remove it at the source** (the water treatment plant). For example, this may look like stopping the addition of fluoride for a period of time, or removing the fluoride from a certain quantity of water. The resulting treated but un-fluoridated water would be made available to those who wanted it.
 - ii. **Provide a new, un-fluoridated source.** For example, this may look like providing an un-fluoridated water source at an accessible point in the city, such as a tap which provides treated but un-fluoridated water.
 - iii. **Remove the fluoride at the point of supply.** For example, this may look like a in-home filter which removes fluoride from drinking water.
38. The complexity, cost and feasibility of these approaches have not been assessed. Approaches i. and ii. above are likely to be higher in cost and complexity, and may also risk Council being viewed as non-compliant with the legal direction to fluoridate the city's water supply.
39. This report recommends that staff complete further work assessing approaches and options for providing an un-fluoridated water supply for those who want it, and that this information is presented to Council at a later date for decision making. This would include assessing cost, complexity, feasibility and risk.

STATUTORY CONTEXT

40. Under the Health (Fluoridation of Drinking Water) Amendment Act 2021, local authorities are required to fluoridate a water supply if directed to do so by the Director-General of Health. Council has been directed to fluoridate Tauranga city's water supply by 30 November 2024, and the process of complying with this direction is well-advanced.
41. If Council does not comply with the direction to fluoridate the city's water supply, there is a risk of substantial fines (up to \$200,000 plus \$10,000 per day).

STRATEGIC ALIGNMENT

42. This contributes to the promotion or achievement of the following strategic community outcome(s):

Outcomes	Contributes
We are an inclusive city	<input type="checkbox"/>
We value, protect and enhance the environment	<input type="checkbox"/>
We are a well-planned city	✓
We can move around our city easily	<input type="checkbox"/>
We are a city that supports business and education	<input type="checkbox"/>

43. The delivery of infrastructure, including water infrastructure, falls under the strategic community outcome 'We are a well-planned city'. However, the addition of fluoride to the city's water supply is a central government direction and does not form part of Council's strategic direction as such.

OPTIONS ANALYSIS – FLUORIDATION OF TAURANGA'S WATER SUPPLY

Option One: Continue existing work to fluoridate the city's water supply in compliance with the legal direction given to Council. (RECOMMENDED)

44. This is the status quo option. It results in the continuation of work that is already well progressed and will result in the full fluoridation of Tauranga's water supply by the end of October 2024, ahead of the due date of 30 November 2024. This option ensures Council's legal compliance.
45. Key risk: that interest groups file an injunction seeking to halt the fluoridation of Tauranga's water supply.

Advantages	Disadvantages
<ul style="list-style-type: none"> Ensures legal compliance by the deadline of 30 November 2024. Ensures compliance with the funding agreement between Council and the Ministry of Health. Expenditure and work done to date to prepare for fluoridation is utilised. Council does not risk being fined for non-compliance. Council does not risk being required to repay funding received by the Ministry of Health. Will be welcomed by groups and individuals in the community who support fluoridation. Delivers a fluoridated water supply (this may be considered an advantage or disadvantage, dependent on people's views regarding fluoridation). 	<ul style="list-style-type: none"> Risks interest groups filing an injunction seeking to halt fluoridation of the water supply (note Hastings example and outcome, as discussed earlier). Will not be welcomed by groups and individuals in the community who are against fluoridation. May be an unanticipated change for some residents, as there has been limited publicity regarding the move to fluoridation. Delivers a fluoridated water supply (this may be considered an advantage or disadvantage, dependent on people's views regarding fluoridation).

Option Two: Seek an extension to the deadline of 30 November 2024, until after the judicial review process is completed in 2025. (NOT RECOMMENDED)

46. This option involves Council formally seeking an extension to the deadline of 30 November 2024, delaying the fluoridation of Tauranga's water supply. Some councils have already

applied for extensions, including Waitaki District Council and Far North District Council, and have been unsuccessful.

47. The Ministry of Health provided Council with the following quote from the Director-General of Health “...the directions to fluoridate remain valid, as confirmed by the High Court in the 16 February relief decision and was again confirmed in a recent decision of the High Court on 24 May 2024. That being so I will not be granting extensions because of perceived legal uncertainty as the legal position is clear.”
48. Key risks: that Council halts work to introduce fluoride to the water supply, applies for an extension, is unsuccessful, and is then unable to meet the direction to fluoridate by 30 November 2024, risking non-compliance fines; and, that Council does not meet the terms of its funding agreement with the Ministry of Health and is required to repay any received funding in full.

Advantages	Disadvantages
<ul style="list-style-type: none"> • May provide more time for Council to make the community aware of the move to fluoridation. • Will be welcomed by groups and individuals in the community who are against fluoridation. • May provide Council with the opportunity to avoid fluoridation of the water supply, depending on the outcome of current legal challenges (this may be considered an advantage or disadvantage, dependent on people’s views regarding fluoridation). 	<ul style="list-style-type: none"> • Risks non-compliance by the deadline of 30 November 2024 and subsequent fines. • Means Council will not meet the terms of its funding agreement with the Ministry of Health, potentially resulting in unbudgeted expenditure of \$3.4m by Council. • May result in increased implementation costs due to delayed rollout. • Will not be welcomed by groups and individuals in the community who support fluoridation. • May provide Council with the opportunity to avoid fluoridation of the water supply, depending on the outcome of current legal challenges (this may be considered an advantage or disadvantage, dependent on people’s views regarding fluoridation).

Option Three: Choose to ignore the legal direction and leave the city’s water supply un-fluoridated.

49. This option would result in Council ceasing its work to introduce fluoride to the city’s water supply.
50. Key risk: that Council is fined for non-compliance (up to \$200,000 plus \$10,000 per day); and, that Council does not meet the terms of its funding agreement with the Ministry of Health, is required to repay any received funding in full and must meet the unbudgeted capital costs of the project.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Will be welcomed by groups and individuals in the community who are against fluoridation. • Avoids fluoridation of the water supply (this may be considered an advantage or disadvantage, dependent on people’s views regarding fluoridation). 	<ul style="list-style-type: none"> • Risks fines for non-compliance. • Means Council will not meet the terms of its funding agreement with the Ministry of Health, potentially resulting in unbudgeted expenditure of \$3.4m by Council. • May damage Council’s relationship with

	<p>central government.</p> <ul style="list-style-type: none"> • Will not be welcomed by groups and individuals in the community who support fluoridation. • Will result in sunk costs and staff time (as the work to introduce fluoride to the water supply is well advanced). • Avoids fluoridation of the water supply (this may be considered an advantage or disadvantage, dependent on people's views regarding fluoridation).
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OPTIONS ANALYSIS – INVESTIGATE APPROACHES AND OPTIONS FOR PROVISION OF UN-FLUORIDATED WATER

Option One: complete further work assessing approaches and options for providing an un-fluoridated water supply for those who want it. (RECOMMENDED)

51. This option would result in Council staff completing further work to identify options for the provision of un-fluoridated water to those who want it. This would include assessing cost, complexity, feasibility and risk. Following completion of this work, the findings would be presented to Council for review and decision.
52. Key risk: will incur additional cost to Council.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Will be welcomed by those wish to have access to an un-fluoridated water supply. • May (depending on Council's final decision) assist individuals to make a personal choice regarding the addition of fluoride to their drinking water. 	<ul style="list-style-type: none"> • Will incur additional cost to Council.

Option Two: do not complete further work assessing approaches and options for providing an un-fluoridated water supply for those who want it. (NOT RECOMMENDED)

53. Council staff would not spend any further time identifying and assessing options for the provision of un-fluoridated water.
54. Key risk: criticism of Council by those who wish to have access to an un-fluoridated water supply.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Will avoid costs to Council. 	<ul style="list-style-type: none"> • Council may be criticised by those wish to have access to an un-fluoridated water supply.

FINANCIAL CONSIDERATIONS

55. The total project cost for the fluoridation of Tauranga's water supply is estimated to be \$3.4m (slightly lower than the 2022 estimate of \$3.6m), this cost will be covered by funding provided

by the Ministry of Health, which has approved funding of up to \$3.43m. Council has invoiced the Ministry of Health for the first milestone payment (\$2,743,866) and payment is expected at the end of August 2024.

56. The Ministry of Health funding is contingent on Council delivering a fluoridated water supply as per the terms of the funding agreement (discussed earlier in this report). Failure to meet the terms of the funding agreement may result in Council being required to repay funding received in full, as a lump sum, to the Ministry of Health.
57. The ongoing operating and maintenance costs related to fluoridation were estimated in 2022 as \$175,500 per year. These costs will be rate funded and increase water rates by an estimated 0.4%.

LEGAL IMPLICATIONS / RISKS

58. If Council does not comply with the direction to fluoridate the city's water supply, there is a risk of substantial fines (up to \$200,000 plus \$10,000 per day).
59. Additionally, if Council does not meet the terms of its funding agreement with the Ministry of Health, it may be required to repay any received funding in full and meet the unbudgeted capital costs of the project.

TE AO MĀORI APPROACH

60. Not applicable – this report is regarding a legal requirement, the direction from the Director-General of Health requiring Council to fluoridate the city's water supply.

CLIMATE IMPACT

61. Not applicable – this report is regarding a legal requirement, the direction from the Director-General of Health requiring Council to fluoridate the city's water supply.

CONSULTATION / ENGAGEMENT

62. Council has not completed consultation regarding the central government direction to fluoridate the water supply, as Council has no decision-making power and therefore there is no opportunity for community input into the decision-making process.
63. Information on the timeline for fluoridation of Tauranga's water supply is publicly available and can be found at <https://www.tauranga.govt.nz/council/water/drinking-water/whats-in-my-water/fluoride>

SIGNIFICANCE

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

ENGAGEMENT

67. Taking into consideration the above assessment, that the issue is of high significance, officers are of the opinion that no further engagement is required prior to Council making a decision.
68. No engagement or consultation is required as the decision to fluoridate the city's water supply has been made by the Director-General of Health, who has directed Council to implement this decision.
69. However, it is noted that the direction by the Director-General of Health to fluoridate Tauranga's water supply is of great interest to some residents and groups within the city, and will affect all residents who use the city's water supply, for these reasons, the issue has been assessed as having high significance.

NEXT STEPS

70. If Council adopts the recommendations of this report, the next steps would be to:
 - Continue to implement the addition of fluoride to the city's water supply, ensuring legal compliance by the due date of 30 November 2024 and compliance with the terms of the funding agreement with the Ministry of Health.
 - Complete further work assessing approaches and options for providing un-fluoridated water supply for those who want it, and reporting back to Council with the outcomes of this work in December 2024.

ATTACHMENTS

1. **Timeline - Fluoridation and Tauranga City Council - A16447544** [↓](#) 

Timeline – Fluoridation and Tauranga City Council (as at August 2024)**Pre-amendment of the Health Bill**

Date	Action
1963	Fluoride first added to the water supply for the Tauranga City Council government area.
1986	Referendum resulting in removal of fluoride from the Tauranga City Council water supply.
1989	Amalgamation. Tauranga City Council and Mount Maunganui Borough Council amalgamated to become Tauranga District Council (name changed to Tauranga City Council in 2003). Mount Maunganui Borough had a fluoridated water supply at the date of amalgamation.
1990	Referendum resulting in the addition of fluoride to the Tauranga District Council water supply.
1992	Referendum resulting in removal of fluoride from the Tauranga District Council water supply - 13,456 voted for fluoridation (48.12%) and 14,510 voted against fluoridation (51.88%).
1995 and 2004	Fluoridation of the water supply reviewed, status quo retained. Reviews occurred as part of the 10 year planning process (currently known as the Long-term Plan). Status quo (no fluoridation) retained. The view of Tauranga City Council at the time was that fluoridation decisions are a health issue and should therefore be made by the Ministry of Health, rather than by local government.

Health (Fluoridation of Drinking Water) Amendment Act 2021

Date	Action
2016	The Health (Fluoridation of Drinking Water) Amendment Bill was introduced to parliament. The Bill amends Part 2A of the Health Act 1956 by inserting a power enabling District Health Boards to make decisions and give directions regarding the fluoridation of local government drinking water supplies in their areas.
9 Nov 2021	The Health (Fluoridation of Drinking Water) Amendment Act (the Act) was passed. The Act confirmed that the decision making authority, on community water fluoridation, transferred from local government to the Director-General of Health. As a result, water suppliers will be required to fluoridate a water supply if directed to do so by the Director-General of Health.
11 Nov 2021	The Ministry of Health sent a letter to Tauranga City Council (Council) providing an update on the Act. Along with advising Council of the powers granted to the Director-General of Health under the Act, the letter also encouraged directing members of the public and/or interested groups to resources on fluoride (https://www.fluoridefacts.govt.nz/ https://www.pmcsa.ac.nz/topics/fluoridation-an-update-on-evidence)
15 Dec 2021	The Ministry of Health requested information from Council regarding the estimated cost and process for fluoridating the city's water supply.
8 Mar 2022	Council responds to the Ministry of Health information request. The response estimated that fluoridating the water supply would take approximately 24 months to implement and have an estimated capital cost of \$2.13m.
3 May 2022	Letter from the Ministry of Health to Council outlining the next steps for fluoridation of the water supply. This letter included a requirement for Council to provide, in writing, a) the estimated financial cost of adding

	fluoride to the city's drinking water, including any additional costs of ongoing management and monitoring, and, b) the date by which the Council would be able to comply with a direction to fluoridate.
22 Jun 2022	Letter from Council to the Ministry of Health. This letter updated the estimated cost of implementing a fluoridated water supply in Tauranga. The estimated financial cost of adding fluoride to the Tauranga drinking water had increased significantly to a total of \$3,585,220 (previously notified capital cost of \$2,131,920). This increase was due to supply chain disruptions and the impact of inflation. The ongoing management and monitoring costs were estimated to be \$175,500 per annum (not taking into account future increases due to growth). The estimated timeframe to implement remained at 24 months. The response noted that the cost of fluoridating the water supply was not included in the Council's Long-term Plan.
27 July 2022	Council receives directions from the Director-General of Health to fluoridate the Tauranga water supply by 31 July 2024 (fluoridation to be at optimal levels of between 0.7ppm to 1ppm, parts per million, Ministry of Health).
2 May 2024	Council seeks an extension to the compliance date to fluoridate the water supply. The extension was sought due to technical delays in the early stages of construction and additional commissioning requirements
6 Jun 2024	The Director-General of Health grants an extension to 30 Nov 2024. The letter confirming the extension also confirmed that the current directives were still valid and that councils subject to a direction are under a statutory duty of mandatory compliance. (Note: whilst the legality of directing local governments to fluoridate their water supplies is being reviewed via the judicial system, this does not affect the validity of the directive to Tauranga to fluoridate, as confirmed by the extension letter).

11.2 Boat Ramp Parking Fees

File Number: A16282137

Author: Ross Hudson, **Manager:** Strategic Planning and Partnerships, Spaces and Places

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

PURPOSE OF THE REPORT

1. To report on the implementation of boat ramp parking fees and consider options associated with the fees.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Boat Ramp Parking Fees".
 - (b) Acknowledges the petition against the fees that was received by the previous Council on 10 June 2024.
 - (c) Makes the following changes to the Boat Ramp Trailer Parking regime with immediate effect:
 - (i) Extend availability of the annual pass to non-residents of Tauranga.
 - (ii) Exempt boat trailers used in association with Maori customary fishing rights and traditional practices from the annual pass fee.
 - (iii) Amend the annual pass fee for residents or businesses with multiple trailers at the same Tauranga or Western Bay address, with the first and second extra trailer charged a fee of \$50, with further additional trailers having no additional charge.
 - (iv) Exempt Community Services Cardholders from the annual pass fee.
 - (d) Notes that it may consider further changes to the regime through the Annual Plan 2025/26, pending further monitoring and customer feedback.
- Or,
- (e) Removes all fees for trailer parking adjacent to the Marine Park, Whareroa and Waikorire (Pilot Bay) boat ramps; resolves to refund residents who have purchased annual passes; and remove the relevant sections from the User Fees & Charges schedule 2024/25 and rescinds the relevant bylaw controls under the Traffic & Parking Bylaw 2023.

EXECUTIVE SUMMARY

2. Through the Long Term Plan 2024-34, Council introduced new user fees for some services with the intention of providing a more equitable balance between 'user pays' and ratepayer funding. Parking fees for boat trailers were introduced adjacent to the three deep water boat ramps at Marine Park (Sulphur Point), Whareroa and Waikorire (Pilot Bay) as a proxy for boat ramp use by motorised vehicles and as a means to recover costs associated with boat ramp operations and maintenance and supporting facilities.

3. The table below provides details of the revenue since introduction of fees on 1st July 2024:

Resident permits raised	548	\$109,600 inc. GST
Day passes from machines	710	\$14,200 inc. GST
Day passes from the app	113	\$2,260 inc. GST
Applications declined	87	Out of zone / invalid WOF or Registration
Total Revenue		\$126,060 inc. GST

4. Monitoring is ongoing by our Parking team and more comprehensive usage monitoring is being established in advance of the busy summer season. Compliance with the new fees and parking restrictions has been generally good to date. A few people have chosen to park and not pay; others have chosen to park on berms near the trailer parking zones where there is no fee or time restriction.
5. However, we have received a variety of customer feedback which suggests that amendments could be made to make the regime more equitable and inclusive, to account for Maori customary rights, to improve outcomes for other stakeholders at Marine Park, or alternatively to reduce or remove the parking fees. These are considered in the body of the report below.
6. The proposed resolutions enable Council to make immediate decisions on changes to the fees and to consider amendments through the Annual Plan 2025/26 where necessary.

BACKGROUND

7. User fees and charges contribute to the costs of maintaining Council owned and operated facilities. These ensure users of specific facilities support the costs associated with them, instead of only charging the wider rate paying population for their costs.
8. The boat ramps at Marine Park, Whareroa and Waikorire (Pilot Bay) cost on average \$214k per annum to maintain and renew (data from 2013-2024). The full costs of the Boat Ramps activity (cost centre) to Council are circa \$650k per annum including depreciation and overheads. Council has budgeted approximately \$6m in 2029/30 for upgrades and additional boat ramps at Marine Park. Income from the parking fees is ring-fenced for boat ramps and supporting facilities. Projected revenue is \$313k per annum, which is predicated on the fees continuing at the current rates.
9. The rates of \$200 per annum and \$20 per day were established by benchmarking against other similar fees across the country (see Attachment 1 for comparisons) and through consideration of costs (including set up costs) and expected revenues. The decision to use a trailer parking fee as a proxy for ramp use was based on the expected efficiency of the approach and limited disruption to the movement through the space. The alternative would have been a barrier arm across the ramps, which would have been expensive to install, liable to damage and deterioration and disruptive to the safe movement of people, boats and cars.
10. Community feedback has been in various forms – a petition against the fees, dialogue with affected stakeholders and mana whenua and inquiries through Customer Services. We also received 238 Long Term Plan submissions with approximately half in favour and half against the fees. Perspectives to note are as follows –
- (a) **Annual Passes** - Some non-TCC residents want access to an annual permit. This includes residents in the Western Bay and further afield. The current user fees and charges do not allow for this. It is proposed that the regime is amended to enable non-residents to hold an annual pass. This would increase revenue and reduce administration costs associated with checking residency status.
 - (b) **Multiple Trailers** – Several people and organisations (such as the University of Waikato) have complained that they are charged for each trailer they own or operate,

rather than per household or organisation. An amendment could be made to the regime to enable one pass per household / organisation, either at the \$200 rate or at an increased (but discounted) rate for multiple trailers. This is relatively simple administratively.

- (c) **Price** – Multiple individuals have expressed concern that the price is too high. This has mainly focused on the day pass rate. In addition, the petition that was presented to the previous Council on 10th June (Attachment 2) proposed that the fees should be removed completely as they were considered to be preventing poorer households from feeding their families. The petition has 1163 signatories, of whom 314 identified as being from Tauranga, 14 from the Western Bay, 182 from Auckland, 56 from Hamilton; 408 did not identify their location, with the remainder from across New Zealand and overseas.

This sentiment was echoed by some members of Te Rangapū Mana Whenua o Tauranga Moana (Te Rangapū), who also suggested that annual pass exemptions could be put in place for people who hold a Community Services card. This would be relatively easy to introduce administratively.

- (d) **Customary Fishing Rights** – Representatives of Whareroa Marae and Te Rangapū drew attention to Maori customary fishing rights, such as those associated with tangihanga (funeral practises), the collection of kaimoana (seafood) and to traditional practices such as waka ama. There was a strong, collective view from Te Rangapū that these customary rights and practises should be exempt from any fees. We have explored opportunities to link exemptions to the Ministry of Primary Industries mechanisms to enable customary fishing rights and an option to work with marae and hapū to identify boats and trailers associated with these practises. Again, this would seem to be a necessary, Treaty-aligned amendment to the regime that is achievable administratively. With regard to waka ama and similar vessels, we are exploring whether trailers of all non-motorised vessels could be exempted from the fees as non-motorised vehicles have only marginal impact on the condition or availability of boat ramps.
- (e) **Non-trailer parking at Marine Park** – Sports clubs at Marine Park have raised concerns about the availability of non-trailer parking and the unintended consequences of people parking trailers and cars along the berm at Keith Allen Drive / Cross Road, which the clubs will rely on for parking. Staff are working with the Tauranga Dive & Fish Club and Tauranga Moana Outrigger Canoe Club on options to ensure sufficient non-trailer parking is available and to mitigate issues of trailer parking on the berm. Future enforcement options could include disallowing trailer parking on the road berm (also an option at Waikōriri/Pilot Bay and Whareroa). There may also be value in adjusting the boundaries of the boat-trailer parking zones. These are proposed to be considered after further monitoring of the current approach through the summer period.

STATUTORY CONTEXT

11. Council is empowered to amend its parking regime through adopting controls by Council resolution to its Traffic & Parking Bylaw. Parking on Reserves is also influenced by the Reserves Act and the Tauranga Reserves Management Plan.

STRATEGIC ALIGNMENT

12. This contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	✓
We value, protect and enhance the environment	✓
We are a well-planned city	✓

We can move around our city easily



We are a city that supports business and education



OPTIONS ANALYSIS

13. The table below summarises options for amendment of the regime.

Option	Pros	Cons
Extend annual pass option to non-Tauranga residents	Easier/lower cost administration; additional potential revenue.	Potential perception by some Tauranga residents that this is not fair.
Reduce the daily fee to e.g. \$10 or \$15	Reduces costs for households experiencing cost of living issues and accessing the ocean to feed their families.	Reduced non-rates revenue.
Reduce Annual Pass fee to e.g. \$150 per annum.	Potentially makes the trailer parking more accessible.	Reduced revenue and administrative cost of re-imbursements.
Amend annual pass fee for multiple trailers (e.g. \$50 extra per trailer up to a maximum of \$100 extra).	Provides reasonable accommodation for households and organisations with multiple trailers.	Reduced non-rates revenue; potential perception that all should pay per trailer.
Exempt all community service card holders from the annual pass fee	Enables residents struggling with the cost of living to fish without trailer fees	Reduces potential non-rates revenue
Remove all boat-trailer parking fees	Responds to some community requests to remove the fees.	Reduced non-rates revenue towards maintenance and upgrade of boat ramps. Reduced capacity to manage parking adjacent to boat ramps. Staff time required to refund annual passes.
Exempt trailers used in association with customary fishing rights and traditional practices such as waka ama from fees.	Consistent with the principle of Council's obligations under the Treaty of Waitangi.	Potential perception that fees are not being attributed equally across the community.
Amend trailer parking zones to provide more non-trailer parking at Marine Park.	Has potential to provide a better balance of parking provision.	Minor reductions to the amount of trailer-only parking.
Consider restrictions to trailer parking on berms in the vicinity of boat ramps.	May deliver better parking management outcomes (traffic, safety, equitable provision) and sufficient parking for other water-based activities.	Further parking restrictions likely to be unpopular with those already opposed to the boat-trailer parking regime.

FINANCIAL CONSIDERATIONS

14. Projections established through the Long Term Plan were that revenue from the fees would be between \$261k and \$365k per annum, with that funding being ring-fenced to boat ramp costs. \$313k per annum has been budgeted for. Reductions or exemptions to fees will reduce that revenue. We have not modelled any changes.

LEGAL IMPLICATIONS / RISKS

15. Changes to the Traffic & Parking Bylaw may be required to implement and resolved amendments.

TE AO MĀORI APPROACH

16. Dialogue with Te Rangapū has informed the development of options for amendments to the current boat-trailer parking regime.

CLIMATE IMPACT

17. The current boat-trailer parking regime and any amendments to it are not expected to positively or negatively impact the climate significantly.

CONSULTATION / ENGAGEMENT

18. The User Fees & Charges Policy was consulted on through the Long Term Plan 2024-34. Further engagement with stakeholders and with the public making comments and inquiries has been undertaken since the Long Term Plan was adopted.

SIGNIFICANCE

19. 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.
20. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the matter.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
21. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of low significance.

NEXT STEPS

22. Next steps are dependent on Council decisions. Implementation monitoring is ongoing and more comprehensive boat ramp usage monitoring will be put in place in advance of the summer season to inform the scale of and services required for additional boat ramps at Marine Park.

ATTACHMENTS

1. **New Zealand Boat Ramp Fees 2024 - A16452912**  
2. **Petition - Boat Ramp Fees - A16453409**  

Boat Ramp Fees from around NZ (2024)		
Operator	Daily Fee	Annual Fee
Auckland Council	Various from \$8 to \$24	
Taupo DC	6	110
Christchurch CC	8.8	72
Thames Coromandel DC	30	115
New Plymouth (Port of Taranaki)	10	100
Seaview Marina (Lower Hutt)	9	140
Tasman DC	12.50	200
Queenstown Lakes DC	5	50
Nelson City Council	22	165
Napier City Council	20	230
Far North DC	5	50
Waitaki DC	5	60
Nelson DC	5	105
Kinloch	20	300

Petition – Mr Bevan Hamilton - Boat Ramp Fee**Notes of Public Forum**

The petition to remove boat ramp fee came about after Mr Bevan read the article on the Boat Ramp Fee in the SunLive newspaper. The public were generally annoyed about the fee. Concern was expressed by Mr Bevan regarding the cost to go fishing to feed a family. The boat ramp fee and boat wash after use were quite costly for many people and families.

Commission Chair Tolley thanked Mr Hamilton and advised the petition would be referred to the relevant staff and a report would be presented to the incoming Council. It was noted there was a consultation process and the fee was included in Council's 2024/34 Long Term Plan.

MOTION**RESOLUTION CO13/24/6**

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the petition from Bevan Harrington on the boat ramp charges be received and referred to the staff for a report to the Incoming Council.

CARRIED

Petition Wording

I'm a resident of Tauranga who fishes to feed my family. The recent imposition of a \$20 daily charge for using the boat ramps in our area will add an unnecessary burden to this essential activity. Fishing, which used to cost me less than that amount in gas and bait, will now become significantly more expensive. This additional expense will be discouraging to many from accessing and enjoying our waters.

The boat ramps are vital community resources that are already been paid for by our rates. They are frequented by diverse groups within our community, from recreational fishers like myself to water sports enthusiasts and commuters to near islands.

We urge the local authorities of Tauranga to reconsider this decision and eliminate the \$20 daily boat ramp parking charges. This action will ensure fair access for all residents while supporting local economic activities related to marine recreation.

11.3 Update on Local Water Done Well

File Number: A16322062

Author: Sarah Stewart, Principal Strategic Advisor
Cathy Davidson, Acting Director of City Waters
Stephen Burton, Transformation Lead - Water Services

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

PURPOSE OF THE REPORT

1. The purpose of the report is to provide an update on Local Water Done Well and to inform Council of the planned approach to develop an indicative business case to explore options under the new Local Water Done Well framework.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Update on Local Water Done Well".
- (b) Notes that legislation to implement Local Water Done Well is still in development.
- (c) Notes that Council will follow the Indicative Business Case approach, guided by the Treasury Better Business Case model, to explore future service delivery options under the Local Water Done Well framework.

BACKGROUND

2. The Local Water Done Well (LWDW) initiative was announced as part of the Coalition Government's 100-day plan, replacing the former government's Three Waters Reform Programme.
3. Since then, two reports were presented to Council on LWDW. On 29 April 2024, Council received an update on legislative developments and planned work to support the new initiative. On 20 May 2024, a preferred structure was discussed, and the following resolution made (see Appendix 1 for full list of previous resolutions):
 - (d) *Approves the preferred option of establishing a Council Controlled Organisation (CCO) model with Western Bay of Plenty District Council.*
4. Recent and significant legislative and policy changes under LWDW have emerged since the last council report. It is therefore important to explore a range of options more fully within the new LWDW framework to ensure the preferred approach optimises community benefit.

WHAT IS LOCAL WATER DONE WELL?

5. LWDW is the Coalition Government's plan to address New Zealand's longstanding water infrastructure challenges. It recognises the importance of local decision making and flexibility for communities and councils to determine how their water services will be delivered in the future. It aims to do this while ensuring a strong emphasis on meeting economic, environmental and water quality regulatory requirements.

Legislation in development

6. LWDW is being implemented in three stages, each with its own piece of legislation.

7. The first Bill, the Water Services Acts Repeal Act (enacted in February 2024), repealed the previous Government's water services legislation and restored continued council ownership and control of water services.
8. The second Bill, the Local Government (Water Services Preliminary Arrangements) Bill, is currently before Parliament and is expected to be enacted in August 2024. This Bill establishes the LWDW framework and the preliminary arrangements for the new water services system. Key areas included in the second Bill are:
 - Requirements for councils to develop Water Services Delivery Plans within 12 months of the Bill being enacted.
 - Requirements for councils to include in those plans baseline information about their water services operations, assets, revenue, expenditure, pricing, and projected capital expenditure, as well as necessary financing arrangements, as a first step towards future economic regulation (also refer to below section 'Water Service Delivery Plans').
 - Streamlined consultation and decision-making processes for setting up council-controlled organisations (CCOs) that deliver water services, and joint local government arrangements, both of which are currently provided for in the Local Government Act 2002.
 - Provisions that enable a new, financially sustainable model for Watercare.
 - Interim changes to the Water Services Act 2021 that means Te Mana o te Wai² hierarchy of obligations in the National Policy Statement for Freshwater Management (NPS-FM) will not apply when Taumata Arowai³ sets wastewater standards.
9. The third Bill, the proposed Local Government Water Services Bill, is still in development and is planned to be introduced to Parliament in December 2024. It will establish the enduring settings for the new water services system. The Department of Internal Affairs (DIA) released information in early August 2024 about the proposed Local Government Water Services Bill. Changes are proposed to both the water services delivery system and to the water services regulatory system, as outlined in the table below.

	Key change proposed	Description of proposed change
New water services delivery system	New delivery models	An expanded range of water services delivery models to choose from, including individual, joint or multiply owned CCOs and/or consumer trusts. The intention is to provide flexibility to be financially independent from their council owners from a credit rating perspective. Councils may design their own alternative arrangements if they meet minimum requirements.
	Clear minimum requirements	Need to meet clear minimum requirements set out in legislation. This includes meeting regulatory standards, financial sustainability requirements such as ringfencing of water services, and restrictions against privatisation. There will be additional requirements for water organisations to ensure they are operated and governed effectively.
	Planning and	New planning and accountability framework for water services, which is fit for purpose, and will help to improve transparency

² Te Mana o te Wai refers to the vital importance of water. When managing freshwater, it ensures the health and well-being of the water is protected and human health needs are provided for before enabling other uses of water. It expresses the special connection all New Zealanders have with freshwater.

³ Taumata Arowai is the water services regulator for New Zealand.

	accountability	and accountability, and support an enhanced focus on water services.
	New financing options for councils	The New Zealand Local Government Funding Agency (LGFA) Limited has confirmed that it will provide financing to support water CCOs established under LWDW and look to assist high growth councils with additional financing up to a level equivalent to 500% of operating revenues.
	New mechanisms for the Minister of Local Government	Enhanced powers for the Minister to address issues with local government water services providers, for example, the ability to appoint Crown facilitator or water service commissioners.
New regulatory regime	New economic regulatory regime	The Commerce Commission will have a range of regulatory tools, (including mandatory information disclosure) to promote efficient practices and protections for consumers. The regime will ensure that revenue collected by local government water service providers through rates or water charges is being spent on the level of water infrastructure needed.
	Change in approach to Te Mana o te Wai	The Government is proposing to repeal the requirements in water services legislation that give effect to Te Mana o te Wai.

10. It should be noted that Standard and Poor's issued a recent warning around the Government's LGFA financing announcements described in the table above. The warning included that the new water reform policy could impact its assessment of the LGFA's creditworthiness and therefore may weaken LGFA's financial stability and increase council borrowing costs.
11. Refer to Department of Internal Affairs' LWDW Implementation Roadmap in Appendix 2 for an overview of key milestones for the implementation of LWDW.

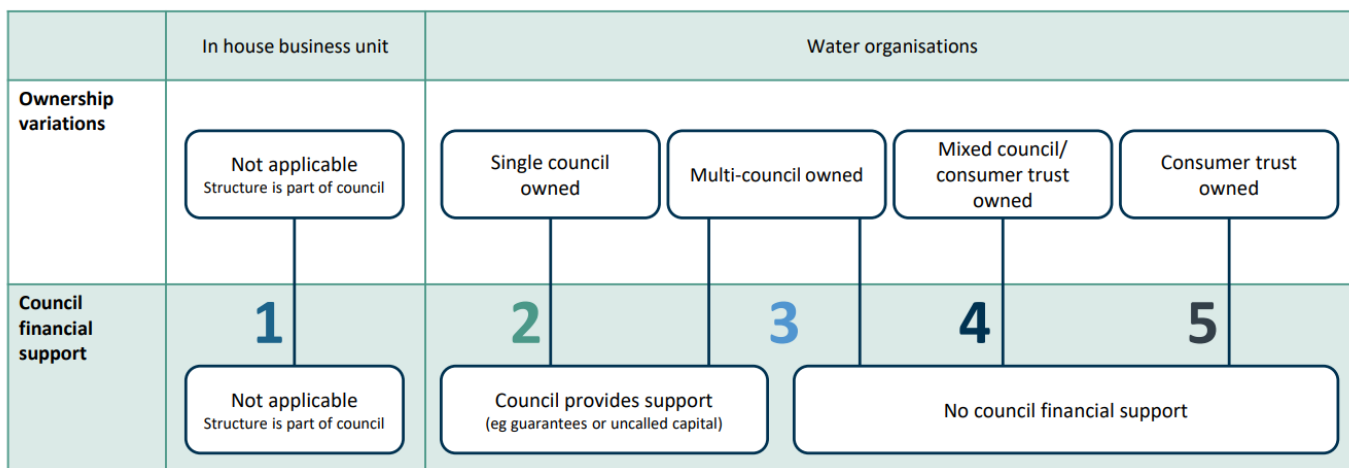
Service Delivery Models

12. A key feature of LWDW is to provide councils with the flexibility to determine the optimal structure and delivery method for water services, including the establishment of new, financially separate water organisations.
13. These new water organisations are intended to enable enhanced access to long-term borrowing for water infrastructure – supporting infrastructure development, while managing costs for consumers.
14. Councils will be able to continue delivering water services directly (such as through in-house business units), however they will also be able to establish new water organisations that are more financially and operationally independent of councils. These models also make it easier for councils who wish to enter joint arrangements to achieve cost savings, improve efficiency and affordability.
15. Councils will be able to design their own alternative delivery arrangements, as long as arrangements meet the minimum requirements set out in legislation (refer to below section). Councils will also have choices about which water services are provided through different service delivery arrangements. For example, they may wish to provide drinking water and wastewater services through a water organisation but retain stormwater services in-house.
16. Some of the factors Council will need to consider include:
 - to deliver water services in-house or establish a water organisation
 - to deliver services on a stand-alone basis or establish a joint arrangement with other councils
 - how to structure ownership and governance arrangements

- how to set up water organisations to facilitate access to long-term borrowing for water infrastructure.
- Impact of the different arrangements on the remaining Council business, including debt capacity.

17. Five possible service delivery options put forward by DIA are illustrated below.

Illustrative examples of service delivery models



Proposed minimum requirements

18. The proposed minimum requirements in the third Bill for all service delivery models are designed to promote efficiency, improve the governance and management of financially sustainable water services, and ensure accountability within the sector. DIA lists the likely requirements for all water service providers:
- Will be subject to economic, environmental and water quality regulation.
 - Will be subject to a new planning and accountability framework for water services, including the need to produce stand-alone financial statements for water supply, wastewater and stormwater.
 - Must be financially sustainable, including a requirement for the ringfencing of water services, an expectation of revenue sufficiency, and accommodating for maintenance, renewals and growth.
 - Must act consistently with statutory objectives.
 - Will be subject to restrictions against privatisation (water services will remain in public ownership and councils and water organisations will not be able to privatise water services).
19. In addition to the minimum requirements above that will apply to all water service providers, the legislation will also look to include additional requirements that apply to all water organisations (i.e. will not apply to councils that continue with direct service delivery):

The following additional requirements apply to water organisations:



Current council staff and elected members cannot be appointed to boards.



Water organisations **must be companies**.



Activities of water organisations will be **limited to the provision of water services** and directly-related activities.



Only councils or consumer trusts can be shareholders of a water organisation.



Board appointments must be competency-based and have the appropriate mix of skills, knowledge, and experience.



There will be a range of protections against privatisation.

Water Service Delivery Plans

20. Water service delivery plans will be required within 12 months of the enactment of the Bill (enactment is due late August 2024). This means any work on a sub or regional solution would also need to be completed within that timeframe, and possibly in parallel to work on a standalone plan.
21. Water service delivery plans will require:
 - The current state of the water services network, including current levels of service, asset condition and lifespan, the asset management approach being used, and any issues, constraints or risks impacting on the delivery of water services.
 - The water infrastructure needed to meet regulatory requirements and provide for population growth.
 - The operational and capital expenditure required to deliver water services.
 - Financial projections including:
 - The operating costs and revenue required to delivery water services, including how that revenue will be separated from the territorial authority's other functions and activities
 - Projected capital expenditure on water infrastructure
 - Projected borrowing to finance the delivery of water services.
 - The anticipated or proposed model for delivering water services, (including whether the territorial authority is likely to enter a joint arrangement or will continue to deliver water services in its district alone).
 - An implementation plan that:
 - For local authorities submitting a joint plan, sets out a process for delivering the proposed model or arrangements, including timeframes and milestones, a

commitment to give effect to the proposed model or arrangements once the plan is accepted, and the name of each local authority that commits to delivering the proposed model or arrangements.

- For local authorities proposing to deliver water services alone, sets out the actions that the local authority will take to ensure its delivery of water services will be financially sustainable by 30 June 2028:
22. Water service delivery plans will be required to cover a period of not less than ten financial years, starting with the 2024/25 financial year. Council staff consider a 30-year horizon is more appropriate for assessing sustainability of water services given the long-asset lives and investment cycles. Future regulatory requirements are expected to drive higher costs, with many of these costs likely to be faced beyond the current long-term period. It is therefore prudent to assess viability and sustainability over both a 10 year and 30-year time horizon.
23. In addition, all future planning work will need to align with the 30-year Infrastructure Strategy, which is prepared under the Local Government Act 2002. This will also ensure alignment with the 30-year SmartGrowth projections, and also the required timeframes for a Future Development Strategy as required under the National Policy Statement on Urban Development.

WORK PROGRAMME FOR LOCAL WATER DONE WELL

24. In response to the Government's LWDW an indicative business case (IBC) is being developed, guided by The Treasury's Better Business Case model, to explore future service delivery options under the new framework.
25. The IBC will take a holistic approach to investigate options for both water service delivery and the Tauranga City Council organisation (including impacts on the organisation if three waters or two waters is to be removed), with an overarching view of the best way forward for our communities.
26. Staff are working with 'Rationale Ltd', investment management specialists, to support this work, which is also being overseen by a Project Steering Group consisting of four General Managers and relevant staff. Investment logic mapping (ILM) and multi-criteria analysis (MCA) are core tools being used to develop the IBC. ILMs are used to help understand a problem, its impacts, and desired benefits before looking at solutions. MCAs are used to identify and compare different options by assessing their effects, costs, impacts and trade-offs.
27. As part of this process, Council staff are developing financial modelling across options. Once the models have been fully developed and peer reviewed, there will be a greater understanding of the financial costs and benefits for managing two waters or three waters, under each option explored.
28. Once a preferred approach is identified through the IBC and confirmed by Council, a Water Service Delivery Plan will be developed. The Water Service Delivery Plan will need to identify the status quo and the preferred option identified through the IBC.
29. Ongoing discussions with Western Bay of Plenty District Council, and other councils, will continue to ensure the benefits and costs of creating a joint CCO for water service delivery are fully explored (noting that this may be a medium or longer term transition to a multi-Council owned CCO).
30. In terms of timing, it is planned that a preliminary draft IBC will be presented to Council for consideration in late October 2024 and the Water Services Delivery Plan will commence development by the end of year 2024, followed by the required consultation with the community.

STRATEGIC ALIGNMENT

31. This work contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	
We value, protect and enhance the environment	✓
We are a well-planned city	✓
We can move around our city easily	
We are a city that supports business and education	

32. Water supply, wastewater and stormwater has a direct impact on the environment that needs to be managed. Planning for the implementation, renewing and upgrading of water infrastructure is an inherent part of planning for our communities, including providing enough supporting infrastructure for our growing city.

33. Achieving these community outcomes, including the Council's strategic goal of becoming a water sensitive city, will be important to any service delivery model decided on in the future, and will need to be included in any Statement of Intent if a CCO model is adopted.

FINANCIAL CONSIDERATIONS

34. Financial considerations will be a key component of option considerations within the IBC and the Water Service Delivery Plan.
35. There is sufficient budget available to support the development of the IBC and Water Service Delivery Plan.

LEGAL IMPLICATIONS

36. As described above, the legal context for LWDW is still in development. Staff will provide Council with updates of key changes as they occur.

TE AO MĀORI APPROACH

37. As kaitiaki (guardians), Tangata Whenua have an intergenerational obligation to sustain healthy wai (water). This includes ensuring that the mauri of water is not degraded further, and - preferably – restored. The mana, cultural, physical and spiritual well-being of an iwi or hapū are inextricably linked to the ability to effectively exercise kaitiakitanga over a particular resource.
38. Over the course of approximately two years, Te Rangapū held several workshops to develop a set of principles relating to water and water reforms. The outcome was a set of principles that encapsulate the members' priorities and thinking in relation to water. These will be used to guide the development of the IBC:
- **Te Tiriti o Waitangi.** Ensure that the Three Waters Reform gives effect to the Principles of Te Tiriti o Waitangi in all aspects and at all levels.
 - **Natural Māori Alliances.** Ensure that regionalisation takes proper account of natural Māori alliances.
 - **Discharge to whenua.** Discharging to whenua is more appropriate than discharging to wai.
 - **Protect Kaitiakitanga.** Iwi and hapū must be supported to maintain guardianship over their taonga, which includes flora and fauna, and protecting the integrity of the reforms.
 - **Utilisation of Māori Land.** Prioritise supporting the utilisation of Māori land in the delivery of infrastructure, now and into the future.
 - **Natural form and function of taiao.** Plan for better alignment with the natural form and function of the taiao.

- **Te Mana o te Wai.** Waters reform must support the implementation of Te Mana o te Wai in all aspects.

39. Staff will continue to engage with iwi partners and hapū of the district throughout the work programme, as decided at the 20 May 2024 Council meeting.

CLIMATE IMPACT

40. Water infrastructure is a long-term investment and the infrastructure built today may still be operating 100 years from now. As the century unfolds the climate in Tauranga will change, and we are already seeing the impacts of our changing climate, with increasing heavy rain events. Flooding and coastal erosion threaten our essential infrastructure, valuable ecosystems, and the safety of our community. The built environment, including water networks, play a crucial role in the resilience of our city.
41. Whichever service delivery option is chosen by Council under the LWDW framework, the impacts of climate change on water service delivery will need to continue to be a key component of future infrastructure planning.

SIGNIFICANCE

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. 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 matter.
 - (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 policy, it is considered that the matter is of high significance, however the decision proposed in this report is of low significance as the report's primary purpose is to update Council on the LWDW workstream.

CONSULTATION/ENGAGEMENT

45. Taking into consideration the above assessment, that the matter is of high significance, officers are of the opinion that community consultation is required under the Local Government Act 2002. A consultation and engagement plan will be developed once a preferred approach is identified through the IBC process.
46. As noted above, the Local Government (Water Services Preliminary Arrangements) Bill provides for streamlined consultation and decision-making processes for setting up CCOs that deliver water services, and joint local government arrangements, both of which are currently provided for in the Local Government Act 2002.

NEXT STEPS

47. The next steps to progress this work are to:
- Complete a Draft Indicative Business Case that identifies a preferred approach for the future delivery of water services that will be presented to Council by end October 2024.

- Commence development of a Water Service Delivery Plan, an Implementation Plan and a communication and engagement plan by the end of year 2024.
- Continue to keep up to date with legislation and policy development from central government.
- Continue to engage with Te Rangapū throughout the project.
- Continue discussions and work with other councils, particularly the Western Bay of Plenty District Council, in relation to the ability to create a joint CCO water organisation in either the short or medium term.

ATTACHMENTS

1. **Appendix 1 Previous Council Resolutions - A16447101** [!\[\]\(cdf2842d82858164c68c92720a337fb9_img.jpg\)](#) 
2. **Appendix 2 Local Water Done Well Implementation Roadmap (August-2024) - A16447090** [!\[\]\(78688513da7a924039ac16e546d7bf8b_img.jpg\)](#) 

Appendix 1: Local Waters Done Well – Previous Council Resolutions

Date	Council report	Resolutions
20 May 2024	Tauranga Local Water Done Well- Preferred Structure	<p>That the Council:</p> <ul style="list-style-type: none"> (a) Receives the report "Tauranga Local Water Done Well - Preferred Structure". (b) Notes the key objectives for the development of a water entity include obtaining sufficient borrowing capacity for waters and council, retaining local ownership, the development of partnership models and improving the efficiency of water delivery and its integration with council planning and operations. (c) Will continue to monitor legislative developments for the establishment of water entities and the impacts this will have on the establishment of a water entity for Tauranga as outlined in this paper. (d) Approves the preferred option of establishing a Council Controlled Organisation (CCO) model with Western Bay of Plenty District Council. (e) Establishes a project team to prepare the organisation for joint delivery of three water services across the Western Bay of Plenty. (f) Notes that council will continue to investigate structure options involving other councils and approves the development of a CCO model that enables further councils to be included in the future (g) Notes that options may include both two (water and wastewater) and three water (including stormwater) options both on immediate set up and over time. (h) As part of the CCO structure development, investigates opportunities for volumetric wastewater charging. (i) Notes that discussions would continue to connect with iwi partners and hapu of the district.
29 April 2024	Tauranga Local Water Done Well- Update	<p>That the Council:</p> <ul style="list-style-type: none"> (a) Receives the report "Tauranga Local Water Done Well - Update ". (b) Endorses that: <ul style="list-style-type: none"> (i) The range of models are developed, covering TCC's data alongside HCC and WBOPDC. (ii) The Water Services Delivery Plan is developed in accordance with new legislation. (iii) Through the process of Water Services Delivery Plan development, utilise the opportunity to have conversations with other councils about joint arrangements for water services delivery. (c) That due to existing synergies, greater effort on the TCC / WBOPDC model is applied. (d) That all models considered are future proofed to enable economies of scale to be achieved.

Local Water Done Well IMPLEMENTATION ROADMAP



This document provides an overview of key activities and milestones for the implementation of Local Water Done Well.
It outlines the key steps in the overall Local Water Done Well programme to help councils and other stakeholders understand the timing of the programme. It is not intended to be comprehensive or cover related agency workstreams. All information and timeframes are indicative and subject to change, in line with legislative processes.

August 2024

Workstream	Next 6 months (Jul-Dec 2024)	Jan -Jun 2025	Jul-Dec 2025	Jan-Jun 2026	Jul-Sep 2026
LEGISLATION					
Local Government (Water Services Preliminary Arrangements) Bill (Bill 2)	Bill 2 enacted (Aug 2024) Department of Internal Affairs (DIA) provides guidance for councils to support implementation of Bill 2				
Local Government Water Services Bill (Bill 3)	Bill 3 introduced (Dec 2024)	Bill 3 enacted (mid-2025)	DIA provides guidance for councils to support implementation of Bill 3		
COUNCIL WATER SERVICE DELIVERY ARRANGEMENTS					
Water service delivery arrangements	Councils can establish new water organisations allowed under existing legislation DIA/Crown Infrastructure Partners (CIP) supports councils on delivery model considerations CIP and Local Government Funding Agency (LGFA) support councils on structuring and financing for new water organisations (Dec 2024-Feb 2025)		Councils can establish new water models provided through legislation Minimum requirements for local government water services providers in effect		
Water Services Delivery Plans (WSDPs)	Councils develop WSDPs DIA supports councils to populate WSDP template (Sep-Nov 2024)	Councils finalise WSDPs, with DIA support as needed	Councils submit WSDPs to DIA for review and acceptance (Aug-Nov 2025) Final opportunity for councils to apply for WSDP extension (Jul 2025)	Councils publish accepted WSDPs (Nov 2025 or later for extensions) DIA shares accepted WSDPs with Commerce Commission and Taumata Arowai DIA monitor WSDPs Implementation Plan (Nov 2025 until complete)	

KEY: Mandatory activities

Workstream	Next 6 months (Jul-Dec 2024)		Jan -Jun 2025	Jul-Dec 2025	Jan-Jun 2026	Jul-Sep 2026
ECONOMIC REGULATION						
Crown monitor for Watercare (interim economic regulator for Watercare)	Crown monitor appointed	Crown monitor quarterly reporting				
	Watercare submits business plan to Crown monitor	Crown monitor annual reporting (starting 30 Nov 2024)				
	Watercare Charter in place					
Ringfencing of water services	Councils must consider ringfencing as part of WSDPs			Consideration of ringfencing requirements and impacts on council operations, and implementation of financial controls to enable ringfencing of water services financial information	Water service providers prepare stand-alone financial statements for water supply, wastewater and stormwater, and in aggregate, for the period to 30 June 2026, as part of annual reporting (anticipated)	
Information disclosure	Councils provide information as part of WSDPs (foundational information disclosure)		Commerce Commission consultation on potential information disclosure requirements		Information disclosure requirements in place (within 6 months of Bill 3 enactment)	
	Early information disclosure on assets and investments for some councils (subject to ministerial approval)					
Revenue thresholds					Revenue thresholds in place (if required)	
Quality standards and performance requirements					Quality-only regulation and performance requirements can apply	
Price-quality regulation						Price-quality regulation can apply
ENVIRONMENTAL REGULATION						
Drinking water						
Drinking water quality regulatory environment	Regulatory changes to ensure regulation is proportional to risk for drinking water suppliers					
Wastewater						
Wastewater environmental performance standards	Taumata Arowai engages on development of wastewater standards		Taumata Arowai consultation on wastewater standards		Wastewater standards in place (mid-late 2025)	
					Modular designs for treatment plants available (that meet wastewater standards)	
Stormwater						
Stormwater management roles and responsibilities					New urban stormwater provisions take effect	
Water service bylaw alternatives					Alternative options to bylaws available to councils (e.g. drinking water catchment plans, trade waste plans and rules, water supply and wate management enforcement)	
Infrastructure						
National Engineering Design Standards (NEDS)					DIA develop NEDS regulations	NEDS in place (early 2026)

11.4 Fifteenth Avenue to Welcome Bay Single Stage Business Case

File Number: A16448981

Author: Chris Farnsworth, Senior Project Manager - Major Projects

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. To present to Council the Fifteenth Avenue to Welcome Bay Single Stage Business Case (SSBC) and seek endorsement for its submission of the to the New Zealand Transport Agency (NZTA) for their approval. This is a prerequisite for consideration for co-funding of Stage 1.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Fifteenth Avenue to Welcome Bay Single Stage Business Case". Endorses the Single Stage Business Case submission to NZTA Board for approval.
- (b) Notes that the co-funding request is for Stage 1 only.
- (c) Notes that endorsement of the Single Stage Business Case does not commit TCC/NZTA to implementation or funding. A further decision-making gate will occur to outline affordability and request.
- (d) Notes that the Stage 1 project costs are within current 2024-2034 Long Term Plan.
- (e) Notes that the Single Stage Business Case needs to be submitted to NZTA no later than 26th August 2024 to ensure a NZTA Board decision by October 2024. Any submission after this date will push the NZTA Board decision to later 2024/early 2025.

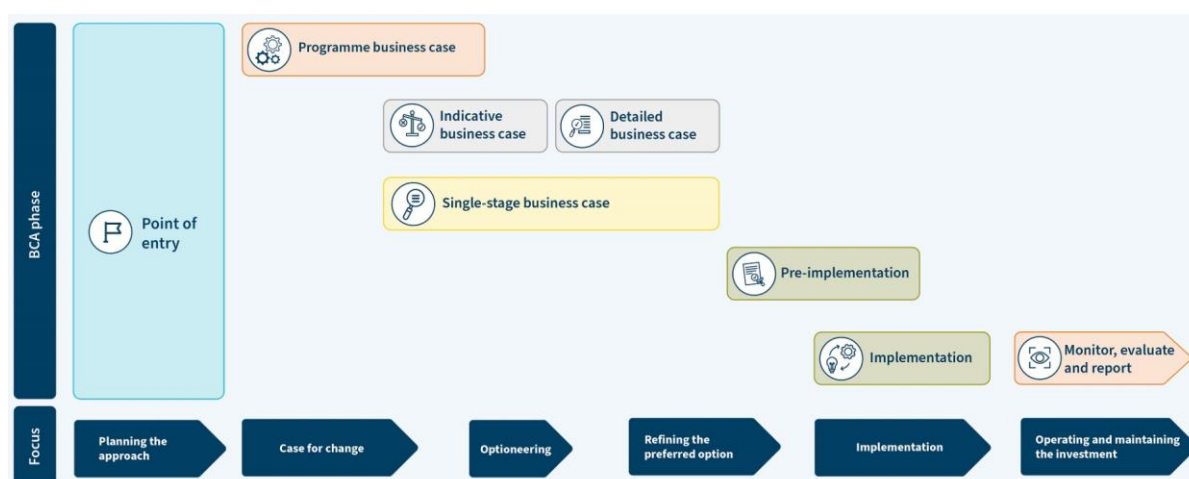
EXECUTIVE SUMMARY

2. Fifteenth Avenue to Welcome Bay is a key arterial transport corridor of Tauranga. The Western Bay of Plenty Transport System Plan (TSP) ranked this corridor number 4 in terms of the worst peak hour congestion, with a poor level of service, access and safety problems, walking and cycling deficiencies. The future form of the corridor is recognised as one of the key issues to address in Western Bay of Plenty's transport system.
3. The Project will enhance the Fifteenth Avenue, Turret Road, and Welcome Bay Road corridor by alleviating congestion, improving options for active modes of transportation and public transport, and enhancing access to essential destinations such as schools, marae, shops, and places of work. The significance of the corridor lies in its role as the primary link connecting the Welcome Bay, Ohauti, Hairini, Maungatapu communities, and the central and northern Te Papa Peninsula schools, work places and activities.
4. The Single Stage Business Case (SSBC) commenced in March 2022 completed in July 2024 and is a result of collaborative efforts between Tauranga City Council, tangata whenua, Bay of Plenty Regional Council, NZTA and stakeholders.
5. The SSBC identifies a Preferred Option which includes:
 - (i) Completing the four-laning between Cameron and Burrows Street.
 - (ii) Three-laning of Turret Road and the Hairini Bridge and Causeway.

- (iii) A tidal-flow (dynamic lane) system along Turret Road to provide an additional lane of capacity in the peak directions of travel.
 - (iv) Future application of High Occupancy Vehicle (HOV/T2/T3) lanes along Fifteenth Avenue and Turret Road.
 - (v) Improved walking and cycling facilities, targeting the key journeys.
 - (vi) Safety improvements.
 - (vii) Opportunities to include cultural design elements that recognise the significance of the corridor to mana whenua.
6. The Project has an overall Benefit Cost Ratio (BCR) of 3.1 (Stage 1 – 3.8 and Stage 2 – 2.6)
 7. It is proposed that Stage 1 will be implemented between 2025-2029 and Stage 2 from 2027 onwards if funding is approved by NZTA.
 8. The total project costs for Stages 1 and 2 are **\$127.5M (P50)**. TCC are only seeking approval for Stage 1 co-funding of **\$82.6M (P50)** at a 51% funding assistance rate (FAR). The SSBC includes an addendum to allow TCC to apply for co-funding for pavement rehabilitation (\$12.3M) and bridge resilience (\$20M) construction costs if required.

BACKGROUND

9. NZTA and Councils have an agreed process of how to approach investment in the transport network when prioritising projects/activities and seeking co-funding under the National Land Transport Programme, while ensuring alignment with various Local and Regional Plans and Strategies.
10. The business case process is used to:
 - (a) define issues, set outcomes and objectives to address these issues,
 - (b) explore multiple options to achieve these outcomes, and
 - (c) to confirm the strategic, commercial, and deliverable viability of a preferred option to deliver on the set outcomes and objectives.
11. The Fifteenth Avenue to Welcome Bay project used a faster Single Stage Business Case initiated under the previous Government Policy Statement (GPS) for Transport.
12. **NZTA Project delivery pathway**



13. For 20 years or more the Fifteenth Avenue to Welcome Bay corridor has been discussed and assessed as a congestion and resilience concern, constraining the efficiency of this section of Tauranga and the wider roading network. Unfortunately, much like other key roading

corridors within New Zealand, the corridor has never been a priority for significant investment with only sporadic investment to date.

14. As a result of the TSP work, in October 2021 Stantec was commissioned to conduct a strategic review of the Project and offer recommendations to frame the scope of the business case. This ensured a well-informed and strategic approach to the Project's development.
15. Following a competitive bid process, the SSBC phase commenced in March 2022 with Stantec as the main business case consultant. At the same time Aurecon was direct appointed to provide specialised advice on the condition and performance of the Hairini Bridge and Causeway. Aurecon's work has confirmed that three-laning of the bridge is possible.
16. In February 2023 investigation began on the option of a clip-on shared use path (SUP) on the Hairini Bridge. This SUP will provide a safer way for pedestrians and cyclists to cross the harbour, whilst creating space for an additional lane (for traffic) to be added onto the existing bridge.
17. Following public consultation in September 2023 the Preferred Option was approved and the DBC phase commenced.

An alternative option to note was an offline 4 lane alignment however, would be a significantly more expensive and difficult to implement as involves substantial land purchase and challenging consenting.

18. In February 2024 TCC approved early Pre-implementation activities that are required to be completed before the expected date of NZTA approval of the Project (October 2024). These works are focused on the Hairini Bridge investigations, consenting strategy, White Fronted Terns, Procurement Strategy, constructability reviews (ie, to reduce construction disruption to the community by targeting smaller geographic work zones across the 6.5km corridor, and alignment and coordination of interrelated or adjacent projects such as utilities works). These works are at TCCs expense and are being undertaken prior to SSBC approval.
19. In April 2024 the TSP Governance Group supported the project and suggested splitting it into two stages to align with the new draft GPS investment priorities.
20. On 22 April the Commissioners were presented with an outline of the 2 staged approach, and it was decided that the Project would only seek funding for Stage 1. The executive summary was updated by Stantec to realign the project for a Stage 1 and 2 approach.
21. The updated project executive summary was presented to the BoPRC Joint Public Transport Committee on 1 May, receiving the Committee's support, and on 20 May, the final SSBC executive summary was endorsed by the Commissioners approving the Stage 1 and 2 approach.
22. The SSBC has been reviewed over the last 4 months to ensure alignment with the new GPS and associated investment outcomes. Both internal and external reviews have taken place with the SSBC also being peer reviewed by Resolve Group.

STATUTORY CONTEXT

23. The outcomes sought for this Project delivers on each of the strategic priorities in the Government Policy Statement on Land Transport 2024-2034 (GPS). The significant travel time benefits deliver economic growth and productivity and create a more efficient and reliable transport corridor. With enhancements to intersections and pathways the project will also reduce the likeliness of injury occurring along the corridor. Upgrades to assets, in particular stormwater, and the potential to add other resilience works to the project by way of structural upgrades to the bridge and rock revetment enhancement to the causeway also align strongly to the resilience and increased maintenance criteria of the GPS.
24. The GPS specifically notes interventions such as dynamic lanes to make better use of assets and deliver value for money with a BCR of 3+, which is the "headline feature" of the project.

25. A Consenting Strategy is in development that outlines the approach to our Statutory requirements, including resource consenting in relation to waters, earthworks, coastal activities, and fauna (white fronted terns) and also building consent requirements in relation to modifications to the Hairini Bridge.

STRATEGIC ALIGNMENT

26. This contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	<input type="checkbox"/>
We value, protect and enhance the environment	<input type="checkbox"/>
We are a well-planned city	✓
We can move around our city easily	✓
We are a city that supports business and education	✓

27. The Urban Form and Transport Initiative (UFTI) in the western Bay of Plenty sub-region includes the Connected Centres Programme - a 30 to 70-year plan to integrate land use and transport initiatives with key objectives including sustainable urban development, sufficient housing supply, and improved transport outcomes.
28. The Fifteenth Avenue to Welcome Bay improvements will support multimodal access and safety, and address current deficiencies in the Welcome Bay area, including poor connections, lack of Māori land development opportunities, and infrastructure constraints.
29. The Project has been identified as a priority in transport plans and is one of Tauranga City Council's five major transport projects included in the Long-term Plan (LTP). It is listed as the sixth highest strategic priority in the *Bay of Plenty Regional Land Transport Plan 2024-34* (RLTP). It is listed with the highest priority of 'High' in the TSP. The *Urban Form and Transport Initiative* (UFTI) notes the Project as a 'key move' for the central corridor, and as one of the UFTI implementation first steps transport delivery actions.

OPTIONS ANALYSIS

30. An initial wānanga held on 13 May 2022 convened stakeholders from TCC, BoPRC, NZTA and hapū to establish a strategic vision for a corridor project. This resulted in an agreed outcome statement: *'Acknowledging kaitiakitanga and improved wellbeing for future generations by delivering efficient movement and enhanced connectivity of people, place and identity'*.
31. A long-list workshop was held on 5 July 2022 convening stakeholders from diverse organisations to analyse key evidence and propose interventions aligned with the draft Investment Objectives. This resulted in the identification of 112 interventions addressing themes such as demand management, public transport, intersection upgrades, and safety measures.

32. The Multi-Criteria Assessment (MCA) process, conducted between August and September 2022, comprised initial briefing sessions followed by a technical moderation session on 23 September. During this session subject matter experts shared scores and discussed assumptions. Subsequent follow-up sessions were held to further refine scores, leading to the identification of top programmes for each of the four zones. The programmes that were favoured for Zones 1 and 2 were *Walking and Cycling, Quality of Place and Transport Choice*; while those for Zones 3 and 4 were *Walking and Cycling and Do Maximum* respectively.



33. In early 2023 the short-listing assessment was undertaken confirming Zones 1 and 2 should include the introduction of T2 lanes in widening areas, raised medians along Fifteenth Avenue and the implementation of new pedestrian crossings around schools on Welcome Bay Road to enhance safety.
34. In February 2023 investigation commenced on the option of a clip-on shared use path on the Hairini Bridge and conversion to three traffic lanes. This was subsequently confirmed as technically feasible.
35. Public consultation on the shortlist options took place during September/October 2023 to help inform selection of the Preferred Option. There was support for a tidal flow lane across Hairini Bridge, improved shared/cycle paths and High Occupancy Vehicle (HOV) lanes along Fifteenth Avenue, with only minor changes needed to the shortlist options.
36. Following public consultation in September 2023 the Preferred Option was approved and the DBC phase commenced.
37. Following the introduction of the GPS July 2024 and the request for a staged approach, the SSBC still includes both Stages 1 and 2 with no changes to the preferred option other than only requesting funding for Stage 1. It is still planned to request funding for Stage 2 in the next 2027 NLTP funding round.
38. The Preferred Option comprises the following interventions:
- (a) Stage 1**
- Completing the four-laning of 15th Avenue between Cameron and Burrows Street.
 - Three-laning of Turret Road, the Hairini Bridge and causeway. This will see a new 'clip-on' shared path to the existing bridge structure, to allow the existing width to be allocated for three traffic lanes.
 - A tidal-flow (dynamic lane) system along Turret Road. Standard setout with the ability to alter to High Occupancy Vehicle (HOV) lanes in the future.

- HOV lanes along 15th Avenue - starting as T2, but potentially becoming T3 or bus lanes in the future.
- Signalisation of the Welcome Bay Road/James Cook Drive intersection, bus priority lane and the mini roundabout at Victory Street/James Cook Drive.

(b) Stage 1 and 2

- Improved walking and cycling facilities, targeting the key journeys to schools.
- Improved safety and intersection upgrades
- Opportunities to capture cultural elements in the design.





Stage 1 and 2 Scope of project (note for Stage 2 no co-funding request at this stage)

FINANCIAL CONSIDERATIONS

39. The forecasted delivery costs for Stages 1 and 2 are expected to cost between \$127.5M (P50) and \$162.5M (P95).
40. TCC are only seeking approval for Stage 1 co-funding of \$82.6M (P50).
41. The project is responsible for delivery of 3-waters upgrades and renewal at an estimated cost of approx. \$24M that will be funded from separate Waters budgets and not included as part of the SSBC funding request.
42. A co-funding request for Stage 1 (\$82.6M) will be submitted to NZTA at a 51% FAR.
43. Excluding water above the TCC cost share component is through the Infrastructure Funding and Finance (IFF).
44. SSBC addendums for co-funding will be submitted to NZTA during the Pre-Implementation phase for Pavement rehabilitation (est \$12.3M) and bridge strengthening (est \$20M).

Stage	Phase	Funder	P50			P95
Stage 1	Pre-Implementation	TCC Early works	Stage 1	Stage 2	Total	
		NZTA (51%) & TCC	\$0.8M			
	Construction	NZTA (51%) & TCC	\$10.5M		\$11.3M	
		STAGE 1 – TOTAL			\$82.6M	
Stage 2	Pre-implementation and Construction	NZTA & TCC Future co-funding request		\$32.6M		
		STAGE 2 – TOTAL			\$32.6M	
STAGE 1 + STAGE 2					\$115.2M	
	<i>Pavement renewal (construction)</i>	<i>NZTA & TCC Future co-funding request</i>			<i>\$12.3M</i>	
STAGE 1 + STAGE 2 + Pavement					\$127.5M	\$162.5M

45. The cost and cashflow for the construction phase will be assessed through the pre-implementation phase and the total project cost is considered to be affordable and within existing budget forecasts. Ongoing alignment with broader transport and Three Waters investments will be required to maximise the expected benefits, reduce disruption and to provide cost efficiencies through the pre-implementation phase.
46. The project has been accounted for in the 2024-2034 LTP.

LEGAL IMPLICATIONS / RISKS

47. Funding availability within the National Land Transport Plan is a key uncertainty. This will be confirmed through the NZTA funding decision-making process and assessed alongside other projects nationally for funding assistance. To mitigate this uncertainty the focus has been on supporting the development of a strong investment case which tells a compelling story for investment and the benefits that would flow from this.
48. Increasing costs over time (pre-implementation and construction phase) have been raised as occurring across most transport projects in New Zealand. Contingencies have been added to the physical works, ongoing maintenance and operational costs.
49. Network disruption has also been raised as a key risk also noting that interdependent NZTA and TCC project that are also scheduled to be delivered within the next 5 years. Mitigation measures include undertaking a Procurement Strategy for the programme of work to better understand the market and to help inform the Communications and Engagement Strategy. Delivery and Constructability reviews are ongoing with internal/external stakeholders.

TE AO MĀORI APPROACH

50. Tangata Whenua are a key delivery partner in the Project and have been involved since project initiation (2022) in the Investment logic mapping process, hui, and as members of the monthly Project Management Board.
51. This partnership will continue through the life of the project, where we will explore opportunities to include cultural design elements that recognise the significance of the corridor, as well as potential delivery opportunities for hapu business during procurement.

CLIMATE IMPACT

52. The Project creates the opportunity to reduce the overall Vehicle Operating Costs and emissions by reducing congestion and providing mode choice.
53. Several underground services will be upgraded during delivery, noting the stormwater system which will be modified and upsized to cope with increasing rainfall peak volume and velocity rates.
54. Resilience can potentially be included within the project, but requires a preliminary design, economic analysis and value for money review to determine funding. The key items within this scope look to enhance the harbours rock revetment wall and the bridge piers (note this will be a developed and a co-funding request submitted to NZTA during the Pre-Implementation phase).

CONSULTATION / ENGAGEMENT

55. Community engagement began with a workshop in May 2022 to connect with partners, discuss corridor issues, and share stories with representatives from Council, NZTA, Bay of Plenty Regional Council and mana whenua. Subsequent meetings involved a broader range of stakeholders, including emergency services, government agencies, community groups, and more.
56. Public consultation was held in July 2022 seeking the community's views of improving the corridor. The community told us they wanted more lanes, widened roads, an upgraded harbour crossing, a tidal flow system, improved public transport, alternative travel modes,

improved pedestrian and cyclist safety, reviewed speed limits, alternative routes and potentially additional schools to mitigate travel distances for students and parents.

57. Public consultation on the short list options took place in October 2023. Support was strong for a tidal flow system across Hairini Bridge, improved shared/cycle paths and HOV lanes along Fifteenth Avenue. Several changes were made to design details because of the public feedback.

SIGNIFICANCE

58. 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.
59. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
- (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the .
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
60. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the proposal is of high significance.

ENGAGEMENT

61. 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

62. Submit the SSBC to NZTA for formal IQA review and consideration for funding at its October 2024 Board meeting. The decision-making process includes:
- (a) NZTA full internal investment decision-making review – programmed from August-October 2024. This will enable NZTA to finalise the current 'Final-draft' business case; and
 - (b) NZTA Board decision-making – programmed for October 2024.
63. Continue with early Pre-implementation works in advance of the NZTA Board decision of the Project will be limited to:
- (c) Hairini Bridge investigation works will be completed to inform scoping and execution of detailed design and potential enabling works; and
 - (d) Completion of the Procurement Strategy to inform procurement decisions for the physical works, which will in turn inform decisions on procurement of professional services for Pre-implementation activities.
 - (e) Consenting Strategy and enabling works investigation for the White Fronted Terns.
 - (f) Project Planning

ATTACHMENTS

1. **Fifteenth Avenue to Welcome Bay Single Staged Business Case - Final Draft - A16043526 (Separate Attachments 1)** 

11.5 Activation of Cameron Road Bus Lanes

File Number: A16283476

Author: Shawn Geard, City Centre Infrastructure Lead

Authoriser: Nic Johansson, Head of Transport

PURPOSE OF THE REPORT

1. To inform Council of the options regarding implementation of peak-time bus lanes along Cameron Road between Second Avenue and Sixteenth Avenue and request a decision.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Activation of Cameron Road Bus Lanes".
- (b) Adopts the implementation of peak time bus lanes along Cameron Road between Elizabeth Street and Sixteenth Avenue:
 - (i) Northbound bus lane is to be operational between 7am and 9am weekdays only.
 - (ii) Southbound bus lane is to be operational between 4pm and 6pm weekdays only.
 - (iii) Implementation is to occur after community communications has been undertaken to inform of the implementation.
 - (iv) Implementation is to occur end of October/early November.

EXECUTIVE SUMMARY

2. Cameron Road Stage 1 was designed to include a bus lane in each direction to provide improved bus journey reliability, supporting further residential intensification in Te Papa.
3. High-quality public transport along the main city spine supports urban growth in the Western Corridor such as Tauriko West.
4. The importance of these bus lanes was established in the Urban Form and Transport Initiative (UFTI), and later re-confirmed through the Western Corridor Transport System Plan (TSP).
5. Previous agreements through a Memorandum of Understanding with Crown Infrastructure Partners (CIP) and the Bay of Plenty Regional Council (BOPRC) outline the design and use of these bus lanes (Appendix 1). This requires:
 - (a) Bus clearways and intersection improvements to improve public transport reliability,
 - (b) Full time bus lanes:
 - (i) 10 from the date of Cameron Road Stage 1 construction completion; or
 - (ii) Completion of Cameron Road Stage 2
6. The bus clearways are to be peak times only, in the direction of predominant travel, until demand required further activation. Outside of these peak times, this lane would be used for car parking (where appropriate).

7. These bus lanes are already fully constructed and legalised, including paint and signage, and only require communication and sign coverings to be removed to make operational.
8. Currently, seven public bus services, along with school buses utilise this section of Cameron Road, these buses carry over than 600 bus passengers on average each day. This number is expected to grow with further residential intensification in Te Papa and growth of the Western Corridor.
9. Bus passengers currently experience limited delay along Cameron Road this this delay being a factor of pulling into traffic once servicing bus stops, and queuing at signalised intersections.
10. Approaching the scheduled opening (November 2023) there was negative sentiment regarding these bus lanes from adjacent stakeholders (predominantly businesses) who had been affected by the construction. These stakeholders were strongly opposed to the bus lanes due to their effect on parking during the peak hours.
11. The decision (27 November 2023) to delay bus lane activation occurred after bus lane marking had been completed.
12. Staff believe two options to proceed exist:
 - (a) Proceed with planned opening of peak time bus clearways along the Cameron Road corridor between Second Avenue and Sixteenth Avenue, as currently constructed and supported by growth plans.
 - (b) Undertake a road remarking to provide 'bus queue jump' lanes at intersections only. This would allow buses to skip ahead of delays presented by queues at signalised intersections. This would provide for full time parking where possible,

BACKGROUND

13. Previous agreements including a Memorandum of Understanding (including TCC, CIP, and BOPRC) and the draft business case (not completed due to Crown Infrastructure Partners 'Shovel Ready' Funding) have noted the kerb-side most lane is to be allocated as parking/ peak time bus lanes.
14. Tauranga City Council made the decision to pause the planned operation of the peak hour bus lanes over summer (2023-2024) pending further discussion in the new year. This was focused on providing relief for businesses and allow parking over the busy and profitable summer months following a period of intensive construction on Cameron Road.
15. Tauranga's Infrastructure Development Code (IDC) identifies Cameron Road as secondary arterial road, which prioritises the movement of people and goods.
16. Peak times are currently characterized as 7am-9am northbound, 4pm-6pm southbound. It is expected these times will evolve over time as Tauranga's population continues to grow and movement patterns change.
17. The Cameron Road Stage 1 corridor lanes currently operate well within the vehicle capacity expected by a two-lane road with traffic signals.
18. The bus lane is not expected to have a negative effect on the general-purpose lane capacity as it does not impact the number, or function of these lanes.

STRATEGIC ALIGNMENT

19. This contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	✓
We value, protect and enhance the environment	✓
We are a well-planned city	✓

- We can move around our city easily ✓
- We are a city that supports business and education ✓

20. This paper asks Council to decide how best to balance these strategic community outcomes, bus priority supports inclusivity, environmental, planning, and movement outcomes, with both bus priority and parking supporting business and education.

OPTIONS ANALYSIS

21. The two potential options for implementation identified as practical are:

- (a) Proceed with opening Peak Time Tidal Flow Bus Lanes along the Cameron Road corridor between Second Avenue and Sixteenth Avenue, as currently constructed.
- (b) Undertaken a road remarking exercise to provide 'bus queue jump' lanes at intersections,

Option	Description	Pros	Cons
Option A Bus Lanes	Provide peak time bus lanes.	<p>Minimises bus delay.</p> <p>Provides clarity and utilises existing road infrastructure.</p> <p>Enforcement can occur based on current CCTV footage.</p> <p>Enables increasing bus lane time of operation when demand and levels of congestion justify.</p> <p>No additional costs.</p> <p>Aligns city and subregional planning strategies.</p> <p>Does not impact on general vehicle movement along Cameron Road</p> <p>Supports ongoing growth and increased public transport uptake by providing for an enhanced journey that is conjunction with BOPRC's planned increase in bus services.</p>	<p>Public perception of current usage as being underutilised as compared with general vehicle lanes.</p> <p>Parking unavailable for two hours during peak hours.</p> <p>Clearway enforcement is new to Tauranga and will require significant enforcement initially</p>
Option B 'Bus queue jumps' at traffic signals	Provide bus jumps at traffic signals to allow buses through queued traffic near intersections.	Provides for the current bus delay constraints at intersections in a way that allows for parking where these	Delays associated with buses pulling out into traffic would predominantly remain, making bus journeys less

Option	Description	Pros	Cons
	This can be changed to bus lanes in the future.	delays are less pronounced.	attractive. Bay of Plenty Regional Council expect bus lanes along Cameron Road (a commitment to bus lanes when required could mitigate this). Additional marking/ signage will be required at TCC cost, this is expected to total approximately \$200,000. Carparking at times impacts traffic flow (parallel parking)

22. A 1-minute delay to each bus user along Cameron Road equates to an approximate \$24,000 cost to Tauranga annually.
23. There are approximately 100 northbound, and 61 southbound carpark spaces, carparks adjacent to retail (including food) equate to 30% of carparks.
24. Option B would retain 65% of northbound carparks during the 7am – 9am period, and 40% of southbound carparks during the 4pm – 6pm period (to be confirmed upon further design of this option).
25. Staff consider Option A to be preferred as it utilises Tauranga City Council's existing infrastructure without change, noting bus lanes are required in the medium term.
26. Allocating this lane to high occupancy vehicles (etc. 'T2') has been assessed as impractical due to the in-lane bus stop arrangement, along with enforcement infrastructure being a significant expense (expected >\$400,000 capex).

FINANCIAL CONSIDERATIONS

27. Option A can proceed within currently allocated budgets, Option B requires additional expenditure of approximately \$200,000.

LEGAL IMPLICATIONS / RISKS

28. Proceeding with Option A presents minimal legal implications/ risks. Option B would present implications associated with Tauranga City Council's commitments under the attached MoU.

TE AO MĀORI APPROACH

29. Tangata whenua have been engaged throughout the Cameron Road Stage 1 project.

CLIMATE IMPACT

30. Support for public transport both through vehicle operating reductions and increased usership significantly enhances carbon emission reduction.

CONSULTATION / ENGAGEMENT

31. Throughout the Cameron Road project engagement has occurred with both stakeholders directly impacted by the Cameron Road improvements and the surrounding communities.
32. Directly impacted stakeholders along Cameron Road have generally opposed parking removal.
33. Wider community engagement generally supports more reliable bus services (supported by bus lanes).

SIGNIFICANCE

34. 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.
35. 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.
36. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of medium significance.

ENGAGEMENT

37. 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

38. The next depends on the option taken, these being:
 - (a) Option A – Proceed with a communications campaign informing of the bus lanes being made operational, this would be expected to occur 8 weeks after the decision.
 - (b) Option B – Undertake detailed design of the new road marking for inclusion within a Traffic Resolutions Report. It is expected the option could be made operational in November.

ATTACHMENTS

1. **Memorandum of Understanding - Cameron Road Stage 1 & Te Papa Indicative Business Case - A12736616** [↓](#) 

**CAMERON ROAD MULTI MODAL PROJECT
&
TE PAPA INDICATIVE BUSINESS CASE PROGRAMME**

Memorandum of Understanding

Between

WAKA KOTAHI NEW ZEALAND TRANSPORT AGENCY

And

BAY OF PLENTY REGIONAL COUNCIL

And

TAURANGA CITY COUNCIL

THIS MEMORANDUM OF UNDERSTANDING is dated the 25th day of June 2021

PARTIES

WAKA KOTAHI NEW ZEALAND TRANSPORT AGENCY

BAY OF PLENTY DISTRICT REGIONAL COUNCIL

TAURANGA CITY COUNCIL

1 Background

Te Papa Indicative Business Case

- 1.1 Tauranga City Council (TCC), Bay of Plenty Regional Council (BoPRC) and Waka Kotahi New Zealand Transport Agency (Waka Kotahi) have worked in collaboration as project partners to prepare the Te Papa Indicative Business Case (IBC), attached as **Appendix A**.
- 1.2 The IBC for the Te Papa peninsula provides project partner decision-makers with a clear indication of the preferred way forward for an integrated land use and transport programme of initiatives which is intended to support a connected and liveable city, within a local and sub-regional context. The project focuses on investments within the Te Papa peninsula as part of the Western Bay of Plenty sub-region over the next 30 years. The transport investments are a sub-set of the overall integrated land use transport strategy prepared as part of the project.
- 1.3 Partners are committed to delivering thriving communities and wider system plan. The TPIBC key moves, outcomes and KPI measures contributing to multiplan outcomes are included in Appendix B.

Investments are across urban development, provision of green networks, community facilities, walking, cycling, micro-mobility, public transport, 3 waters, and essential supporting social infrastructure improvements. Initiatives include delivery of behaviour change, and travel demand management through use of parking supply / pricing tools. The full programme, including indicative scope and timing, is contained within the IBC.

- 1.3 The IBC was endorsed by the project partners in 2020, whereby the following outcomes were agreed:
 - a) A memorandum of understanding (MoU) between TCC, BoPRC and Waka Kotahi is to be developed that details governance structure and delivery model for the subsequent phases of the Te Papa IBC.
 - b) TCC, BoPRC and Waka Kotahi will develop, agree, and sign a benefits realisation and monitoring plan for the Te Papa 30-year programme.
 - c) The Te Papa IBC is not a funding agreement for the activities within the business case and that TCC, BoPRC and Waka Kotahi (including through the National Land Transport Fund) need to go through their own statutory processes to approve funding.

Cameron Road Multi Modal Project Stages 1 and 2

- 1.4 In September 2020, TCC was approved by the New Zealand Government for funding support through the COVID Response and recovery Fund shovel ready project initiative to deliver the Cameron Road Multi Modal project, including:
 - a) Stage 1 – Design and construction of the Cameron Road Multi Modal project between Harington Street and 17th Ave
 - b) Stage 2 – Preparation of a Single Stage Business Case including preliminary design for the Cameron Road Multi Modal project between 17th Ave and Barks Corners.
- 1.5 Partners will use best endeavors to progress the implementation of Stage 2 to deliver on outcomes quicker.
- 1.6 As part of the Waka Kotahi led Tauriko Network Connections detailed business case, a further extension of bus priority from Barks Corner to Tauranga Crossing is being proposed. .
- 1.6 The Funding Agreement between Crown Infrastructure Partners and Tauranga City Council for the Cameron Road multi-modal project (Q2016) is attached as **Appendix B**.
- 1.7 The project is focused on supporting intended land use change within and beyond the Te Papa peninsula by enabling Cameron Road to perform better from a safety and multi-modal accessibility perspective, while also enhancing amenity outcomes. In doing so it supports the city's continued growth while helping to manage congestion and promoting safe and sustainable transport choices.
- 1.8 With regard to the agreed project scope for public transport the following statement is made in Schedule 1 of the agreement:

"Project Assets

The Project (Stage 1) includes the construction of the following (the assets referred to below are the Project assets):

- Bus clearways and intersection improvements to improve public transport reliability. At a later date the bus clearways will become full-time bus lanes, although this stage does not form part of the Project for the purposes of this Agreement."

- 1.9 The project was identified within the Te Papa IBC as being an integral component to achieving the overall intensification and supporting movement outcomes for Te Papa and the wider city.
- 1.10 As part of the Government's funding approval, the following special terms of agreement were agreed:

The recipient [TCC] is to work with Waka Kotahi and Bay of Plenty regional Council to agree a trigger point for when full public transport prioritization of Cameron Road between the CBD and the Hospital will be required and commits to implementing full public transport prioritization at this agreed trigger point. This will be agreed as part of memorandum of understanding between the Recipient, Bay of Plenty regional Council, and Waka Kotahi that is to be developed before June 2021 that details the governance structure and delivery model for the subsequent phases of the wider Te Papa Spatial Framework programme.

2 Purpose of this Memorandum of Understanding

- 2.1 Having regard to the above, the purpose of this MoU is to:
 - a) Agree details of the governance structure and delivery model for the subsequent phases of the Te Papa IBC
 - b) Agree a trigger point for when full public transport prioritization of Cameron Road between the CBD and the Hospital will be required.
- 2.2 In agreeing the above matters, the MoU will also provide the basis (through the agreed governance structure) for next steps in developing and implementing a benefits realisation and monitoring plan for the Te Papa 30-year programme and Cameron Road Multi Modal project trigger points.
- 2.3 The focus of this MoU and the proposed governance structure relates to the transport programme elements of the IBC.
- 2.4 TCC will continue to progress relevant City Plan changes (through the City Plan review and plan changes) to implement the envisaged land use patterns identified within the Te Papa IBC and as required by the National Policy Statement on Urban Development, supported by investment in three waters, community facilities, urban realm and open space projects through its Long Term Plan. In addition, SmartGrowth will continue to support growth in the Te Papa area through SmartGrowth Structures and processes such as the SmartGrowth Housing Action Plan and Priority Development Areas (PDAs) task group. These SmartGrowth structures and initiatives include representation from Waka Kotahi, BoPRC and TCC.
- 2.5 Together the partners commit to support the outcomes within the Te Papa Plan through appropriate policy implementation, including enabling of development and supporting multimodal transport options. The parties acknowledge that the IBC provides for an indicative programme and subject to internal and external dependencies and influences.
- 2.6 This agreement is not a funding agreement for the activities within the Te Papa IBC and that funding by TCC, BoPRC and Waka Kotahi (including through the National Land Transport Fund) need to be considered and approved through the respective statutory processes.
- 2.7 At the time of writing, the parties to the agreement are preparing their respective financial plans (including TCC's Long Term Plan (LTP), BoPRC's LTP and Regional Land Transport Plan (RLTP) and Waka Kotahi's National Land Transport Plan (NLTP)), including identification of funding requirements in general alignment with the Te Papa IBC. This MoU will provide the basis for an ongoing governance structure to facilitate integrated planning for funding as the programme moves forward.

3 Proposed Governance Role and Structure

- 3.1 Programme governance of the Te Papa IBC transport elements shall sit within the remit of the Western Bay of Plenty Transport System Plan (TSP) or SmartGrowth governance structures.
- 3.2 The TSP has a governance structure which could assist in delivery of transport initiatives as part of that programme, which includes representation of the Te Papa IBC project partners. The TSP governance sits under the SmartGrowth Leadership Group, which also includes representation from the Te Papa IBC project partners.
- 3.3 In relation to land use and as outlined above, SmartGrowth will support growth in the Te Papa area through the Housing Action Plan and PDAs task group. SmartGrowth has set up the PDAs task group (including the Te Papa IBC project partners and broader partners) to assist in identifying tools to unlock growth potential within identified growth areas, including Te Papa (as identified in the Housing Action Plan). The PDAs task group will report through SmartGrowth structures, including to the SmartGrowth Leadership Group.
- 3.4 The exact governance structure is still being discussed and will be confirmed in discussion with the Independent Chair of Smart Growth. This MoU will be updated to reflect that agreement.

4 Cameron Road Trigger Points

- 4.1 As outlined above, as part of the Government's funding approval for Cameron Road Multi Modal (Stage 1) project, TCC is to work with Waka Kotahi and BoPRC to agree a trigger point for when full public transport prioritization of Cameron Road between the CBD and the hospital will be required and commits to implementing full public transport prioritization at this agreed trigger point.
- 4.2 It is agreed that full public transport prioritization of Cameron Road between the CBD (Harington Street) and the Hospital (17th Avenue) will be provided for when the first of the following trigger points has been reached:
 - a) 10 years from the date of construction completion of Stage 1; or
 - b) When one of the following public transport operational performance metrics (for the section of route between Harington Street and 17th Avenue) fails to be achieved;
 - Bus service punctuality e.g (measured by the percentage of services arriving within agreed time period); or
 - Average bus journey speeds and consideration against other modes as well e.g. (measured between timing points) in peak and off peak periods; or
 - Bus patronage; or
 - c) When service frequencies are increased to a point when the UFTI medium scenario is achieved; or
 - d) Upon:
 - Completion of Cameron Road Stage 2 from 17th Ave to Barks Corner, and
 - Plan Change 26 Housing Choice becoming fully operative

- 4.3 The trigger points relate to:
- a) Ensuring that bus operational and passenger service improvements are delivered as lead investments to support travel behavior change and to address problems before they negatively impact buses and bus rider experience.
 - b) Aligning the transition with planned increases in bus services and facilities on the Cameron Road corridor over time as per UFTI, TSP, PT Blueprint, Public Transport & Services Infrastructure business case and Te Papa spatial plan.
 - c) Ensuring the planning framework is in place to enable greater intensification opportunities within Te Papa
 - d) Recognising that the full benefits of bus priority investment for the whole corridor will not be realised until other investments are also made – most specifically the extension of bus priority the full length of Cameron Rd and onward to Tauranga Crossing (but also through other projects such as the Tauriko enabling works Whiore Ave bus connection, the multi-modal upgrade of 15th Ave / Turret Rd / Welcome Bay Rd and the managed lane aspect of the TNL project.
- 4.4 The detail of the criteria attached to each trigger, and how it will be measured and evaluated is yet to be finalized, but this additional work will be done by 30 July 2021 after signing of this memorandum.
- 4.5 Cameron Road design principles are to be developed and agreed with partners.
- 4.6 Best endeavors to ensure priority for bus services, walking and cycling during construction including the potential of a trial.
- 4.7 Any data used to evaluate the triggers will be specifically for the bus lanes between 17th Avenue and Elizabeth Street and will not consider delays etc outside of these areas.
- 4.8 All project data to be open to all parties to the memorandum. Data and information sharing to be timely and seamless.
- 4.9 The triggers shall be monitored as part of the TSP governance programme and/or through agreed changes to the SG governance reporting lines.
- 5 Governance and reporting**
- 5.1 It is recommended that the Managing Successful Programmes (MSP) or a similar framework is used to define the Te Papa peninsula project roles, responsibilities, processes and reporting structures. This will be in accordance with the agreed TSP reporting structure.
- 5.2 Coordination between the project partners and regular performance and progress monitoring are important programme and project risk mitigation activities. The specifics of the monitoring plan will depend on the delivery and funding models, but will be used to identify and track:
- a) Updates on the progress of different interventions and inform construction, procurement and staging decisions
 - b) Information necessary for investment and management decisions
 - c) Interdependencies between different aspects of the programme
 - d) Project KPIs and performance against investment objectives and desired outcomes

- e) Accountability of stakeholders to their commitment to contribute to the project.

6 Project Spatial Extents

- 6.1 The subject area is identified as including the Te Papa area as identified within the Te Papa IBC.

7 Project Timeframes / Term

- 7.1 Te Papa Programme delivery timeframes shall be in general accordance with the programme outlined within the Te Papa IBC, subject to any amendments taking into account available funding and delivery by project partners. An updated programme forecast shall be provided periodically.
- 7.2 This MoU shall terminate when agreed by the Governance Group.

8 Intellectual Property and Data Sharing

- 8.1 All intellectual property brought by each party to the relationship under this MoU remains in the ownership of that party. Ownership and management of any intellectual property developed in relation to this project under this MoU, or any standards for data management and protocols for data sharing, are to be dealt with in the implementation plan for the transfer of information referred to in the preceding clause.
- 8.2 The Councils will share with each other in a timely manner all information and data pertaining to the overall Te Papa IBC programme and Cameron Road Multi Modal project.

9 Dispute Resolution

For the purposes of dispute resolution, the following procedures apply:

- 9.1 Any Project member(s) may feel that further discussion, evaluation or consideration is required prior to moving forward on a particular matter.
- 9.2 In such situations, any Project member(s) may request the referral of such matters for further review. This mechanism is not for the purposes of creating any delay but solely to ensure matters have been given adequate consideration.
- 9.3 If any matter is referred for review, the review is to be undertaken by the TSP Programme Director in conjunction with the Independent TSP Governance Chairperson and two Project members. The review group is to include the member or at least one of the members who requested that a matter be reviewed. The Independent Chairperson selects the two Project members who will participate in the review group having regard to the nature of the matter being reviewed. After consideration of the matter, the review group will report back to the TSP Governance group on the outcome.
- 9.4 It is expected that requests for reviews are first considered by the TSP Project Management Team before being referred to the Governance Group. The TSP Governance Chairperson shall be the final arbiter of what matters are to be referred for review. Review requests must be accompanied by reasons.

10 Disclosure

- 10.1 The contents of this MoU of Understanding and any subsequent agreements may be reported on, disclosed to any person, including pursuant to an official information request to the Council under the Local Government Official Information and Meetings Act 1987.

11 The Councils' roles as regulatory authorities

- 11.1 Nothing in this MoU shall limit or affect the duties and obligations of the Councils as regulatory authorities under any statute including the Local Government Act 2002, the Resource Management Act 1991, the Building Act 2004 or any other relevant order in council, regulation or other instrument giving power to the Council. In exercising such regulatory functions, the Councils shall be deemed not to be acting as a party to this MoU, and vice versa. The Councils' obligations under this MoU cannot fetter their discretion in undertaking their regulatory function, and exercise of their regulatory function will not be a breach of this MoU or entitle any party to any compensation, loss or damages where the obligations under this MoU are affected in any way whatsoever by the Council having lawfully exercised its statutory duties or powers.

12 Councils' obligations under prior agreements

- 12.1 Nothing in this MoU shall limit or affect any obligations of the Council under any prior agreement it has entered into. Such agreements include, but are not limited to the Bay of Plenty Triennial Agreement, SmartGrowth Partnership Agreement and SmartGrowth Strategy – Western Bay of Plenty Heads of Agreement.

Signed on behalf of the Waka Kotahi NZ Transport Agency

.....
Robyn Elston

Signed on behalf of the Tauranga City Council


.....
Marty Grenfell

Signed on behalf of Bay of Plenty Regional Council


.....
Fiona McTavish

11.6 Ferry Proposal**File Number: A16283634****Author: Shawn Geard, City Centre Infrastructure Lead****Authoriser: Nic Johansson, Head of Transport****Please note that this report contains confidential attachments.**

Public Excluded Attachment	Reason why Public Excluded
Item 11.6 - Ferry Proposal - Attachment 1 - Appendix A	<p>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest.</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>
Item 11.6 - Ferry Proposal - Attachment 2 - Appendix B - Calculation Sheets	<p>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest.</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>
Item 11.6 - Ferry Proposal - Attachment 3 - Appendix C - Preliminary naval architectural design	<p>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest.</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>
Item 11.6 - Ferry Proposal - Attachment 4 - Passenger and Bike Ferries Taunaga Harbour - Proposal to BOPRC	<p>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest.</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>

PURPOSE OF THE REPORT

1. To update Council on the progress of the Tauranga ferry proposal and the latest Bay of Plenty Regional Council decision.
-

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Ferry Proposal".
 - (b) Confirms its support for Resolution CO11/24/8:
 - (i) Underwrites up to 50% of the funding required to trial ferry operations up to a maximum amount of \$1.4M payable over the first two years of the trial (i.e. \$700K per annum) of rate funded expenditure.
 - (ii) Notes:
 - (1) This underwrite is conditional on the other 50% being funded by Bay of Plenty Regional Council.
 - (2) For the 2025 financial year Council staff will seek to identify savings throughout the year to fund this amount if required. If the underwrite is required and savings cannot be achieved this will be funded by an increase in debt for that year.
 - (3) For the second year of the trial in 2026, the underwrite will be included in the 2026 Annual Plan and/or rate setting process.
 - (c) The attachments can be transferred into open following completion of the trial.
 - (d) **Attachment 1** can be transferred into the open at the end of the ferry trial.
 - (e) **Attachment 2** can be transferred into the open at the end of the ferry trial.
 - (f) **Attachment 3** can be transferred into the open at the end of the ferry trial.
 - (g) **Attachment 4** can be transferred into the open at the end of the ferry trial.
-

EXECUTIVE SUMMARY

2. This report summarised previous documentation presented to Council.
3. This relates to the request for an operational expenditure underwrite with respect to the proposal presented by Hauraki Express.
4. On 1 August 2024, Bay of Plenty Regional Council deferred a decision on their underwrite until the recently elected Tauranga City Council confirmed their support.
5. The proposal aims to provide a fast, efficient, and environmentally friendly transportation option connecting Tauranga City Centre and Mount Maunganui Town Centre through establishing a passenger and bike ferry service in Tauranga Harbour.
6. Key features include utilising existing shore-based infrastructure, reducing road traffic congestion and emissions, and promoting mode-shift towards public transport and active travel.

BACKGROUND

7. In 2019, Priority One (**P1**) initiated a study to explore the potential implementation of a ferry service in Tauranga. The primary objective was to assess the feasibility of such a service in enhancing transportation connectivity, promoting urban living within the city centre, and augmenting overall amenity.

8. To gauge the perceived demand, P1 conducted a targeted commuter survey primarily focusing on major employers in the Tauranga City Centre. This survey reached approximately 4000 individuals, representing a significant portion of the working population in the city centre, with 1200 responses received.
9. In January 2020, P1 produced a prospectus summarising the findings of the study. The prospectus highlighted:
 - (a) The proposed ferry service garnered substantial support among respondents.
 - (b) Key considerations included pricing and scheduling, provision of adequate parking or transport links at both embarkation and disembarkation points, necessary infrastructure such as wharves, user facilities, and parking amenities, the capability to operate high-speed ferries within the harbour, and ensuring a high-quality user experience.
10. Based on the prospectus, P1 recommended that Bay of Plenty Regional Council (**BOPRC**) initiate further exploration through a feasibility study to delve deeper into areas such as customer demand, pricing strategies, alternative modes of transportation, allocation of capital for infrastructure enhancements, and alignment with the Urban Form and Transport Initiative (UFTI) (now SmartGrowth Strategy 2023 and Western Bay of Plenty Transport System Plan).
11. The Bay of Plenty Regional Council holds the Transport Plan for the region. It finally delivered its feasibility report in November 2023.
12. Despite considerations for patronage estimates and mode share presumptions, the feasibility study underscored significant cost barriers associated with ferry operations. Transport planning experts highlighted the investment required for ferry services, expressing doubts about justifying such expenditure for a mode primarily serving a single destination. They recommended prioritising the optimisation of the existing bus-based public transport network in the short to medium term while preserving the option of future ferry services.
13. Given these findings, BOPRC was advised to defer further investigation into Tauranga and Western Bay of Plenty ferry services until the development of the long-term plans and the National Land Transport Programme for 2027.
14. BOPRC and now Council have since received a proposal from Hauraki Express. The proposal seeks a Council underwrite. This proposal and underwrite is outlined in the analysis below.

STRATEGIC ALIGNMENT

15. This contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	<input type="checkbox"/>
We value, protect and enhance the environment	✓
We are a well-planned city	✓
We can move around our city easily	✓
We are a city that supports business and education	✓

16. This ferry trial aims to assess the potential for a long-term ferry transport option initially between Mount Maunganui and the City Centre, with the ability to extend the trial other routes across the Western Bay of Plenty.

ANALYSIS

Hauraki Express

17. Hauraki Express is a family owned and operated start-up business which operates water taxi services within the Hauraki Gulf. Peter Bourke is the sole director of Hauraki Express Limited.

Proposal

18. The plan entails developing a fleet of purpose-built ferries capable of accommodating passengers and bikes, with the initial two vessels to commence operations within 12 months. The service will initially operate between Tauranga Moana Waterfront and Salisbury Wharf, with potential expansion to other routes based on demand.
19. Financial feasibility analysis indicates that after four years of operation and expansion to three routes, the service is projected to carry an average of 1000 passengers per day, with an annual subsidy of \$1.4 million. The benefits-to-cost ratio is estimated at 2.5, with an annual reduction of 427 tonnes of CO2 emissions.
20. Hauraki Express proposes to establish and operate the ferry service, securing all necessary approvals and funding. The service will operate at least 330 days per year, with two vessels making 20 crossings daily. Collaboration between Hauraki Express, BOPRC, and TCC is proposed to integrate the ferry service into the public transport network, develop a marketing plan, and provide fare subsidies.

Provisos

21. Commitment to the proposal is contingent upon full due diligence, market research, and funding support. Additionally, the proposal includes provisions for financial support for operational expenditure from the Councils, use of wharves, and service continuation based on performance metrics.

Passenger and Bike Ferry Plan

22. The plan outlines the specifications and design of the ferries, emphasising capacity, seaworthiness, and sustainability. The vessels will be integrated into Tauranga's public transport network, with cashless ticketing and subsidies available. Marketing efforts will target mode-shift towards active travel, highlighting benefits such as cost savings, safety, and environmental impact reduction.



- ## Recommendation

- ## FINANCIAL CONSIDERATIONS

- ## LEGAL IMPLICATIONS / RISKS

- ## TE AO MĀORI APPROACH

- Page 66

CLIMATE IMPACT

29. This proposal is estimated to result in an annual reduction of 427 tonnes of CO2 emissions.

CONSULTATION / ENGAGEMENT

30. Public consultation with respect to the need for a ferry service was effectively carried out by P1 and the BOPRC as set out in the background to this report.
31. Hauraki Express has provided letters of support from Tourism BOP, Downtown Tauranga, Mainstreet Mount Maunganui and P1.

SIGNIFICANCE

32. 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.
33. 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 proposal.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
34. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the proposal is of low significance.

ENGAGEMENT

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

NEXT STEPS

36. Provided the recommended resolution is made and Bay of Plenty Regional Council resolve to provide 50% funding staff will work proceed to negotiate a contractual Hauraki Express as the preferred supplier of the Mount Maunganui to City Centre Ferry Trial.

ATTACHMENTS

1. **Appendix A - A15969212 - Public Excluded**
2. **Appendix B - Calculation Sheets - A15969213 - Public Excluded**
3. **Appendix C - Preliminary naval architectural design - A15969214 - Public Excluded**
4. **Passenger and Bike Ferries Tauranga Harbour - Proposal to BOPRC - A15969217 - Public Excluded**

11.7 Transport Resolutions Report No.52

File Number: A16321314

Author: Will Hyde, Senior Transportation Engineer

Authoriser: Nic Johansson, Head of Transport

PURPOSE OF THE REPORT

1. This report proposes the introduction, removal or amendment of traffic controls throughout the city, and seeks a resolution from Council to implement these proposals. The proposals relate to parking controls and the provision of bus stops and bus stands.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Transport Resolutions Report No.52".
- (b) Resolves to adopt the proposed traffic and parking controls, as per Attachment A of this report, relating to minor changes for general safety, operational or amenity purposes, to become effective on or after 27 August 2024 subject to appropriate signs and road markings being installed.

EXECUTIVE SUMMARY

2. Attachment A sets out proposed changes for general safety and operational reasons. These are principally requests from the public or other stakeholders for numerous small changes to parking controls which traffic engineering staff have assessed to be appropriate.
3. Some of the changes relate to previously-approved capital projects which are either recently completed or are nearing completion and require the bylaw to be updated to enable enforcement of the proposed controls.
4. Amendments include changes to the following Attachments to the Traffic & Parking Bylaw (2023):
 - (a) Attachment 7.1: No Parking Behind Kerb
 - (b) Attachment 7.2: No Stopping at Any Time
 - (c) Attachment 7.7 Mobility Parking
 - (d) Attachment 7.9: Parking Time Restrictions
 - (e) Attachment 7.12: Pay Areas
 - (f) Attachment 7.20: Passenger Service and Other Vehicle Stands (School Buses)
 - (g) Attachment 7.22: Passenger Service and Other Vehicle Stands (Stopping Over Places for Buses)

BACKGROUND

5. The Traffic and Parking Bylaw 2023 includes attachments which list various traffic and parking restrictions. Council can amend the attachments by Council resolution.
6. As the city grows and changes, the demands on the road network also change. Often there can be conflict between the need to keep traffic lanes clear to enable an efficient network,

the need to provide on-street parking and loading to support nearby activities, and the need for vulnerable road users such as pedestrians and cyclists to move around the city safely.

7. The Council regularly adds, removes or amends traffic and parking controls to reflect and support operational and safety needs on the road network. The proposed amendments in Attachment A are minor changes to parking restrictions across the city which have arisen through requests from the public, transportation staff, or other stakeholders; or changes resulting from approved developments.

STATUTORY CONTEXT

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

STRATEGIC ALIGNMENT

9. This contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	✓
We value, protect and enhance the environment	<input type="checkbox"/>
We are a well-planned city	✓
We can move around our city easily	✓
We are a city that supports business and education	<input type="checkbox"/>

10. The recommendations address a number of minor issues affecting safety and/or amenity and contribute to the safe and efficient operation of the city’s transport network. The provision of mobility parking enables a more inclusive city by making our amenities more accessible to less-abled members of our community.

OPTIONS ANALYSIS

11. For the proposed changes related to general operations the reasons for each proposal are described in Appendix A. In each case the problem identified is expected to continue if the proposed amendment is not adopted.
12. The proposals are independent of each other, and Council may resolve to adopt some, all or none of them.

FINANCIAL CONSIDERATIONS

13. The signs and markings costs associated with general operational changes are minor and can be accommodated within existing project or operational budgets.

LEGAL IMPLICATIONS / RISKS

14. These proposals are required in order to allow enforcement of changes deemed necessary for safety and amenity purposes. Council has an obligation to address known safety issues on the road network.

TE AO MĀORI APPROACH

The proposals variously create small safety and/or amenity improvements for our residents and visitors, and therefore align with the principal of manaakitanga.

CONSULTATION / ENGAGEMENT

15. Consultation is generally not required for minor stopping and parking amendments, or other minor amendments required to support operational or safety improvements, although

engagement with affected residents or owners may be required. Where consultation or engagement has been undertaken, details are provided in Appendix A.

SIGNIFICANCE

16. 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.
17. 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 proposal.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
18. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the proposal is of low significance.

ENGAGEMENT

19. Taking into consideration the above assessment, that the proposal is of low significance, officers are of the opinion that the following consultation/engagement is suggested/required under the Local Government Act.
20. Owners/occupiers of affected properties -generally those immediately adjacent to the proposed change – will be notified in advance, and their views will be given due consideration. Minor changes to the proposals may be made as a result.
21. Where consultation or engagement has already been undertaken, details are provided in Appendix A.

NEXT STEPS

22. If approved, council staff will undertake any necessary notification of affected parties and implement the agreed changes.

ATTACHMENTS

1. **Transport Resolutions Report 52 Proposals - A16448117**  

Appendix A: Details of Proposals for Transport Resolution Report No.52

Attachment 7.1: No Parking Behind Kerb

Location	Details (No Parking Behind Kerb)	Reason for implementing
Gravatt Road South side	From the eastern boundary of No.220 westward for 24m.	Requested by resident. Parked cars creating a hazard by obstructing visibility from driveways.
Hinewa Road North-east side	Along the frontage of No.145.	Requested by resident. Parked cars creating a hazard by obstructing visibility from driveways.
Grace Road South-east side	From Harvey Street south-westwards to the south-west boundary of No.20	To address safety issues outside St Mary's School caused by parents parking on berms, sometimes driving along or across footpaths, creating conflict with pedestrians.
Harvey Street South-west side	From Grace Road south-westwards to the inset parking bays.	
Thirteenth Avenue Both sides	From Grace Road to Burrows Street	
Paerangi Place North side	From the Taurikura Drive roundabout westwards to a point 20m west of the western boundary of 204 Taurikura Drive.	To protect berms from further damage, as there is extensive damage due to parking at this location, and also to improve visibility at the roundabout.
Paerangi Place South side	From the Taurikura Drive roundabout, westwards for approximately 85m.	
Taurikura Drive East side	From a point 40m north of the southern boundary of 39 Paerangi Place, to the northern boundary of 204 Taurikura Drive	

Appendix A: Details of Proposals for Transport Resolution Report No.52

Attachment 7.2: No Stopping at Any Time

Location	Details (No Stopping at any time)	Reason for implementing
Domain Road	From a point 11m south of the southern boundary of 39A, southwards for 22m.	Significant safety issue identified with lack of visibility at a pedestrian crossing. Parked cars block sight lines at the signalised crossing.
Fraser Street West side	Both sides of the low-level access from the eastern corner of No.29 to the main Fraser Street carriageway.	Parked vehicles blocking the accessway.
Gravatt Road South side	Across the frontage of No.220	To prevent parked vehicles from blocking the intersection with Hartford Avenue.
Hayley Grove End of cul-de-sac	Around the end of the cul-de-sac head (from the mid-point of the boundary of No.7 to a point 8m east of the vehicle crossing to No.23/23A; and across the frontage of No.12.	To prevent parked vehicles blocking access for residents, emergency vehicles, refuse trucks. These are existing markings which are not currently recorded in the Bylaw Attachment.
Hinewa Road North-east side	Across the frontages of No.143 and No. 145	To address safety concerns raised by resident, parked cars block sight lines from driveways.
Matakokiri Drive	Applies to heavy vehicles only. From the southern boundary of No.140 to Paraone Koikoi Drive	Parked heavy vehicles reduce the usable road width and inhibit the movement of traffic.
Milton Road South side	The frontage of No.26	Parked vehicles creating a hazard near a blind crest curve.
Otumoetai Road West side	From the southern boundary of No.48 northwards for 70m	Existing yellow lines implemented as part of intersection safety improvements.
Tukarako Drive	Applies to heavy vehicles only. The marked parking spaces adjacent to No.9 Hull Road	Parked heavy vehicles at this location block sight lines and force traffic to cross the centre line of a curve with limited forward visibility.
Wairakei Avenue South side	From a point approximately 23m east of the northern boundary of Golden Sands School, eastwards for 20m (centred on the school gate).	To enable a safe crossing point outside Golden Sands primary school
Wairakei Avenue North side	From the eastern boundary of No.91 westwards for 7m.	To enable a safe crossing point outside Golden Sands primary school
Wharf Street South Side	From the western boundary of Willow Street westwards for 75m	Temporary change to enable a clear lane of one-way traffic adjacent to a construction site boundary.
Willow Street East side	From the southern kerb line of Brown Street southwards for 20m	Existing yellow lines which have been in place for many years but are not currently in the bylaw. Required to

Appendix A: Details of Proposals for Transport Resolution Report No.52

		prevent parked vehicles from blocking larger vehicles from turning right into Willow Street.
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Attachment 7.7 Mobility Parking

Mobility Parking		Reason for implementing
Additions:		
Maunganui Road Central Parade parking area	One marked space outside No.529	Issue raised by mobility-impaired customer. Existing mobility parking spaces in the vicinity are angle spaces (nose-in to kerb). The proposed space will cater to users requiring rear-loading access (e.g. wheelchair lifts).
Dive Crescent Car Park	Three marked spaces at the southern end.	These spaces were provided as part of recent upgrades to the car park.
Dive Crescent Car Park	Two marked spaces within the northern section of the car park.	These spaces were provided as part of recent upgrades to the car park.

Appendix A: Details of Proposals for Transport Resolution Report No.52

Attachment 7.9 Parking Time Restrictions

Parking Time Restrictions: 5 minute parking		Reason for implementing
Addition		
Maunganui Road East side	From a point 4m south of the northern boundary of No.257 northwards for 18m	Existing restriction which is not listed in the bylaw.
Parking Time Restrictions: 30 minute parking		Reason for implementing
Addition		
Cameron Road East side	On the frontages of No.96 to No.100 (within the City Centre paid zone)	Existing restriction which is not listed in the bylaw.
Parking Time Restrictions: 60 minute parking		Reason for implementing
Addition		
Banks Avenue South side	Between Maunganui Road and Oceanview Road	At the request of Parking Strategy Manager. The existing lack of time limits is inconsistent with surrounding commercial area.
Maunganui Road East side	From Nikau Crescent to Rata Street	Existing restriction which is not listed in the bylaw.
Maunganui Rd West side	From Nikau Crescent to Rata Street	Existing restriction which is not listed in the bylaw.
Pacific Avenue North Side	Between Maunganui Road and May Street	Existing restriction which is not listed in the bylaw.
Pacific Avenue North Side	From the western boundary of Maunganui Road westwards for 33m	Existing restriction which is not listed in the bylaw.
Pacific Avenue South Side	From the Maunganui Road to Steeple Lane.	Existing restriction which is not listed in the bylaw.
Parking Time Restrictions: 180 minute parking		Reason for implementing
Addition		
Fuller Street	Both sides of the cul-de-sac except where parking is marked as fully prohibited.	Existing restriction which is not listed in the bylaw.

Appendix A: Details of Proposals for Transport Resolution Report No.52

Attachment 7.12: Pay Areas

Pay Areas		Reason for implementing
Addition		
Devonport Road Car Park	The off-street parking lot on the north-east corner of the Devonport Road and Second Avenue intersection (160-176 Devonport Road)	This is a new paid car park which will be nearing completion and will shortly be open to the public.

Attachment 7.20: Passenger Service and Other Vehicle Stands (School Buses)

School Bus Stops		Reason for implementing
Addition:		
Mortlake Heights On the western boundary of 94	Three school bus stops	Repositioned from near 35 Te Ranga Memorial Drive to address overcrowding issues on footpath when large numbers of pupils are waiting outside residential properties. The proposed location is at the side of a commercial orchard rather than residential property, and will not affect access to any properties. 140 nearby properties have been consulted, no objections received.

Attachment 7.22: Passenger Service and Other Vehicle Stands (Stopping Over Places for Buses)

Passenger Service and Other Vehicle Stands (Stopping Over Places for Buses)		Reason for implementing
Addition:		
Cross Road East side	Four marked bus stands opposite the Marine Park boat ramp car park.	Requested by the City Centre Infrastructure Lead. Provision of bus stands (layover spaces where buses can park between routes) to reduce the need for buses to lay over within the City Centre.

Appendix A: Details of Proposals for Transport Resolution Report No.52

11.8 Elected Members Pecuniary Interests Register and Appointment of Registrar

File Number: A16310754

Author: Coral Hair, Manager: Democracy and Governance Services

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

PURPOSE OF THE REPORT

1. The purpose of this report is to:

- Inform Elected Members on the new set of requirements and obligations in the Local Government Act 2002 relating to Elected Members pecuniary (financial) interests; and
- Appoint a Registrar to compile and maintain the register of annual returns.

The report also addresses the relationship between the new provisions and other legislation governing conflicts of interest.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Elected Members Pecuniary Interests Register and Appointment of Registrar".
- (b) Delegates to the Chief Executive the decision to appoint the Registrar to compile and maintain the Tauranga City Council's Elected Members Pecuniary Interests Register.
- (c) Notes that updated provisions relating to the Pecuniary Interests Register will be included in the draft Code of Conduct for Elected Members which will be considered at a later Council meeting.

EXECUTIVE SUMMARY

2. A new set of requirements and obligations relating to members' pecuniary interests was added to the Local Government Act 2002 (LGA) in November 2022. The purpose of these provisions is to increase transparency, trust and confidence in local government by keeping and making publicly available, information about members' pecuniary interests. These are largely modelled on the regime that applies to Members of Parliament but have been tailored to fit local government.
3. A register of members' pecuniary interests must be kept, and a summary made publicly available. The summary should provide sufficient information for the public to identify relevant interests, but without providing excessive details about an elected member's personal affairs.
4. Members are obliged to provide annual returns and advise of any errors or omissions in the returns. It is important that members understand and comply with these new provisions, as any failure to comply amounts to an offence.
5. Each council must appoint a Registrar to maintain the register and provide advice and guidance to members. It is recommended that the Chief Executive be delegated the decision to appoint the Registrar.
6. The previous forms and procedures for the last set of elected members are out of date and do not meet the new legislative requirements. The Code of Conduct will be updated with the new pecuniary interest requirements and brought to a later meeting for consideration.

7. The relationship between the new provisions and other legislation relating to elected members' disclosures of conflicts of interest is discussed.

BACKGROUND

8. In November 2022, the LGA was amended by the [Local Government \(Pecuniary Interests Register\) Amendment Act 2022](#) to require local authorities to keep a register of the pecuniary interests of their elected members.
9. "Pecuniary interest" is defined as "a matter or activity of financial benefit to the member". Under the LGA, it is mandatory for members to declare their pecuniary interests (make a "pecuniary interest return") by certain dates containing prescribed information. Failing to do so is an offence.
10. The Council must make publicly available a summary of the information contained in the register. The summary should provide sufficient information for the public to identify relevant interests, but without providing excessive details about an elected member's personal affairs.
11. To ensure elected members' compliance with both the LGA pecuniary interests and Local Authorities (Members' Interests) Act 1968 (LAMIA) there is a new form which combines the requirements of both Acts. The new form combines Council's Elected Members Pecuniary Interests and Declaration of Interests Return Form with Section 1 relating to the LGA pecuniary interest's requirements and Section 2 relating to LAMIA (See attachment 1).
12. Forms are required to be completed 120 days after the members come into office (by 22 November 2024) and then the last day of February in subsequent years. As the Council is outside of the triennium election cycle of other councils the following table sets out the period of returns and dates when returns will be required.

Date	Event	12 month period covered by return
23 July 2024	Final election results	
24 July 2024	Elected members come into office	
25 July 2024	Day 1 of the 120 day period	
22 November 2024	Due date for elected members' returns (day 120)	First 12 month period 22 October 2023 to 22 October 2024
28 February 2025	Due date for elected members' returns	Year 2 21 October 2024 to 28 January 2025
27 February 2026	Due date for elected members' returns	Year 3 28 January 2025 to 27 January 2026
26 February 2027	Due date for elected members' returns	Year 4 28 January 2026 to 27 January 2027
29 February 2028	Due date for elected members' returns	Year 5 28 January 2027 to 28 January 2028

STATUTORY CONTEXT

13. Sections 54A to 54I of the LGA require elected members to provide annual returns of certain pecuniary interests and for the Council to appoint a Registrar to maintain a register of its elected members' pecuniary interests and to make a summary of it publicly available. These are largely modelled on the regime that applies to Members of Parliament but have been tailored to fit local government.
14. The key obligations for elected members are to:
 - Make annual returns within the statutory timeframe.
 - Ensure that the information is accurate.
 - Advise the Registrar of any error or omission as soon as practical.
15. If a member does not comply with these obligations, they will commit an offence, which is punishable by a fine of up to \$5,000.
16. The main obligations for councils are to:
 - Keep a register of elected members' pecuniary interests (the Register)
 - Appoint a Registrar, who will compile and maintain the Register for the council.
 - Make a summary of the information contained in the Register publicly available; and
 - Comply with the Privacy Act 2020, ensuring that information in the Register is only used or disclosed in accordance with the purpose of the Register and retained for seven years after the date information is provided and then removed.
17. It is important to note that nothing in this requirement to register a pecuniary interest requires any elected member to disclose the actual value, amount or extent of any asset, payment, interest, gift, contribution, or debt.

STRATEGIC ALIGNMENT

18. This contributes to the promotion or achievement of the following strategic community outcome(s):

	Contributes
We are an inclusive city	✓
We value, protect and enhance the environment	<input type="checkbox"/>
We are a well-planned city	✓
We can move around our city easily	<input type="checkbox"/>
We are a city that supports business and education	<input type="checkbox"/>

The purpose of these provisions is to increase transparency, trust and confidence in local government by keeping and making publicly available, information about members' pecuniary interests.

OPTIONS ANALYSIS

19. The Council has the option of appointing the Registrar or delegating this decision to the Chief Executive.
20. The person appointed as the Registrar will be a staff member who engages directly with elected members and will be well placed to make judgements about the advice and guidance to be given to members.
21. The Registrar would be in a role to provide impartiality in the role of Registrar and deal with any potential breaches of the obligations by elected members.

22. While the Registrar will endeavour to help elected members who seek advice, the Registrar is not expected to provide definitive advice on the application of the new provisions for every situation. If the Registrar is unsure about any compliance related or interpretation issues, legal advice can be sought. If that is not feasible for whatever reason, the Registrar may recommend to the elected member that they obtain independent legal advice.

Option	Advantage	Disadvantage
Option 1 – Appoint staff member as the Registrar	The appointment is transparent to the public.	This could be seen as bringing elected members into the appointment process.
Option 2 – Delegate appointment of the role of Registrar to the Chief Executive (preferred option)	Elected members achieve distance between themselves and the appointment. The Chief Executive will have flexibility to delegate the role of Registrar to suit staff circumstances without requiring a council resolution.	The appointment of the Registrar is not as transparent to the public if the appointment is made internally by the Chief Executive. However, the name of the Registrar could be made publicly available.

RELATIONSHIP WITH OTHER LEGISLATION

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

23. The LGA sets out two specific clarifications about the relationship with LAMIA:
- (a) An elected member's obligations under the LGA in relation to the Register are in addition to any obligations under LAMIA and do not affect the application of LAMIA; and
 - (b) A pecuniary interest that an elected member has declared under the LGA is not necessarily an interest for the purposes of LAMIA.
24. In practice the LAMIA and the new LGA provisions will operate separately from one another. The main reasons for this are:
- (a) LAMIA is also applicable to appointed members of Council committees and sub-committees; and
 - (b) The pecuniary interests reported under the LGA are unlikely to capture the full range of interests under the LAMIA.
25. The main differences are set out in the table below:

LAMIA	LGA pecuniary interest requirements
A member or a member's spouse/partner or dependents pecuniary interests.	A member's pecuniary interests e.g. Director of a company, employment, interests in trust
A member's spouse/partner property interests	A member's property interests
Contracts with the council in which a member is interested	Member of an organisation that has applied for funding from the council
Members to report new interests as they arise	Does not require ongoing reporting of new interests as they arise between annual returns
Direct and indirect financial interests that a member or their spouse/partner has in a	Payments received for activities member involved in

LAMIA	LGA pecuniary interest requirements
matter before the Council	
Applies to appointed members of Council committees and sub-committees	Gifts including hospitality and donations
	Travel to overseas countries where travel and accommodation costs paid in full or part by others (excluding family)
	Organisation the member appointed to as an elected member

26. Under LAMIA at meetings all members are required to abstain from discussion or voting on any matter that they have declared a pecuniary interest in. Any interests must be declared as they occur.
27. Standing Order 20.7 reflects sections 6 and 7 of LAMIA and Standing Order 20.8 requires that if a member declares a non-financial conflict of interest, they must not take part in the discussions or vote on the matter.
28. Both these standing orders state that neither the chairperson nor the meeting may rule on whether a member has a financial or a non-financial in the matter being discussed.
29. Elected members are responsible for ensuring that no conflict exists, or appears to exist, between their personal interests and their public duty. Further guidance is provided in the booklet [“Guidance for members of local authorities about the Local Authorities \(Members’ Interests\) Act 1968”](#) which has been provided to elected members. It is important to note that this is one of the few areas of council’s business where staff do not set out to provide pro-active advice and members are personally liable for compliance with the provisions of LAMIA.
30. **Non-pecuniary interest** is any interest the member may have in an issue that does not involve money. A common term for this is “bias.” Non-pecuniary interest is a difficult issue as it often involves matters of perception and degree.
31. If there is a non-pecuniary interest, the member should declare their interest and withdraw from the debate. The law about bias does not put you at risk of personal liability but the validity of Council’s decision could be challenged.
32. Further guidance is provided in by the Office of the Auditor-General in their guide [“Managing conflicts of interest: A guide for the public sector”](#) which has been provided to elected members.
33. Practically it is suggested that if you feel that you may have an “interest” in any matter before the Council or a committee of which you are a member, then you should discuss the issue with your lawyer (at no cost to the council), the Mayor, the Committee Chair or the Chief Executive before the meeting. While this will not relieve you of your obligations under the LGA pecuniary interests’ provisions or LAMIA, it will provide you with some independent guidance.

PRIVACY ACT 2020 (the Privacy Act)

34. The Register will contain elected members’ personal information. As a result, the information privacy principles (IPPs) in the Privacy Act will apply to this information. A privacy statement is included in the return form and the information will be held for seven years from when the information was provided, after that it is removed from the Register. This will be the responsibility of the Registrar.
35. The information in the Register is only used or disclosed in accordance with the purpose of the Register which is described as “to record members’ interests so as to provide

transparency and to strengthen public trust and confidence in local government processes and decision-making". This will be the responsibility of the Registrar.

36. The summary should provide sufficient information for the public to identify relevant interests, but without providing excessive details about an elected member's personal affairs.

LOCAL GOVERNMENT INFORMATION AND MEETINGS ACT 1987 (LGOIMA)

37. The Register will constitute "official information" in terms of LGOIMA. As a result, members of the public will be able to request information held on the Register.
38. The LGA states that councils are required to ensure the information in the Register is only disclosed in accordance with the purpose of the Register. Any LGOIMA requests regarding the Register will be processed via the Council's LGOIMA response system and will be considered on a case-by-case basis with appropriate consideration of the requirements of the LGA and LGOIMA withholding grounds.

CODE OF CONDUCT

39. The forms and procedures for the previous elected members for declaring pecuniary and non-pecuniary interests are out of date and do not meet the new legislative requirements. The Code of Conduct will be updated with the new pecuniary interest requirements and brought to a later meeting for consideration of this and other aspects of the Code.

FINANCIAL CONSIDERATIONS

40. The compiling and maintaining of the Register do not have a financial impact. Legal advice that may be sought can be provided internally or within budgets within the governance services area.

LEGAL IMPLICATIONS / RISKS

41. The legal implications for elected members have been discussed in the body of the report relating to non-compliance with the LGA pecuniary interest provisions.

TE AO MĀORI APPROACH

42. The recommendation aligns with the principles of Rangatiratanga and Manaakitanga by providing openness, transparency and best practice for dealing with any potential elected members conflicts of interest.

CLIMATE IMPACT

43. The recommendation does not have a climate change impact.

SIGNIFICANCE

44. 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.
45. 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.
46. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT

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

NEXT STEPS

48. Registrar appointed by Chief Executive.
49. Pecuniary interest return and declaration of interest forms to be completed by elected members.
50. A summary of the register will be made available on the Council's website after 22 November 2024.

ATTACHMENTS

1. **Pecuniary Interests Form Elected Members 2024 - A16451748** [!\[\]\(67ff022fd78f943b679992c2874bbfd1_img.jpg\)](#) 

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Elected members' Pecuniary Interests Return and Declaration of Interest Forms

* indicates a mandatory field

Information for members:

Sections 54A to 54I of the Local Government Act 2002 (LGA) requires members to provide annual returns of certain pecuniary interests. You can use this form to provide your return. This is set out in Part One.

Part Two of this form also includes declarations of interest relevant to compliance with the requirements of the Local Authorities (Members' Interests) Act 1968 (LAMIA). The LAMIA governs some conflicts of interest matters for elected members, that are not included under LGA, for example a member's spouse/partner's pecuniary interests and details of non-pecuniary conflicts of interest. Non-financial conflicts of interest are governed by the common law rules about bias.

You are responsible for complying with your obligations under the LGA and the LAMIA relating to this return. You can, however, seek advice and guidance from the Registrar of the members' pecuniary interests register on how to complete your return. The Registrar will be responsible for compiling, maintaining and summarising for publication on the Council's website both Part One and Part Two sections of this form.

How to file this return:

You can file your completed return form with the Registrar by 21 November 2024 through the online portal form or complete a hardcopy form.

Privacy Statement:

Your personal information is being collected so that the Council and the Registrar can comply with their obligations under the LGA, particularly those in sections 54A and 54G.

You are required to provide this information under sections 54C to 54H of the LGA. Failure to do so will constitute an offence under section 235 of the LGA.

Your personal information will be used and disclosed in accordance with the purpose of the register set out in section 54B of the LGA, which is to record members' interests so as to provide transparency and to strengthen public trust

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and confidence in local government processes and decision-making. The information will be retained for 7 years from the date on which you provide it, and will then be removed from the register.

A summary of your personal information will be made publicly available by the Council, in accordance with section 54A of the LGA. In addition, your personal information will constitute official information, and so is subject to the Local Government Official Information and Meetings Act 1987.

You have the right to access and seek correction of your personal information under the Privacy Act 2020. This can be done by contacting the Registrar.

Return:

This return is made under section 54C of the Local Government Act 2002, providing information required under sections 54E and 54F of that Act.

Member's name: *

12 month period covered by this return:*

- ☐ 2024-25
- ☐ 2025-26
- ☐ 2026-27
- ☐ 2027-28

I wish to fill out:

(select all that apply)

- ☐ Part one - Elected Members Annual Pecuniary Interests Return form
- ☐ Part two - Declaration of Interests Local Authorities (Members' Interests) Act 1968

Part one - Elected Members Annual Pecuniary Interests Return form

Are you the director of a company?*

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(section 54E(1)(a))

- ☐ Yes
☐ No

Please provide the name of the company (or companies) and a description of their main business activities:

Do you hold or control more than 10% of the voting rights in a company?*

(section 54E(1)(a))

- ☐ Yes
☐ No

Please provide the name of the company (or companies) and a description of their main business activities:*

Do you have a pecuniary interest in any other company or business entity*

except as an investor in a managed investment scheme)? (section 54E(1)(b))

- ☐ Yes
☐ No

Please provide the name of the company (or companies) and a description of their main business activities:*

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Are you employed?*

(section 54E(1)(c))

- ☐ Yes
☐ No

Please provide the name of your employer(s) and a description of their main business activities:***Do you have a beneficial interest in a trust?***

(section 54E(1)(d))

- ☐ Yes
☐ No

Please provide the name of the trust(s):**Are you a member of an organisation, a member of the governing body of the organisation, or a trustee of the trust and that organisation or trust receives, or has applied to receive, funding from the Council, local board or community board to which you are elected?***

(section 54E(1)(e))

- ☐ Yes
☐ No

Please provide the name of the organisation(s) or trust(s) and a description of their main business activities:*

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Are you appointed to any organisation by virtue of being an elected member?*

(section 54E(1)(f))

- ☐ Yes
☐ No

Please provide the title for your appointed role(s), the name of the organisation(s), and a description of them?

*

Do you have a legal interest, other than as a trustee, in any real property?

(section 54E(1)(g))

- ☐ Yes
☐ No

Please provide the location of the real property (eg suburb and city, or town) and a description of the nature of property (eg. family residence, rental property, or commercial property):*

Note: The actual street address is not required but please provide the general location, such as suburb or town/city.

Are you the beneficiary of a trust that holds real property (but excluding a trust that is a unit trust you have already disclosed or a trust that is a retirement scheme whose membership is open to the public)?*

(section 54E(1)(h))

- ☐ Yes

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☐ No

Please provide the location of the real property (eg suburb and city, or town) and a description of the nature of property (eg. family residence, rental property, or commercial property):*

Note: The actual street address is not required but please provide the general location, such as suburb or town/city.

Have you travelled to any country (other than New Zealand) where your travel and accommodation costs were not paid in full by you and/or a member of your family?*

(section 54F(1)(a))

(In this question, "family" means the member's spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.)

☐ Yes☐ No

Please provide the name of the country, the purpose of travelling to the country, the name of each person who contributed (in whole or in part) to the costs of travel to or from the country to or any accommodation costs incurred by the member while in the country (if more than one country was travelled to, provide all of this information for each country):

Have you received any gift (other than a gift from a family member, unless you consider that gift should be disclosed taking into account the purpose of the members' pecuniary interests register) that:

- has an estimated market value in New Zealand of over \$500; or
- when combined with all other gifts from the same donor, have a total estimated market value in New Zealand of over \$500?*

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(section 54F(1)(b))

(In this question:

“gift” includes hospitality and donations in cash or kind, but excludes electoral expenses, and “family” means the member’s spouse, partner, parent, grandparent, child, stepchild, foster child, grandchild, or sibling.)

- ☐ Yes
☐ No

Please provide a description of the gift(s) and the name of the donor of the gift(s) (if known or reasonably ascertainable by you):*

Have you received any payment for an activity in which you are involved, excluding:

- any salary or allowance paid to you under the Remuneration Authority Act 1977 or the Local Government Act 2002
- any payment received from an interest that has already been disclosed in this return; or
- any payment made in respect of an activity that you ceased to be involved in before becoming a member?*

(section 54F(1)(c))

- ☐ Yes
☐ No

Please provide a description of the payment(s) received by you:

Part two - Declaration of Interests Local Authorities (Members' Interests) Act 1968

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Elected members must make a general declaration of interest annually and as soon as possible after becoming aware of any new interests. These declarations are recorded in a register of interest maintained by Council. A summary of this register is published on the Council's website.

Do you have a spouse/partner*

- ☐ Yes
☐ No

Spouse/partner name*

With the exception of those already declared, do you, or your spouse or partner, have a pecuniary interest that prohibits you from taking part in discussion and voting on a matter at a Council, committee or subcommittee meeting?*

Pecuniary interest in this context is defined in section 6 of the Local Authorities (Members' Interests) Act 1968.

- ☐ Yes
☐ No

Please provide a brief description of *your* other interests:*

Please provide a brief description of your *spouse/partner's* other interests.*

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Do you or your spouse or partner anticipate being concerned or interested in a contract or contracts where the total of all payments made by or on behalf of Tauranga City Council in respect to those contracts exceeds \$25,000 including GST in any financial year?*

This is prohibited by section 3 of the Local Authorities (Members' Interests) Act 1968 unless an exemption has been obtained from the Auditor General in advance.

Note "concerned or interested" has a specific meaning in section 3 and includes arrangements involving your spouse or partner and interests in other entities including companies. Please refer to section 3 of the Local Authorities (Members' Interests) Act 1968.

- ☐ Yes
☐ No

Please provide a brief description of any contract(s) you or your partner may be concerned or interested in:*

Do you or your spouse/partner have any non-pecuniary interests to disclose? Non-pecuniary interests are interests that are not financial that may cause you to be, or to appear to be, biased in your decision making as a member.*

They are interests that conflict or appear to conflict with obligations as a member. They may arise in relation to family relationships and friendships or in relation to organisations you are involved in a personal or other capacity. Examples of non-pecuniary interests include patron of an organisation, membership of a community/sporting committee. Note this does not apply to general membership of an organisation where your or your spouse/partner is not on the governing body of that organisation.

Having a non-financial interest won't automatically exclude you from taking part in related decisions. It will depend on the nature and how serious the resulting conflict is.

- ☐ Yes
☐ No

If yes, please provide a brief description of any non-financial interests that may be relevant*

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Any other matters to declare that the public might reasonably regard as likely to influence your role?*

- ☐ Yes
☐ No

Please provide a brief description.

Signature

Supporting document

Would you like to upload a supporting document?

Please note: You can only upload one attachment and it must be PDF, DOC, DOCX, JPEG, JPG or PNG format, and less than 30mb in size. To replace a file upload, drag and drop a new file over the top, OR double click the grey panel around the file for a pop-up box to select a different document.

Yes ☐

No ☐

Please upload a document

Please note: You can only upload one attachment and it must be PDF, DOC, DOCX, JPEG, JPG or PNG format, and less than 30mb in size. To replace a file upload, drag and drop a new file over the top, OR double click the grey panel around the file for a pop-up box to select a different document.

I confirm that the information contained in the return is accurate in accordance with the requirement of LGA and if I do become aware of an error or omission in any return I will advise the Registrar of that error or

omission as soon as practicable after becoming aware of it. I declare that the above disclosures are a true and complete record of my interests and the interests of my spouse/partner in accordance with the requirements of LAMIA.

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Signature*

A rectangular box with a black border. Inside the box, the text "SIGN HERE" is written in a large, light gray, sans-serif font. To the left of this text, there is a small "x" icon. A horizontal line is positioned below the "SIGN HERE" text, extending across most of the width of the box.

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
13.1 - Litigation Report	<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)(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>	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
Confidential Attachment 1 - 11.6 - Ferry Proposal	<p>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</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
Confidential Attachment 2 - 11.6 - Ferry Proposal	<p>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</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
Confidential Attachment 3 - 11.6 - Ferry Proposal	s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information	s48(1)(a) the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under

	would be likely otherwise to damage the public interest s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	section 6 or section 7
Confidential Attachment 4 - 11.6 - Ferry Proposal	s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a) the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

14 CLOSING KARAKIA