



# AGENDA

## Community, Transparency & Engagement Committee meeting Tuesday, 15 October 2024

I hereby give notice that a Community, Transparency & Engagement Committee meeting will be held on:

**Date:** Tuesday, 15 October 2024

**Time:** 9.30am

**Location:** Tauranga City Council  
Ground Floor Meeting Rooms 1 & 1b  
306 Cameron Road  
Tauranga

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

**Marty Grenfell**  
Chief Executive

# Terms of reference – Community, Transparency and Engagement Committee

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## Common responsibility and delegations

The following common responsibilities and delegations apply to all standing committees.

### Responsibilities of standing committees

- Establish priorities and guidance on programmes relevant to the Role and Scope of the committee.
- Provide guidance to staff on the development of investment options to inform the Long Term Plan and Annual Plans.
- Report to Council on matters of strategic importance.
- Recommend to Council investment priorities and lead Council considerations of relevant strategic and high significance decisions.
- Provide guidance to staff on levels of service relevant to the role and scope of the committee.
- Establish and participate in relevant task forces and working groups.
- Engage in dialogue with strategic partners, such as Smart Growth partners, to ensure alignment of objectives and implementation of agreed actions.
- Confirmation of committee minutes.

### Delegations to standing committees

- To make recommendations to Council outside of the delegated responsibility as agreed by Council relevant to the role and scope of the Committee.
- To make all decisions necessary to fulfil the role and scope of the Committee subject to the delegations/limitations imposed.
- To develop and consider, receive submissions on and adopt strategies, policies and plans relevant to the role and scope of the committee, except where these may only be legally adopted by Council.
- To consider, consult on, hear and make determinations on relevant strategies, policies and bylaws (including adoption of drafts), making recommendations to Council on adoption, rescinding and modification, where these must be legally adopted by Council.
- To approve relevant submissions to central government, its agencies and other bodies beyond any specific delegation to any particular committee.
- Engage external parties as required.

# Terms of reference – Community, Transparency and Engagement Committee

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## Membership

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<b>Chairperson</b>	Cr Kevin Schuler
<b>Deputy chairperson</b>	Cr Hautapu Baker
<b>Members</b>	Cr Rick Curach Cr Steve Morris Cr Rod Taylor <i>Mayor Mahé Drysdale (ex officio)</i>
<b>Non-voting members</b>	(if any)
<b>Quorum</b>	<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> .
<b>Meeting frequency</b>	Five weekly

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## Role

The role of the Community, Transparency and Engagement Committee is:

- To ensure community involvement in, and support for, Council projects, proposals, initiatives and services.
- To review and determine the policy and bylaw framework that will assist in achieving the desired strategic and operational priorities and outcomes for the city.
- To monitor delivery of Council-funded delivery by community-led organisations partnering with, or otherwise contracted to, Council.
- To review and improve public confidence and participation in Council decision making processes.

## Scope

- Develop a council-wide engagement strategy and monitor, including via community feedback, its implementation and success.
- Develop and review engagement plans for projects, proposals, initiatives and services that the Committee considers significant from a community interest perspective.
- Ensure appropriate and accessible information is available to the community on current and upcoming projects.
- Receive and consider the community's views on public transport and provide that information to relevant Committees.
- Develop and consider opportunities for Council to partner with the community, organisations, and other agencies to enable good outcomes for the city.

- Lead the development of relationships with community organisations, schools, businesses and other groups to broaden Council's reach into the community and use of available resources.
- Develop, review and approve policies, including as appropriate the development of community consultation material, the undertaking of community consultation, and the hearing of and deliberating on community submissions.
- Develop, review and approve for adoption by Council bylaws, including as appropriate community consultation material and processes, and the hearing of and deliberating on community submissions. (Note that the Committee will recommend the final adoption of a bylaw to Council as the Council can not legally delegate to a committee the adoption of a bylaw).
- Ensure promotion of the community's trust and confidence in Council is embedded in Council's projects, proposals, initiatives and services.
- Where gaps are identified, develop proposals for new projects or services for recommendation to Council for inclusion in future Annual Plan or Long-term Plan processes.
- Receive and consider feedback that is fully representative of the community including, but not limited to, the annual residents' survey (undertaken in waves).
- Receive reporting by Mainstreet organisations as appropriate.
- Receive reporting against partnership agreements with key cornerstone organisations (as per the Community Funding Policy) and from other community-led organisations as appropriate.
- Assess options for improving public participation in decision-making and make recommendations to Council that will strengthen democratic processes at all levels of the organisation.

### **Power to Act**

- To make all decisions necessary to fulfil the role, scope and responsibilities of the Committee subject to the limitations imposed.
- To establish sub-committees, working parties and forums as required.

### **Power to Recommend**

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

## Order of Business

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<b>5</b>	<b>Confidential business to be transferred into the open</b> .....	<b>7</b>
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- 1 OPENING KARAKIA**
- 2 APOLOGIES**
- 3 PUBLIC FORUM**
- 4 ACCEPTANCE OF LATE ITEMS**
- 5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**
- 6 CHANGE TO ORDER OF BUSINESS**

## **7 CONFIRMATION OF MINUTES**

### **7.1 Minutes of the Community, Transparency & Engagement Committee meeting held on 10 September 2024**

**File Number:** A16785607

**Author:** Caroline Irvin, Governance Advisor

**Authoriser:** Anahera Dinsdale, Acting Team Leader: Governance Services

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### **RECOMMENDATIONS**

That the Minutes of the Community, Transparency & Engagement Committee meeting held on 10 September 2024 be confirmed as a true and correct record.

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### **ATTACHMENTS**

- 1. Minutes of the Community, Transparency & Engagement Committee meeting held on 10 September 2024**





# **MINUTES**

## **Community, Transparency & Engagement Committee meeting Tuesday, 10 September 2024**

**Order of Business**

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<b>4</b>	<b>Acceptance of late items</b> .....	<b>4</b>
<b>5</b>	<b>Confidential business to be transferred into the open</b> .....	<b>4</b>
<b>6</b>	<b>Change to order of business</b> .....	<b>4</b>
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<b>9</b>	<b>Discussion of late items</b> .....	<b>10</b>
<b>10</b>	<b>Closing karakia</b> .....	<b>10</b>

**MINUTES OF TAURANGA CITY COUNCIL  
COMMUNITY, TRANSPARENCY & ENGAGEMENT COMMITTEE MEETING  
HELD AT THE TAURANGA CITY COUNCIL, GROUND FLOOR MEETING ROOMS 1 & 1B, 306  
CAMERON ROAD, TAURANGA  
ON TUESDAY, 10 SEPTEMBER 2024 AT 9.30AM**

**MEMBERS PRESENT:** Cr Kevin Schuler (Chairperson), Cr Hautapu Baker, Cr Rick Curach, Cr Steve Morris, Cr Rod Taylor.

**ALSO PRESENT:** Cr Glen Crowther, Cr Marten Rozeboom.

**APOLOGIES:** Mayor Mahé Drysdale

**LEAVE OF ABSENCE:** Cr Mikaere Sydney

**IN ATTENDANCE:** Marty Grenfell (Chief Executive), Barbara Dempsey (General Manager: Community Services), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy, Growth & Governance), Alastair McNeill (General Manager: Corporate Services), Gareth Wallis (General Manager: City Development & Partnerships), Nick Chester (Principal Strategic Advisor), Shawn Geard (City Centre Infrastructure Lead), Emily McLean (Programme Lead: City Development), Kendyl Sullivan (City Partnerships Specialist), Josh Logan (Team Leader: Corporate Planning), Ruth Woodward (Team Leader: Policy) Lucy Reed (Team Leader: Strategic Community Relations), Coral Hair (Manager: Democracy & Governance Services), Anahera Dinsdale (Acting Team Leader: Governance Services), Caroline Irvin (Governance Advisor), Aimee Aranas (Governance Advisor).

**EXTERNAL:** Elena Mead, Key Research, Michael Clarke, Manager Mount Business Association.

## **1 OPENING KARAKIA**

Cr Hautapu Baker opened the meeting with a karakia.

## **2 APOLOGIES**

### **APOLOGY**

### **COMMITTEE RESOLUTION CTE3/24/1**

Moved: Cr Rod Taylor

Seconded: Cr Hautapu Baker

That the apology for absence received from Cr Sydney and Mayor Drysdale be accepted.

**CARRIED**

### 3 PUBLIC FORUM

#### 1. Gordy Lockhart, You Be You Aotearoa - Rainbow Crossing in the City Centre

- Mr Lockhart acknowledged Cr Sydney, and provided a history of the LGBTQ+ movement.
- It was good to have conversations about Trans people, but the challenge was the fine line between sensible discourse and hate. This was quite a fine line within the Tauranga community.
- Trans people did exist in our communities, they were valid and deserved to be recognised as such.
- The original rainbow flag was designed as a banner flag that recognised the struggle for civil and human rights. It became a sign of safety for the LGBT community.
- In 2008, a chevron/triangle was added to the progress flag as is today. The colours in the triangle represented the LGBTQ+ community and marginalised people of colour. The triangle also denoted members of the LGBTQ+ community that perished in the second world war.
- Tauranga was a community of diverse identities, cultures and political and religious beliefs. It was felt it did not fully value, validate or celebrate this diversity. A rainbow crossing would help to do this, representing the community as a whole.

In response to questions:

- It was felt the rainbow flag had been made political by populist politicians with certain agendas, but it was actually a validation that the LGBTQ+ community existed and a commemoration of those who had perished. This should not detract from the fact that the Trans community existed and should be validated for who they were.

### 4 ACCEPTANCE OF LATE ITEMS

Nil

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

Nil

### 6 CHANGE TO ORDER OF BUSINESS

Nil

### 7 DECLARATION OF CONFLICTS OF INTEREST

Nil

### 8 BUSINESS

#### 8.1 Options for a Rainbow Crossing in the City Centre

**Staff** Gareth Wallis, General Manager: City Development & Partnerships  
Nick Chester, Principal Strategic Advisor  
Shawn Geard, City Centre Infrastructure Lead  
Emily McLean, Programme Lead: City Development

#### Key Points

- The General Manager: City Developments & Partnerships introduced the item and took the report as read.

**In response to questions**

- Staff had visited city centre businesses and spoken with the people who were in the shop on the day. They had been shown pictures of the proposed rainbow crossing. There had been an overall sentiment of neutral to supportive, with those not connected to the content largely ambivalent. There was some non-supportive sentiment around separatism and cost. The location of the crossing was secondary to opinions about rainbow crossings.
- The location on Devonport Road was chosen as a pedestrian crossing was about to be installed there. The location proposed on The Strand in front of Masonic Park was an area that had recently been opened up, but would not be a potential long term location due to future upgrade works along The Strand. The Durham Street location was an existing pedestrian crossing next to Waikato University. Some consideration had been given to a location on Cameron Road however, this was a higher speed environment which posed more risk.
- This decision sat within the scope and role of this Committee. However, a recommendation could be made to the full Council to make the decision.
- The crossing would fall under 'road marking' and would need to be repainted each year to keep it vibrant. A large percentage of the cost involved was road and traffic management to be able to paint it safely.
- Part of the disadvantage of The Strand option was that its future was still to be resolved in terms of its final design and the connection between Masonic Park and the waterfront.

**Discussion points raised:**

- The rainbow crossing would show the Council's support for diversity and inclusion of the LGBTQ+ community.

**COMMITTEE RESOLUTION CTE3/24/2**

Moved: Cr Rod Taylor

Seconded: Cr Hautapu Baker

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Options for a Rainbow Crossing in the City Centre".
- (b) Note that Council previously received a petition on 29 April 2024, requesting that a rainbow crossing be installed in the city centre.
- (c) Approves the installation of a rainbow crossing at 21 Devonport Road as part of a new pedestrian crossing.
- (d) Notes that the crossing would be aimed to be complete before the end of 2024.

**CARRIED**

In Favour: Crs Kevin Schuler, Hautapu Baker, Rick Curach and Rod Taylor

Against: Cr Steve Morris

**CARRIED 4/1**

**8.2 Mainstreet's' Monitoring Report for the Period 1 January to 30 June 2024**

**Staff** Gareth Wallis, General Manager: City Development & Partnerships  
Kendyl Sullivan, City Partnerships Specialist

**External** Michael Clarke, Manager Mount Business Association

**Key Points**

- The City Partnerships Specialist provided a summary of the report.

The Manager, Mount Business Association spoke to a PowerPoint presentation providing the following points:

- There had been some great events that brought people to the Mount such as the Jazz Festival, the Winter Mini Carnaval, the Mount Busking Festival, and the Matariki Augmented Reality Art Installation.
- The Street Safety WhatsApp group continued to grow and had great engagement. This was a real time security system in the event of any issues occurring on the streets.
- It had been a very tough winter for the Mount Business community with retail sales being significantly down in 2024. Local spenders had decreased for the first six months of the year.
- Digital and marketing highlights included the onboarding of a new social and content manager which had improved quality and digital presence, and an increase in social media reach.
- Areas of focus included promotions and marketing, safety and security and placemaking.
- Financials for end of year indicated that the organisation had closed out in a good position.
- Mount Main Street would like to establish a closer working relationship with the Elected Members and be supported in finding solutions to its challenges.
- Future activities included finding ways to bring more colour and art to the streets, finding more external funding to bring more capability to the organisation and build the Mount brand as a destination, and replacing an outgoing iwi representative on the Board.
- The City Partnerships Specialist was acknowledged and thanked for her hard work with the organisation.
- The appointment of the Community Constable was greatly appreciated, in particular his engagement with businesses.
- The City Safety and Engagement Advisor was thanked for his continuous work in making the Mount a safe place.

In response to questions:

- The Mount Business Association's official position on paid parking was that it did not support it on the main street or immediate surrounds. However, it was in favour of Council enforcing existing time limits to encourage the turnover of vehicles on the main street. There would be support for a paid parking building. Bigger retailers were not attracted to the Mount shopping area due to there being no dedicated parking for shopping.
- Up until this year, there had been little to no parking time limit enforcement. A more implemented programme had begun this year and new and clearer signage had been put up along the main street. It had been agreed that these time limits should stop at 6pm for hospitality purposes.
- The Little Big Market's role in the community was acknowledged, however, this was a sore point for the Mount businesses due to the negative financial impact it had on them. The scale and frequency of the markets meant that they used a majority of parking every weekend which was the busiest period of trading. A preferred solution would be for the markets to occur in Coronation Park once a month or to move away from the commercial centre so they did not have such an impact. Other solutions could include the markets providing parking within Coronation Park.
- Some of the future activities planned would require external funding to enable them to go ahead.
- Sales data would no longer be supplied to Mount Main Street and the organisation would like support from Council to find a solution for this.

**Discussion points raised**

- Councillors would like Mainstreet Tauranga, Pāpāmoa Unlimited and the Greerton Village

Community Association to attend and present at the next Committee meeting scheduled for 15 October 2024.

### In response to questions

- If Council made a decision not to proceed with funding the targeted rate, Pāpāmoa Unlimited could continue to operate as an independent incorporated society, but would need to find other sources of income.
- Council did not have the resources to pick up the scale of work required to take over the event delivery work of one of these organisations.
- Staff had developed an extensive process for targeted rate expansion that included substantial consultation with the targeted group. This process required considerable time and resources. Understanding the needs of the community was essential for both Council and Pāpāmoa Unlimited when looking to expand the targeted rate.

### COMMITTEE RESOLUTION CTE3/24/3

Moved: Cr Steve Morris

Seconded: Cr Hautapu Baker

That the Community, Transparency & Engagement Committee:

- Receives the report "Mainstreet's' Monitoring Report for the Period 1 January to 30 June 2024".
- Receives the Mainstreet Tauranga Report to 30 June 2024 and Annual Plan for 2024/25.
- Receives the Mount Business Association Report to 30 June 2024, and Annual Plan for 2024/25.
- Receives the Pāpāmoa Unlimited Report to 30 June 2024 and Annual Plan for 2024/25.
- Receives the Greerton Village Community Association Report to 30 June 2024, Annual Plan for 2024/25, and Strategic Plan.

**CARRIED**

In Favour: Crs Kevin Schuler, Hautapu Baker, Rick Curach and Rod Taylor

Against: Nil

Abstained: Cr Steve Morris

**CARRIED**

### 8.3 Annual Residents' Survey 2023/24

**Staff** Christine Jones, General Manager: Strategy, Growth & Governance  
Josh Logan, Team Leader: Corporate Planning

**External** Elena Mead, Key Research

### Key Points

- The General Manager: Strategy, Growth & Governance provided a summary of the report.

**In response to questions**

Elena Mead from Key Research responded to questions as follows:

- There were quite a few improvements this year in the community and public facility spaces. Reputation had stopped declining and was picking up. Overall, the performance was strong compared to other councils.
- The methodology for this survey had not changed in the last four years. More people were doing the survey online.
- It would be possible to expand the survey over a longer time frame for most of the measures.

The Chief Executive provided the following comments:

- Attention was needed around trust and confidence which was a mainstay of any organisation. The public perception of Council did not necessarily distinguish between the governing body and the organisation, but was rather one of a single entity. It was therefore important to have alignment between the wishes and desires of governance and the capability and performance of the organisation, and that Council delivered on what it said it was going to do, thereby gaining trust and confidence with the public.
- Creating efficiencies was something that was continuously undertaken by the senior management and executive team.
- The Executive Team had a weekly stand up where survey results were discussed. This information was made available to staff who, depending on their roles, could dive deeper into the issues.

**COMMITTEE RESOLUTION CTE3/24/4**

Moved: Cr Steve Morris

Seconded: Cr Rick Curach

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Annual Residents' Survey 2023/24".

**CARRIED**

**8.4 Outline Work Programme for the Community, Transparency and Engagement Committee**

**Staff** Alastair McNeil, General Manager: Corporate Services

**Key Points**

- The General Manager: Corporate Services provided a summary of the report.

**Discussion points raised**

- A recommendation was put forward that the work plan may be amended and those amendments will be reported back to this Committee.

**COMMITTEE RESOLUTION CTE3/24/5**

Moved: Cr Kevin Schuler

Seconded: Cr Rod Taylor

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Outline Work Programme for the Community, Transparency and Engagement Committee".
- (b) Notes the outline work programme for the Committee as per Attachment One of this report.



- (c) Notes that this work plan may be amended and those amendments will be reported back to this Committee.

**CARRIED**

11.22am The meeting adjourned.

11.35am The meeting reconvened.

## **8.5 Proposed Work Programme for the Review and/or Development of Policies and Bylaw**

**Staff** Christine Jones, General Manager: Strategy, Growth & Governance  
Ruth Woodward, Team Leader: Policy

### **Key Points**

- The General Manager: Strategy, Growth and Governance provided a summary of the report.

### **In response to questions**

- Some bylaws were able to be completed by Council resolution, others had to be consulted on.
- The Gambling Review policy was reviewed last year and adopted in December 2024. It was reviewed within a three year cycle.
- Vaping responsibilities and the locations of vape shops sat with the Ministry of Health.
- Council had a Local Alcohol Policy which was reviewed over a two year period resulting in changes being made. If alcohol was being sold without a licence, Council could take enforcement against the business owner.
- Any opposition to an alcohol licence renewal would go through a public notification process, a hearing would take place and the opposers would have an opportunity to voice their concerns. The District Licencing Committee would then make a decision whether the licence would be renewed.

### **COMMITTEE RESOLUTION CTE3/24/6**

Moved: Cr Steve Morris

Seconded: Cr Rick Curach

That the Community, Transparency and Engagement Committee:

- (a) Receives the report "Proposed Work Programme for the Review and/or Development of Policies and Bylaw".
- (b) Adopts the work programme, included in the attached schedule, for the review and/or development of policies and bylaws in 2024-25 year.

**CARRIED**

## **8.6 Issues and Options: Event Funding Framework Adjustments**

**Staff** Barbara Dempsey, General Manager: Community Services  
Nick Chester, Principal Strategic Advisor

### **Key Points**

- The General Manager: Community Services provided a summary of the report.

**In response to questions**

- Multiple criteria were assessed when an application was being looked at such as the sustainability of an organisation and the financial benefit as a result of the event. As such this was not a donation but an event grant.
- Bay of Plenty Rugby, Futures Beach Volleyball and the World Tennis Tour were three of the five events that had triggered the minor adjustments to the event funding framework.
- Unless there was a three-year contract already in place, event funding was open to anybody wishing to make a funding application under the purpose of the grant. The applications would be considered on their merits.
- The changes would provide more clarity as to which fund should be applied for and as such would not be a deterrent to apply.

**Discussion points raised**

- Could staff look into the possibility of an Elected Member being on the selection panel.

**COMMITTEE RESOLUTION CTE3/24/7**

Moved: Cr Rod Taylor

Seconded: Cr Hautapu Baker

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Issues and Options: Event Funding Framework Adjustments".
- (b) Notes the findings of the recent review of the Event Funding Framework.
- (c) Approves Option 2: Make minor adjustments to the Funding Framework:
  - (i) Retain the Major Event Fund;
  - (ii) Merge the Legacy Event Fund and Event Support Fund into a new Tauranga Events Fund and amend the purpose ahead of the 2024/25 funding round; and
  - (iii) Delete the three year stand down period for applicants to apply for funding.

**CARRIED**

**9 DISCUSSION OF LATE ITEMS**

Nil

**10 CLOSING KARAKIA**

Cr Hautapu Baker closed the meeting with a karakia.

The meeting closed at 12.01 pm.

The minutes of this meeting were confirmed as a true and correct record at the Community, Transparency & Engagement Committee meeting held on 15 October 2024.

.....  
Cr Kevin Schuler  
**CHAIRPERSON**

**8 DECLARATION OF CONFLICTS OF INTEREST**

## 9 DEPUTATIONS, PRESENTATIONS, PETITIONS

### 9.1 Petition - Mount Maunganui Hot Pools Opening Hour

**File Number:** A16784258

**Author:** Caroline Irvin, Governance Advisor

**Authoriser:** Anahera Dinsdale, Acting Team Leader: Governance Services

#### PURPOSE OF THE REPORT

The purpose of this report is to present the petition 'Mount Manganui Hot Pools Opening Hour' to the Committee.

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#### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Petition - Mount Maunganui Hot Pools Opening Hour".

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#### ATTACHMENTS

1. **Petition - Mount Maunganui Hot Pools Opening Hour - A16784151** [↓](#) 
2. **Petition Signatures - Mount Maunganui Hot Pool Opening Hour - A16784434** [↓](#) 
3. **Petition Signatures - Mount Maunganui Hot Pools Opening Hour - A16784155** [↓](#) 

























## 10 BUSINESS

### 10.1 Mainstreets' Report and Presentations for the Period 1 January to 30 June 2024

**File Number:** A16739923

**Author:** Kendyl Sullivan, City Partnerships Specialist

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

#### PURPOSE OF THE REPORT

1. For the Mainstreet organisations 'Papamoa Unlimited', 'Mainstreet Tauranga' and 'Greerton Village and Community Association' to present to Council on their activities for the period 1 January to 30 June 2024, to highlight issues, provide a financial update, and to outline plans for upcoming activities.

#### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Mainstreets' Report and Presentations for the Period 1 January to 30 June 2024".
- (b) Receive presentations from:
  - (i) Papamoa Unlimited
  - (ii) Mainstreet Tauranga
  - (iii) Greerton Village and Community Association

#### EXECUTIVE SUMMARY

2. Mainstreets' were scheduled to present at the Community, Transparency and Engagement Committee on 10 September 2024.
3. A copy of the report received at this Committee meeting can be found [here](#). This report, the Mainstreet Monitoring Reports, Annual Plans, and Greerton Village and Community Association's Strategic Plan were all received at the committee meeting on 10 September 2024.
4. Due to Mount Business Association being the only Mainstreet that presented at the 10 September 2024 meeting, we have requested the additional Mainstreets' attend this meeting to speak to their six-monthly monitoring reports and allow for questions from councillors.
5. Six-monthly monitoring reports for the presenting Mainstreets are attached for reference.

#### SIGNIFICANCE

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

### ENGAGEMENT

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

### ATTACHMENTS

1. **Papamoa Unlimited Six Monthly Monitoring Report January - June 2024 - A16470583**  [↓](#)
2. **Mainstreet Tauranga Six Monthly Monitoring Report January - June 2024 - A16450201**  [↓](#)
3. **Greerton Village Community Association Six Monthly Monitoring Report January - June 2024 - A16469733**  [↓](#)



























































































## 10.2 Alcohol Control Bylaw Amendment

**File Number:** A16459660

**Author:** Jane Barnett, Policy Analyst  
Nigel McGlone, Manager: Environmental Regulation

**Authoriser:** Sarah Omundsen, General Manager: Regulatory and Compliance

### PURPOSE OF THE REPORT

1. For the committee to consider the draft amended Alcohol Control Bylaw and Statement of Proposal for community consultation.

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### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Alcohol Control Bylaw Amendment".
- (b) Approves the draft amended Alcohol Control Bylaw (**Attachment One**) and the Statement of Proposal (**Attachment Two**) for community consultation.
- (c) Resolves that in accordance with section 155 of the Local Government Act 2002, the proposed amendments to the Alcohol Control Bylaw are the most appropriate and proportionate way of addressing the perceived problem and do not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- (d) Authorises the General Manager: Regulatory and Compliance to make any necessary minor drafting or presentation amendments to the draft amended Alcohol Control Bylaw, the Statement of Proposal and related consultation material prior to the commencement of consultation.

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### EXECUTIVE SUMMARY

2. Tauranga's Alcohol Control Bylaw 2018 (the bylaw) sets out year-round alcohol-free areas and areas that are alcohol-free over the New Year period. The bylaw also allows for Council to make, by resolution, temporary alcohol-free areas for a set time period and/or event.
3. For the past six years Council has put in place a temporary alcohol-free area during the summer period along Marine Parade, from its intersection with Grove Avenue, and Oceanbeach Road and Maranui Street. This is the area between the two existing year-round alcohol-free areas along the coastal strip.
4. This alcohol-free area over the summer period was first put in place in 2018, in response to community feedback and evidence from the Police of alcohol related harm in the area.
5. Police report that the temporary ban has assisted them in managing potential alcohol-related disorder and minimising the risk of alcohol-related harm.
6. The Community, Transparency and Engagement Committee's approval is sought to incorporate this alcohol-free area permanently in the bylaw. This will formalise a consistent approach across the coastal strip and including the alcohol-free area in the bylaw will be more efficient than continuing to put it in place each year via Council approval.

## BACKGROUND

7. Section 147 of the Local Government Act 2002 (the LGA) allows Council to make a bylaw to prohibit the consumption of alcohol and restrict the possession and carriage of alcohol in specific locations and times.
8. While Councils have the power to make the bylaw, the Police are responsible for enforcing the alcohol-free areas set out in the bylaw. Under the Act the Police have powers to search, seize alcohol and arrest. They can also issue an infringement fee to anyone who breaches an alcohol-free area (section 4 Local Government (Alcohol Ban Breaches) Regulations 2018).
9. The purpose of the bylaw is to reduce alcohol-related harm by controlling the consumption of alcohol in public places. The bylaw sets out nine year-round alcohol-free areas across the city and two additional restrictions come into play over the New Year period, from 26 December to 6 January. During this period, the alcohol-free area along the coast from Mauao extends to Tweed Street and Hull Road and the Papamoa coastal area changes from being alcohol-free from 9pm-7am to a 24-hour period.
10. Clause 8 of the bylaw allows Council to make, by resolution, temporary alcohol-free areas for a specific time and/or event. Typically, this clause has been activated for events to assist the Police in managing potential alcohol-related disorder, and to help minimise alcohol related harm at and around these events.
11. In December 2018, in response to community and Police concern, Council resolved to implement a temporary alcohol-free area along the coastal area between the two existing year-round coastal bans already in the bylaw.
12. Every year since then, Council's approval has been sought, supported by the Police, to put in place this alcohol-free area over the summer period. On 16 September 2024, Council approved the alcohol-free area for the 2024/25 summer period.
13. Including this summer period alcohol-free area in the bylaw will give greater clarity and certainty to the community and Police. Council will also not have to approve this alcohol-free area each year.
14. We are seeking Council's approval to formalise this alcohol-free area by incorporating it permanently into the bylaw as a recurring summer period alcohol-free area. The changes to the bylaw that are proposed are shown in Table One. These amendments are also shown by tracked changes in **Attachment One**.

**Table One: Proposed amendments**

Proposed change	Reasons
Add in a new Section 8 ' <i>Summer period alcohol-free areas</i> '	To accommodate the summer period alcohol-free area.
Add the following section as section 8.1 to the bylaw: <i>8.1 The consumption, bringing and possession of alcohol in the public places specified in Schedule Three is prohibited between the hours of 9pm and 7am for the period beginning on 21 October and ending at 7am on 6 April each year.</i>	To specify the summer period alcohol-free area.
Add in a Schedule 3 ' <i>Summer period alcohol-free areas</i> ', include the following to Schedule 3 and insert map 1: <i>The following places, as shown on map 1 are alcohol-free areas between the hours of 9pm and 7am from 21 October to 7am on 6 April each year:</i>	To incorporate the summer period alcohol-free area that has been applied over the

<p><i>All reserves, beaches and public places on and including the seaward side of:</i></p> <ul style="list-style-type: none"> <li>• <i>Marine Parade (eastwards from its intersection of Grove Avenue to its intersection of Tweed Street)</i></li> <li>• <i>Oceanbeach Road</i></li> <li>• <i>Maranui Street</i></li> <li>• <i>Omanu Way</i></li> <li>• <i>Yale Street</i></li> <li>• <i>Sunbrae Grove</i></li> <li>• <i>Surf Road</i></li> </ul>	<p>past six summers in the bylaw</p>
<p>Include in the Schedule 3 'Summer period alcohol-free areas':</p> <p><i>The following places, as shown on map 1 are alcohol-free areas 24 hours a day during the period from 26 December to 6am on 6 January each year:</i></p> <p><i>All reserves, beaches and public places on and including the seaward side of;</i></p> <ul style="list-style-type: none"> <li>• <i>Marine Parade (eastwards from its intersection of Grove Avenue to its intersection of Tweed Street)</i></li> <li>• <i>Omanu Surf Club and car park area</i></li> <li>• <i>Waiariki Street</i></li> </ul> <p><i>The following places, as shown on map 1 are alcohol free areas between the hours of 9pm and 7am from 6 January to 25 December each year:</i></p> <p><i>All reserves, beaches and public places on and including the seaward side of Waiariki Street.</i></p>	<p>To clarify that during the New Year period a 24-hours a day, seven days alcohol-free area applies to some of this area.</p>

## STATUTORY CONTEXT

15. Before making a bylaw, Council must be satisfied that:

- There is evidence that any new alcohol-free area has experienced a high level of alcohol-related crime or disorder (or if an alcohol-free area is already operative, then Council must be satisfied that a high level of alcohol-related crime and disorder is likely to arise in the area without the bylaw being made).
- The bylaw is appropriate and proportionate in the light of that crime and disorder (LGA 2002, s147A).

16. Council must also determine whether:

- A bylaw is the most appropriate way of addressing the perceived issues.
- The draft bylaw is the most appropriate form of bylaw
- The draft bylaw gives rise to any implications under the NZ Bill of Rights Act 1990 (LGA 2002, s.155).

17. Table two below sets the consideration of these requirements.

**Table two: Section 147A and 155 Considerations**

<p>Is Council satisfied that a high level of crime and disorder is likely if the bylaw</p>	<p>The area has been a temporary alcohol-free area for the past six summer periods. It was put in place in response to community feedback and evidence from the Police who received 14 calls for service in this area between October 2018 and November 2018.</p> <p>Attachment three provides a summary of the evidence and the notice of</p>
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is not made?	<p>motion provided to Council in December 2018.</p> <p>During the first year that the alcohol-free area was implemented, the Police received two calls for service. The Police report that the temporary alcohol-free area has had the desired effect.</p>
Is Council satisfied that a bylaw is the appropriate means to deal with the problem?	<p>A bylaw is the most appropriate mechanism to effectively deal with people drinking in public places in a manner that negatively impacts the enjoyment and safety of other people using that public place.</p> <p>The Police support the continuation of the alcohol-free area as it provides them with an early intervention tool to help reduce potential alcohol related crime and disorder in this area.</p>
Is the bylaw appropriate and proportionate?	<p>The proposed amendment to the bylaw is consistent with the current form of the bylaw that focuses on specific locations where Council considers there is a high level of alcohol-related disorder and crime.</p> <p>The extent and timing of the alcohol-free area is considered appropriate. The area is only alcohol-free during the summer period 21 October to 6 April and between 9pm and 7am when the risk of alcohol-related crime and disorder is greatest.</p> <p>The extent and timing of the proposed amendment is supported by the Police.</p>
Is the bylaw consistent with the New Zealand Bill of Rights?  Can the bylaw be justified as a reasonable limitation on people's rights and freedoms?	<p>The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand, including the right to freedom of movement. While the proposed amendment to the bylaw means that people can be asked to leave the area that the amendment applies to, it is considered that the restrictions are fair and reasonable in the interest of public safety.</p> <p>The amendment does not restrict the movement of people who are not in the possession of alcohol. Therefore, it is considered that the proposed changes to the bylaw do not give rise to any implications under the Bill of Rights.</p>
Is there justification for changes to the bylaw?	<p>The proposed alcohol-free area was first put in place in 2018 in response to community feedback and evidence from the Police of alcohol-related harm in the area.</p> <p>The Police report that the temporary ban has assisted the management of potential alcohol-related disorder and minimised the risk of alcohol-related harm. Including this area in the bylaw is more efficient and provides greater clarity and certainty for the Police and community.</p>

## STRATEGIC ALIGNMENT

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

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

19. The proposed amendments to the bylaw are consistent with the purpose of the bylaw to reduce alcohol-related harm in our community.
20. The proposed changes will help people feel safer in their communities, a key goal of Council's Tauranga Matarauui – Inclusive City Strategy and community outcome. This in turn contributes to the community and inclusivity pillar of the vision for Tauranga, *Together we can ... lift each other up*, as outlined in Council's [Our Direction](#) framework.=

### OPTIONS ANALYSIS

21. The table below sets out the advantages and disadvantages of adopting the draft amended Alcohol Control Bylaw.

Option	Advantages	Disadvantages
1 Approve the proposed changes and adopt the amended draft Alcohol Control Bylaw and Statement of Proposal for community consultation.  <b>Recommended</b>	<ul style="list-style-type: none"> <li>• Ensures a consistent approach along the coastline.</li> <li>• Formalises the current practice of implementing an alcohol-free area along this part of the coastline during the summer period.</li> <li>• Supports Police to assist in the provision of a safer environment for the community.</li> <li>• Provides greater clarity and certainty to the community and Police.</li> <li>• Mitigates any potential perceived risk that the alcohol-free area may not be appropriate under Clause 8 of the bylaw.</li> </ul>	<ul style="list-style-type: none"> <li>• Some residents and visitors may view the summer period alcohol-free areas as being too restrictive.</li> </ul>
2 Do not approve changes to the bylaw and do not adopt the amended draft Alcohol Control Bylaw for community consultation.	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• The ability of the Police to successfully limit alcohol harm and manage public disorder along the coast would be reduced.</li> <li>• Creates an inconsistent approach to managing alcohol-related harm along the coastal strip.</li> <li>• Requires an annual resolution of Council to achieve the same outcomes as Option 1.</li> <li>• Does not mitigate any potential perceived risk that the alcohol-free area may not be appropriate under Clause 8 of the bylaw.</li> </ul>

## FINANCIAL CONSIDERATIONS

22. The costs of consulting on the bylaw amendment will be funded from the existing policy and bylaws budget.

## LEGAL IMPLICATIONS / RISKS

23. Including proposed alcohol-free area in the bylaw ensures that the alcohol-free area mitigates any potential perceived risk that the alcohol-free area may not be appropriate under Clause 8 of the bylaw.

## TE AO MĀORI APPROACH

24. The proposed summer period alcohol-free areas align with the principles of Manaakitanga – a strong duty of care and safety for our people and Kaitiakangā – stewardship of the natural environment.

## CLIMATE IMPACT

25. There are no direct or specific climate change impacts resulting from the proposed temporary alcohol-free areas.

## CONSULTATION / ENGAGEMENT

26. Police support the proposed amendments to the bylaw. They requested the alcohol-free area be implemented again this summer when they asked Council for alcohol bans for events occurring over the summer period. Council approved this request at their meeting on 16 September 2024.
27. Residents in the summer period alcohol-free area were informed by letter when it was first implemented in 2018. Around 1350 letters were sent and two residents contacted staff about the lack of monitoring and enforcement of the ban. One resident expressed concern that the ban was unnecessary as they had not witnessed any crime and disorder in the area.

## SIGNIFICANCE

28. 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.
29. 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.
30. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of low significance. This is because the alcohol-free area has been in place for the past six summers and formalising it in the bylaw will ensure its automatic renewal each year without requiring annual Council approval. This change is not expected to impact the community as it maintains the status quo.

## ENGAGEMENT

31. Although the issue is of low significance, consultation is required under section 156 of the Local Government Act 2002 because the proposal changes the bylaw. A statement of proposal setting out the reason for the change is also required under the Act.

32. The community consultation will be focused on the proposed change to make the alcohol-free area part of the bylaw. A full review of all the current alcohol-free areas and assessment of whether any additional areas will be carried out in 2028 in accordance with the current review schedule.
33. Targeted consultation will be carried out with the community living in the area to ensure they are aware of the proposal to include the alcohol-free area in the bylaw. The targeted consultation will be in the form of written letters to residents.

### NEXT STEPS

34. If the Committee approves the draft amended Alcohol Control Bylaw (**Attachment One**) and associated Statement of Proposal (**Attachment Two**), community consultation will take place between 4 November and 6 December 2024.
35. If there are any submitters who wish to speak to their submission, the Committee will hold hearings early next year. The Committee will then deliberate on the issues raised before making a recommendation to Council. Council will formally adopt the final amended bylaw because under the LGA, Council cannot delegate the adoption of bylaws to the Committee.

### ATTACHMENTS

1. **Draft Alcohol Control Bylaw Amendment - A16743698** [↓](#) 
2. **Statement of Proposal - Draft Alcohol Control Bylaw Amendment - A16665190** [↓](#) 
3. **Summary of Evidence - A16634893** [↓](#) 





























































































### 10.3 The Development of an Alcohol Fees Bylaw

**File Number:** A16486773

**Author:** Jane Barnett, Policy Analyst  
Nigel McGlone, Manager: Environmental Regulation

**Authoriser:** Sarah Omundsen, General Manager: Regulatory and Compliance

#### PURPOSE OF THE REPORT

1. To seek approval and direction on the development of an Alcohol Fees Bylaw.

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#### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "The Development of an Alcohol Fees Bylaw".
- (b) Approves the development of an Alcohol Fees Bylaw.
- (c) Agrees to use 100% cost recovery as an indication of potential new fees for the purposes of community consultation on the draft bylaw.

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#### EXECUTIVE SUMMARY

2. Council is responsible for administering the alcohol licensing function of the Sale and Supply of Alcohol Act 2012 (the Act). The intention of the Act is for fees to recover the costs of alcohol licensing.
3. There are two options for councils to set alcohol licensing fees. They can either use the prescribed fees set out in the Sale and Supply of Alcohol (Fees) Regulations 2013 (Fees Regulations) or develop a bylaw to set their own fees.
4. Tauranga, along with most councils, uses the prescribed fees. The intention of these fees was to recover the costs of alcohol licensing. However, these fees have not changed since 2013, resulting in a 40% cost recovery rate and the remaining 60% being funded by general rates.
5. Direction is sought from the committee on the development of an alcohol fees bylaw. If a bylaw is introduced, Council will have the ability to set licensing fees to cover the cost of the activity.
6. The bylaw could allow for licensing fees to be set through the long-term and annual plan process, consistent with other council user fees and charges.
7. This approach would provide greater flexibility to adjust fees and allow the community the opportunity to provide feedback on any fee changes through the annual plan and long-term plan consultation process.
8. If the committee decide to develop an alcohol fees bylaw, staff will engage with stakeholders to inform the drafting of a proposed bylaw. The engagement would focus on options for implementing any future fee changes including timing. The committee would then consider a draft proposed bylaw for community consultation.
9. Any proposed fee changes from the bylaw will need to be specified in the draft user fees and charges schedule, which will be consulted on early next year as part of the annual plan consultation.

## BACKGROUND

### Alcohol licensing in Tauranga

10. Alcohol licensing is underpinned by the Sale and Supply of Alcohol Act 2012 (the Act) and associated secondary legislation.
11. The council is responsible for administering the licensing functions of the Act. This includes:
  - appointing and supporting the District Licensing Committee (the DLC), made up of members of the community
  - receiving and processing licence applications and managers' certificates for DLC decision making
  - preparing material for the DLC to meet their reporting requirements to the Alcohol Regulatory and Licensing Authority (ARLA)
  - monitoring and compliance assessments of all licensees and certified managers – including inspections of premises and providing education to licensees.
12. The council's licensing team work closely with the Police and the Medical Officer of Health and other agencies to meet the responsibilities and functions of the Act.
13. Currently (as of September 2024) Tauranga has 372 licensed premises including:
  - 238 on-licensed premises (restaurants, bars and cafes)
  - 94 off licensed premises (such as bottle stores and supermarkets)
  - 40 club licensed premises (such as sports clubs).
14. There are also 1302 certified duty managers from or working in Tauranga.
15. On average Tauranga processes between 600 – 700 new and renewal manager certificates each year and expect to process approximately 1,300 to 1,400 applications in total this financial year (this includes venue licences, manager certificates, temporary authorities and special licences for events).

### Licensing fees

16. Councils can use the prescribed fees set out in Fees Regulations or set their own licensing fees through a bylaw.
17. When the Fees Regulations were developed, the intention was that they would recover the total costs of councils' alcohol licensing functions. In recognition that these fees may not result in cost recovery for each council (due to the differing needs and demands of each area), secondary legislation<sup>1</sup> provides for councils to set their own fees through a bylaw.
18. The Fees Regulations set a risk-based approach for alcohol licence fees. The fees for on, off and club licences are dependent on the premise's risk rating. The risk rating is determined by type of premise, latest alcohol sales time and number of enforcements in the last 18 months. The five cost/risk ratings of premises and corresponding fees categories are<sup>2</sup>:

Cost/risk rating of premises	Fees category
0-2	Very low risk
3-5	Low risk
6-15	Medium risk
16-25	High risk

<sup>1</sup> Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013

<sup>2</sup> 9% of Tauranga's licensed premises are very low risk, 28% are low risk, 59% are medium risk and 4% are high risk.

26 plus	Very high risk
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19. The prescribed fees for each risk category are made up of:
- an application fee paid – intended to cover the licence application process; and
  - an annual fee paid – intended to cover monitoring costs.
20. Under the Act (section 404) the prescribed fees are required to be reviewed every five years, however the last review was carried out in 2017<sup>3</sup>. The purpose of this review was to assess whether the regulations were meeting the objectives of the licensing fees regime.
21. The review could not draw any conclusions on the overall cost recovery but stated that there was a large variance in cost recovery across councils. As a result no changes were made to the prescribed fees.

### Current cost recovery

22. Tauranga licensing fees are based on the prescribed regulation fees (**Attachment One**). In 2023/24 these fees made up around 40% of the total alcohol licensing costs with the remaining 60% coming from general rates (approximately \$755 000). This is a decrease in cost recovery compared to last financial year when around 50% of costs were recovered from fees.
23. The cost recovery rate is expected to continue to decrease as participation in the licensing process continues to increase resulting in increased costs. Changes made to the Sale and Supply of Alcohol Act last year<sup>4</sup> make it more accessible for people to participate in the licensing process. This has contributed to an increase in the number of DLC hearings. In 2020 three hearings were held and last year 23 took place and this year 18 have already occurred and another 14 are scheduled. Hearing costs are not specifically charged to the applicant so they have to be funded through fee revenue and general rates.

### Potential alcohol licensing fees bylaw

24. If a bylaw was introduced, Council could set fees for all licensing applications (except for Manager's Certificates<sup>5</sup>) and introduce other fees to cover costs directly related to alcohol licensing.
25. There are six councils, that we are aware of, that have alcohol fees bylaws and another is in the process of developing one. Two councils have a 100% cost recovery model and the others have allowed for some funding to come from general rates. The fees set by these bylaws are shown in **Attachment One**.
26. All the bylaws, except one, set a specific dollar value for fees in the bylaw itself. We are proposing that greater flexibility be built into Tauranga's proposed bylaw to allow for alcohol fees to be set through the annual plan and long-term plan process.
27. The annual plan and long-term plan process, through the user fees and charges consultation, will give the community the opportunity to provide feedback on any proposed alcohol licensing fee charges each year. This will ensure that the community can provide feedback on all of Council's proposed fees and charges at the same time.
28. It will also ensure that changes in costs can be sufficiently recovered through fees more regularly and not require a formal bylaw review or amendment each time.

### STATUTORY CONTEXT

29. Section 402(1)(b) of the Sale and Supply of Alcohol Act 2012 provides that fee regulations (including fee-setting Bylaws) '*may do anything reasonably necessary to ensure that, so far*

<sup>3</sup> Review of the Sale and Supply of Alcohol (Fees) Regulations 2013, Ministry of Justice, December 2017.

<sup>4</sup> The Sale and Supply of Alcohol (Community Participation) Amendment Act 2023

<sup>5</sup> Sale and Supply of Alcohol (Fees) Regulations 2013, reg 11.

*as it is practicable, the total costs to the territorial authority are recovered out of the fees paid to it under this Act’.*

30. Section 405 of the Act requires Council ‘to the extent that is reasonably practicable having regard to the circumstances of the particular case, consult the persons the authority has reason to believe are representative of interests likely to be substantially affected by the bylaw’.
31. The Act also outlines the specific types of fees which can be managed under a bylaw<sup>6</sup>. Under the Fees Regulations fees for Manager’s Certificates must be the same across all territorial authorities. As such Council cannot include Manager’s Certificate fees in the proposed bylaw.<sup>7</sup> However, other types of fees such as a late lodgement fee may be applied to account for the extra staff time to apply for the required special waiver to the DLC.

## STRATEGIC ALIGNMENT

32. 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	<input type="checkbox"/>
We can move around our city easily	<input type="checkbox"/>
We are a city that supports business and education	<input type="checkbox"/>

33. The proposed alcohol fees bylaw aligns with Council’s strategic community outcome of an inclusive city. The alcohol licensing function helps prevent harm and helps create a safe community.

## OPTIONS ANALYSIS

34. Table one below sets out the advantages and disadvantages for the committee’s consideration in deciding whether to approve the development of an alcohol fees bylaw.

**Table One: Advantages and disadvantages of developing an alcohol fees bylaw**

Option	Advantages	Disadvantages
1. Approve the development of an alcohol fees bylaw.  <b>Recommended</b> (see recommended resolution (b))	<ul style="list-style-type: none"> <li>Allows a tool for fees to be set to recover alcohol licensing costs which is consistent with the user-fees principle.</li> <li>Allows for more community consultation on alcohol licensing fees through the annual and long-term planning process.</li> <li>Provides greater flexibility to adjust alcohol fees if required.</li> <li>If the bylaw is used to set fees to increase the level of cost recovery this will reduce demand on general rates funding.</li> </ul>	<ul style="list-style-type: none"> <li>Any fees changes set through the bylaw will impact on businesses.</li> </ul>

<sup>6</sup> Sale and Supply of Alcohol Act 2012, ss 397 and 402

<sup>7</sup> Sale and Supply of Alcohol (Fees) Regulation 2013, Reg 11

Option		Advantages	Disadvantages
2.	Do not approve the development of an alcohol fees bylaw and continue to use the default fees set in the regulations.	<ul style="list-style-type: none"> <li>No impact of increased fees on businesses – unless regulation fees change.</li> </ul>	<ul style="list-style-type: none"> <li>No potential for recovering the costs of processing.</li> <li>No opportunity for the community consultation on alcohol licensing fees – as fees are set in regulations.</li> <li>Does not align with the intent of the Sale and Supply of Alcohol Act 2012 to recover costs.</li> <li>Increased demand on general rates funding.</li> </ul>

35. If the committee decide to develop a bylaw and wish to use the bylaw to set fees, the next consideration is around the potential level of cost recovery. As outlined above in paragraphs 26 – 28 staff propose that these fees be set during the annual and long-term planning process, when all user fees and charges are considered, rather than through the bylaw itself.
36. Community consultation is a significant part of developing a bylaw. To help the community provide feedback on any proposed draft bylaw indicative fees should be provided as part of the consultation.
37. The table below provides an indication of the change in fees associated with different cost recovery options. Note that the remainder of costs are paid for through general rates, so the 40% cost recovery means the remaining 60% of costs are rate payer funded.
38. It is recommended that the full cost recovery rate (100%) is used as a reference point in the consultation to highlight potential increases in fees. This is for consultation purposes only and does not bind Council to a cost recovery rate. In setting fees through the user fees and charges process, Council could decide not to increase fees at this time, to phase increases over time, or set a cost recovery rate anywhere between 0 and 100%.

		Alcohol licensing fees associated with different cost recovery scenarios						
		40% (Current)	50%	60%	70%	80%	90%	1000% (user pays in full)
Fee Type	Application for Medium Risk Premise	\$710	\$1000	\$1289	\$1578	\$1868	\$2157	\$2446
	Annual Fee for Medium Risk Premise	\$550	\$775	\$999	\$1223	\$1447	\$1671	\$1895
	Class 2 (Medium Risk) Special Licence	\$180	\$253	\$327	\$400	\$473	\$547	\$620

	<b>Temporary Authority Licence</b>	<b>\$258</b>	<b>\$363</b>	<b>\$468</b>	<b>\$574</b>	<b>\$679</b>	<b>\$784</b>	<b>\$889</b>
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## FINANCIAL CONSIDERATIONS

39. The costs of developing the bylaw will be funded from the existing policy and bylaws budget.

## LEGAL IMPLICATIONS / RISKS

40. There is a risk that the development of a fees bylaw will be perceived negatively by licence holders. In recovering a greater portion of the alcohol licensing costs from licence holders the fees will increase. This risk will be managed through effective engagement and consultation.

## TE AO MĀORI APPROACH

41. The development of an alcohol licensing fees bylaw supports the principles of Manaakitanga – a strong duty of care and safety for our people. Although there are no direct impacts on Māori from developing the bylaw, a strong alcohol licensing function will be beneficial to Māori, who experience disproportionate alcohol-related harm.

## CLIMATE IMPACT

42. There are no direct or specific climate change impacts resulting from the proposed temporary alcohol-free areas.

## CONSULTATION / ENGAGEMENT

43. No community engagement has occurred prior to the committee's decision and direction on the development of an alcohol fees bylaw.

## 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 issue is of medium significance, however the decision in this report is of low significance.

## ENGAGEMENT

47. Engagement and consultation will be an essential part of developing an alcohol fees bylaw. Consultation will be carried out to ensure all licence holders and other members of the community are able to provide input.

48. Any proposed fees will also be incorporated into the draft user fees and charges that will be consulted on in March/April 2025 in accordance with section 83 of the LGA. This will enable

the community to engage with any new alcohol licensing fees as part of Council's wider fee schedule.

### NEXT STEPS

49. If the committee agree to develop an alcohol fees bylaw, staff will incorporate this direction and undertake some initial engagement with licence holders to develop a draft bylaw.
50. The proposed draft bylaw will be presented to the committee for consideration in November 2024.
51. If the committee approve the draft bylaw for community consultation, this is proposed to be carried out in February/March 2025. This consultation is proposed to include an indication of any potential fee increases and the timing of these changes to ensure the community has full information on the bylaw.
52. Any new fees will be incorporated, subject to the adoption of the bylaw, into the draft user fees and charges schedule. This schedule will be consulted on in March/April 2025 as part of the annual plan process.
53. The committee will hear from submitters who wish to speak to their submission and deliberate on the issues raised before recommending to Council to formally adopt the bylaw in March/ April 2025.
54. Council will decide on the fees as part of the annual plan deliberations in May 2025 so that any new fees can take effect on 1 July 2025 (if that is the implementation date that Council ultimately chooses).

### ATTACHMENTS

1. **Current Alcohol Licensing Fees - A16667440**  





## 10.4 Changes to Street Dining Licence to Occupy Fees

**File Number:** A16662670

**Author:** Nick Chester, Principal Strategic Advisor  
Rachel Burt, Project Manager: Growth and Urban Planning  
Shawn Geard, City Centre Infrastructure Lead

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

### PURPOSE OF THE REPORT

1. The purpose of this report is to provide an overview of Council's decision-making process regarding the expansion of Licence to Occupy agreements with hospitality businesses in the city centre and Mount Maunganui, in order to enable outdoor dining in public places.
2. The report outlines intended next steps to implement these changes.

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### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Changes to Street Dining Licence to Occupy Fees".

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### EXECUTIVE SUMMARY

3. Tauranga City Council charges 27 hospitality businesses in the city centre for a Licence to Occupy in public spaces for the use of outdoor dining. These have been in place since 2013 for businesses located on The Strand, and since 2020 for businesses located on Wharf Street. The fees for those businesses that had to pay were previously based on an individual commercial valuation and were charged differently across the businesses.
4. Many hospitality businesses in other parts of the city centre and Mount Maunganui currently are not charged to occupy public space for outdoor dining. This has led to an inconsistency with how businesses are treated in relation to outdoor dining.
5. In December 2023, Council adopted the Street Use Policy to allow for a fairer and more consistent approach to charging for street dining across the city centre and Mount Manganui. This followed public consultation on the policy in October-November 2023.
6. In April 2024, The Street Use and Public Places Bylaw was also amended to require businesses in areas in the city centre and Mount Maunganui who would like to use a street footpath for outside commercial dining, to apply for an Outdoor Dining Licence to Occupy and pay a fee. The Bylaw came into effect on 1 July 2024. This update included greater protection for the pedestrian way.
7. The new policy now links Licence to Occupy fees to the user fees and charges process (rather than individual valuations) as these are more consistent and transparent for businesses and are assessed annually.
8. These changes will require council staff to update Licence to Occupy agreements currently in place with city centre businesses and put in place agreements with businesses who do not currently have one but wish to provide outdoor dining in public spaces.
9. It is intended that agreements will be in place and operative from 1 January 2025.
10. At its 4 March 2024 meeting, Council resolved that all businesses would receive an 80% rebate on fees for the 2024/25 financial year to acknowledge the difficult trading conditions in the city (and country), the cost of living issues impacting on hospitality, and the desire to

phase in charging for businesses who hadn't previously needed to pay. The minutes of the meeting can be found on Council's website [here](#) (Item 11.19).

## BACKGROUND

11. There are many hospitality businesses in Tauranga that offer outdoor dining in street footpaths as part of their service to customers.
12. There are currently 27 hospitality businesses in the city centre that TCC charges for the use of footpath space for outdoor dining. TCC currently manages Licence to Occupy (LTO) agreements with these businesses, which are located in the Strand, Masonic Park, Wharf Street and CBK in Red Square in the city centre. These have been in place since 2013 for businesses located on The Strand, and since 2020 for businesses located on Wharf Street.
13. A LTO to use public land for street dining purposes is not a right to exclusive use by the business but allows businesses to place tables and chairs in a specified area to operate and create vibrancy in these spaces. Commercial activities are expected to pay to operate a business on council land even when that activity may have a positive benefit. Other commercial activities such as mobile shops, events, markets, surf schools, and kayak businesses are expected to pay to use council land. Other community users also have fees and charges to use council land, including community groups where there is arguably greater reason to get to use it for free.
14. Fees have been charged based on an individual commercial valuation, resulting in variable charges across the businesses. At its 4 March 2024 meeting, Council resolved to apply a reduction of 80% on fees for the 2024/25 year due to ongoing disruption being caused by city centre development.
15. Businesses operating in other parts of the central city and in Mount Manganui currently do not pay any LTO fees as part of offering outdoor dining. This has created an inconsistency with how businesses are treated in relation to outdoor dining. There was a view from the Strategy, Finance and Risk Committee (the committee) that this approach was not fair with some businesses paying and others not across the city centre and Mount Maunganui.
16. In December 2023, Council adopted the [Street Use Policy](#) to allow for fair and consistent management and charging for street dining across the city centre and Mount Manganui. The policy will result in an expansion of the number of hospitality businesses that will pay a fee to provide outdoor dining.
17. The new policy now links LTO fees to the user fees and charges process (rather than individual valuations), as these are more consistent and transparent for businesses and are assessed annually. LTO agreements across the city centre and Mount Maunganui will also help to manage available footpath space where outdoor furniture and/or venue signage may conflict with accessible widths for pedestrians.
18. This decision was preceded by an Issues and Options Paper on the matter, presented to the Strategy, Finance and Risk Committee at their 7 August 2023 meeting. The report can be found on the council's website [here](#).
19. This was followed by the adoption of a draft Street Use Policy for consultation at the meeting of the Strategy, Finance and Risk Committee at their 18 September 2023 meeting. The report can be found on the Council's website [here](#).
20. To support the policy change, Council amended The [Street Use and Public Places Bylaw \(2018\)](#) at the 29 April 2024 meeting to require businesses in areas in the city centre and Mount Maunganui who would like to use a street footpath for outside commercial dining to apply for an Outdoor Dining Licence to Occupy (LTO) and pay a fee. The Bylaw came into effect on 1 July 2024. The report can be found on the Council's website [here](#).

21. A full timeline of decisions made related to street dining charges is shown in the table below.

Action undertaken	When this occurred
Public consultation on draft Street Use Policy	October – November 2023
Street Use Policy adopted by the Strategy Finance & Risk Committee.	December 2023
On adoption of the Street Use Policy, the committee requested that the roll out date be brought forward from the proposed 1 July 2025 to 1 July 2024 and charged at an 80% reduced rate for that financial year.	December 2023
To support the Street Use Policy, the Street Use and Public Places Bylaw was amended to allow business in areas in Mount Maunganui and city centre to apply for an outdoor dining licence to occupy and pay a fee.	April 2024
Decision made to delay roll out of LTOs – to avoid the election period and to allow staff time to complete the contracts, new survey areas, preparing online licences.	May 2024
<ol style="list-style-type: none"> <li>Decision made to provide a 100% rebate from 1<sup>st</sup> July – 31<sup>st</sup> December 2024</li> <li>Decision made to provide an 80% rebate to fees from 1<sup>st</sup> January – 30<sup>th</sup> June 2025</li> </ol> <p>Agreement was made to waive 100% of Licence to Occupy (LTO) fees across all zones until 1 January 2025. This is to avoid unnecessary disruption to the hospitality venues that are now required to hold LTOs while Council rolls out the administrative and financial changes to both the City Centre and the Mount. The bylaw itself isn't changing, we are just taking the necessary time to manage the project roll out of the LTO changes</p>	August 2024

22. Fees have been reduced by 80% for the 2024/25 financial year to acknowledge the difficult trading conditions in the city (and country), the cost of living issues impacting on hospitality, and the desire to phase in charging for businesses who hadn't previously needed to pay.
23. There are four street dining zones in total where the new LTOs will apply to:

Street Dining Zone	Annual Fees
<b>Zone A</b> – Inner city centre, South of Marsh Street to First Ave (inclusive)	\$80 per square metre (80% discount in 2024/25 – \$16 per square metre)
<b>Zone B</b> – South city centre, Second Ave to Eleventh Ave (inclusive)	\$40 per square metre (80% discount in 2024/25 – \$8 per square metre)
<b>Zone C</b> – Mount mainstreet, Maunganui Road from Grace Road to Salisbury Ave (inclusive)	\$150 per square metre (80% discount in 2024/25 – \$30 per square metre)
<b>Zone D</b> – Mount Central, North of SH2, Hewletts Road and Golf Road (inclusive)	\$75 per square metre (80% discount in 2024/25 – \$15 per square metre)

Administration fee (new or reassignment)	Waived for businesses required to transition to the new user fee and charges system in the 2024/25 financial year. From 2025/26: \$500
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24. The policy and bylaw reflect similar approaches by other councils in New Zealand who largely charge small or market-based fees as outlined in the table below:

Region	Permit fee	Variable charge
Auckland	\$401 one-off	Inner-city zones \$154 p/sqm Suburbs \$93 p/sqm Other areas \$21 p/sqm
Wellington	First permit \$190 Annual renewals \$95	None
Hamilton	\$90 one-off	Per table fee \$27 annually
Dunedin	\$75 one-off	Per table fee \$220 annually
Queenstown	\$640 one-off	\$200 p/sqm premium to \$70 p/sqm standard

25. The Policy came into effect from 1 July 2024, with a staged approach to introduce new fees:
- Businesses with existing LTOs in the city centre were granted a 100% rebate until 1 January 2025, followed by an 80% rebate from 1 January – 30 June 2025, to acknowledge the difficult trading conditions in the city (and the country), and the cost of living issues impacting on hospitality. Reviews of these existing LTOs are well underway to ensure they align with the new policy.
  - Council staff will be engaging with other businesses that do not have an existing LTO to ensure one is in place by 1 January 2025. These businesses will also receive an 80% rebate from 1 January – 30 June 2025 to account for the cost of living issues impacting on hospitality, and the desire to phase in charging for businesses who hadn't previously needed to pay.
  - Future fees will be established as part of user fees and charges reviews in the 2025/26 Annual Plan, where city centre and Mount Maunganui businesses will have an opportunity to provide direct feedback on.
26. The table below provides an example of what expected fees will be for businesses in each zone, at full cost and with existing rebates for the 2024/25 year.

Licence to Occupy Zone	80% rebate rate 1 Jan – 30 Jun '25	80% rebate rate example	Total cost at 80% rebate example	100% rate	100% rate example	Total cost at 100% rate example
<b>Zone A – Inner city centre, South of Marsh Street to First Ave (inclusive)</b>	\$16 per square metre annually	Area of 27.7 per square metre	\$443.20 (ex GST) annually	\$80 per square metre annually	Area of 27.7 per square metre	\$2,1216 (ex GST) annually
<b>Zone B – South city centre, Second Ave to Eleventh Ave</b>	\$8 per square metre	Area of 27.7 per square	\$221.60 (ex GST) annually	\$40 per square metre	Area of 27.7 per square	\$1,108 (ex GST) annually

<b>(inclusive)</b>	annually	metre		annually	metre	
<b>Zone C – Mount Mainstreet, Maunganui Road from Grace Road to Salisbury Avenue (inclusive)</b>	\$30 per square metre annually	Area of 27.7 per square metre	\$831 (ex GST) annually	\$150 per square metre annually	Area of 27.7 per square metre	\$4,155 (ex GST) annually
<b>Zone D – Mount Central, North of SH2, Hewletts Road and Golf Road (inclusive)</b>	\$15 per square metre annually	Area of 27.7 per square metre	\$415.50 (ex GST) annually	\$75 per square metre annually	Area of 27.7 per square metre	\$2,077.50 (ex GST) annually

## STATUTORY CONTEXT

27. The ability of TCC to charge for street dining is managed through a variety of tools set out in the table below.

Street Use Policy	<ul style="list-style-type: none"> <li>Sets what Council should charge by zone based on the average commercial value (taking into account factors set out in the policy)</li> <li>Has an ability to temporarily reduce fees by council resolution for any reason</li> </ul>
Street Use and Public Places Bylaw	<ul style="list-style-type: none"> <li>The bylaw controls the areas where businesses must have an LTO to put furniture on the street (these match the current policy areas)</li> <li>It also controls if LTO businesses can keep their furniture on the street overnight</li> </ul>
User Fees and Charges	<ul style="list-style-type: none"> <li>Sets the value of each street zone and administration fee (administration fee is currently free for this year)</li> </ul>
Licence to Occupy (LTO) agreements	<ul style="list-style-type: none"> <li>Contract with the business (which should be aligned with the policy/bylaw and user fees)</li> </ul>

28. Both the Policy and the Bylaw have been reviewed in order to ensure they are clearly aligned and support the requirement for LTOs to be in place for street dining in relevant areas throughout the city.

## STRATEGIC ALIGNMENT

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

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

30. TCC's strategic framework (Our Direction) informs the council's plans and policies, which guide the implementation of these higher-level strategies in council's day-to-day activities. It is therefore important that council's approach to street use is aligned with the council's

strategic direction. More specifically, the policies for how streets can be used by businesses and the community should deliver public benefits through easy movement and accessibility, and provide inclusive, diverse, and vibrant spaces.

31. Ensuring a consistent approach to street dining charges helps to fulfil the ambitions of both the [City Centre Action and Investment Plan](#) (in particular, the strategic outcomes of: an accessible city centre, a city centre for people, and an engaging city centre) and the [Mount to Arataki Spatial Plan](#) (in particular, the outcome of liveable neighbourhoods).

### FINANCIAL CONSIDERATIONS

32. TCC currently receives approx. \$18,000 annually from existing licence fees in the city centre (at the 80% reduction rate).
33. The changes will result in an increase in revenue for street dining once fully implemented. The charge for each zone is set annually through the user fees and charges process and exact revenue will depend on the set charge, and the number of businesses wanting to have street dining. Revenue could be assigned to improving the streetscape in these areas.
34. Revenue will also be dependent on any agreed reductions, similar to those currently being offered to businesses.

### LEGAL IMPLICATIONS / RISKS

35. It is anticipated that the introduction of new fees for outdoor dining will be unpopular for businesses who are currently not paying for this.
36. Staff are undertaking significant engagement with these businesses to support the change and ensure a smooth transition, and provide a direct point of contact for any concerns.

### CONSULTATION / ENGAGEMENT

37. Zoned dining charges for street dining was one of the issues that was consulted on as part of the review of the Street Use Policy from 4 October – 4 November 2023. The consultation was advertised on the council website, social media, and public notices. Hard copies of the consultation material were also available at Customer Services at He Puna Manawa and all our libraries, as well as the Mount Hub. Members from the Policy team were available to answer question from submitters during the consultation process. The consultation was carried out in line with the Local Government Act 2002 and the council's Significance and Engagement Policy.
38. There were 317 responses on the issue of zoned dining charges for street dining. Of these, 42% of responses were in favour, and 48% were opposed.
39. Key reasons given for disagreeing with the proposal included views that:
  - street dining should be encouraged due to the vibrancy it brings to the city
  - commercial charges would impact the viability of businesses noting the effects of Covid, roadworks, and cost of living have reduced their ability to absorb costs
  - charges would flow through as costs to customers
  - preference to not impose rules or regulation
  - not enough clarity on what the fee would be
  - the use of the pavement had little impact on residents and should be freely provided
  - commercial rates should be sufficient contribution.
40. Key reasons given for agreeing with the proposal included views that:
  - those using public space for financial benefit should be charged
  - street dining can be an inconvenience for other street users
  - the funds raised could be reinvested in public spaces
  - street dining is encroaching too much into the pedestrian's way.

41. The potential expansion on areas included for LTO agreements was also included as one of the issues consulted on as part of the 2024-34 Long-term Plan as part of the wider consultation related to user fees and charges.

## 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; and
  - (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 medium significance.

## ENGAGEMENT

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

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

## NEXT STEPS

46. Council staff will be actively working with affected businesses to ensure LTO agreements are in place by 1 January 2025.
47. All businesses will be receiving an 80% rebate for the remainder of the 2024/25 financial year.
48. As part of the upcoming Annual Plan process, city centre and Mount Maunganui businesses, and the general public, will have the opportunity to submit their views on future fees for LTO use.

## ATTACHMENTS

**Nil**



## 10.5 Engagement on Five Playground and Reserve Enhancement Projects

**File Number:** A16739731

**Author:** Ross Hudson, Manager: Strategic Planning and Partnerships, Spaces and Places  
Jenna Waite, Manager Spaces & Places Engagement

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

### PURPOSE OF THE REPORT

1. To explain the engagement approach for the proposed playground and reserve enhancement projects, which are scheduled to undertake community engagement in the 2024 calendar year.

### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Engagement on Five Playground and Reserve Enhancement Projects".
- (b) Understands the engagement approach, summarised in this report, for the design and delivery of proposed playground and reserve enhancement projects which are scheduled to have engagement commencing in the 2024 calendar year. The specific sites are:
  - (i) Hopukiore – Mount Drury Playground.
  - (ii) Neighbourhood reserves – Liston Park, Beaumaris Boulevard Reserve, Emerald Shores Reserve and Kiriwehi Reserve.
  - (iii) It is noted that the final approval for the projects will be made on 29<sup>th</sup> October 2024.

### EXECUTIVE SUMMARY

2. There is a significant number of playgrounds due for major renewal in the next 10 years. The playgrounds at Hopukiore Mount Drury Reserve (Mount Maunganui – map 1), Beaumaris Boulevard Reserve (Bethlehem – map 2), Liston Park (Greerton – map 3) and are due for renewal and enhancement in FY25. The currently un-developed reserves at Kiriwehi Reserve (Pyes Pa – map 4) and Emerald Shores Reserve (Papamoa – map 5) are also scheduled for development in FY25. Refer to Attachment 1 for a map indicating the location of these reserves, and an aerial image of each reserve.
3. It is noted that final approval for the above-mentioned projects to proceed is due on 29<sup>th</sup> October 2024. The current engagement programme is based on the current level of funding and, subject to this decision, may need to be scaled down to align with the revised scope of delivery.
4. Alongside the playground work, the projects will look at the reserves as a whole and consider opportunities to deliver other community outcomes including creating a place for community, for nature and for culture and storytelling.



5. Appropriate community engagement on playground and reserve enhancement projects results in well supported, inclusive designs that reflect the needs and values of the local community.
6. Early discussions with the relevant hapū for each site have been initiated to determine the level of involvement that mana whenua wish to have in these projects.
7. Community engagement for the playground redevelopment at Hopukiore Mount Drury Reserve will take place in two phases. In the first phase, we will partner with local mana whenua to learn the historical and cultural stories of the site - subject to approval and engagement with mana whenua. These stories will then be shared with local tamariki and schools, who will be invited to create artistic interpretations of elements that resonated with them to apply in playground design. In the second phase, feedback will be sought from the wider community on the proposed design, including equipment options, to ensure broad-based input and support.
8. For the four neighbourhood reserves, community engagement will focus on residents within approximately a 500m radius of each reserve, reflecting the distribution of these reserves in the Open Space Level of Service Policy. This engagement will consist of a targeted letter drop, a survey, and on-site community feedback drop-in sessions at each reserve, through which community members can provide input into the designs and equipment options. As with Hopukiore, and subject to discussions with hapū, children from nearby schools will be engaged to learn the stories of their local area, with their artistic interpretations and equipment feedback contributing to the design process.
9. To celebrate this journey, a final exhibition event will be organised for Hopukiore, showcasing the stories, creative interpretations, and the final playground design. Interactive displays will allow attendees to engage directly with the project, fostering a deeper connection to both the process and outcomes. The project will culminate in an official opening of the playgrounds, including a blessing ceremony (subject to mana whenua review).
10. Throughout the construction process, the community will remain actively informed. Regular updates will be provided via Council communications channels, including email newsletters, social media, and signage at the site. These updates will detail progress, key milestones, and any potential disruptions.

## BACKGROUND

11. Many playground components are nearing the end of their useful life and will be due for renewal during the next 10 years. This assessment is based on the annual playground safety audits, and the renewals information in the asset management system. This presents a significant opportunity to take a holistic approach in assessing and revitalising not just the playgrounds themselves, but also their surrounding environments. There are over 100 playgrounds in Tauranga, and our objective is to establish a comprehensive network throughout the city over time.
12. New playgrounds are also required to meet the level of service for neighbourhood reserves in growing areas.
13. To meet this current and future need, Spaces and Places have a plan to deliver one-to-three large and three-to-five local play space renewals or developments per year over the next 10 years. Through the planning, our network will feature a balanced mix of destination playgrounds, major neighbour play spaces, and local neighbourhood play spaces.
14. In determining which play spaces to prioritise and the sequence for renewal, a range of factors are considered. Renewals of existing playgrounds are primarily based on asset condition and scheduled renewal dates, ensuring the health and safety of these spaces. Additional considerations include geographical distribution and site readiness for development. New playgrounds are evaluated based on an analysis of areas with service gaps and population growth. Other factors taken into account include ongoing or recently completed playground upgrades in the area.

15. These five reserves are the proposed first of this programme. Refer to Attachment A for a map indicating the location of these reserves and a current aerial view of each site.
16. Within the limitations of the individual site constraints, the budgets allocated, and considering the role of the reserves within the wider community provision for play network, we are committed to making the playgrounds as inclusive as possible, ensuring that the designs deliver maximum value for money.
17. We recognise that community members in other areas of the city are also seeking upgrades to their local facilities, as well as new and different play infrastructure. These 5 projects are intentionally spread geographically across the city, and we will be progressively working to continue to make improvements and fill gaps in the citywide network over the coming years.

### **Hopukioire – Mount Drury Reserve – Play area redevelopment**

18. The purpose of this proposed project is to redevelop the play space, which is due for renewal, and enhance the wider area of the reserve with supporting amenities, in a way that adequately reflects the significance of the cultural, landscape, archaeological, ecological, tourism and play values of the site and surrounding area, and provides for disability access. Alongside this we are also exploring movement within and around the reserve and opportunities for cultural recognition.
19. This engagement will focus on the play area, which will cater to a wide range of ages and abilities, fulfilling its role as a destination play space

### **Neighbourhood Reserves – Local playgrounds and reserve enhancement**

20. The purpose of this proposed project is to deliver fit-for-purpose neighbourhood reserves for four communities.
21. Two of these reserves have existing playgrounds that are due for renewal:
  - (a) Liston Park, 64 Hynds Road, Greerton
  - (b) Beaumaris Boulevard Reserve, 65 Beaumaris Boulevard, Bethlehem
22. Two are undeveloped reserves that have been vested in Council through subdivision and are due for development:
  - (a) Emerald Shores Reserve, 117 Wairakei Avenue, Papamoa
  - (b) Kiriwehi Reserve, Cnr Flack Street & Tabraham Crescent, Pyes Pa
23. The scope of these projects is to reflect the cultural, landscape, amenity, and play values of their respective sites and surrounding areas, while also connecting in with the wider Tauranga play and active recreation network planning.
24. In order to meet the equipment delivery timeframes for these proposed upgrades, the equipment needs to be ordered by the end of October 2024. The proposed engagement approach enables appropriate community engagement and this timeframe to be met.

### **ENGAGEMENT APPROACH**

25. Appropriate community engagement on playground and reserve enhancement projects results in well supported, inclusive designs that reflect the needs and values of the local community. This approach fosters a sense of ownership and pride among residents, leading to greater use, care, and long-term sustainability of the spaces.
26. Communicating the rationale for and specific parameters of the projects with the community will ensure that feedback is focused on the elements where there is genuine opportunity to influence the project. This not only helps manage expectations but also encourages meaningful input on aspects such as connection to place, recreational preferences, and environmental considerations. By being transparent about what can and cannot be changed, the engagement process becomes more efficient and effective.

27. Early discussions with the relevant hapū for each site have been initiated to determine the level of involvement that mana whenua wish to have in these projects. This process will ensure there is the opportunity for cultural values and perspectives to be meaningfully incorporated into the planning and design phases, fostering collaboration, connection and respect for the significance of each site.
28. Engagement will be targeted with local schools and community about the project through a mix of online and in-person facilitated opportunities. Within the parameters of the projects, feedback will be sort on playground equipment, reserve amenities and local history interpretation.
29. We will work with the Council Accessibility Advisor to connect with representatives from the accessible community to ensure we are developing the spaces appropriately (within the constraints of the reserve).
30. This engagement will draw from previous, wider engagement to date in these communities that are relevant to these projects, including engagement on:
- Mount to Arataki Spatial Plan
  - Accessible Hotspots 2022
  - Play, Active Recreation & Sport AIP 2023

## ENGAGEMENT RISKS

Risk	Likelihood	Impact	Risk Level	Mitigation Strategy	Responsible Party
<b>Delays in Mana Whenua Engagement</b>	Medium	High	High	Early and consistent communication; flexible scheduling; ensure mana whenua are included in planning stages.	Project manager and engagement lead
<b>Misinterpretation of Cultural Stories</b>	Low	High	Medium	Involve cultural advisors/artists to review all interpretations and designs; continuous feedback from mana whenua.	TCC Kaiarahi, mana whenua, engagement lead
<b>Community Resistance to Changes</b>	Low	Medium	Medium	Conduct thorough community engagement; provide clear rationale for projects; offer forums for feedback and discussion.	Engagement lead
<b>Insufficient School Engagement</b>	Low	Medium	Medium	Partner with schools early; provide clear benefits to educational programs; flexible timing around school schedules.	Project and engagement lead
<b>Low Participation in Final Exhibition (Hopukiore)</b>	Low	Low	Low	Promote event well in advance; involve schools and local media; ensure the event is accessible and engaging.	Communications and engagement lead
<b>Stakeholder Misalignment</b>	Medium	High	High	Regular stakeholder meetings; ensure clear and consistent communication of project goals and progress.	Engagement lead

## STATUTORY CONTEXT

31. These reserves are administered under the Reserves Act 1977 and development must follow the processes set out in the Tauranga Reserves Management Plan. This plan states 'utilise the design process to involve the community'.
32. The terms of reference for the Community, Transparency and Engagement Committee note it is responsible for developing and reviewing engagement plans for projects, proposals, initiatives and services that the Committee considers significant from a community interest perspective, and ensuring appropriate and accessible information is available to the community on current and upcoming projects.

## STRATEGIC ALIGNMENT

33. 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	<input type="checkbox"/>
We are a city that supports business and education	<input type="checkbox"/>

The proposed engagement approaches provide the opportunity to community to input into elements of the reserve designs that contribute to the function of reserves as places for people of all ages, abilities and backgrounds, as places for nature and biodiversity and as a destination (Hopukioire - Mount Drury Reserve) or local (the four neighbourhood reserves) community areas within Tauranga.

## OPTIONS ANALYSIS

34. **Option one:** Undertake the approach set out in this report.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Programme is deliverable with the resourcing allocated.</li> <li>Engagement and communications are clear around the set parameters of the projects and focus on the areas that are genuinely able to be influenced by the community.</li> </ul>	<ul style="list-style-type: none"> <li>None noted.</li> </ul>

35. **Option two:** Undertake a different approach.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Meets any currently unknown or unforeseen expectations of the committee.</li> </ul>	<ul style="list-style-type: none"> <li>Depending on the amendments made, resourcing commitments may need to be reconsidered.</li> <li>Depending on the amendments made, the construction timeframes may not be able to be met, risking delivery of the projects.</li> </ul>

## TE AO MĀORI APPROACH

36. The approach outlined in this report support a number of principles in the Council's Te Ao Māori approach. These include:
- (a) Rangatiratanga - mana motuhake – self determination – supporting mana whenua to lead and guide the theme and how they want to be involved in the projects.
  - (b) Kaitiakitanga – stewardship of the natural environment. Incorporating cultural design elements from tangata whenua enabling all of us to connect to and deepen our 'sense of place'.
  - (c) Manaakitanga – ahurutanga/haumarutanga – a strong duty of care and safety for our people. Tangata whenua guiding the developments ensures these projects are sensitive to and respectful of the sites that are of significance to Māori.

## FINANCIAL CONSIDERATIONS

37. The costs associated with the proposed engagement approach are accounted for within existing budgets, ensuring that the project can proceed without requiring additional financial resources
38. Community messaging will clearly communicate that the project must be delivered within the constraints of the allocated budgets, managing expectations around the scope and scale of the upgrades while maintaining transparency.

## LEGAL IMPLICATIONS / RISKS

39. None noted.

## CLIMATE IMPACT

40. There are no climate impacts relating to the decision to undertaken engagement on these projects. The design process provides an opportunity to consider impacts of a changing climate, emissions and enhancing nature and biodiversity.

## SIGNIFICANCE & ENGAGEMENT POLICY

41. 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.
42. 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.
43. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue (development and enhancement of five reserves) is of medium significance, however the matter proposed in this report (the engagement approach) is of low significance.
44. Taking into consideration the above assessment, that the matter is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

### **NEXT STEPS**

45. Engagement will progress in accordance with the approach endorsed.
46. Spaces and Places will report again to this committee with other similar projects that are scheduled to commence community engagement in the 2025 Calendar Year.

### **ATTACHMENTS**

1. **Playgrounds - aerials and boundary lines - A16743022** [↓](#) 















**11 DISCUSSION OF LATE ITEMS**

**12 CLOSING KARAKIA**