



# AGENDA

## **Community, Transparency & Engagement Committee meeting Monday, 18 November 2024**

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

**Date: Monday, 18 November 2024**

**Time: 9.30am**

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

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

**Marty Grenfell  
Chief Executive**

# Terms of reference – 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

<b>1</b>	<b>Opening karakia</b>	<b>7</b>
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<b>4</b>	<b>Acceptance of late items</b>	<b>7</b>
<b>5</b>	<b>Confidential business to be transferred into the open</b>	<b>7</b>
<b>6</b>	<b>Change to order of business</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 15 October 2024**

**File Number:** A17068029

**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 15 October 2024 be confirmed as a true and correct record, subject to the following correction/s:

(a)

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### **ATTACHMENTS**

- 1. Minutes of the Community, Transparency & Engagement Committee meeting held on 15 October 2024**





# **MINUTES**

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

**Order of Business**

<b>1</b>	<b>Opening karakia</b>	<b>3</b>
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<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>
<b>7</b>	<b>Confirmation of minutes</b>	<b>4</b>
7.1	Minutes of the Community, Transparency & Engagement Committee meeting held on 10 September 2024	4
<b>8</b>	<b>Declaration of conflicts of interest</b>	<b>4</b>
<b>9</b>	<b>Deputations, presentations, petitions</b>	<b>5</b>
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<b>11</b>	<b>Discussion of late items</b>	<b>14</b>
<b>12</b>	<b>Closing karakia</b>	<b>14</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, 15 OCTOBER 2024 AT 9.30AM**

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

**ALSO PRESENT:**

**APOLOGIES:** Mayor Mahé Drysdale

**LEAVE OF ABSENCE:** Cr Mikaere Sydney

**IN ATTENDANCE:** Paul Davidson (Chief Financial Officer), Barbara Dempsey (General Manager: Community Services), Sarah Omundsen (General Manager: Regulatory and Compliance), Alastair McNeill (General Manager: Corporate Services), Gareth Wallis (General Manager: City Development & Partnerships), Kendyl Sullivan (City Partnerships Specialist), Ruth Woodward (Team Leader Policy), Jane Barnett (Policy Analyst), Shawn Geard (City Centre Infrastructure Lead), Ross Hudson (Manager: Strategic Planning & Partnerships, Spaces & Places), Jenna Waite (Manager: Spaces & Places Engagement), Sonya McCall (Open Space & Community Facilities Planner), Alison Law (Manager: Spaces and Places), Ceilidh Dunphy (Community Relations Manager), 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:** Tina Harris, Bay Venues Limited  
Leah Sutton and Julia Manktelow, Papamoa Unlimited,  
Genevieve Whitson, Downtown/Mainstreet Tauranga,  
Rebecca Busby, Tony Ryan, Rosalie Crawford, Greerton Village  
Community Association

## **1 OPENING KARAKIA**

Cr Baker opened the meeting with a karakia.

## 2 APOLOGIES

### APOLOGY

#### COMMITTEE RESOLUTION CTE2/24/1

Moved: Cr Hautapu Baker

Seconded: Cr Rod Taylor

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

**CARRIED**

## 3 PUBLIC FORUM

Nil

## 4 ACCEPTANCE OF LATE ITEMS

Nil

## 5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

## 6 CHANGE TO ORDER OF BUSINESS

Nil

## 7 CONFIRMATION OF MINUTES

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

#### COMMITTEE RESOLUTION CTE2/24/2

Moved: Cr Rick Curach

Seconded: Cr Rod Taylor

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

**CARRIED**

## 8 DECLARATION OF CONFLICTS OF INTEREST

Cr Rod Taylor declared a conflict of interest in relation to item 10.3: 'The Development of an Alcohol Fees Bylaw', and took no part in the discussion or voting on the matter.

## **.9 DEPUTATIONS, PRESENTATIONS, PETITIONS**

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

**External** Julie and Jim Carle – Mount Maunganui Residents

#### **Key Points**

- Mrs Carle represented walkers, swimmers and aqua members of the Mount Hot Pools, a unique essential rehabilitation and health and wellness public facility.
- The opening time changed to 7am after the Covid pandemic, however research showed that most other public pools around the country opened at 5.30-6.00 am.
- After talking to walkers, swimmers, aqua members and other members of public, there were now 127 signatures in support of opening at 6am.
- It was felt the Mount Hot Pools were not meeting the needs of the community. Working people who used to attend at 6am were now excluded. This also included no longer being able to cope with the traffic and restricted access to those with a disability or accessibility issues.
- Opening at 7am was causing disharmony between the walkers, swimmers and aqua class members due to restricted and clashing class times. The Mount Hot Pools website stated their pools were for swimmers and bathers.
- Other facilities and businesses were able to open at 6am so there should be no staffing problems.
- Complaints had been made both verbally and in writing to the Hot Pools and Council. It felt like Council's policy of community transparency and engagement had failed.
- Mr Carle was a typical active retiree who used the pools as one option for an injury recovery.
- Previously pool access at 6am was without congestion, however now activities such as aqua aerobics took up the majority of the pool area with only one or two lanes for others leaving very little area to exercise.
- It was thought greater use of the pools would generate more income and be of benefit to the facility in terms of money for maintenance and other costs.
- The submitters requested that the Mount Hot Pools resume opening at 6am to allow better access and use for everyone.

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

- There could be queues of between ten to twenty people in the morning waiting for the pools to open.

#### **Staff response to questions**

- Now that the petition had been tabled, staff would come back with a report on the history of the pools, the reason for the decision to keep to a 7am as the opening time, the costs to open earlier and Council's commercial policies. Council would then make a recommendation to Bay Venues Limited.
- It was noted that prior to the Covid pandemic, there was an average of 12 people using the pool from 6am resulting in a decision being made to change the opening time to 7am as there was an average of 24 people arriving at that time.

## **COMMITTEE RESOLUTION CTE2/24/3**

Moved: Cr Rod Taylor

Seconded: Cr Hautapu Baker

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Petition - Mount Maunganui Hot Pools Opening Hour".
- (b) Request that staff bring a report back to Council to consider extending the opening hours of the Mount Hot Pools.

**CARRIED**

## 9.2 Tabled Item: Petition - Halt the Installation of a Rainbow Crossing in Tauranga's CBD'

**External** Mr Wayne Farrant

### Key Points

- As a resident and ratepayer of Tauranga, Mr Farrant was concerned about allocation of city funds towards projects that might not directly benefit the communities' essential needs, noting that the community was not made aware of this as there was no consultation carried out.
- The rainbow crossing was a significant expense which could be better directed towards infrastructure, healthcare or other community services.
- The cities resources should prioritise solutions for more practical issues affecting the daily lives of the community.
- The symbolism of diversity and inclusion behind the rainbow crossing gesture was respected, however it was crucial to weigh this against the broader needs of the community, in particular in terms of fiscal responsibility.
- The estimated maintenance cost and possible costs of repairing vandalism could be used to address more pressing infrastructure or community development projects.
- It was felt this was an unnecessary expense and a divisive decision. The aim of the petition being presented to the meeting today was not to undermine the values of diversity and inclusion but to highlight the importance of resource allocation in the cities budget.
- The submitter called upon the Committee to reconsider its decision to go ahead with the rainbow crossing.

### In response to questions

- Putting the crossing on a road meant that it would need to be painted and as such would incur maintenance costs.
- Rainbow crossings were very divisive and there had been a lot of vandalism done to similar crossings in other cities.
- The main issues were the cost, the lack of consultation and how divisive this issue was.

### Staff response to questions

- A high level cost estimate at this stage in terms of installation was \$10,500, \$4,500 of which was for traffic management. Estimated cost for maintenance was \$10,000. A decision to maintain the crossing on an ongoing basis had not been made. The amount equated to approximately 12 cents per year per residential ratepayer.
- Council currently only carried out some low level traffic management, however going forward cost and benefit assessments would be undertaken for each project or contract to ascertain if Council could do items such as installing crossings cheaper in-house. This was part of an exercise being done at the moment to determine the final cost.

### COMMITTEE RESOLUTION CTE2/24/4

Moved: Cr Hautapu Baker

Seconded: Cr Steve Morris

That the Community, Transparency & Engagement Committee:

- (a) Receives the petition 'Halt the Installation of a Rainbow Crossing in Tauranga's CBD'.

**CARRIED**

## 10 BUSINESS

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

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

#### External

- 1) Leah Sutton and Julia Manktelow - Papamoa Unlimited
- 2) Genevieve Whitson - Downtown/Mainstreet Tauranga
- 3) Rebecca Busby, Tony Ryan, Rosalie Crawford - Greerton Village Community Association

#### Key Points

- The General Manager: City Development & Partnerships provided a summary of the report.

#### Pāpāmoa Unlimited

Leah Sutton and Julia Manktelow of Papamoa Unlimited spoke to a PowerPoint presentation providing the following points:

- Pāpāmoa Unlimited was established in 2014 and a charter to create three or four community events that brought income into the Papamoa region for the community and ratepayers.
- Achievements over the last ten years included continuation of free events through the Covid epidemic to encourage health and wellbeing for the community and a change to two major events and one smaller event.
- Papamoa Unlimited was very grateful to the Commissioners who provided funding to enable strategic planning which changed the organisation from being reactive to proactive and to operate more from a position of growth. The organisation was looking at creating the 'Gold Coast of New Zealand' along the Papamoa area.
- There had been great collaboration between the four town centres, with Papamoa Unlimited contributing to 'Tantalising Tauranga'.
- Culture and inclusivity were very important and Pāpāmoa Unlimited had worked very hard to build a meaningful relationship with the Nga Potiki a Tamapahore Trust.
- 'Papamoa Light Up The Waterway' was an event to tell the story of Matariki. This was an illuminated walkway along the Te Ara o Wairakei stormwater trail that focused on telling the stories of the whenua and was very well attended.
- Pāpāmoa Unlimited had three major events fall into one financial year which had an adverse effect on its finances. This meant a lot of fundraising had to be done.
- Although Pāpāmoa was the fastest growing suburb in the subregion, it had very little budget and as such it made sense to extend the targeted rate boundary. This would create more revenue to put back into the area.
- Community safety concerns such as various incidents in alleyways had been raised with Pāpāmoa Unlimited who had then provided the Police and Council with this information.
- Next on the calendar was the official Pāpāmoa Santa Parade which brought around 25,000 people to Pāpāmoa.

#### In response to questions

- Pāpāmoa Unlimited had a very big push on funding to try to stay out of financial deficit. Working together with Nga Potiki a Tamapahore Trust had opened more funding opportunities.
- Two major events were planned for this year but if funding was not found one event would be pulled from the calendar.
- Due to inflation and other rising costs, Pāpāmoa Unlimited did not have enough money to do the things it wanted and needed to do.
- The Matariki event had grown due to the growth of relationships, the motivation and passion behind it, collaboration with others and creating the right connection points with people. There was more opportunity to collaborate with other to create more iconic events.

- It had been important not to commercialise Matariki however, a major partnership was planned for the coming year.
- In terms of an expanded targeted rate area, strategic planning would be needed to ensure that events happened evenly across the entire area. A website would contribute to this.
- Before any event occurred, residents were visited to inform them of what was happening. The Matariki event generated positive feedback but also negative feedback due to some unfortunate events. Solutions for safety were more in Council's and the Police's realm to address.

### **Staff response to questions**

- A key point was that Pāpāmoa Unlimited was funded by commercial rate payers. Initially in 2014, the commercial centre for Pāpāmoa was much smaller but there were now extended areas of commercial developments. This provided an opportunity for Papamoā to go through a targeted rate expansion process and to engage with commercial rate payers to determine if this was something they would like to contribute to.
- There was also the element of community events that Pāpāmoa Unlimited was providing which raised discussion around whether commercial rate payers should be the only ones contributing to those events.

### **Downtown/Mainstreet Tauranga**

Genevieve Whitson (Manager) spoke to a PowerPoint presentation providing the following points:

- It had been a year since moving to the new business model and some of the benefits of this were starting to come through. The vision was still to make downtown Tauranga the best city centre in New Zealand.
- The organisation's three KPI's were an engaged membership, advocacy and effective promotions and marketing.
- Achievements over the last six months included confirmed Annual Plan and budget, ongoing transparency and communications, strategic promotions and marketing, city centre activations and advocacy.
- Projects in progress included member and stakeholder engagement, creating one database, more engagement with stakeholders and iwi and quarterly business networking sessions.
- Foot traffic data was obtained from Bell Weather for Devonport Road and demonstrated a steady increase. More businesses were wanting to open as they saw potential in the city centre.
- There was still a slow recovery from the Covid pandemic in terms of sales. The perception of a 'disrupted city centre' was still having somewhat of an impact on downtown Tauranga as a destination. Department stores, leisure spending and accommodation spending was up from the same six month period last year.
- It was hoped that the extra businesses coming into the city centre would have a positive impact on revenue.
- There had been a small dip in hospitality spending. The application 'Neat Places' had been used to promote Tauranga more, and more support was being provided to the hospitality industry in terms of events, promotion and cross collaborations with other stakeholders.
- Challenges and actions included ongoing construction, roadworks and vacant spaces. Vacant spaces would be targeted and looked at more closely and investment would be sought from landlords.
- The biggest task currently was finishing the three to five year strategy. This would go out to members for consultation and engagement. A new constitution had been developed and would be adopted at the AGM.

### **In response to questions**

- The contract with brand and marketing specialists 'Tuskany Agency' ended in June 2024.
- It was felt that the Mainstreet organisations were not competing with one another. There had been full support from the other organisations who were willing to collaborate.
- The promotional production needed to be marketed and promoted across a number of



platforms to provide as much exposure as possible.

### **Greerton Village Community Association**

Rebecca Busby (Chairperson) and Tony Ryan (Treasurer) spoke to the Committee providing the following points:

- Highlights included all projects successfully completed over the last 6 months, some of which encouraged residents to take more time in the town centre, to go into businesses and discover stores they may have not visited before.
- As part of a new direction for marketing, additional advertising had been invested in for particular events with social media giveaways donated by some business owners. This created great publicity for those businesses. Other events had created curiosity and encouraged visitors from outside Greerton to drive through the town.
- It was acknowledged that Countdown was about to close and the Association would be talking to business owners and working towards supporting those in the community that needed it.
- A media contractor was hired earlier in the year with the aim of bringing consistency across digital communications to attract more followers and encourage further interactions on Facebook and Instagram accounts, both of which have been very successful. This also filled a KPI of increasing the overall footfall on the streets.
- At the recent AGM, it became evident that communication was a two way street and was essential to meeting the organisations goals. From this meeting, the organisation was working on a communications strategy update to ensure the needs of the members were met and that the minimal resources the organisation had were put to the most effective use in order to deliver on its commitments.
- Another KPI was to continue to learn and grow through governance training. The organisation was working to ensure knowledge gained was fed into work being done on the new constitution which was required under the Incorporated Societies Act 2022.
- Greerton was generally a safe place but had some issues with rough sleepers and antisocial behaviour. Recently appointed Senior Sergeant Area Response Manager Tauranga South, Shannon Clifford, attended the AGM and explained how he and his team, along with Community Patrol could best support Greerton to foster a safe environment for the community. The WhatsApp application would be looked at in terms of safety within the community and positive/notification messaging.
- Council had been provided with the organisation's draft Annual Plan which served to take into account transitions and ever the increasing diversity within Greerton.
- Another KPI was to adapt events to suit the changing community by taking a fresh look at well-established events and assessing how these could be made more inclusive to reflect the more diverse community. It was felt this would in turn attract more outside visitors.
- Thank you to the City Partnerships Specialist, the City Safety & Engagement Advisor, the Community Patrol, Lions, Greerton Library and the Greerton Village School. These were key stakeholders who provide a lot of support which was greatly appreciated.

### **In response to questions**

- A targeted rate expansion had not been discussed yet and was considered that this would fit in more to a medium term plan as there were more immediate core elements that needed to be addressed before there was any expansion.
- Having Senior Sergeant Clifford's engagement in Greerton had made a huge difference in a short amount of time which was very encouraging.
- A renewed communications strategy and the establishment of a two way communication that set KPI's for responses was hoped to encourage more business engagement with the organisation.
- The Little Big Markets were engaged to support the Cherry Blossom Festival this year. Markets were seen as potential opportunities but sensitivity was needed if low cost competition was introduced as some business would see this as negative.

### **Staff Response**

- The previous Council had made the decision to provide a dedicated resource to support the

Mainstreet organisations. The City Partnerships Specialist role was then created and had made a huge difference in terms of positive working relationships and in turn, what each organisation was being able to achieve within their community.

#### **COMMITTEE RESOLUTION CTE2/24/5**

Moved: Cr Steve Morris

Seconded: Cr Hautapu Baker

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
- (c) Requests that staff prepare an issues and options paper on expanding the Papamoa Mainstreet area that includes options on consultation and engagement with the local community.

**CARRIED**

At 11.20am the meeting adjourned.

At 11.39 am the meeting reconvened.

## **10.2 Alcohol Control Bylaw Amendment**

**Staff** Sarah Omundsen, General Manager: Regulatory and Compliance  
Jane Barnett, Policy Analyst  
Nigel McGlone, Manager: Environmental Regulation

### **Key Points**

- The General Manager: Regulatory and Compliance provided a summary of the report.

### **In response to questions**

- Summer alcohol bans had been put in place every year since 2018. The feedback from the Police and surrounding community was that the temporary ban was very effective. The Police had written to Council seeking a temporary ban.
- There had not been any specific requests from the Police or the community for temporary alcohol bans for the Parton Road/Gordan Spratt Reserve area. Staff could provide information to the next Committee meeting with an option to do this.
- There was no evidence to suggest that the bans in and around the Mount Maunganui/Pilot Bay were confusing to people and the Police had not indicated it was difficult to enforce.

### **Requests from Councillors**

- That staff look into the rationale for the previous temporary alcohol ban for the Parton Road/Gordan Spratt Reserve area.

**COMMITTEE RESOLUTION CTE2/24/6**

Moved: Cr Rod Taylor

Seconded: Cr Hautapu Baker

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.

**CARRIED**

**10.3 The Development of an Alcohol Fees Bylaw**

**Staff** Sarah Omundsen, General Manager: Regulatory and Compliance  
Jane Barnett, Policy Analyst  
Nigel McGlone, Manager: Environmental Regulation

Cr Taylor noted his conflict of interest in this item and removed himself from the meeting.

**Key Points**

- The General Manager: Regulatory and Compliance provided a summary of the report.

**In response to questions**

- The intention was to have a user fees and charges workshop where all the cost recoverable services that Council provided would be looked at in terms of the current user fees and ratepayer fees split. If Council decided it needed to change this, it could be done through the next Annual Plan process when consulting on user fees specifically for alcohol.
- The fee regulations were set through Central Government and intended for the most part to be fully cost recovered. There were specific fees that were removed and set that were not able to be changed through a bylaw.

**COMMITTEE RESOLUTION CTE2/24/7**

Moved: Cr Rick Curach

Seconded: Cr Hautapu Baker

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.

**CARRIED**

## 10.4 Changes to Street Dining Licence to Occupy Fees

**Staff** Gareth Wallis, General Manager: City Development & Partnerships  
Shawn Geard, City Centre Infrastructure Lead

### Key Points

- The General Manager: City Development & Partnerships provided a summary of the report

### In response to questions

- The cost to introduce a Licence to Occupy (LTO) was different to the cost to maintain once in place which was largely incorporated into business as usual for Council. This was not a complex process, but a rolling over of agreements.
- The growth revenue would be similar to the net revenue once in place. A \$500 administration fee was being waived for a new or reassigned LTO this financial year.
- This could be assessed as part of the Annual Plan process with LTO's forming part of the discussions to be held on user fees and charges.
- The administration fee included preparation of a legal agreement and a survey of the space in question to ensure it was accurately represented on a map.
- At this point there was 100% discount from now until 1 January 2025. From 2 January 2025 to 30 June 2025 there was an 80% discount, however, upon the Committees direction this could be changed to 100% discount which would allow some financial relief and time for staff to prepare the Annual Plan rollout for 1 July 2025.
- Part of the rollout would also be considering options for items such as marker stickers on the footpaths to delineate allocated spaces when setting up outside tables. This provided clarity for business owners to control these spaces and in the event enforcement was required.
- Both the bylaw and policy set out clear pedestrian-way widths which were then accommodated in the LTO agreement.
- The nationally recognised standard for minimum footpath width was 1.8 meters. The main street at Mount Maunganui was an example of this being a tight fit. Council's policy was 1.5 metres within this area. This was recognised as the absolute minimum width to allow for accessibility in terms of wheelchair or mobility scooter safety.

### Discussion points raised

- Council staff were thanked for bringing the information to the meeting.
- Fees at Mount Maunganui would not be charged until the newly elected Council had a chance to consider what the fees would look like.
- The acknowledgement that Mount Maunganui may have been left out of the loop in terms of consultation and engagement was appreciated.
- There was a desire for a fair and equal approach across all the suburbs.
- Elected Members would take into account the benefit to the wider public in adding vibrancy to the main street experiences.
- There was no wish that fees be set at such a cost that businesses did not see it as being viable.

## COMMITTEE RESOLUTION CTE2/24/8

Moved: Cr Rod Taylor

Seconded: Cr Steve Morris

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Changes to Street Dining Licence to Occupy Fees".
- (b) Notes that the Committee supports staff exercising their delegated authority to continue providing 100% reduction of the Licence to Occupy Fees from 1 January to 30 June 2025

and acknowledges these fees will be reviewed as part of the Annual Plan process.

**CARRIED**

## **10.5 Engagement on Five Playground and Reserve Enhancement Projects**

**Staff** Barbara Dempsey, General Manager: Community Services  
Alison Law, Manager: Spaces & Places  
Jenna Waite, Manager: Spaces & Places Engagement  
Sonya McCall, Open Space & Community Facilities Planner

### **Key Points**

- The Manager: Spaces & Places Engagement provided an introduction to the report.

### **In response to questions**

- This was a standard Council engagement approach to the playground and reserve enhancement projects. It was important to balance community expectation with what Council could deliver and as such the engagement was planned so that perimeters were clearly set.
- Children needed to be engaged tangibly in terms of playgrounds.
- The budgets for the five areas had been set to create a place for play, community, nature and storytelling with no specific figure allocated for each one. A bigger budget had been set to meet the needs of the community rather than just replacing like for like in terms of playground equipment.
- A neighbourhood park cost allocation could be broken down to \$250,000 for playground equipment and \$120,000 for additional shade, appropriate accessibility and any other ancillary equipment depending on what the community were seeking.
- Staff had moved away from replacing with the same equipment due to growth and the changing nature and needs of communities. Many were now wanting more accessibility, inclusion and spaces for girls within the scope and delivery of these spaces.
- In terms of engagement, it was best to get the community to come to the space in question to experience it and provide their feedback. Online surveys from a 500m radius were proposed for the four playground spaces. BBQ 'drop in' days could also be considered.
- Staff would provide some base scale concept designs for two of the spaces that were yet to be developed. The other two spaces that were more like renewals had parameters around what could be done but staff would present ideas and concepts for these as well.
- There would also be engagement with mana whenua.
- A lot of playgrounds, or individual components of playgrounds were coming up for renewal for this LTP period. Playground safety audits were undertaken by staff every year.
- In terms of prioritisation, playground equipment safety and age, gaps in provision levels across the city, previous engagement with the community, site readiness for development and geographic distribution were all taken into consideration.
- Council's operations team had a budget to keep equipment safe and operational. An assessment and decision was made based on the prioritisation criteria on whether to do more than just replace equipment. It was preferable to take a forward planning approach when considering how many and which spaces to undertake enhancement projects.
- There were ongoing conversations regarding the land between Te Okuroa Drive and Union Drive as it was acknowledged that this was a priority for the community. There had been different views on what the community wanted versus what the Bluehaven Group wanted to do. This was being revisited and staff were looking to see what could be done in terms of moving forward.
- One of the differences accounted for in terms of prioritisation was that some locations were also tourist destinations, however the comments around inequity were taken on board. Staff would welcome the opportunity to explore direction around future prioritisation as gaps had been identified in the analysis that had been undertaken. It was important to progress with the chosen enhancement projects outlined in the report as a lot of planning and preparation had

already taken place.

- Most of the playground equipment that was removed from a site was at the end of its life, but consideration was given to whether it could be reused or recycled.
- The few reusable parts of the waterfront playground would be installed at Yatton Park.
- Primary schools were not included in Council's level of service, however areas with no school playground were considered for prioritisation over those that had them

#### **Discussion points raised**

- The team were acknowledged for their work on the enhancement projects as it was about investing in the community, a critical part of which were playgrounds.
- It was felt that there was somewhat of an inequity and inequality issue not only around playgrounds but also regarding amenities and infrastructure. Some communities were overlooked and were not experiencing the same prioritisation as others and it was queried whether reconsideration of the locations could be taken into account.

#### **Actions**

- That staff provide Councillors with like for like playground equipment replacement costs.
- That a workshop be held before the end of the year to discuss the enhancement project prioritisation direction.

#### **COMMITTEE RESOLUTION CTE2/24/9**

Moved: Cr Rick Curach

Seconded: Cr Rod Taylor

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.

**CARRIED**

#### **11 DISCUSSION OF LATE ITEMS**

Nil

#### **12 CLOSING KARAKIA**

Cr Hautapu Baker closed the meeting with a karakia.

**The meeting closed at 12.58.**

**The minutes of this meeting were confirmed as a true and correct record at the Community, Transparency & Engagement Committee meeting held on 18 November 2024.**

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

UNCONFIRMED

**8        DECLARATION OF CONFLICTS OF INTEREST**



## 9 DEPUTATIONS, PRESENTATIONS, PETITIONS

### 9.1 Petition - Reconsideration of Tauranga City Council's Dog Licence Fees

**File Number:** A17010926

**Author:** Caroline Irvin, Governance Advisor

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

#### PURPOSE OF THE REPORT

1. The purpose of this report is to present the petition 'Reconsideration of Tauranga City Council's Dog License Fees' to the Committee.

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#### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Petition - Reconsideration of Tauranga City Council's Dog Licence Fees".

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#### ATTACHMENTS

1. Petition - Reconsideration of Tauranga City Council's Dog Licence Fees - A17010929 [↓](#)



## PETITION

## RECONSIDERATION OF TAURANGA DOG LICENSE FEES

Here are the signatories attached in email and yes I would like to attend the meeting on 18<sup>th</sup> November

For many of us in Tauranga City, our dogs are not just pets, but integral parts of our families, bringing joy, companionship, and even therapeutic benefits. Yet, the current license fee for dog owners seems to disregard this important bond, straining our budgets unnecessarily, especially for those of us living on a fixed income.

In the Bay of Plenty region, where Tauranga City is located, nearly 15% of the population are retirees, many of whom rely on a fixed income. While we understand the need for dog licensing fees to cover costs of animal control services, the current exorbitant rates pose an undue financial burden to many residents.

Yet, our city has a unique opportunity to follow in the footsteps of other regions who have found innovative solutions to manage similar situations, like the responsible dog owners fees implemented in Auckland, which offer reduced charges for elderly pet owners.

Given these circumstances, we are appealing to the local government of Tauranga City to reconsider the current dog license fees. Let's advocate for a system that is fair, affordable, and acknowledges the significant role that dogs have in our lives.

Our dogs are more than mere pets; they are a part of our family. They deserve better, and so do we.

If there is anything else you require, please let me know, If successful where to meet and what time.

Kind regards

Geoff Latter

Name	City	State	Postal Code	Country	Signed On
Di Latter				New Zealand	#####
Saul Gaylard	Tauranga			New Zealand	#####
S G Bingley	Tauranga			New Zealand	#####
ian grace	AUCKLAND			New Zealand	#####
Jeannie McNaughton	Auckland			New Zealand	#####
Liz Howell	tauranga			New Zealand	#####
Lyn Allison	Papamoa			New Zealand	#####
Gloria Navan	Lawrenceville	Georgia	30042	US	#####
Elinor Rawlings				New Zealand	#####
Simoni kapa	Athens			Greece	#####
Dominique Antoniaza	Angers		49100	France	#####
Rosi Zang	Aschaffenburg		63743	Germany	#####
Valerie Richards	Liverpool	England	L12 0AD	UK	#####
Linda Russell	Tauranga		3118	New Zealand	#####
Sue Rawson	Auckland			New Zealand	#####
Yolanda Schultes	Wittenbach		9300	Sweden	#####
Tiziana Dordoni	Corsico		20094	Italy	#####
Sabine Möhler	esselbach		97839	Germany	#####

Anneke Andries	Raamsdonksveer		4941JT	Netherlands	#####
Mirjana Neskovich	Perth	Western Australia	6021	Australia	#####
Wendy Smith	Blackpool		FY1	UK	#####
joyce alexander	Edinburgh	Scotland	eh151le	UK	#####
Robert Nowak				Poland	#####
Wendy Forster				UK	#####
Martine Cuisenaire	Heer		5543	Belgium	#####
rosette putzeys montenaken			3500	Belgium	#####
Caroline Sévilla	Paris		75001	France	#####
Sylvi Christiansen	Sarpsborg			Norway	#####
Bruce Forster	Newcastle upon Tyne		NE7	UK	#####
Petra Achtzehnter	Kaiserslautern		67663	Germany	#####
Chantal BUSLOT				Belgium	#####
CATHERINE CHENEVAL	Saint-Pierre-d'Albigny		73250	France	#####
Anne Montarou	Ahrensburg		22926	Germany	#####
sarika arora	Alpharetta	Georgia	30022	US	#####
Kate Kenner	Guilford	Vermont	5301	US	#####
Nena Woelk	olmué		32	Chile	#####
Fournier Fernande	Luxembourg		1482	Luxembourg	#####
Elaine Al Meqdad	Willowbrook	Illinois	60527	US	#####
Kaisa Kähönen	Helsinki		300	Indonesia	#####
Patricia Martin	Philadelphia	Pennsylvania	19124	US	#####

Éric Hittra	Strasbourg		67000	France	#####
celine duburg anchen	montevideo			Uruguay	#####
marc huysmans	Edegem			Belgium	#####
hortencia mendoza			44260	Mexico	#####
corine cathala	Pierrelatte		26700	France	#####
Elisabeth Bechmann	Polten		3100	Austria	#####
Katalin Kónya- Jakus	Szatymaz			Hungary	#####
A. Otto	Auerbach		8209	Germany	#####
Raleigh Koritz	St Paul	Minnesota	55114	US	#####
Maria van Geel.	Poznan			Poland	#####
stephen weir	Bideford	England	ex39 4an	UK	#####
Frédéric Jaubert	Pont de Chéruy		38230	France	#####
Christopher Evans	Shobdon		HR6	UK	#####
Claudia Neuhalfen	Bonn		53117	Germany	#####
Analía Caiazza	Rosario. Santa Fe		2000	Argentina	#####
jocelyne lapointe	terrebonne		j6w0b5	Canada	#####
Mirjam Talma	Buitenpost		9285VZ	Netherlands	#####
Mary Foley	El Dorado Hills		95762	Ireland	#####
Janet Geren	Redding	California	96001	US	#####
Dominique Girard	Marseille		13001	France	#####
Linda Reilly	Cypress	California	90630	US	#####
Uwe Vietzke				Germany	#####

Dr. L. Donaker	Denver	Colorado	90049US	#####
Astrid Beatrix Geest	Stadskanaal		9502Netherlands	#####
Brodie Marschall	Wurtulla, QLD		4575Australia	#####
armer teufel reger	Nurnberg		90443Germany	#####
Cynthia Allen	Lawre	Georgia	30043US	#####
Lisa Salazar	Shasta Lake	California	96089US	#####
R S	Koln		51069Germany	#####
Anna Were			New Zealand	#####
Andréa Branco	Sao Paulo		4110Brazil	#####
Joanne Stabile	Bronx	New York	10462US	#####
Debbie Western	Auckland		New Zealand	#####
Charmaine McMenamin	Tauranga		New Zealand	#####
Elizabeth / Philip Stoddard / Ewens	Tauranga		3110 New Zealand	#####
barbara franchs	colorado springs	Colorado	80920US	#####
Latisha Yellan	Putaruru		New Zealand	#####
L Saunders	Masterton		New Zealand	#####
Claire Sanders	Independence	Missouri	64056US	#####
susan devereaux	new castle	Delaware	19720US	#####
diana kolaski	Chicago	Illinois	60610US	#####
Andrew Vallender	Ventnor	England	PO38 1BH UK	#####

Renata Cheferrino	Rio de Janeiro	22785- 200	Brazil	#####
Jan Bell	Tauranga		New Zealand	#####
Carole O'Connor	Tauranga		New Zealand	#####
Teri Duchac	Aliso Viejo	California	92656US	#####
Michelle Austin	Athens		10433Greece	#####
Hannah McMenamin	Auckland		New Zealand	#####
Geoff O'Connor	Auckland		New Zealand	#####
Rosa Cabrerizo	Hospitalet de Llobregat		8905Spain	#####
Sylvia Breuer	Hamburg		20144Germany	#####
Gaby Vogel	Munich		81667Germany	#####
Consuelo Serena Velasco	Strambino Fr Cerone		10019Italy	#####
Raija Virtanen	Espoo		Finland	#####
Shadh Rajh	Auckland		New Zealand	#####
Ana Gruber	Wolfratshausen		82515Germany	#####
Tintu Varghese			New Zealand	#####
Nicole Laenen	gingelom		Belgium	#####
Roxana Moya	Santiago		Chile	#####
Nelly PRESTAT	Mouroux		77120France	#####
Marga Gili	Palma		7003Spain	#####
Hans de Vos	Schoondijke		4507CGNetherlands	#####
Oleg Kobets	Kemerovo		650001Russia	#####
Julie Port	Slough	SL1	UK	#####

Christna Frutuoso	Esch		4069Luxembourg	#####
Chantel Ramnanan	Charlottetown	Ontario	C1A Canada	#####
Valérie Paillard	Savigny-le-Temple		77176France	#####
April Penson			New Zealand	#####
Leanne Hollands	Mosgiel		4556New Zealand	#####
armer teufel reger	Nürnberg		90443Germany	#####
Arun varkey			New Zealand	#####
Jennifer Custins	TAURANGA		New Zealand	#####
Maryann Staron	Hometown	Illinois	60456US	#####
Alison Hart	Tauranga		New Zealand	#####
Mary Tonner	Auckland		New Zealand	#####
Rhonda Brunton	Tauranga		1060New Zealand	#####
Vicki McLoughlin	WEllington		6022New Zealand	#####
brigitte vanbekbergen	bruxelles		1060Belgium	#####
Denise Geoghegan	Auckland		New Zealand	#####
Pam Miller	Tolar	Texas	76046US	#####
Toni McCallion	Tauranga		New Zealand	#####
Barry Baudains	Saint Helier		Jersey	#####



Karen Williamson	Tauranga			New Zealand	#####
Di Latter				New Zealand	#####
Susana Muñoz	Madrid		28019	Spain	#####
Niina Anttinen	Espoo		41330	Finland	#####
Alexis Bailey	Hamilton			New Zealand	#####
Natalie Bailey	Manchester	England	M16	UK	#####
Bambi Mayr				Austria	#####
Shayna TYLER			10000	France	#####
Hanneke Mol	Poortvliet	Nebraska	4693	EG US	#####
atilla demir	muğla			Turkey	#####
Annette Hof	Crooks	South Dakota	57020	US	#####
lorna moore				New Zealand	#####
Merit Tabak	Melbourne		3053	Australia	#####
Jesse Armstrong				New Zealand	#####
Nathalie Fournier	Brunoy		91800	France	#####
Damor Wang				New Zealand	#####
Sue Blackman	Havant	England	PO9	UK	#####
GLYNN YEARDLEY	Cambridge		NG32 3RA	New Zealand	#####
SVETLANA TOMASOV	KARMIEL			Israel	#####
Tuapa Lapale				New Zealand	#####
Raphaël PONCE	TOULOUSE		31140	France	#####

Douglas Samuels		New Zealand	#####
Val Cunningham	Auckland	New Zealand	#####
Khloe Verhulst-Dunbar		New Zealand	#####
MIREILLE PUJOL	Saint-Crépin	5230France	#####
Kristina Sedic	Zagreb	10000Croatia	#####
Sudarsan Rejoy		New Zealand	#####
Thomas Sutton Hamilton		New Zealand	#####
Christina Wright		New Zealand	#####
Sandrine DUPRAT	Wassy	52130France	#####
Kaori Binnie		New Zealand	#####
Desi Boo	Tauranga	3110New Zealand	#####
Christiane Roux	Marseille	13010France	#####
kurt amsler	Nice	6000France	#####
Babs Jansen	Rotterdam	4693Netherlands	#####
Clark Perez		New Zealand	#####
Alekisio Taufaeteau	Auckland	1149New Zealand	#####
Angie Perez-cagara	Auckland	1041New Zealand	#####
Milla Gollings		New Zealand	#####

gabriel gibson	Lower Hutt		New Zealand	#####
Christopher Fidoe	Taupo	3330	New Zealand	#####
Sarah de Sousa	Spring Branch Texas	78070US		#####
Gerald Hallead	Traverse City Michigan	49684-6605	US	#####
Sylvie Auger	Saint-georges	G5Y	Canada	#####
Rosita Muller	Ede	6718	Netherlands	#####
mireille dumont	Driebergen-rijzenburg	3972	Netherlands	#####
Biancarosa Alfieri	Ovada	15076	Italy	#####
Katalin zu Windischgraetz	Marbella	29602	Spain	#####
Andre Ferro	Helmond	5707RN	Netherlands	#####
Susan Ryan			New Zealand	#####
Dax Ryan			New Zealand	#####
Jacqui Ryan	Auckland		New Zealand	#####
Jack Ryan	Te Puke	3119	New Zealand	#####
iveta cer	kelowna	v1w 5h2	Canada	#####

## 10 BUSINESS

### 10.1 Chief Executive's Summary Report

**File Number:** A16988749

**Author:** Caroline Irvin, Governance Advisor

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

#### PURPOSE OF THE REPORT

1. The purpose of this report is to introduce some of the agenda items for the 18 November 2024 Community, Transparency & Engagement Committee meeting, highlighting key agenda items, priorities, and associated risks for Elected Members.

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#### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Chief Executive's Summary Report".

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#### EXECUTIVE SUMMARY

2. In this agenda, Council papers present a number of opportunities to communicate with residents including engagement (x3), consultation (x6) and informing (x3). Refer attachments for definition and breakdown.
3. The Annual Plan 2025/26 report proposes a communications and engagement approach to ensure community participation in decision-making. The preferred "Enhanced" option includes extensive public outreach through digital and in-person events, targeting hard-to-reach groups and providing multiple feedback channels. Engagement events are planned from 28 March to 28 April 2025, with the committee receiving the full plan in early March.
4. The Annual Residents Survey 2024/25 report summarises results from the first wave of the year, capturing residents' perceptions of council services and benchmarking them against 17 other councils. Key findings show an improvement in service satisfaction but a decline in trust and perceived value for money. Notable gains include satisfaction with waste management and road services.
5. The draft "Engaging with Tangata Whenua on Resource Consent Applications Policy" report seeks approval to undergo targeted consultation. It recommends changes to the policy, including revising engagement principles to emphasize early, good-faith collaboration, and replacing "consultation" with "engagement" to reflect a broader, two-way process.
6. The Community, Transparency & Engagement Committee will receive a draft Alcohol Fees Bylaw and Statement of Proposal for public consultation. This bylaw would enable the Council to set local alcohol licensing fees to better recover costs, as current fees cover only 40%, with the remainder funded by general rates.
7. The draft amended Dangerous, Affected, and Insanitary Buildings Policy is set for public consultation in early 2025, in line with the Building Act. The updates include recent guidance from MBIE to enhance public health and safety by managing dangerous buildings.
8. The report on Tauranga's tsunami evacuation routes details WSP New Zealand's review and requests Council approval for its recommendations. Key actions include collaborating with

regional partners to review and improve existing evacuation routes, rejecting a proposed cycleway due to cost issues, implementing budget-friendly interim upgrades, and developing a TCC improvement plan based on the forthcoming GNS Tsunami Model.

9. The next report explores expanding the Papamoa Mainstreet targeted rate area and additional funding options for Papamoa Unlimited. It details the expansion process, including gaining local business support, developing a two-year business plan, and holding a formal vote. The Community, Transparency & Engagement Committee is advised to support and monitor this initiative.
10. The “Our Changing Climate” report presents a three-year plan to engage Tauranga’s community on climate action, focusing on emission reduction and resilience. The plan, part of the Climate Action and Investment Plan (AIP), involves three stages: raising awareness, educating on climate impacts, and promoting resilient actions. A consistent communication strategy and toolkit will ensure clear messaging, with annual updates to track progress and engagement.

## ATTACHMENTS

1. **Report Table CTEC 18 November 2024 - A17055766** [↓](#) 
2. **What is Communication - Talking with our Communities - A17055765** [↓](#) 

Table

Paper title Inform= 3 Engage= 3 Consult = 6	Inform/ Engage/ Consult/	Proactive media advisory/release following committee meeting	Targeted comms/engagement	Targeted consultation	Proactive community comms	Community consultation
Petition - reconsideration of dog license fees	NA					
Annual Plan 2025/2026 – Communications and engagement approach	Consult					x
Annual Residents survey 2024/25 Wave one results	Engage		x			
Consultation with Tangata Whenua on Resource Consent Applications Policy Review	Consult			x		
Sponsorship from Corporates and Others Policy and Other Funding Related Policies Review	Consult			x		
Potential Expansion of Papamoa Mainstreet Targeted Rate Area	Consult			x		
Draft Alcohol Fees Bylaw	Consult					x
Proposed Draft Amended Dangerous, Affected, and Insanitary Buildings Policy	Consult			x		x
Library Community Hubs Cashless Payments	Inform				x	
Community Emergency Hub Pilot	Engage		x			
Communications and Engagement: Our changing climate	Inform		x		x	
Backflow Prevention Device Installs – Mount Maunganui and Te Papa	Inform		x			
Remote metering trial - Windermere	Engage		x			

# Talking with our communities



How we talk with our communities is based on how much influence they have on a project.

## Informing

**'Informing'** is a form of communication to share information.

'Informing' helps socialise and publicise council work that has already been approved. Although there is no scope for project change at this point, there will often be opportunities for the community to access more information (i.e. by promoting webpages or sharing staff or project email addresses). Providing context and explaining the 'why' behind a project is also important for 'informing'.

An example of informing is 'we're fluoridating your water'.

## Engagement

**'Engagement'** involves listening to help shape decision making.

Subject matter experts are responsible for the delivery of engagement, guided by a communication specialist.

**Engagement is:**

- More informal (than consultation and it's not a legal process)
- Flexible and evolving
- Built on relationships
- Based on a *listen-create-adapt* approach
- Often includes surveys
- Can also be referred to as consultation but isn't legally required

An example of engagement is 'what would you like your local park to look like?'

## Formal consultation

**'Formal consultation'** is a specific type of engagement that is required under legislation.

Formal consultation is what we do to test a draft proposal. Subject matter experts are responsible for the delivery of consultation, guided by a communication specialist.

**Consultation is:**

- A statutory process
- Time-bound and prescriptive
- Follows a *draft-submission-decision* approach

An example of formal consultation is a Policy amendment or review.

## 10.2 Annual Plan 2025/26 - Communications and Engagement Approach

**File Number:** A16770107

**Author:** Josh Logan, Team Leader: Corporate Planning  
Ceilidh Dunphy, Community Relations Manager

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

### PURPOSE OF THE REPORT

1. The purpose of this report is for the committee to agree to an outline of a proposed communications and engagement approach for the Annual Plan 2025/26 to ensure effective community participation in the decision-making process.

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### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Annual Plan 2025/26 - Communications and Engagement Approach".
- (b) Adopts "Option 3: Enhanced" approach to communications and engagement for the Annual Plan 2025/26 and confirms the description and budget from the options:
  - (i) Description: ...
  - (ii) Budget: ...
- (c) Notes that Elected Members will need to make themselves available for communications and engagement events during the period 28 March to 28 April 2025.
- (d) Notes that that a further report with the full communications and engagement plan for the Annual Plan 2025/26 will be reported to the Community, Transparency and Engagement Committee on 3 March 2025 along with the draft annual plan consultation document.

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### EXECUTIVE SUMMARY

2. This report presents a proposed approach to communications and engagement for the 2025/26 Annual Plan, detailing various levels of community engagement, from minimum level to an enhanced level to encourage active participation. The options analysis includes associated costs and statutory considerations, with a recommendation for the preferred option based on its potential benefits.

### BACKGROUND

3. The annual plan is a critical document that sets out the Council's proposed activities, budgets, and funding arrangements for the upcoming financial year. Engagement with the community can ensure that an annual plan reflects the needs and aspirations of the local community. Previous engagement processes have shown that community members value opportunities to provide input, especially on matters directly impacting local services and rates.
4. In past years, the Council has undertaken various engagement initiatives to gather community input on both annual and long-term plans. These efforts have included public meetings and surveys. While these methods have provided valuable insights, there have



been challenges in reaching a broad and diverse audience. A key challenge is encouraging the community to participate in the formal submission process.

5. Lessons Learned:

- Going to where the people are: We have found higher levels of engagement in statutory planning processes are achieved in an informal setting where people are able to talk through their views on proposals. For example, in the last long-term plan engagement period staff and Commissioners attended markets and shopping malls. The information gathered from these types of events are largely from members of the community we don't normally hear from. However, we have also found that this does not necessarily translate to the person then going on to make a formal submission. Conversely, it should also be noted that Council-run drop-in sessions at Council premises have had very low levels of attendance and engagement.
- Inclusivity: Actively reaching out to underrepresented groups, including youth and minority communities, to ensure their voices are heard.
- Transparency: Providing clear and timely information about how community feedback is used in decision-making processes to build trust and credibility.
- Feedback Mechanisms: Establishing processes for collecting and responding to community feedback to demonstrate that their input is valued and considered.

6. The Annual Plan 2025/26 comes at a time of significant change and challenges for the community. Issues such as cost of living, traffic congestion, central government policy direction changes, housing affordability, climate change, and infrastructure development are at the forefront of public concern. The Council recognises that addressing these complex issues requires a collaborative approach, where community input is not only sought but actively integrated into planning and decision-making processes.

7. The 2024-34 Long-term Plan adopted in April 2024 proposed a significant increase in capital investment over the ten years to meet improved outcomes across several strategic priorities, including:

- Creating the spaces and places for our communities to connect, play and learn
- Enabling more homes in our existing neighbourhoods and designing communities of the future in new growth areas
- Revitalising our city centre so it once again becomes the beating heart of our city
- Improving our transport network to make it easier and safer to get around
- Reducing our impact on our natural environment and strengthening our ability to cope with our changing climate.

8. A report to Council on 12 November also proposed the following set of principles to underpin the upcoming Annual Plan 2025/26 to be built on:

- Looking after what we have got
- Paying a fair share
- Ongoing financial sustainability
- Affordability
- Growth pays for growth
- Value for money

9. To achieve these strategic priorities and adhere to the principles, Council aims to implement a communications and engagement approach that:

- Ensures that all community members have access to accurate and comprehensive information about the Annual Plan 2025/26.

- Actively seeks community feedback on proposed issues for consultation and incorporates this feedback into the final annual plan.
  - Engages community members in meaningful dialogue.
  - Partners with local organisations and stakeholders to leverage their expertise and resources.
  - Provides opportunities for community members to take an active role in decision-making processes.
10. By building on past experiences and addressing current challenges, the Council aims to create an inclusive and effective communications and engagement plan for the 2025/26 Annual Plan. This approach will ensure that the annual plan not only meets statutory requirements but also reflects the diverse needs and aspirations of the new Council and its community.

### **Deliberative democracy**

11. There are many different forms of deliberative democracy that can be used to engage with the community.
12. From community drop-in sessions to community assemblies to referendum, some of which council has used before and many we are keen to use in the future for suitable projects. The breadth of topics in the annual plan, scale of participation and timeline make some of these options more suitable for an annual plan than others.
13. Community drop-in sessions at markets, shopping centres and events can work well as we reach parts of the community who might not ordinarily engage with council. Using our rates database and engagement database to create a kind of online panel who are encouraged to fill out our online survey, which has not been used before for an annual plan, could also drive-up engagement numbers significantly.

### **STATUTORY CONTEXT**

14. The Local Government Act 2002 requires councils to involve communities in decision-making processes. Section 82 of the Act outlines the principles of consultation, which include providing clear information, ensuring that the community is aware of the decision-making process, and giving people a reasonable opportunity to present their views. Additionally, Section 93A specifies the need for public consultation when a proposed annual plan differs significantly from the long-term plan.

### **STRATEGIC ALIGNMENT**

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

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

16. There are no significant direct community outcome implications from adoption of this report. However, an annual plan seeks to enable council to make progress against all its community outcomes.

## OPTIONS ANALYSIS

17. Staff propose the following three options for differing levels of communications and engagement, each level incorporating and building upon the previous option. Staff recommend an enhanced option and seek direction from the Committee on the types of activities they would expect to see in the definition and also where the Committee's level of comfort is for the cost of the proposed engagement approach. The three options for levels of communications and engagement are:

### Option 1: Minimum

- There is no statutory obligation to consult on an annual plan unless there is significant or material change from the long-term plan. However, it is recommended that we do consult on the upcoming annual plan regardless.
- Description: Providing information to the public about the draft annual plan through channels such as the Council website, social media, and e-newsletters. Limited paid media schedule (mix of digital and newspaper). Actively seeking feedback from the community on specific elements of the annual plan through submission and hearing processes.
- Estimated Cost: Up to \$20,000
- Pros: Low-cost, ensures the community is informed, legally compliant.
- Cons: Limited input from harder to reach members of the community, may result in feedback that is not representative of the wider community, risks overlooking community needs.
- Objective: Raise awareness only through Council's channels about the annual plan process and collects submission feedback on key issues to inform decision-making.

### Option 2: Regular

- Description: All Options listed in 1 with the following potential additions:
  - paid media schedule (mix of digital, newspaper, billboard and radio advertising)
  - council-based Q&A community sessions
  - use of rates database and engagement database to reach maximum numbers of ratepayers and residents.
- Estimated Cost: \$21,000 - \$80,000
- Pros: Direct community input, focused, cost-effective.
- Cons: Potential for low participation, may miss broader perspectives.
- Objective: Raise awareness throughout the community about the annual plan process and collects feedback on key issues to inform decision-making.

### Option 3: Enhanced (Recommended)

- This contains elements more aligned to what we would do for a long-term plan engagement coupled with some things that we haven't done before.
- Description: All options listed in 1 and 2 with the following potential additions:
  - increased paid media schedule (mix of digital, newspaper, billboard and radio advertising)

- utilise Newsbeat, our newly launched webpage hosting TCC news, to share councillor video content promoting engagement opportunities and consultation questions
- pre-engagement with identified stakeholders
- community drop in sessions in each ward where councillors and staff go to community events and areas of high foot traffic to promote consultation and answer questions on the draft annual plan
- council based Q&A session is replaced by Town hall large scale event at the University of Waikato, led by the mayor and recorded
- a demographically representative market research survey managed a research company.
- Estimated Cost: \$81,000 - \$200,000
- Pros: Focused, broader insights, strengthens council-community relationships, balances reach and depth, potential for higher level of public participation, builds community ownership of decisions, fosters innovation.
- Cons: Higher cost, time-intensive, may miss broader perspectives.
- Objective: Foster collaboration and incorporate community input directly into planning.

### Risk Analysis of options

Risk	Likelihood	Impact	Mitigation Strategy
Non-compliance with LGA 2002 consultation requirements	Low	High	Option 1 is created to at least meet this standard minimum.
Insufficient wider community engagement	High	Moderate	Use a variety of communication channels and engagement methods in each option.
Budget constraints limiting engagement	Medium	High	Recommended option seeks to strike a balance for cost-effectiveness and doing something more than last time.
Negative public perception if engagement is too limited	Medium	Moderate	Proactively communicate engagement opportunities and outcomes.

### FINANCIAL CONSIDERATIONS

18. The costs associated with each engagement option vary. The Committee is invited to consider the budgetary implications and give an indication of the level of funds they want used for communications and engagement of the draft annual plan accordingly to ensure its intended engagement outcomes are achieved.

### LEGAL IMPLICATIONS / RISKS

19. Failure to adequately engage the community could result in non-compliance with the Local Government Act 2002, specifically Sections 82 and 93A, which outline consultation requirements. Inadequate engagement may also lead to legal challenges or reputational damage. Therefore, it is essential to adopt an approach that meets statutory obligations while ensuring effective public participation.

## CONSULTATION / ENGAGEMENT

20. Consultation on the annual plan will be in accordance with the requirements of the Local Government Act 2002 and the details of engagement will be further developed and presented at meetings in March 2025.

## SIGNIFICANCE

21. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
22. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
  - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
  - (b) any persons who are likely to be particularly affected by, or interested in, the matter.
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
23. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter of an annual plan is of high significance. This is because it affects all residents, ratepayers and businesses in, and visitors to, the city, and because it involves council's resource allocation decisions and rating decisions for the next year and potentially beyond.
24. However, the decisions to be made in response to this report are considered of medium significance as they are just determining a proposed approach to communications and engagement for the annual plan. The draft annual plan itself will be consulted on next year in March.

## ENGAGEMENT

25. 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.

## NEXT STEPS

26. The indicative draft annual plan will be reported to Council on 9 December 2024.
27. The draft annual plan will be reported to Council on 10 February 2025.
28. A further report with the full communications and engagement plan for the draft annual plan along with the draft consultation document will be reported to Community, Transparency and Engagement Committee on 3 March 2025.

## ATTACHMENTS

Nil

### 10.3 Annual Residents Survey 2024/25 - Wave One Results and 2023/24 Benchmarking Report

**File Number:** A16475182

**Author:** Josh Logan, Team Leader: Corporate Planning

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

#### PURPOSE OF THE REPORT

1. The purpose of this report is to provide an overview of the results from the Annual Residents Survey for the first quarter of 2024/25 (Wave One).
2. This report also includes an overview of the results from the Annual Residents Survey Benchmarking Report for 2023/24.

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#### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Annual Residents Survey 2024/25 - Wave One Results and 2023/24 Benchmarking Report".

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#### EXECUTIVE SUMMARY

3. Each year, council seeks feedback from its residents regarding their perception on various aspects of council provided services and initiatives. This survey is carried out over four waves during the year and is collated into an annual report. The results of the most recent survey are reported to this Committee.
4. This report, along with the material in attachment one, provides a high-level summary of the Wave one results of the Annual Residents Survey.
5. The report also provides, and overview of the benchmarking report done by Key Research against the 17 other councils it conducts the Annual Residents Survey for. It compares this council's results against the group's highest, lowest, and average scores to assess where this council sits in that group of 189 councils.

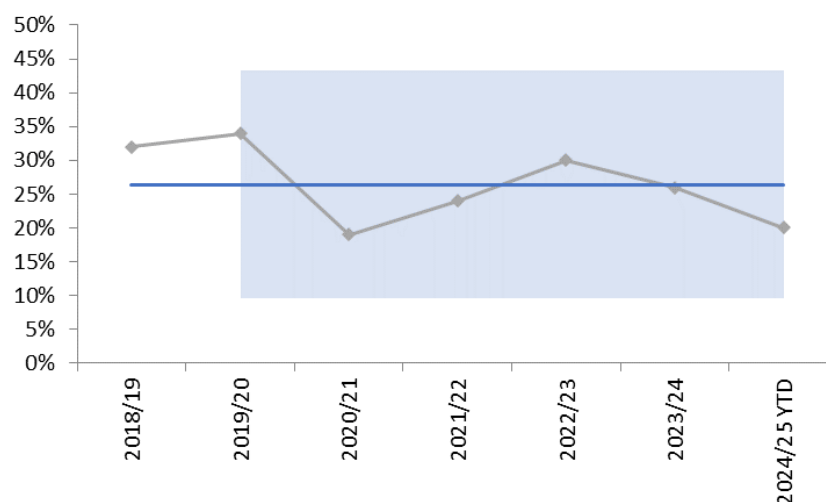
#### BACKGROUND

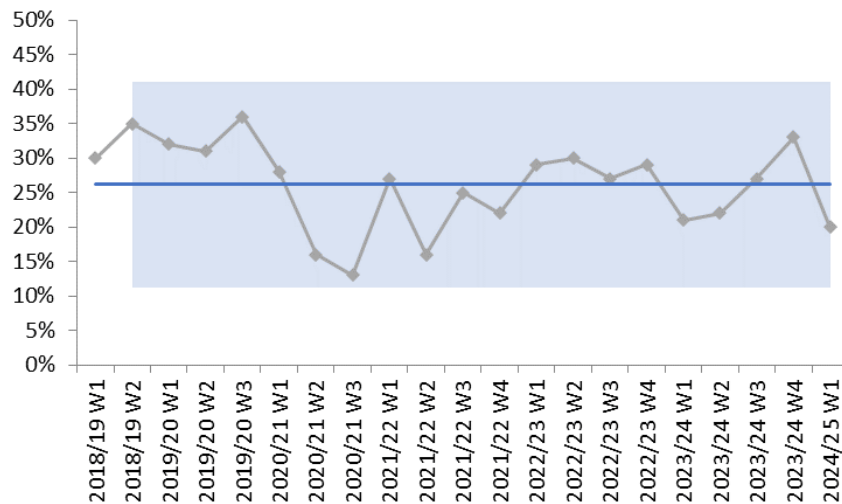
6. The Annual Residents Survey forms part of a wider set of information we have around engagement with the Tauranga community and their wants, needs and perceptions of council and of Tauranga as a place to live.
7. Survey results help council staff assess the performance of council against a set of pre-determined actions and performance levels, including those outlined in the Long-term Plan.
8. Using a post-to-online method, 159 surveys have been undertaken with Tauranga City residents during this first wave. An invitation letter, containing an embedded link to an online survey, was sent to a random selection of residents, sourced from the Electoral Roll, with a subsequent reminder follow up.
9. Wave One fieldwork was conducted from 26 August 2024 to 27 September 2024.
10. A summary of the high-level survey results of the 2024/25 full year compared to 2023/24, and their trend is shown in the table below:

Measure	2023/24 Result	2024/25 YTD Result	Trend vs previous year
Overall performance	34%	43%	▲
Overall reputation	26%	24%	▼
Overall value for money	34%	33%	▼
Overall core services deliverables	54%	62%	▲
Overall water management	56%	63%	▲
Overall road and footpaths	35%	53%	▲
Overall waste management	68%	80%	▲
Overall outdoor spaces	71%	76%	▲
Overall public facilities	70%	74%	▲

11. Further information on each of the overall sections and the measures within, along with a summary of the verbatim comments, are included in the report as **Attachment 1**.
12. The 2023/24 full year report highlighted three areas of council performance as these measures have the highest impact on residents' overall perception of the council combined with a relatively low performance. The results for Wave One for these three areas are discussed below and in the attached report.
13. The below graphs used are XmR (Moving Range) charts. An XmR is a type of control chart used in process improvement and statistical analysis to monitor the variation in a single data series over time. The charts below track individual data points, showing how each measurement compares to the overall average and upper and lower control limits (shaded blue area), which define the expected range of natural variation. The XmR chart helps identify trends, shifts, or unusual variations in a process, making it useful for detecting changes and ensuring that processes remain stable and predictable.
14. Trust

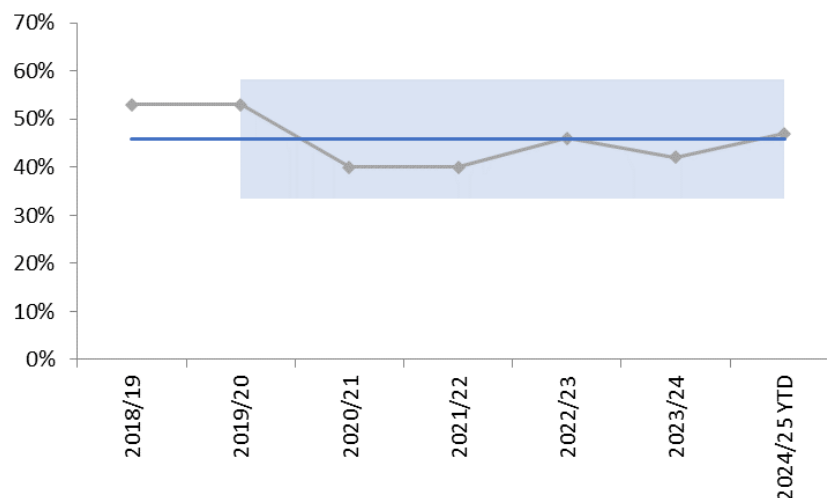
Graph 1 – Trust YTD



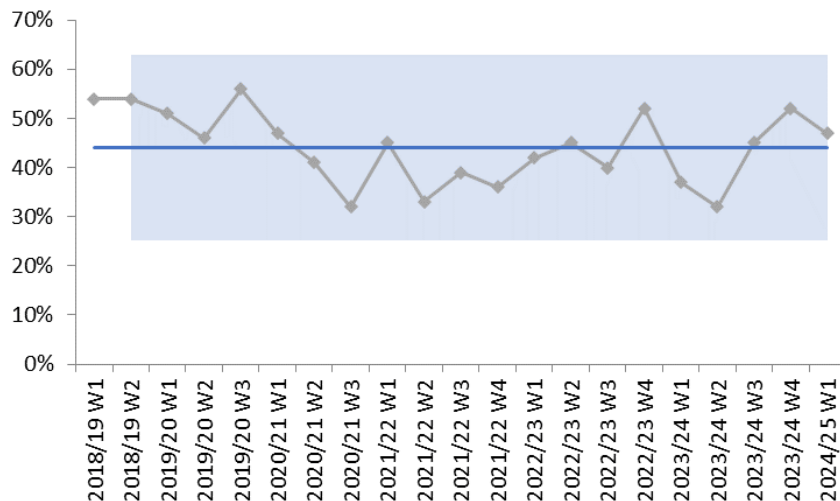
**Graph 2 - Trust by wave**

- **Trust** - 20% of respondents are satisfied or very satisfied with Tauranga City Council, down from 26% in the full 2023/24 year.
- The XmR Charts demonstrate that satisfaction levels initially declined significantly and had begun to recover, although they have dropped in the latest wave.

#### 15. Quality of Services

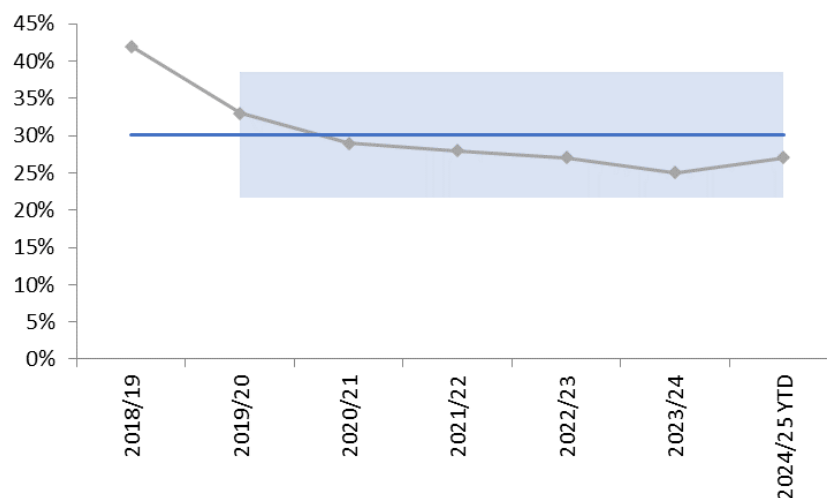
**Graph 3 – Quality of services YTD**

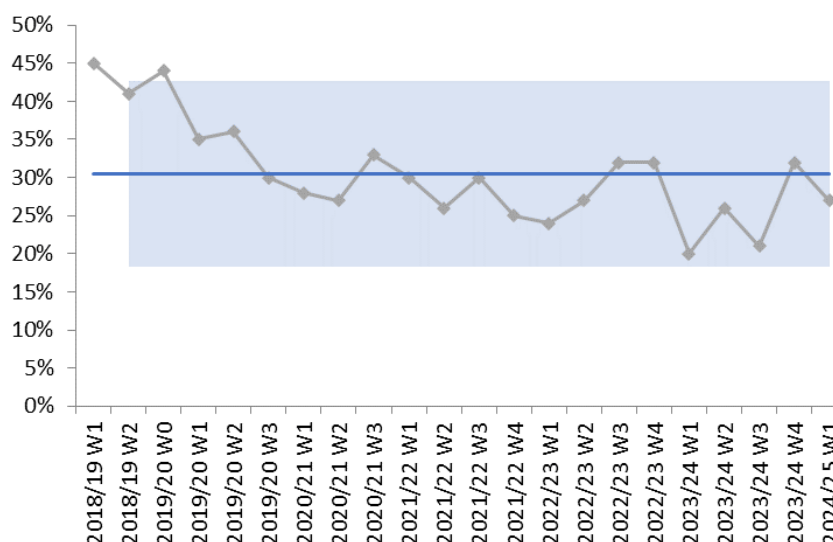


**Graph 4 - Quality of services by wave**

- **Quality of services** - 47% of respondents are satisfied or very satisfied with Tauranga City Council, up from 42% in the full 2023/24 year.
- The XmR Charts demonstrate that satisfaction levels with quality of services have remained relatively steady with the biggest range in variation seen between 2019/20 and 2020/21.

16. Annual rates fair and reasonable

**Graph 5 - Annual rates fair and reasonable YTD**

**Graph 6 - Annual rate fair and reasonable by wave**

- **Annual Rates** - 27% of respondents are satisfied or very satisfied with Tauranga City Council, up from 25% in the full 2023/24 year.
- The XmR Charts demonstrate that satisfaction levels with annual rates being fair and reasonable has declined year on year since 18/19. The variation between the wave data shows that W1 usually sees a drop in the result which could correlate to the receiving of the first rates notice of the year.

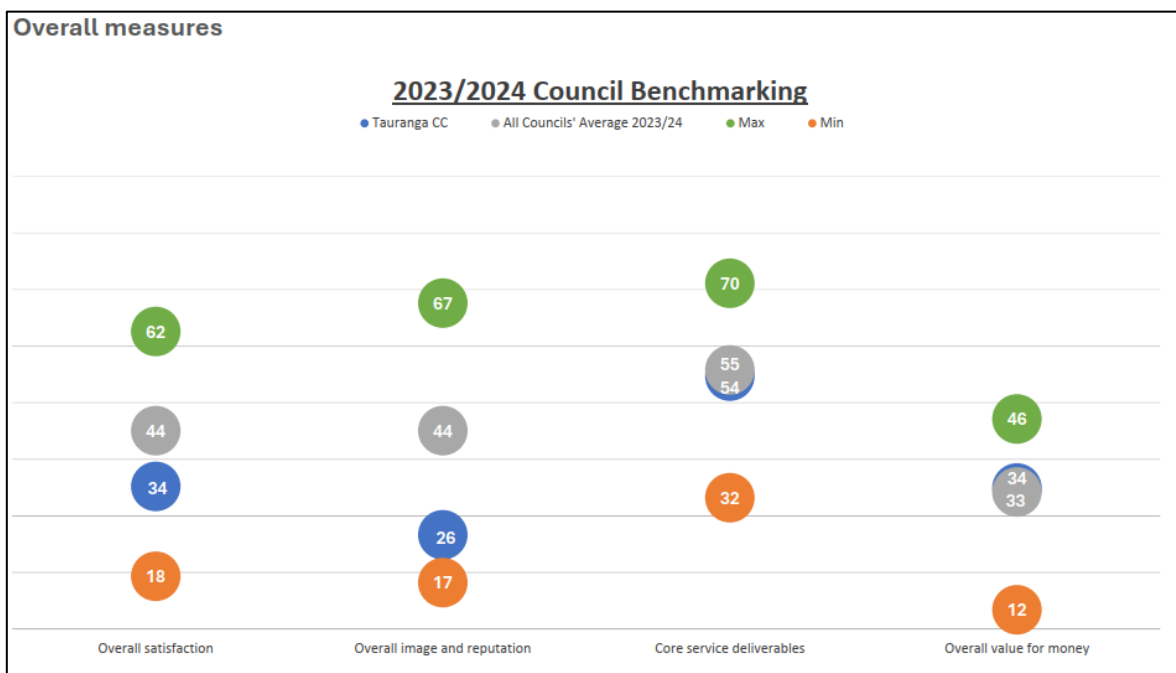
### Annual Residents Survey Benchmarking Report 2023/24.

17. This is a recent comparative analysis report, which benchmarks Tauranga City Council against 17 other councils that use the same research provider (Key Research). The other councils, including 15 district councils and three city councils are listed on page three of **Attachment 2**.
18. The specific objectives of Key Research compiling this research were to understand residents' satisfaction with services and facilities provided by councils across New Zealand and to benchmark the key performance indicators against other councils.
19. In different councils, respondents were selected at random from the Electoral Roll, ratepayer database, and/or email contacts collected through previous years' surveys. The questionnaires were designed in consultation with councils and were structured to provide a comprehensive set of measures relating to core activities, services, and infrastructure, and to provide a wider perspective of performance. This includes assessment of reputation and knowledge of council's activities.
20. Post data collection, the samples were weighted to be exactly representative of key population demographics for each area based on the 2018 Census. At an aggregate level, the surveys have an expected 95% confidence interval (margin of error) of between +/- 3.2% and +/- 4.8%.
21. Maximum, minimum, and average scores for key performance indicators are shown and benchmarked based on 18 councils' performances. Questions used are either identical or closely related, allowing for comparison. To allow better and more extensive benchmarking, several measures are presented as an average score of all related measures in the relevant section.
22. The report results show initially on pages four and five that all-council averages had fallen for all but three benchmark measures from 2022/23 to 2023/24. This could potentially be attributed to dissatisfaction with proposed high rate rises in councils' Long-term Plans. It was reported around New Zealand media earlier this year that the average rise across the

country was 15%. Uncertainty around three water reform may be another reason for nationwide dissatisfaction.

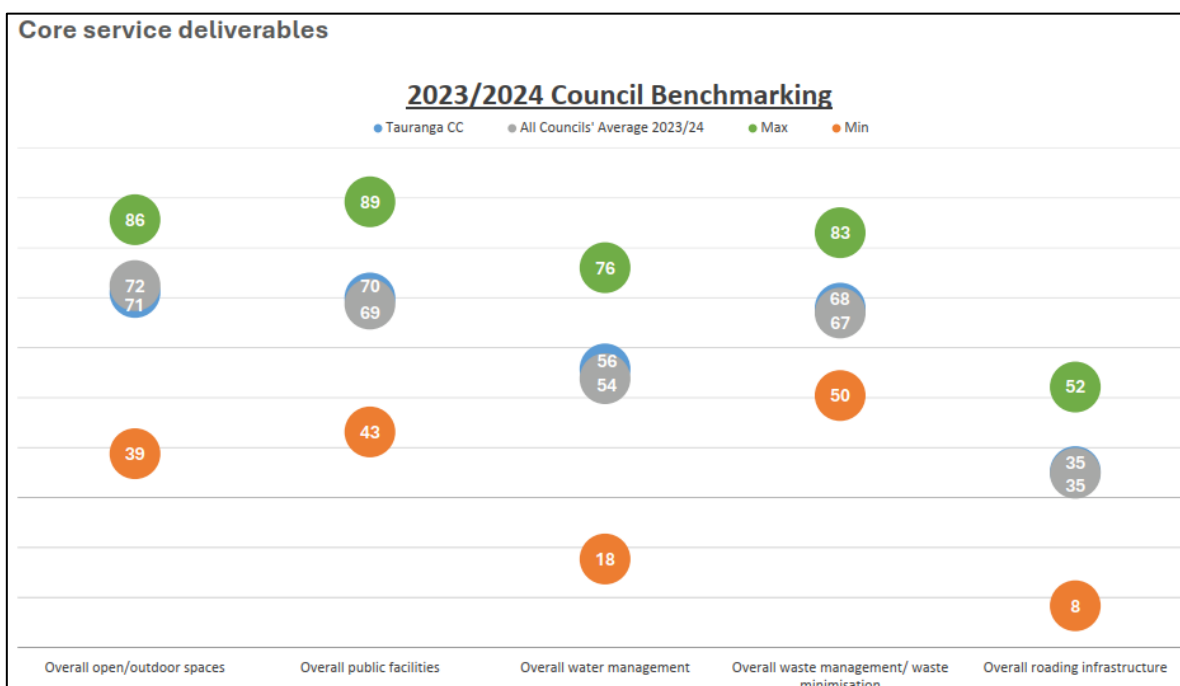
23. Below, Graph 7 compares council's high-level results for 2023/2024 against the average from all councils and also the highest and lowest score of those metrics.
24. The graph shows the results of 'overall satisfaction' and 'image and reputation' are below the all-council average. It should be noted in the report (**Attachment 2**) that the all-council average also declined between 2022/23 and 2023/24 pointing to a lack of satisfaction and image and reputation issues for the sector.

**Graph 7**



25. For core service deliverables, Graph 8 below shows that Tauranga was comparable with the all-council average for all our core service deliverables. Although as noted in the attached Wave 1 report (in Attachment 1), this year we have seen some good improvements compared to last year already in these measures.

**Graph 8**



## STATUTORY CONTEXT

26. The Annual Residents Survey allows effective monitoring of performance and insights to be gained to inform future planning.

## OPTIONS ANALYSIS

27. There are no options associated with this report. The report is provided as information only.

## FINANCIAL CONSIDERATIONS

28. There are no financial implications or risks associated with this report.

## LEGAL IMPLICATIONS / RISKS

29. There are no legal implications or risks associated with this report.

## CONSULTATION / ENGAGEMENT

30. This report is made public.

## SIGNIFICANCE

31. 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.
32. 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.
33. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of low significance.



## ENGAGEMENT

34. 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

35. The next wave (Wave 2) for 2024/25 is due to be collected during November - December 2024 with the results scheduled to be reported to this committee in February 2025.

## ATTACHMENTS

1. **Annual Residents Survey 2024\_25 - Wave 1 - Performance Report - A16875419 (Separate Attachments 1)** 
2. **ARS - Benchmarking 2023-24 - Tauranga City Council - A16740354 (Separate Attachments 1)** 

## 10.4 Sponsorship from Corporates and Others Policy and Other Funding Related Policies Review

**File Number:** A15477358

**Author:** Sam Fellows, Manager: City Partnerships  
Jennifer Ross, Policy Analyst

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

### PURPOSE OF THE REPORT

1. This report seeks consideration and approval of a draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy for consultation with key stakeholders in place of the outdated Sponsorship from Corporates and Others Policy, and to rescind the Community Share Agreements and City Partnerships policies.

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### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Sponsorship from Corporates and Others Policy and Other Funding Related Policies Review".
- (b) Gives direction on its preferred options of those proposed in paragraph 22 of this report, and in the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy:
  - (i) Rename the policy to reflect a wider approach.
  - (ii) Confirm the definition and use of support agreements as it is in the draft policy.
  - (iii) Confirm the definition and use of supporter as it is in the draft policy.
  - (iv) Confirm clause 5.1 that support opportunities are limited to community projects, facilities and activities.
  - (v) Confirm clause 5.2 to exclude entering into arrangements with parties whose values, practices or products conflict with the Council's values and policies, or are injurious to health.
  - (vi) Confirm clause 5.4.2 to allow use of the Council name, logo or images in relation to support arrangements without Council approval unless specifically required.
  - (vii) Confirm clause 5.7.2 to use an open, competitive process to enter into sponsorship arrangements where that is practical.
  - (viii) Confirm clause 6.2 to use delegated authority limits for expenditure as a guide to delegated authority for Council staff entering into support arrangements of various values.
- (c) Approves the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy for consultation with key stakeholders, subject to any amendments required to give effect to the decisions made under recommendation (b).
- (d) Delegates to the General Manager: City Development & Partnerships the authority to amend the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy as required following the decisions made under recommendation (b) and make minor editorial or presentation changes to the draft policy for correction or clarity.
- (e) Rescinds the following outdated policies:
  - (i) Community Share Agreements Policy; and
  - (ii) City Partnerships Policy.

- 
- (f) Delegates to staff the authority to make the marked-up amendments to the Naming Policy for consistency, when the Support and Sponsorship of Tauranga Community Facilities and Activities Policy is adopted.
- 

## EXECUTIVE SUMMARY

2. We have reviewed the Sponsorship from Corporates and Others Policy, alongside the Community Share Agreements Policy and the City Partnerships Policy.
3. The review process involved consultations with both internal users and external stakeholders. We also looked at the approaches taken by other councils to inform our approach. Through this we gathered a range of perspectives and insights to inform our policy options.
4. We propose to rename the Sponsorship from Corporates and Others Policy, updating its contents to align with the current and anticipated future environment for funding community facilities and activities. This has resulted in the creation of the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy (Attachment One).
5. Options for inclusion in the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy are provided for your consideration in this report.
6. The Community Share Agreements Policy and the City Partnerships Policy, while once valuable, are now outdated and no longer align with current practices. Therefore, it is appropriate to rescind these policies.
7. Through this review process we have also noted that minor amendments are required to paragraph 5.7.3 of the Naming Policy for consistency between the policies and request a delegation to staff to make the changes marked up in the attached draft of the Naming Policy (Attachment Two).

## BACKGROUND

8. Between 2003 and 2021 council ran a city partnership programme, known initially as the City Partnership Programme and later as Project Tauranga. This programme saw participating organisations partner with the council to contribute their time, money and expertise to undertake or contribute to projects that benefitted the community of this rapidly growing city.
9. To support this programme, policies were implemented including the City Partnerships Policy, the Sponsorship from Corporates and Others Policy, and the Community Share Agreements Policy.
10. As Tauranga continues to grow, council staff are seeking to deliver the community facilities and activities that are needed in ways that are affordable to ratepayers. Engaging with community-minded organisations and individuals for collaboration and support has been identified as a way to do this.
11. When council staff turned to the existing policies for guidance, they found that these policies are out of date and don't reflect current best practice, and a policy review was initiated.
12. Our review involved a series of emails and meetings with internal and external stakeholders. This included representatives from City Development & Partnerships, Spaces and Places, Venues and Events, Takawaenga Māori Unit, Transport, Community Development, and our Council-Controlled Organisations (CCOs). Additionally, we reached out to existing sponsors, funding organisations, local philanthropic individuals, and potential corporate sponsors and partners for input.
13. These discussions highlighted the importance of building relationships that could generate support and sponsorship, while also respecting the cultural significance of tangata whenua gifted names. We explored the potential for naming rooms or spaces within buildings as a means to raise funds and acknowledge contributors, recognising that this approach may not be suitable for all situations.

14. Investigating other New Zealand councils provided limited examples of sponsorship policies where the council is seeking to have council-run projects sponsored by others. Timaru and Nelson have policies that are similar to ours but are more recent and deal with both sponsorship and naming rights for their community facilities. The bigger cities (Auckland, Wellington and Christchurch) have policies focused on where those councils will provide sponsorship for others to deliver community projects, or enter into partnership arrangements with community organisations for the delivery of those projects.
15. This review process has provided valuable insights and guided us to propose a refinement of our policies to better serve our community and stakeholders. By fostering strong partnerships with organisations and individuals that share our community values, we aim to create a sustainable policy for future sponsorships and support.
16. Specifically, the review identified that:
  - (a) The City Partnership Programme Policy 2009 supported the partnership programmes which have ceased, so staff recommend that the Committee rescind this policy. This review is an opportunity to merge aspects from this policy that remain relevant into the new Support and Sponsorship of Tauranga Community Facilities and Activities Policy.
  - (b) The Community Share Agreement Policy 2005 was developed to guide agreements between council and another entity for a shared use of a facility or land to enable or increase public access. This 19 year old policy is no longer in use. The remaining Community Share Agreements are stand-alone documents and do not rely on the policy to continue. Staff recommend that the Committee rescind this redundant policy.
  - (c) The Sponsorship from Corporates and Others Policy has retained the most relevance but after almost twenty years it no longer reflects the current environment and best practice. Our review has focused on proposing to update the intention and concepts of this policy to provide council staff with a current and transparent approach to seeking funding and support for community facilities and activities in Tauranga.
17. The product of this review process is the attached draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy (Attachment One).

## STRATEGIC ALIGNMENT

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

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

19. The City Vision adopted by Council and developed in conjunction with the community, outlines our collective vision for the city. 'Tauranga, together we can' captures the vision for a collaborative approach to realising a city that 'lifts each other up', and 'fuels possibility'.
20. The vision and strategic framework inform the council's plans and policies, which guide the implementation of these higher-level strategies in council's day-to-day activities. It is important that council's approach to seeking additional funding and support for our community facilities and activities is aligned with the council's strategic direction. More specifically, the Support and Sponsorship of Tauranga Community Facilities and Activities Policy should encourage the development of relationships with organisations and individuals to achieve a city with successful, inclusive, and thriving communities. This will involve ensuring that the council works to deliver community facilities and activities that are well planned, supported, and funded by members of the community as well as ratepayers.



## OPTIONS ANALYSIS

21. While council may consider a new relationships programme when the time and appetite for those relationships with the council is right, for now, we propose council adjust the sponsorship policy to allow a more inclusive approach to finding support for community facilities and activities in our city.
22. Based on the review described in the background section above, issues have been identified and policy details are proposed in Table One. In each case, the recommended option has been inserted in the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy.

**Table One: Issues and options in the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy**

Reference in draft policy	Issue	Options
Title	<p><b>Rename the policy</b></p> <p>The existing title "Sponsorship from Corporates and Others Policy" is uninspiring and potentially limits how staff and the community approach using the policy.</p> <p>This can be addressed by updating the title of the policy to "Support and Sponsorship of Tauranga Community Facilities and Activities Policy" as this is clearer about what the policy is for, that it applies to a wider range of arrangements than traditional sponsorship, and that it is available to organisations that are not corporate or might not consider themselves to be grouped with corporates.</p>	<p>(a) status quo. Continue with a corporate sponsorship focus.</p> <p><b>Or</b></p> <p>(b) rename the policy to reflect a wider approach. <b>(RECOMMENDED)</b></p>
3.	<p><b>Definition of support agreements</b></p> <p>The term "support agreements" has been proposed instead of "sponsorship agreements" to give staff guidelines for entering various types of arrangements.</p> <p>The Sponsorship from Corporates and Others Policy focused only on sponsorships, a commercial arrangement. Now, without a partnership programme, this Support and Sponsorship of Tauranga Community Facilities and Activities Policy can be used for more types of funding arrangements to ensure they align with the council's goals and values even if they are not commercial arrangements.</p>	<p>(a) confirm the definition and use of support agreements as it is. <b>(RECOMMENDED)</b></p> <p><b>Or</b></p> <p>(b) amend the definition to exclude grants, donations or non-commercial arrangements.</p>
3.	<p><b>Definition of supporter</b></p> <p>Similar to the issue above, the term "supporter" has been proposed instead of "sponsor".</p>	<p>(a) confirm the definition and use of supporter as it is. <b>(RECOMMENDED)</b></p> <p><b>Or</b></p> <p>(b) amend the definition to focus on sponsors.</p>



5.1	<p><b>What can be supported</b></p> <p>This clause restricts the support arrangements to only being for community facilities and activities. This is consistent with the Sponsorship from Corporates and Others Policy and removes the possibility of sponsorship for an ongoing function of Council (the <i>KPMG finance team?</i>) or an operational council facility (the <i>PAL dog food Animal Shelter?</i>).</p>	<p>(a) confirm support opportunities are limited to community facilities and activities. <b>(RECOMMENDED)</b></p> <p><b>Or</b></p> <p>(b) permit any function of the council to be sponsored subject to compliance with the policy.</p>
5.2	<p><b>Who council will not enter into support agreements with</b></p> <p>These terms are consistent with the Sponsorship from Corporates and Others Policy and exclude supporters whose values, practices or products conflict with the council's values and policies, or are injurious to health. No specific industries are excluded. Clause 5.2.1 includes a direction for staff to undertake due diligence to understand prospective supporters.</p>	<p>(a) confirm this clause. <b>(RECOMMENDED)</b></p> <p><b>Or</b></p> <p>(b) exclude specific industries and organisations from entering into support arrangements.</p> <p><b>Or</b></p> <p>(c) develop specific criteria that would be considered when assessing the appropriateness of a supporter.</p>
5.4.2	<p><b>Default position on use of council name, logo, images and link to council website</b></p> <p>This term is consistent with the Sponsorship from Corporates and Others Policy and does not require the supporter to submit all uses of the council name, logo or images to the council for approval prior to use. This default position does not prevent a support agreement from including terms that specify when council approval may be required.</p>	<p>(a) confirm this clause. <b>(RECOMMENDED)</b></p> <p><b>Or</b></p> <p>(b) introduce a requirement for approval prior to the use of some or all of the council name, logo or images.</p> <p><b>Or</b></p> <p>(c) introduce criteria for when a support agreement might require approval prior to the use of some or all of the council name, logo or images.</p>
5.7.2	<p><b>Open, competitive process is for sponsorship arrangements</b></p> <p>This term is consistent with the Sponsorship from Corporates and Others Policy as it applies to sponsorship arrangements. The council is to use an open, competitive process to enter into sponsorship arrangements where that is practical. It has not been extended to all support agreements due to the sensitive nature of some funding processes which may be out of council's control.</p>	<p>(a) confirm this clause. <b>(RECOMMENDED)</b></p> <p><b>Or</b></p> <p>(b) introduce additional guidance on expectations for the process of seeking sponsorship.</p>

6.2	<p><b>Delegated authority to Chief Executive</b></p> <p>This term is consistent with the Sponsorship from Corporates and Others Policy. Due to the sensitive nature of support arrangements and their potential political implications if things go wrong, some governance bodies keep the final approval rights for all sponsorship deals. Where support arrangements clearly fit within the policy, the Chief Executive and/or their delegates may have final approval for agreements up to the value of their delegated authority limits for expenditure. Where an agreement includes naming rights for council facilities the approval requirements of the Naming Policy will apply regardless of value.</p>	<p>(a) confirm this clause. <b>(RECOMMENDED)</b></p> <p><b>Or</b></p> <p>(b) require Council approval for all sponsorship arrangements, regardless of value or duration.</p> <p><b>Or</b></p> <p>(c) set up risk-based criteria to determine the level of authority required for approval, rather than relying on the dollar value.</p>
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23. The committee may retain the existing policies as they are, rescind them, or, in the case of the Support and Sponsorship of Tauranga Community Facilities and Activities Policy and the Naming Policy, elect to adopt some or all of the proposed draft policy.

24. **Table Two: Sponsorship from Corporates and Others Policy Review Options**

Option	Advantages	Disadvantages
<p><b>Option One:</b></p> <p>Status quo – do not approve the proposed policy and do not rescind the Sponsorship from Corporates and Others Policy.</p>	<ul style="list-style-type: none"> <li>Requires no changes or further consultation.</li> </ul>	<ul style="list-style-type: none"> <li>The policy would remain outdated and limit the approach of staff to seeking traditional sponsorship.</li> <li>Does not address issues raised by staff or stakeholders in respect of taking a wider approach to seeking funding and in-kind support for community facilities and activities.</li> </ul>

<p><b>Option Two:</b> Rename the policy and adopt the proposed updated version of the policy for stakeholder consultation.</p> <p><b>RECOMMENDED</b></p>	<ul style="list-style-type: none"> <li>Addresses feedback from stakeholders such as “The existing policy should be reworded to acknowledge that there are mutual benefits to sponsorship arrangements or other funding agreements, beyond reducing costs to the council.”</li> <li>Provides more opportunity for community involvement in the provision of community facilities and activities.</li> <li>Addresses issues raised by staff in respect of clearly providing opportunities to take a more relationship-based approach to soliciting funding and in-kind support to enable our provision of community facilities and activities.</li> <li>May increase the likelihood of success for staff seeking funding and in-kind support and increase our provision of facilities and activities to our community without increasing the burden on ratepayers.</li> </ul>	<ul style="list-style-type: none"> <li>Amending the policy may be negatively received by some parts of the community who view this as the council competing for funding from local philanthropists and businesses.</li> </ul>
<p><b>Option Three:</b> Rescind this policy.</p>	<ul style="list-style-type: none"> <li>Council should not enter into support arrangements that may compromise the ability of not-for-profit organisations within Tauranga to secure their own sponsorship. Council should not compete with its own ratepayers for support and sponsorship.</li> </ul>	<ul style="list-style-type: none"> <li>Sponsorship of community activities or facilities reduces the council’s costs and as such provides benefits to all ratepayers. Council should actively pursue support arrangements for the benefit of all ratepayers.</li> </ul>

25. **Table Three: City Partnerships Policy Review Options**

Option	Advantages	Disadvantages
<p><b>Option One:</b> Status quo – do not rescind the policy.</p>	<ul style="list-style-type: none"> <li>Requires no changes.</li> </ul>	<ul style="list-style-type: none"> <li>The policy would remain outdated and unused.</li> </ul>
<p><b>Option Two:</b> Rescind this policy.</p> <p><b>RECOMMENDED</b></p>	<ul style="list-style-type: none"> <li>Removes an unnecessary policy from our books and makes finding relevant policies easier.</li> </ul>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>

26. **Table Four: Community Share Agreements Policy Review Options**

Option	Advantages	Disadvantages
<b>Option One:</b> Status quo – do not rescind the policy.	<ul style="list-style-type: none"> <li>Requires no changes.</li> </ul>	<ul style="list-style-type: none"> <li>The policy would remain outdated and unused.</li> </ul>
<b>Option Two:</b> Rescind this policy. <b>RECOMMENDED</b>	<ul style="list-style-type: none"> <li>Removes an unnecessary policy from our books and makes finding relevant policies easier.</li> </ul>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>

27. **Table Five: Naming Policy Amendment Options**

Option	Advantages	Disadvantages
<b>Option One:</b> Status quo – do not approve the proposed amendment to clause 5.7.3 of the policy.	<ul style="list-style-type: none"> <li>Requires no changes.</li> </ul>	<ul style="list-style-type: none"> <li>Does not address issues raised by staff in respect of consistency with the updated Support and Sponsorship of Tauranga Community Facilities and Activities Policy.</li> </ul>
<b>Option Two:</b> Delegate that staff are to amend clause 5.7.3 of the policy as marked up in Attachment Two. <b>RECOMMENDED</b>	<ul style="list-style-type: none"> <li>Clarifies that granting of naming rights may be considered for parts of facilities as well as whole facilities.</li> <li>Includes correct reference to the Support and Sponsorship of Tauranga Community Facilities and Activities Policy, if option two of table two is selected.</li> </ul>	<ul style="list-style-type: none"> <li>Unnecessary if option one of table two is selected.</li> </ul>

28. Consultation and engagement with key stakeholders supports the recommended Option Two in the tables numbered two to five.

**FINANCIAL CONSIDERATIONS**

29. The proposed changes to the Policy may positively impact on the cost of council's delivery of community facilities and activities. The positive impact will only come about if the council is successful in developing relationships with community-minded individuals and organisations that can provide financial or in-kind support for those facilities and activities.
30. If the committee wanted to publicly consult on the recommended amendments to the policy, then consultation costs, covered by the existing policy budget, will be incurred.

**LEGAL IMPLICATIONS / RISKS**

31. This matter complies with the Council's legal and policy requirements.

**TE AO MĀORI APPROACH**

32. This review and report have been informed by discussions with members of the Takawaenga Māori Unit who have advised that the council should seek the views of Te Rangapū Mana Whenua o Tauranga Moana ("Te Rangapū") on this matter once the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy is approved for consultation.

33. The updated policy has a more inclusive approach to support and sponsorship, with the potential to provide opportunities for collaboration with Māori organisations and businesses to help provide community facilities and activities where appropriate. This aligns with the Whanaungatanga principle, which emphasises building and nurturing relationships and networks within and for Māori communities.
34. To align with the council's vision of being an inclusive city, Tauranga Matarauui, the proposed principles of this policy include reference to Mana Whenua, guiding staff to engage with iwi and hapū from Tauranga Moana when seeking support for community facilities and activities.

## CLIMATE IMPACT

35. This is an administrative policy, the recommendations in this report do not have implications for our climate impact.

## CONSULTATION / ENGAGEMENT

36. As noted in paragraph 12, initial consultation and engagement has focused on gathering feedback from staff as well as some individuals and organisations in our community who have provided support for council projects in the past.

## SIGNIFICANCE

37. 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.
38. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
  - (a) the current and future social, economic, environmental, or cultural well-being of the district or region;
  - (b) any persons who are likely to be particularly affected by, or interested in, the proposal; and
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
39. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the proposal is of low significance.

## ENGAGEMENT



40. Taking into consideration the above assessment, that the proposal is of low significance, officers are of the opinion that limited and targeted further engagement is required prior to the Council making a decision.
41. The proposed changes to this policy are anticipated as being of low public interest as the changes affect most directly how our staff approach leading organisations and individuals in our community to assist with funding and supporting community facilities and activities. Council can choose to engage on matters assessed as of low significance. Given the nature of the proposed policy this report recommends targeted consultation with Te Rangapū and existing stakeholders as the most effective and direct method to gather feedback.

## NEXT STEPS

42. Following approval of the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy for stakeholder consultation, staff will undertake that stakeholder consultation to be completed in early 2025. Following consultation, submission hearings, if any, will occur in the first quarter of 2025.

43. If the Committee decide that no changes to the policies are required, then no further action is required.

### ATTACHMENTS

1. **Draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy - A16958780** [↓](#) 
2. **Draft Marked up Naming Policy - A16958778** [↓](#) 

## DRAFT SUPPORT AND SPONSORSHIP OF TAURANGA COMMUNITY FACILITIES AND ACTIVITIES POLICY



<b>Policy type</b>	City		
<b>Authorised by</b>	Council		
<b>First adopted</b>	[Adoption date]	<b>Minute reference</b>	
<b>Revisions/amendments</b>		<b>Minute references</b>	
<b>Review date</b>	[Note when the next review is required]		

### 1. PURPOSE

- 1.1. To assist with the provision of community facilities, activities and projects by developing relationships between the council and people or organisations that can contribute their leadership, in-kind contributions and funding to enable those projects, facilities and activities.
- 1.2. To encourage collaboration with community-minded individuals, businesses and organisations wanting to support the delivery of local projects, facilities and activities for their neighbourhoods and community.
- 1.3. To be transparent about how the council may develop relationships and seek funding and support from individuals and organisations to develop and provide community projects, facilities and activities.
- 1.4. To guide the sponsorship and similar arrangements or support agreements between the council and other organisations for this purpose.
- 1.5. To manage expectations for the relationships developed between council and those organisations and individuals that enter into support agreements.

### 2. SCOPE

- 2.1. This policy applies to support arrangements with individuals, businesses and organisations for the community projects, facilities and activities provided by the council.
- 2.2. This policy does not apply to:
  - Partnership Agreements under the Community Funding Policy
  - The sale or purchase of council property
  - Advertising at council facilities and activities
  - Commercial activities on or in council property

### 3. DEFINITIONS

Term	Definition
Activity	a council activity is the preparation or delivery of any service, programme, product or event by, or on behalf of, the council.
Council	Tauranga City Council or any committee, subcommittee or elected member of the council or officer or other person authorised to exercise the authority of the council.
Facilities	are buildings, structures and spaces (including reserves) where our community can connect, socialise, learn and participate in social, cultural, art, sporting or recreational activities.
In-kind support	non-monetary assistance that includes, but is not limited to, discounts, remissions, material resources, time and services.
Projects	are projects that council leads or facilitates to deliver community activities or acquire, construct or develop community facilities.
Sponsorship	a commercial arrangement between council and a supporter whereby the benefits to council are financial contributions and/or in-kind support of a community activity or facility or project, and the benefits to the supporter are principally the association between the supporter and the community activity or facility or project.
Support agreements	agreements between council and an organisation or individual where council receives financial assistance, sponsorship, grants, and/or in-kind support in relation to an activity, facility or project.
Supporter	a supporter is any individual, business or organisation who provides support to an activity, facility or project pursuant to a support agreement with the council.

### 4. PRINCIPLES

- 4.1. The following principles underpin the council's approach to building relationships with supporters and seeking support (including financial support) for community projects, facilities and activities:
- Community accessibility and affordability**  
 Council aims to provide community facilities and activities that are accessible to as many people as possible and affordable to ratepayers.
  - Transparency**  
 Council will operate in a transparent manner when seeking support for community projects, facilities and activities. This includes promoting opportunities for supporters to contribute to projects, facilities and activities, providing clear information about what the support is for, how it benefits our communities and what benefits supporters can expect from the council.



- **Accountability**

Council will ensure that the support received is used to assist with the delivery of projects, facilities and activities which benefit the community and will communicate this through appropriate, clear reporting.

- **Mana Whenua**

Council recognises our partnership relationship with iwi and hapū from Tauranga Moana and how this may inform our delivery of community projects, facilities and activities.

## **5. POLICY STATEMENT**

### **5.1. What can be supported**

5.1.1. Council will actively encourage supporters to sponsor community activities, facilities and projects in part or in whole.

5.1.2. Council may permit sponsorship of a project, activity or facility where the arrangement will:

- be beneficial to the community
- not raise legal, moral or ethical concerns
- not prevent access to other significant sources of funding for that facility, activity or project.

### **5.2. Who council will enter into arrangements with**

5.2.1. Council will only enter into support agreements with a supporter whose values, practices and products are not in conflict with council values and policies. Council staff will undertake a due diligence process in respect of a prospective supporter before entering into a support agreement.

5.2.2. Council will seek support agreements where the relationship with the supporter provides opportunities for cooperation, sponsorship or collaboration.

5.2.3. Council will not enter into support agreements:

- where there is a significant risk of a conflict of interest that cannot be appropriately managed
- with supporters involved in the delivery of products or services that are considered by the council or its delegate to be injurious to health or in conflict with the council's values or responsibilities.

### **5.3. Limitations on arrangements**

5.3.1. Council will not enter into a support agreement that imposes or implies conditions that would limit, or appear to limit, the council's ability to carry out its functions fully or impartially.

5.3.2. While arrangements can be mutually beneficial, these relationships and support agreements are not:

- a means of gaining favourable terms for the supporter from the council in any other arrangement
- an endorsement of a supporter or the supporter's products by the council.

- 5.3.3. Council will retain the right to terminate any support agreement in the event of the supporter bringing the council into disrepute and support agreements will include this term.

**5.4. Protection of council's interests and intellectual property**

- 5.4.1. Council will retain the right to attach its name and logo to any project, activity or facility that is subject to a support agreement.
- 5.4.2. Support agreements will address the use of intellectual property by both the council and the supporter. Depending upon the level and nature of the support, council may permit supporters to:
- use the Tauranga City Council name, logo and images
  - to link to the council's website.
- 5.4.3. Council will retain ownership of any facility that is subject to a support agreement unless the council resolves to make an exception in favour of another form of community ownership of that facility.
- 5.4.4. When facilities are sponsored, the council reserves the right to cover internal sponsorship signs during a hire if there is a direct conflict with a hirer. Sponsorship of a facility does not entitle the sponsor to restrict users of the facility.

**5.5. Support agreements**

- 5.5.1. Each support agreement will be in writing and the following matters will be considered when negotiating and preparing a support agreement:
- the benefits to the council and the community
  - the opportunities for cooperation and collaboration between the parties
  - the opportunities available to the supporter, including advertising opportunities, if any
  - the duration of the agreement
  - the use of intellectual property by each party (including where appropriate, the use of council's name, logo and images by the supporter)
  - the form or forms of acknowledgement of the relationship and support by each party
  - the criteria for a termination of the agreement
  - the key contacts that are responsible for managing the agreement for each party
  - suitable processes to deal with changes in circumstances during the term of the support agreement
  - additional matters that are appropriate to cover in an agreement of this kind.

**5.6. Promotion by supporters**

- 5.6.1. Council encourages supporters to promote their support and their relationship with council through advertising. Such advertising must:
- not conflict with council's values and not injure council's reputation or business
  - comply with accepted professional standards

- where located on or in council facilities, be in accordance with council by-laws and policies
- where located on or in council facilities or at an activity, not negatively impact on the operating requirements of the facility or activity that is supported.

#### **5.7. General**

- 5.7.1. Elected members and council staff must not receive a personal benefit from a support agreement, other than where that benefit is the same benefit available to any other member of the public.
- 5.7.2. Where practicable, council sponsorship arrangements will be subject to an open, competitive process.
- 5.7.3. Any naming or re-naming of a facility or part of a facility for the purposes of acknowledging support or sponsorship must be in accordance with council's Naming Policy.
- 5.7.4. Support of council facilities, activities and/or projects does not imply that council endorses the supporter or the supporter's products or services (if any).
- 5.7.5. All support arrangements will be in accordance with council policies (including the Procurement Policy and Naming Policy).

### **6. DELEGATIONS**

- 6.1. The Chief Executive has delegated authority to enter into negotiations for support agreements with potential supporters.
- 6.2. With the exception of support agreements that include naming rights for a council facility or part of a facility, the Chief Executive has delegated authority to approve support agreements up to the value of their delegated authority limits for expenditure.
- 6.3. The Chief Executive has authority to sub-delegate all their delegated authority relating to this policy, subject to the authority to approve support agreements being limited to the sub-delegate's own financial authority limits.

### **7. REFERENCES AND RELEVANT LEGISLATION**

- Naming Policy
- Procurement Policy

### **8. ASSOCIATED POLICIES/PROCEDURES**

- Naming Policy
- Procurement Policy

### **9. SCHEDULES**

N/A.

## NAMING POLICY 2020



<b>Policy type</b>	Council		
<b>Authorised by</b>	Council		
<b>First adopted</b>	3 November 2009	<b>Minute reference</b>	<b>M09/91.4</b>
<b>Revisions/amendments</b>	5 May 2020	<b>Minute reference</b>	<b>CO8/20/20</b>
<b>Review date</b>	The policy is due for review in five years, or as required.		

### 1. PURPOSE

- 1.1 To provide a consistent approach to naming streets, reserves, community facilities and other public places in Tauranga.
- 1.2 To ensure the identity of the city is recognised and maintained in the naming of public places.
- 1.3 To encourage locally significant Māori names for streets, reserves, community facilities and other public places in Tauranga and to enable greater visibility of mana whenua connections to Tauranga.

### 2. SCOPE

- 2.1 This policy applies to the naming of streets, reserves, community facilities and other public places in Tauranga.

### 3. DEFINITIONS

Term	Definition
Community building reserve	Community building reserves are used specifically for the purposes of community buildings. Community building reserves do not generally provide space for informal recreation.
Community facility	as defined in the City Plan.
Council	refers to Tauranga City Council - the elected member body representing Tauranga City
Dual naming	Refers to a reserve or other public place that has both a te reo Māori name and an English name. Dual naming is not considered renaming for the purposes of this policy. A dual name may not be a direct translation or transliteration of an existing English name.

General naming criteria	Refers to the criteria of local identity of Tauranga, the historical significance of the area, or the significance of the area to iwi and hapū of Tauranga City Council given priority in naming decisions.
Heritage reserve	Due to the intrinsic historic, cultural, and physical values present, heritage reserves are held primarily for their historically and/or culturally significant landscapes
Other Public Place	means a place under the control of council that at any time is open to or is being used by the public, whether free or for payment of a charge and includes every footpath, court, alley, pedestrian mall, cycle track, lane, accessway, thoroughfare, bridge, and any other place of public recreation.
Reserve	as defined in the City Plan
Streets	refers to all approved terms for streets included in the Australian New Zealand Standard for Rural and Urban Addressing (AS/NZS 4819:2011).

#### 4. PRINCIPLES

- 4.1 The naming of streets, reserves, community facilities and other public places should recognise and maintain local identity.
- 4.2 Encouraging the use of Māori names contributes to the visibility of Tauranga's Māori identity and heritage.
- 4.3 Council will work alongside the New Zealand Geographic Board on any proposal to confirm or amend suburb or other location names in Tauranga.

#### 5. POLICY STATEMENT

##### 5.1 Policy on te reo Māori names

- 5.1.1 Council supports te reo Māori names for streets, reserves, community facilities and other public places.
- 5.1.2 In order to recognise the significance of names provided by mana whenua, Council does not consult on names proposed by mana whenua for the purposes of obtaining wider community approval.

##### 5.2 Policy on dual naming

- 5.2.1 Council supports the dual naming of streets, reserves, community facilities and other public places where dual naming will make visible mana whenua connections to place.
- 5.2.2 When dual naming is used for reserves, community facilities, and public places, the te reo Māori name will be positioned before the English name.
- 5.2.3 Where a street is dual named, the English name will be positioned first on the street sign with the te reo Māori appearing below in a smaller font size. The English name will be used for addressing purposes.

**5.3 Policy on renaming**

- 5.3.1 Council may change existing street names following major changes in road layout or infrastructure, where necessary to avoid confusion, duplication or ambiguity, or where an incorrect name has become established over time by local usage. Council will pay the costs associated with street renaming.
- 5.3.2 Council will consider applications to amend street names where there are strong reasons for dual naming or renaming of existing streets.
- 5.3.3 Renaming of reserves and other public places may be supported where a new name would better meet the objectives of the policy to promote local identity and mana whenua connections. Council recognises that in order to maintain local identity a dual name may be preferable in some circumstances.

**5.4 General naming criteria for all new streets, reserves, and other public places**

- 5.4.1 The general naming criteria will be used to develop all proposed street names.
- 5.4.2 The general naming criteria will be used to determine names for all reserves (except for heritage and community building reserves) and other public places.
- 5.4.3 Street, reserve and other public place names may reflect people who are important in the history of the area (once they are deceased) or events, people, and places of international significance to Tauranga only if a suitable name cannot be identified through the general naming criteria.
- 5.4.4 Reserves, streets and other public places cannot be named after commercial enterprises.
- 5.4.5 All recommendations for names of reserves, streets, and other public places must be supported by evidence of their significance and meaning. This will be shared to enable community understanding and awareness (unless there is a need for sensitivity).

**5.5 Reserve naming**

- 5.5.1 The naming of heritage reserves will reflect the historical significance of the area.
- 5.5.2 Community building reserves will be named for the primary function of the facility.

**5.6 Street Naming**

- 5.6.1 In order to ensure streets are easily identifiable for purposes such as emergency services, proposed new street names must also meet the following criteria, in addition to the general naming criteria:
  - Not be duplicated in the Tauranga City or Western Bay of Plenty District Council areas
  - Preferably be short, single words
  - Not sound similar to an existing street name
  - Be no more than 16 characters plus the road type
- 5.6.2 Council will decide on the name for each street, based on a list of three choices provided by the developer. The developer is required to provide evidence in support of their recommended names, including evidence of consultation with mana whenua (unless there is a need for sensitivity).

- 5.6.3 Private roads, including those within retirement complexes, must be named if there are more than, or there is the potential to develop, six houses on a private road. The names of private roads must be consistent with the general naming criteria.
- 5.6.4 The road type “way” is reserved for private roads and right of ways.
- 5.6.5 Street numbering will be in accordance with *Australian/ New Zealand Standard Rural and Urban Addressing (AS/NZS4819:2011)* and in the case of retirement villages, also in accordance with *Guideline for addressing in retirement villages LINZG80700* (and any consequential updates).

## **5.7 Naming of Community Facilities and other Public Places**

- 5.7.1 The general naming criteria applies to the naming of community facilities and other public places.
- 5.7.2 Renaming of community facilities and other public places) may be supported where a new name would better meet the objectives of the policy to promote local identity and mana whenua connections. Council recognises that in order to maintain local identity, a dual name may be preferable in some circumstances.
- 5.7.3 All requests to grant naming rights for a public place or council owned community facility or part of a facility, whether permanent or for a fixed period of time, will be considered by Council in accordance with council's Support and Sponsorship of Tauranga Community Facilities and Activities Policy.
- 5.7.4 Council recognises that there may be some situations in which it is appropriate to commemorate an individual. All requests to name a community facility after an individual will be considered by Council. All requests to grant naming rights, whether permanent or for a fixed period of time, will be considered by Council.

## **6. RELEVANT DELEGATIONS**

- 6.1.1 Decisions on the naming of new streets, reserves, and other public places are delegated to the Chief Executive.
- 6.1.2 Council is responsible for all decisions to approve or decline requests to rename or dual name existing streets, reserves, community facilities and other public places.

## **7. REFERENCES AND RELEVANT LEGISLATION**

- 7.1 Australian/ New Zealand Standard Rural and Urban Addressing (AS/NZS4819:2011)  
Guideline for addressing in retirement villages – LINZG80700  
Local Government Act 1974  
Local Government Act 2002  
Reserves Act 1977

## **8. ASSOCIATED POLICIES/PROCEDURES**

- 8.1 Community, private and commercial use of land  
Sponsorship from corporates and others

## **9. SCHEDULES**

Schedule one: Road Types

**Schedule one: Road Types**

Road Type	Description
Alley	Usually narrow roadway in a city or towns
Ara	Way, path, lane, passageway, track, course, route.
Arcade	Covered walkway with shops along the side
Avenue	Broad roadway, usually planted on each side with trees
Boulevard	Wide roadway, well pave, usually ornamented with trees and grass plots
Circle	Roadway that generally forms a circle, or short enclosed roadway bounded by a circle
Close	Short enclosed roadway
Court	Short enclosed roadway, usually surrounded by buildings
Crescent	Crescent shaped roadway, especially where both ends join the same thoroughfare
Drive	Wide main roadway without many cross-streets
Esplanade	Level roadway along the seaside, lake, or a river
Glade	Roadway usually in a valley of trees
Green	Roadway often leading to a grassed public recreation area
Grove	Roadway that features a group of trees standing together
Highway	Main thoroughfare between major destinations
Lane	Narrow roadway between walls, buildings or a narrow country roadway
Loop	Roadway that diverges from and rejoins the main throughfare
Mall	Wide walkway, usually with shops along the sides
Mews	Roadway in a group of houses
Parade	Public roadway or promenade that has good pedestrian facilities along the side
Place	Short, sometimes narrow, enclosed roadway.
Promenade	Wide flat walkway, usually along the water's edge
Quay	Roadway alongside or projecting into water
Rise	Roadway going to a higher place or position
Road	Open roadway primarily for vehicles
Square	Roadway which generally forms a square shape, or an area of roadway bounded by four sides
Steps	Walkway consisting mainly of steps
Street	Public roadway in an urban area, especially where paved and with footpaths and buildings along one or both sides
Terrace	Roadway on a hilly area that is mainly flat
Track	Walkway in a natural setting
Walk	Thoroughfare for pedestrians
Way	Short enclosed roadway
Wharf	A roadway on a wharf or pier



## 10.5 Consultation with Tangata Whenua on Resource Consent Applications Policy Review

**File Number:** A16476203

**Author:** Sandy Lee, Policy Analyst  
Dylan Makgill, Team Leader: Environmental Planning

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

### PURPOSE OF THE REPORT

1. To approve the draft Engaging with Tangata Whenua on Resource Consent Applications Policy for targeted consultation.

### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Consultation with Tangata Whenua on Resource Consent Applications Policy Review".
- (b) Approves the following noteworthy changes in the updated draft Engaging with Tangata Whenua on Resource Consent Applications Policy:
  - (i) Revising the policy principles to: early, good faith, open mind, ongoing, genuine, respectful, and active protection (as per section 4 of draft policy).
  - (ii) Clarifying what engagement in relation to this policy entails, including:
    - a) Defining engagement as “the intentional process of working meaningfully with tangata whenua to shape and inform the idea or proposal related to a resource consent application and to better understand the potential effects of a proposal on tangata whenua” (section 3.1 of the draft policy);
    - b) Highlighting that engagement “may include informing, consulting, involving, collaborating and/or empowering” (section 3.1 and schedule 1);
    - c) Replacing ‘consultation’ with ‘engagement’ throughout the draft policy; and
    - d) Including a flowchart of best practice early engagement with tangata whenua (schedule 2 or draft policy).
  - (iii) Removing any misrepresentation of the Council’s ability to “require” consultation and clarifying that the Council can only require and ensure adequate consideration of the cultural effects of any proposed development (clause 6.1.9 of draft policy).
  - (iv) Expansion of the Council’s role to include supporting tangata whenua to participate effectively in the resource consent process (clause 6.1.4 and 6.2.2.1 of draft policy).
- (c) Approves the draft Engaging with Tangata Whenua on Resource Consent Applications Policy for targeted consultation.
- (d) Delegates to the General Manager Regulatory Services the authority to make minor editorial or presentation changes to the draft policy for correction or clarity prior to the commencement of consultation.

## EXECUTIVE SUMMARY

2. Council's Consultation with Tangata Whenua on Resource Consent Applications Policy 2006 (included as Attachment One) was developed to try to meet the council's responsibilities under the Resource Management Act (RMA) to recognise and provide for:
  - (a) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu<sup>1</sup>, and other taonga<sup>2</sup> (section 6(e), RMA).
  - (b) The protection of historic heritage from inappropriate subdivision, use, and development (section 6(f), RMA).And to:
  - (c) Take into account the principles of the Te Tiriti o Waitangi (Treaty of Waitangi) when managing the use, development, and protection of natural and physical resources (section 8, RMA).
3. The policy encourages applicants for a resource consent to engage early with tangata whenua in the process of developing their resource consent application.
4. The policy is overdue for a review as there have been several interruptions to review work which started 10 years ago. Those who are and will be directly affected by the policy have been engaged with over the years to understand how they think the policy is working and how it can be improved. Engagement has included various workshops and discussions with tangata whenua, property developers, and relevant council staff.
5. Feedback from the engagement highlighted a need to better clarify several key areas of the policy, including what the principles are, what the recommended engagement for resource consent applications means and/or entails, and what the council's legislated powers are in regard to enforcing consultation. Feedback also highlighted opportunities to enhance the council's roles and responsibilities to support the engagement that is recommended, as well as the need to address a range of operational matters<sup>3</sup>.
6. Staff have drafted a revised policy informed by the feedback, and refreshed and updated the policy document<sup>4</sup>, and are seeking approval of the draft for targeted consultation.

## BACKGROUND

### Review of the policy

7. The initial review of the 2006 policy began at the end of 2013 in response to a Smart Growth Strategy action to develop a sub-regional iwi consultation policy with Bay of Plenty Regional Council (BOPRC) and Western Bay of Plenty District Council (WBOPDC) for resource consent processing. However, the work was interrupted numerous times over the years,

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<sup>1</sup> Means a place or item sacred to Māori in the traditional, spiritual, religious, historical, or mythological sense. Places defined as "waahi tapu" vary from hapū to hapū but typically include burial grounds and battle sites.

<sup>2</sup> Means all things prized or treasured by Māori, both tangible and intangible. Examples include water bodies, trees, special landmarks and te reo.

<sup>3</sup> This included having up-to-date and accurate maps and rohe information (now available on council's public website <https://www.tauranga.govt.nz/community/tangata-whenua/resource-management-processes>), clear guidance on best practice consultation per the policy (the council website has been updated with a specific page on <https://www.tauranga.govt.nz/living/planning/consulting-with-people/consulting-with-iwi-and-hapu> and a flowchart outlining the recommended process is now included as an attachment to the revised policy), and upskilling resource consent processing staff (all Environmental Planning staff have recently completed cultural training, including Te Ao Māori in Planning, and all new staff must complete cultural connections training. Staff are also encouraged to participate in external professional development opportunities).

<sup>4</sup> Several changes have been made to the policy, including:

- Updating the strategic references
- Updating the template to be consistent with council's current format, including adding a scope section.
- Removing procedural information (an associated procedure has been developed for staff)
- Removing unused definitions

including BOPRDC and WBOPDC withdrawing from the joint consultation policy<sup>5</sup>. No revised policy has therefore been presented to elected members for consideration until now.

8. The draft revised policy has been informed by the input and feedback received from tangata whenua, property developers, and relevant council teams (including environmental planning and the Takawaenga Māori Unit) over the years. Since recommencing the work in mid-2023, staff have worked with Te Rangapū Mana Whenua o Tauranga Moana Partnership and a nominated subcommittee to get their feedback on various drafts and to finalise the draft revised policy.

## STATUTORY CONTEXT

9. Consulting on resource consent applications is primarily informed by the RMA. While there is no requirement for an applicant to consult with anyone, including tangata whenua, on their resource consent application (Section 36A), the legislation takes a very structured approach to determine public participation to ensure that any potential negative impacts of a proposal are identified by those who might be impacted, and the impacts are addressed where possible.

## STRATEGIC ALIGNMENT

10. 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	<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"/>

11. Encouraging early engagement with tangata whenua on resource consent applications supports Council's strategic outcome of an inclusive city by increasing the participation of iwi/hapū in the process and working more in a partnership manner. These contribute to supporting the following strategic goals and objectives, in particular:
  - (a) Tauranga Matarauui – Inclusive City Strategy 2023-33 – inclusion and diversity.
  - (b) Mahere Haupū me Mahi Tuku Iho, Ahurea, Toi hoki, Arts, Culture and Heritage Action & Investment Plan 2023-33 – the promotion and protection of built, natural and cultural heritage in the city.
12. Encouraging early engagement with tangata whenua on resource consent applications also supports Council's strategic outcome to value, protect and enhance the environment as it facilitates greater contribution of knowledge and insight held by tangata whenua as kaitiaki<sup>6</sup> of their rohe<sup>7</sup>. Involving tangata whenua where appropriate and working together more often also helps to build and strengthen the relationship. These contribute to supporting the following strategic goals and aspirations, in particular:
  - (a) Tauranga Taurikura – Environment Strategy, 2023-33 – 1) Thriving nature and biodiversity at the heart of our communities, 2) Tauranga values resources in a circular

<sup>5</sup> In 2020, BOPRC advised the Smart Growth Management Team they no longer wanted a policy but preferred online guidance instead. They developed guidance material on their website which includes a step-by-step diagram of assessing cultural effects, flowchart and guidance notes:

<https://www.boprc.govt.nz/environment/resource-consents/applying-for-resource-consent/assessing-cultural-effects/>. When TCC staff recommenced the policy work in mid-2023, WBOPDC informed staff that they are working on other ways of getting the information out to applicants rather than focusing on a policy.

<sup>6</sup> Means guardian, steward, custodian.

<sup>7</sup> Means a Māori tribal boundary or territorial area.

economy through kaitiakitanga, and 3) Our built environment supports the wellbeing of our natural environment.

- (b) Mahere Haupū me Mahi Taiao, Kanorau Koiora hoki, Nature and Biodiversity Action & Investment Plan, 2023-33 – to develop meaningful partnerships to better deliver nature and biodiversity actions in Tauranga.

## OPTIONS ANALYSIS

13. The draft revised policy is included in Attachment Two. Where text has been substantively changed or added, it is highlighted in red. Most of these changes are relatively minor re-phrasing or clarifications; where the issues are more substantive and require a specific decision from the committee these are highlighted in the four issues below.

### Issue 1: Policy principles

14. It is unclear in the existing policy what principles underpin Council's approach to consultation with tangata whenua on resource consent applications in the policy. The 'Principles' (section 2) currently contains considerable detail about the council's responsibilities under the RMA as well as paragraphs encouraging consultation at the beginning of the process, prior to lodging an application. Early consultation is also re-emphasised in section 5.1.3 where applicants are encouraged to consult at the preliminary concept stage.
15. In section 5.6 'Principles of Consultation' there are also six statements describing how the parties should act when engaging in consultation. Many of these overlap with the good consultation principles set out by the Ministry for the Environment<sup>8</sup> and could be incorporated into the main principles of the draft policy.
16. Te Rangapū insisted that rangatiratanga<sup>9</sup> be a separate principle in the policy. However, rangatiratanga is taken from the articles of Te Tiriti o Waitangi and is a rights-based concept generally considered to be a matter between the Crown and tangata whenua. There are currently no obligations under the RMA to uphold Māori rights to resources, but councils are obligated to take into account the principles of Te Tiriti o Waitangi in decision-making. Active protection is generally considered a principle under Te Tiriti and could be included in the draft policy.

**Table 1: Options for clarifying policy principles**

	Options	Advantages	Disadvantages
1a.	Simplify relevant paragraphs in the Principles section of the existing policy, incorporate updated versions of the statements from the 'Principles of Consultation' section, and include a statement for rangatiratanga as a principle.	<ul style="list-style-type: none"> <li>Clarifies which values underpin Council's approach to good/best practice engagement with tangata whenua in the policy.</li> </ul>	<ul style="list-style-type: none"> <li>The rangatiratanga principle may create expectations from tangata whenua that council cannot legally meet under the RMA and therefore risk legal challenge.</li> </ul>
1b.	Simplify relevant paragraphs in the Principles section of the existing policy and incorporate updated versions of the statements from the 'Principles of Consultation' section, and include a statement for 'active protection' as a principle in the	<ul style="list-style-type: none"> <li>Clarifies which values underpin Council's approach to good/best practice engagement with tangata whenua in the policy.</li> <li>Communicates and acknowledges the desire</li> </ul>	<ul style="list-style-type: none"> <li>Does not reflect specific request from Te Rangapū.</li> </ul>

<sup>8</sup> See Consultation for resource consent applicants. An everyday guide to the Resource Management Act 2021: <https://environment.govt.nz/assets/Publications/Files/2.2-consultation-for-resource-consent-applicants.pdf>

<sup>9</sup> Means chieftainship, right to exercise authority, autonomy, sovereignty, self-determination.

	draft policy (see section 4.1 of the revised policy). <b>Recommended</b> – see recommended resolution (b)(i).	of tangata whenua when it comes to engagement that is captured in rangatiratanga.	
1c.	Status quo. Leave principles as they are and do not include any reference to rangatiratanga or similar.	None.	<ul style="list-style-type: none"> <li>Potential confusion around what principles actually underpin Council's approach to consultation with tangata whenua.</li> <li>Does not address or acknowledge the concerns raised by tangata whenua.</li> </ul>

## Issue 2: Clarifying the recommended engagement with tangata whenua

17. Te Rangapū have stressed the importance of applicants engaging early with the appropriate iwi/hapū groups on resource consent applications and being able to work more collaboratively. However, applicants do not always engage with tangata whenua even when it is considered appropriate under the policy. Consents staff also highlighted that some applicants consider engagement to have taken place when they send information to iwi/hapū for feedback even though they may not have received any response.
18. The Council acknowledges that it is only appropriate for Māori to determine their relationship, and the relationship of their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and kaitiakitanga<sup>10</sup>, and this acknowledgement is reflected in the policy. As such, the involvement of tangata whenua in the resource consent application process is important to mitigate any potential negative cultural impacts of a proposal.
19. Engaging with tangata whenua in line with this policy therefore entails not simply one-off consultation to get feedback on an application. Engagement can take various forms<sup>11</sup> and may be undertaken at various stages for different purposes through the resource consent application process. The policy could be improved to clearly communicate and emphasise the wide-range of engagement possible.

**Table 2: Options for clarifying the recommended engagement with tangata whenua.**

	Options	Advantages	Disadvantages
2a.	Replace 'consultation' with 'engagement' throughout the policy, including the title; include a definition of engagement (see 3.1 of the revised policy) and a clause clarifying engagement requires two-way communication (see 6.1.3) and table of the different types of engagement (see schedule 1).	<ul style="list-style-type: none"> <li>Does not limit engagement to just 'consultation' which has a more limited scope for tangata whenua participation.</li> <li>Better reflects the recommended engagement in the</li> </ul>	<ul style="list-style-type: none"> <li>May create some confusion for applicants.</li> </ul>

<sup>10</sup> As defined by the RMA means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources and includes the ethic of stewardship.

<sup>11</sup> See the International Association for Public Participation – IAP2 Spectrum of Public Participation: <https://iap2.org.au/resources/spectrum/>

	<b>Recommended</b> – see recommended resolution (b)(ii)(a-c).	policy that takes place at various stages in the resource consent application process.	
2b.	Include a flowchart of best practice early engagement with tangata whenua (see schedule 2 in the revised policy).  <b>Recommended</b> – see recommended resolution (b)(ii)(d).	<ul style="list-style-type: none"> <li>Helps clarify for applicants the steps of the process where engagement with tangata whenua is recommended.</li> </ul>	<ul style="list-style-type: none"> <li>None.</li> </ul>

### Issue 3: Clarifying council's legislated powers regarding consultation.

20. Tangata whenua stressed that they would like the policy to do more than just “encourage” applicants to engage with tangata whenua. However, the RMA does not allow council to require or enforce any type of engagement.
21. The existing policy currently refers to council's obligations to “ensure” and “require consultation” with tangata whenua under the RMA which mis portrays council's legislated powers. Council can only ensure the cultural effects of any proposed development are adequately assessed to mitigate negative impacts and this is where engagement is necessary to understand what those cultural effects are.

### Issue 3: Options for clarifying council's legislated powers regarding consultation.

	Options	Advantages	Disadvantages
3a.	Remove any misrepresentation in the policy of council's ability to “require consultation”, and clarify instead that the council will ensure cultural effects of proposed developments will be adequately assessed (see clause 6.1.9 in the draft policy)  <b>Recommended</b> – see recommended resolution (b)(iii).	<ul style="list-style-type: none"> <li>Helps manage expectations.</li> <li>Avoids any legal issues.</li> </ul>	<ul style="list-style-type: none"> <li>Tangata Whenua may perceive it to be reducing their ability to be involved in the process.</li> </ul>
3b.	Keep the references to “ensure” and “require” consultation but include a statement that clearly acknowledges that the council and applicants have no duty to consult under the RMA and that council cannot legally enforce consultation.	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>May create confusion as to what the council can and cannot do regarding consultation.</li> </ul>
3c.	Status quo. Keep references to “ensuring” and “requiring” consultation in the draft policy.	<ul style="list-style-type: none"> <li>None.</li> </ul>	<ul style="list-style-type: none"> <li>May create expectations that council is not legally able to meet.</li> <li>Risks potential legal challenges.</li> </ul>

#### Issue 4: The council supporting iwi/hapū in their role during the resource consent application process.

22. The existing policy sets out the roles and responsibilities of the three main parties in the resource consent process (applicant, tangata whenua and council) to achieve the objectives of the policy. Currently, iwi/hapu in Tauranga do not receive formal training on the resource consent process and therefore new RMA representatives may not always be aware of the process they need to take when asked to provide feedback on a proposed development requiring resource consent. There is an opportunity for the council to be more active in supporting tangata whenua in fulfilling their role and ensuring adequate consideration of cultural effects.

**Table 4: Options for the council supporting iwi/hapū in their role during the resource consent application process.**

	Options	Advantages	Disadvantages
4a.	Expand the council's role to include supporting tangata whenua to participate effectively in the resource consent process, for example, the provision of training (see 6.1.4 and the roles under 6.2.2.1 of the draft policy)  <b>Recommended</b> – see recommended resolution (b)(iv).	<ul style="list-style-type: none"> <li>Ensures iwi/hapū have adequate knowledge of what they need to do to respond to requests.</li> <li>The council takes a more active role which can help expedite the resource consent process.</li> <li>Helps build the relationship between the council and tangata whenua as per the policy.</li> <li>Consistent with Bay of Plenty Regional Council's practices.</li> </ul>	<ul style="list-style-type: none"> <li>A time cost for resource consenting staff.</li> </ul>
4b.	Status quo. Do not include additional provisions that extend the council's roles.	<ul style="list-style-type: none"> <li>Staff time and cost not incurred on training etc.</li> </ul>	<ul style="list-style-type: none"> <li>Does not help to build the relationship with Tangata Whenua, which is inconsistent with the policy.</li> <li>May be more difficult to meet the objectives of the policy.</li> </ul>

#### FINANCIAL CONSIDERATIONS

23. All costs associated with the processing of resource consent applications are set through Council's Fees and Charges (Planning Fees) and are covered by the applicant. Any costs incurred from engagement with tangata whenua are also covered by the applicant as per the policy. The additional costs associated with resource consenting staff training new resource management representatives in each iwi/hapū will not be recovered from specific applicants.



## LEGAL IMPLICATIONS / RISKS

24. The council does not have the ability under the RMA to require consultation with tangata whenua on resource consent applications. The council can only ensure that there is adequate consideration of the cultural impacts of a proposed development, and this necessitates engagement and consultation with the appropriate mandated tangata whenua.
25. However, under the City Plan, the council can only require an applicant to consider and include measures to mitigate any negative cultural impact of their proposed development if the activity status allows the council to include these considerations as a condition on a resource consent decision. The policy has been amended so that these restrictions on council's power under the RMA and City Plan are clearly and accurately communicated.

## TE AO MĀORI APPROACH

26. The recommendations in this report support a number of principles in the Council's Te Ao Māori approach. These include:
  - (a) **Kaitiakitanga – stewardship of the natural environment.** Encouraging and supporting greater and more consistent inclusion of tangata whenua in the resource consent application process helps minimise negative impacts on te Taiao / the natural environment and ensures the protection of ancestral land, water, sites, waahi tapu (sacred sites) and valued flora and fauna.
  - (b) **Manaakitanga – ahurutanga/haumarutanga – a strong duty of care and safety for our people.** Encouraging applicants to engage with tangata whenua on their resource consent applications demonstrates good faith and care by helping to ensure any proposed development projects are sensitive to and respectful of the sites that are of significance to Māori.

## CLIMATE IMPACT

27. The recommendations in this report which encourage greater and more consistent involvement of tangata whenua in the resource consent applications process help to support Tauranga's ability to enhance nature and biodiversity by:
  - (a) Informing better decision-making on resource consent applications with the interests of tangata whenua in protecting the natural environment.
  - (b) Building and strengthening the relationship with tangata whenua and developing a meaningful partnership that enables Council and tangata whenua to work together on other nature and biodiversity actions in Tauranga.

## CONSULTATION / ENGAGEMENT

28. A range of stakeholders that are directly impacted by the policy have been engaged with through the extended review of this policy between 2014 and 2021. This included engaging with tangata whenua, property developers, and relevant council staff to understand what they think is working in the policy and how it could be improved. The feedback received during these discussions helped to highlight the key issues and inform the proposed policy changes.
29. Since recommencing the review in 2023, we have had further meetings with Te Rangapū to finalise the draft revised policy. The meetings included three with a nominated sub-committee on 9 October 2023, 25 January and 21 February 2024 as well as a presentation to the full Rangapū at their hui on 26 October 2023. Many of the concerns from previous discussions were reiterated but no significant new issues were raised.
30. On 24 October 2024 the draft revised policy was presented to Te Rangapū with an overview of the key changes and the next steps for the review. Te Rangapū approved the draft policy in principle, subject to further engagement with them.



## SIGNIFICANCE

31. 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.
32. 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.
33. 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 proposed in this report is of low significance.

## ENGAGEMENT

34. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that targeted consultation with affected groups is suggested<sup>12</sup>.
35. It is proposed that targeted consultation is undertaken with affected groups, including professional consultants (planners and developers), Te Rangapū and the resource management representatives for each of the iwi/hapū in Tauranga Moana to get feedback on the draft revised policy.
36. It is proposed that the consultation takes place online and/or in-person for each group and is between November 2024 and February 2025. Members of each group will be provided a summary of the key changes to the policy and invited to provide written feedback on the draft policy through a questionnaire prompting specific responses as well as more general comments.
37. It is proposed that the consultation be promoted to the consultant groups through the council's existing channels including the Planning Pānui and relevant mailing lists.
38. It is proposed that consultation with the Te Rangapū subcommittee takes place in late November 2024, followed by the resource management representatives for each iwi/hapū over December and January, and then with Te Rangapū in February 2025.




## NEXT STEPS

39. Any minor changes to the draft policy will be made, if required, before the policy goes out for targeted consultation. Targeted consultation will be in accordance with the proposed engagement details above, with hearings planned for early in 2025 and deliberations and adoption following that.

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<sup>12</sup> Because of the narrow focus of the policy, generally affecting only tangata whenua and those applying for resource consent for the development of large pieces of land, it is not expected that the general public will have a meaningful interest in the detail of the draft policy and therefore it is not proposed that consultation with the general public be undertaken. However, if the committee requires consultation with the general public to occur then staff will ensure this also happens.

**ATTACHMENTS**

1. **Consultation with Tangata Whenua on Resource Consents Policy 2006 - A15686135**  [↓](#)
2. **Draft Engagement with Tangata Whenua on Resource Consent Applications Policy - Sept 2024 - A15645698**  [↓](#) 



### COUNCIL LEAD POLICY

<b>POLICY TITLE:</b>	<b>CONSULTATION WITH TANGATA WHENUA ON RESOURCE CONSENT APPLICATIONS</b>
<b>Minute Ref:</b>	
<b>Date of Adoption:</b>	11 July 2006

#### 1. POLICY OBJECTIVES

- To clarify the roles and responsibilities of Tauranga City Council, Tangata Whenua of Tauranga Moana, and applicants in respect of resource consent applications under the Resource Management Act 1991 (RMA) and provide consistency and certainty within the application process.
- To ensure consultation occurs with Tangata Whenua in instances where Council has an opportunity under the District Plan to influence consent granting and/or consent terms and conditions in respect of proposed activities of interest to Tangata Whenua.
- To enable effective and efficient participation by Tangata Whenua in the application process in accordance with this policy.
- To ensure that any resource consent consultative legislative requirements under the Resource Management Act are met.

#### 2. PRINCIPLES

Council acknowledges its obligations under the RMA to ensure adequate and meaningful consultation with Tangata Whenua on resource consent applications has occurred where consultation is determined by Council, in accordance with this policy, to be required.

While there is no legal requirement for the applicant to consult with Tangata Whenua prior to lodgement of the application, Council and many applicants consider it a matter of good practice to consult, prior to lodging an application, where proposals may affect the relationship of Tangata Whenua and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga and their ability to exercise kaitiakitanga.

An appropriate, consistent, timely and cost-effective process for facilitating Tangata Whenua consultation in resource consent applications is critical for all parties involved. This requires all parties to have an understanding of their roles and responsibilities, as well as the legislative requirements. Effective consultation that occurs at the beginning of the resource consent application process may avoid lengthy and costly litigation.

The RMA expressly provides that under the Act a local authority has no duty, but discretion, whether to consult about resource consent applications and notices of requirement. As a consent authority Council is required by section 6(e) of the RMA to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga. Council acknowledges the potential for significant impact that land development within the district has on these Tangata Whenua interests.

Council is also required by section 7(a) of the RMA to have particular regard to kaitiakitanga (as exercised by Tangata Whenua within their rohe). Furthermore, Council is required by section 8 of the RMA to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) when exercising its function as a consent authority. Adequate consultation with Tangata Whenua in the resource consent application process is essential, where consultation is appropriate in accordance with this policy, to ensure that the Council can make an informed decision and have proper regard to sections 6(e), 7(a) and 8 of the RMA.

Where consultation is appropriate in accordance with this policy, an effective application process that results in a sound environmental outcome is significantly dependent on the capacity and ability of Tangata Whenua to engage in kaitiakitanga, participate effectively and respond appropriately to an application. Council recognises that Tangata Whenua have limited resources and recognises the need for Tangata Whenua to build and maintain their capacity to participate in the resource consent process and Council will advocate where appropriate.

Iwi/Hapu Management Plans and Iwi/Hapu Protocols endorsed by Council should be taken into account within the resource consent application process.

Council acknowledges that only Tangata Whenua can determine their relationship, and the relationship of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga and kaitiakitanga.

Council recognises that a proposal may affect specific Tangata Whenua at a local level but may also impact and affect other Tangata Whenua groups at a sub-regional level.

### 3. DEFINITIONS

**Ancestral Land** as defined in the Tauranga District Plan means land whether in current Māori title or not, which:

- a. is 'Māori Land' as defined by Te Ture Whenua Māori 1993 (the Māori Land Act 1993)
- b. was, or is, a site of settlement, occupation, or resource gathering by ancestors of Māori
- c. is a pa site, burial site, battle site, Tauranga waka (traditional canoe resting place), waiwera/waiariki (hot pool/spring) ceremonial site, or a natural feature which has strong spiritual or cultural values.

**Applicant** is the party lodging the resource consent application.

**Application Site** as it is referred to in sections 5.3 and 5.4 of this policy means the land which is the subject of the application for resource consent.

**Controlled Activity** is an activity where a resource consent is required and complies with the controlled activity standards, terms, or conditions, if any, specified in the plan, proposed plan or proposed plan change, and for which the consent authority:

- has no power to decline that resource consent, and
- has specified in the District Plan, proposed plan and/or plan changes matters over which it has reserved control; and
- can only impose conditions on the resource consent in relation to those matters over which it has reserved control.

**Cultural Assessment** (in the context of consultation for a resource consent application) establishes, among other things, the customary relationship between Tangata Whenua and the site and outlines how, or if, that customary relationship is affected by the applicant's proposal.

**Discretionary Activity** is an activity where a resource consent is required and complies with the discretionary activity standards, terms, or conditions, if any, specified in the plan, proposed plan or proposed plan change, and for which the consent authority:

- may grant the resource consent with or without conditions; or
- decline the resource consent.

**Enabler** means those who provide the opportunity for others to actively participate in the process.

**Greenbelt Zone** means land zoned as such in the Tauranga District Plan, proposed plan or proposed plan change.

**Hapu (singular)** is a collection of whanau (families) who identify with a common tipuna (ancestor). The hapu is traditionally the main decision-making forum for Tangata Whenua in exercising kaitiakitanga over the resources for which they hold mana whenua.

**Iwi/Hapu Management Plans** are planning documents developed and promoted by Tangata Whenua that identify areas for protection and development for the entire rohe and may assist in assessing Māori heritage issues.

**Iwi/Hapu Protocol Agreements** outline the principles underpinning the relationship between Council and the iwi/hapu, the governance and operational roles and responsibilities of the respective parties.

**Kaitiakitanga** as defined by the RMA means “the exercise of guardianship by the Tangata Whenua of an area in accordance with tikanga Māori in relation to natural and physical resources and includes the ethic of stewardship”. Only Tangata Whenua can be kaitiaki (guardians) of their rohe (territorial area).

**Landscape Feature** includes outstanding landscapes as identified in section 4.1.1.1 of the Tauranga District Plan or view shafts between sites of cultural or spiritual significance to Tangata Whenua.

**Landscape Feature, Site or Item Known by Council** includes any relevant information ascertainable by Council staff from any of the following documents: Council's GIS database, the District Plan Heritage Register, Hapu Protocol or District Plan Planning Maps held by Council, Hapu Management Plan provided to Council, Tangata Whenua Literature Review Maps, the Historic Places Trust recorded heritage items and Heritage Orders under the Historic Places Act 1993 or relevant designations or requirements made under the RMA.

**Limited Discretionary Activity** is an activity where a resource consent is required and complies with the limited discretionary activity standards, terms, or conditions, if any, specified in the plan or proposed plan, and for which the consent authority :

- has specified in the District Plan, proposed plan or proposed plan change matters to which it has restricted its discretion; and
- has power to decline a resource consent, and has power and to impose conditions only in respect to those matters to which it has restricted its discretion.

**Māori Heritage** means the relationship of Māori and the culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga.

**Māori Land** is land that is held in a Māori Land Title constituted pursuant to the Te Ture Whenua (Māori Land) Act 1993.

**Mana Whenua** is, as defined in the Resource Management Act, the “customary authority exercised by an iwi, hapu or whanau in an identified area”.

**Non Complying Activity** is an activity where resource consent is required under the District Plan, proposed plan or plan change and the consent authority:

- may grant the resource consent with or without conditions; or
- may decline the resource consent.

It should be noted that particular restrictions for non-complying activities are in section 104D of the RMA.

**Notified Application** means an application for resource consent publicly notified under section 93 of the RMA.

**Non Notified Application** means an application for resource consent that by virtue of section 94A of the RMA does not need to be publicly notified under section 93 of the RMA but may be required to be individually served on adversely affected persons (see Served Notice).

**Permitted Activity** is an activity where a resource consent is not required if it complies with the permitted activity standards, terms, or conditions, if any, specified in the Tauranga District Plan, proposed plan or proposed plan change.

**Prohibited Activity** is an activity under the District Plan, proposed plan or proposed plan change for which no resource consent application can be made or granted.

**Resource Consent** has the meaning set out in section 87 of the RMA; and includes all conditions to which the consent is subject.

**Rural Zone** means land zoned as such in the Tauranga District Plan, proposed plan or proposed plan change.

**Served Notice** means the serving of notice on affected persons under section 94 of the RMA as determined by virtue of section 94B of the RMA.

**Tangata Whenua**, in relation to a particular area, means the iwi, hapu or whanau that holds mana whenua over that area.

**Taonga** means all things prized or treasured by Māori, both tangible and intangible. Examples include water bodies, trees, special landmarks and te reo.

**Tauranga Moana** is the region about the shores of the Tauranga Harbour and is occupied by a number of Iwi. The boundaries extend from Nga Kuri a Whareī on the west coast, inland to Te Aroha, along the crest of ranges south to Puwhena, east to Otanewainuku, and out to sea at Wairakei.

**Viewshaft** means a visual connection between two physical locations. Refer to Smartgrowth: Mārae Sitelines Report which identifies the specific viewshafts of 36 marae throughout the Western Bay of Plenty.

**Waahi Tapu (or Wahi tapu)** means a place or item sacred to Māori in the traditional, spiritual, religious, historical, or mythological sense. Those places defined as “Waahi tapu” vary from hapu to hapu but typically include burial grounds and battlesites.

**Working Day** means any day except -

- (a) a Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Waitangi Day, and
- (b) a day in the period beginning on 20 December in any year and ending with 10 January in the following year.

#### 4. BACKGROUND

In addition to the matters described in the Principles of this policy, the Local Government Act 2002 (LGA) Part 2 and 6 provides principles and requirements for inclusion of Maori participation in the local authority's decision making process.

The Tauranga District Plan sets out the objectives, policies and other provisions of the community in regard to achieving the purpose of the RMA. This includes the objectives, policies and other provisions for managing the effects of land use and subdivision.

Chapter 5 of the Tauranga District Plan sets out five objectives (in addition to associated policies and methods for achieving these) that relate to Tangata Whenua participation in the resource management decision making procedure (refer: 5.1.1; 5.1.2; 5.1.3; 5.1.4; 5.3.1 of the Tauranga District Plan).

#### 5. POLICY STATEMENT

##### 5.1 Roles and Responsibilities

There are four main parties involved in the resource consent application process: Council, applicant, Tangata Whenua and/or other potentially affected persons.

##### 5.1.1 Council's Roles in the Application Process

Council has two key roles within the resource consent application process - enabler and decision maker.

As an enabler Council will:

- provide appropriate information in a timely manner as required to both applicants and Tangata Whenua including a summary of the application process;

- ensure that information known by Council officers relating to landscape features, sites or items that are important to Māori is accessible, complete, accurate and continually improved as new information becomes available;
- manage the application process by appropriately trained and skilled staff;
- periodically review this policy for continuous improvement with Tangata Whenua and invite key stakeholders and community participation;
- build the relationship with Tangata Whenua and the applicant community and improve understanding in those matters important to Tangata Whenua.

As the decision maker (ie consent authority) Council will:

- Subject to section 5.3 of this policy, ensure that adequate consultation with Tangata Whenua has occurred where the application has potential adverse effects on their exercise of kaitiakitanga section 7(a) and their relationship with their ancestral lands, waters, sites, waahi tapu and other taonga, even where an applicant chooses not to undertake such consultation section 6(b).
- Consider whether further information should be requested or a report commissioned regarding the impact of the application on Maori interests; and
- Determine whether each application is to be notified or not; and
- Consider and assess each application in accordance with the requirements of both the RMA and the District Plan; and
- Grant or refuse the consent, and specify resource consent conditions where appropriate; and
- Advise the applicant, submitters and Tangata Whenua (if section 5.3 of this policy applies) of the outcome of, and reasons for, its decision; and
- Retain its independence in the resource consent decision process.

#### **5.1.2 Council as an Applicant for a Resource Consent**

Where Council is the resource consent applicant making an application to the Tauranga City Council, the decision-making role will be undertaken by an independent party/parties.

As the applicant to either Tauranga City Council or to another local or regional authority, Council will consult with Tangata Whenua in accordance with this policy.

#### **5.1.3 Applicant (other than Council)**

The applicant in the resource consent process will be encouraged to undertake the following in accordance with section 5.3 of this policy:

- Consult with Tangata Whenua during the preparation of the application as a matter of good practice.
- Agree with Tangata Whenua a reasonable timeframe for consultation to occur.
- Build the relationship with Tangata Whenua and Council, and improve their understanding on those matters important to Tangata Whenua in relation to the application.



Where consultation is encouraged under this policy, it is suggested that the applicant should, as a matter of good practice, commence discussions with appropriate Tangata Whenua (refer section 5.5) at the preliminary concept stage by:

- consulting with appropriate Tangata Whenua during the preparation of the application prior to lodgement of the application with Council;
- providing the appropriate Tangata Whenua with sufficient information to enable them to determine whether the proposal will affect them. This could be done by way of a 'Preliminary Application Summary' (refer section 5.2);
- allowing a reasonable amount of time, as agreed with the appropriate Tangata Whenua, for them to consider and comment on the application.

Where consultation has occurred under this policy the applicant should, in respect of a lodged application:

- report on the consultation undertaken with the appropriate Tangata Whenua, if any, and the response to the views of those consulted;
- include sufficient information relating to any potential environmental effects of the proposal on the appropriate Tangata Whenua;
- identify what changes and/or mitigation, if any, are in the lodged application that have arisen from the consultation with Tangata Whenua.

#### 5.1.4 Tangata Whenua

In the resource consent process Tangata Whenua will be encouraged to participate in consultation in accordance with section 5.3 of this policy as follows:

- provide appropriate information and responses to both the applicant and Council in a timely manner;
- ensure that information relating to landscape features, sites or items that are important to Maori is provided to Council and is complete, accurate and continually improved as new information becomes available;
- build the relationship with the development community and Council and improve the understanding on those matters important to Tangata Whenua in relation to the application;
- periodically review this policy for continuous improvement with Council and invite key stakeholders and community participation;
- where the applicant chooses to undertake consultation, agree a reasonable timeframe for consultation to occur.

#### 5.2 Preliminary Application Summary

As a matter of good practice Council strongly recommends that applicants prepare a 'Preliminary Application Summary' as a means of providing sufficient information to the appropriate Tangata Whenua to enable them to determine whether the proposal will affect them.

A Preliminary Application Summary needs to contain adequate information of the proposal that is available including:

- a. a description of the proposed activity including plans and concept drawings,
- b. the classification of the activity in accordance with the District Plan,
- c. the geographic location of the proposed activity,

- d. a summary of assessment of actual or potential effects on the environment,
- e. a description of any possible mitigation measures, alternative locations or methods considered for undertaking the activity, where the activity is likely to result in any significant adverse environmental effect,
- f. an explanation of the matters in respect of which Council has restricted its discretion and that Council is able to consider in making a decision on the application, where the activity is a controlled or limited discretionary activity.

### **5.3 Consultation with Tangata Whenua under the Tauranga District Plan**

Policy 5.1.4.1 of the District Plan recognises that applicants, as a matter of recognised good practice, should consult with Tangata Whenua where a proposal has the potential to adversely affect ancestral land, water, sites, waahi tapu and other taonga.

In applying Policy 5.1.4.1 of the District Plan, consultation with Tangata Whenua is considered appropriate in respect of development (being subdivision or land use for which a resource consent is required) where the application relates to any of the following:

- An application site that includes, is within or directly adjoins a landscape feature, view shaft, site or item known by Council to be of cultural or spiritual significance to Māori; or
- A subdivision of any application site that is greater than 2000 m<sup>2</sup> in size.

### **5.4 When Consultation with Tangata Whenua is not Required**

With the exception of Tangata Whenua being an adversely affected party or as in section 5.3 of this policy, Council is unlikely to consider that consultation with Tangata Whenua, as Tangata Whenua, is necessary for any other resource consent application including, but not limited to, the following:

- Streetscene
- Yards
- On-site vehicle parking
- Access and manoeuvring
- Loading/unloading facilities
- Financial contributions
- Registered trees on private property
- Airport height
- Port noise contours
- Special permitted activity conditions:
  - Activities requiring more than 25 on-site vehicle parking spaces, or
  - Activities in the Coastal Hazard Erosion Policy Area.

## 5.5 Who to Consult With

Where consultation is undertaken in accordance with this policy, the appropriate Tangata Whenua (this may be more than one iwi/hapu) must be consulted with.

To assist consultation in accordance with this policy Council will:

- provide applicants (as a guide to assist identification of groups to be consulted) with information on the geographic boundaries of each iwi/hapu (as advised by the iwi/hapu to Council through the Iwi/Hapu Protocol),
- provide applicants with the current mandated iwi/hapu representative/s contact details (as advised by the iwi/hapu to Council through the Iwi/Hapu Protocol).

The iwi/hapu will be encouraged by Council to advise it of any changes to the mandated representatives or other material changes that may impact on implementing this policy.

## 5.6 Principles of Consultation

The parties should act in accordance with the following principles when engaging in consultation:

- Consultation should be conducted in good faith based on mutual trust and cooperation.
- All parties should be open minded and open to discussion such that the proposal may evolve or be amended in response to issues raised during the consultation process.
- Consultation is about meaningful discussion and may not always result in agreement.
- Tangata Whenua should be enabled to present their views in a way that is appropriate and relevant to them.
- If parties, having had both reasonable time and opportunity to state their views, for any reason fail to avail themselves of the opportunity, then they cannot complain.
- Neither party is entitled to make demands.

## 5.7 Process Timeframes

### 5.7.1 Legislative Timeframes

In general, a decision will be issued on non-notified/non-served applications which do not require a hearing within 20 working days from the receipt of the application.

The above timeframe assumes no extension of time or no further information is requested under the RMA.

For non-notified/non-served applications that require a hearing, the general timeframe is 40 working days, plus the length of the hearing itself.

For notified/served applications which require a hearing, the general timeframe is 70 working days, plus the length of the hearing itself.

**5.7.2 Pre-application Consultation Timelines**

Where an applicant is consulting on a prepared, but un-lodged, application it is suggested that the appropriate Tangata Whenua should provide comment and/or advice within a “reasonable timeframe”, e.g. 20 working days or earlier of that comment being sought.

**5.8 Application Processing by Council**

On receipt of an application Council will follow a 4 step process:

1. Assess whether consultation with the appropriate Tangata Whenua is required in order for the Council to have sufficient information relating to the application.
2. Assess whether consultation with the appropriate Tangata Whenua has occurred.
3. Provide a copy of the lodged application to the appropriate Tangata Whenua.
4. Assess the adequacy of the consultation with the appropriate Tangata Whenua that has occurred.

**5.8.1 Step 1 - Assessment of Whether Consultation is Required**

Council will assess whether the application is required to be consulted on in order for the Council to have sufficient information to determine the application.

**5.8.2 Step 2 - Assess Whether Consultation has Occurred**

Consultation will be assessed as having occurred if the application records that consultation with the appropriate Tangata Whenua has occurred and the response to the views of those consulted has been recorded and recognised in the application.

If the application records that consultation has not occurred then section 5.8.3 of this policy applies.

**5.8.3 Where Consultation has not Occurred and is Required by this Policy**

Where consultation has not occurred and is required by this policy, or it is inadequate (see section 5.8.5) Council will, under section 92 of the Resource Management Act, either request that the applicant provides further information or give notice to the applicant that it wishes to commission a report relating to the potential significant environmental effects of the application on the appropriate Tangata Whenua. Council will provide a copy of any Section 92 information within 3 working days.

Where Council is advised in writing that the applicant refuses either to provide the further information (which may entail undertaking consultation with the appropriate Tangata Whenua, or agree to the commissioning of a report), then Council will:

- a) Consider whether there is sufficient information for it to determine the application, and if not, it may decline the application or, it may:

- b) Extend the processing timeframe in accordance with section 37 of the RMA. However Council is unable to extend the processing timeframe by more than an additional 20 working days unless agreed to by the applicant;
- c) Negotiate and agree with the appropriate Tangata Whenua the consultation costs in accordance with the guidance in section 5.11.2 of this policy; and
- d) Advise the applicant in writing:
  - o that Council or Council's agent will undertake the consultation; and
  - o an estimate of the associated costs to be borne by the applicant; and
  - o the breakdown of the costs (which may include the Tangata Whenua consultation fees, a Council administration fee, consultation fees); and
  - o the timeframe within which consultation will be completed.
- e) Undertake the consultation with the appropriate Tangata Whenua; and
- f) Provide the applicant with documentation of the consultation which has occurred eg minutes of meetings or any other information that has been provided by Tangata Whenua being consulted (where the application is notified under section 93 of the RMA or notice served under section 94 of the RMA the consultation report will be available at the Council's offices no later than 10 working days before any hearing of the application); and
- g) Invoice the applicant for the costs of the consultation as advised in (c) and (d).

Where Council or its agent undertakes consultation it shall comply with this policy.

#### **5.8.4 Step 3 - Provision of Lodged Application to Tangata Whenua**

Where it is determined under step 2 that adequate consultation has occurred, Council will forward a copy of the lodged application to the appropriate Tangata Whenua within five days of lodgement.

#### **5.8.5 Step 4 - Assess Adequacy of Consultation that has Occurred**

Adequate consultation will be considered to have occurred when the following criteria have been met:

- a) The appropriate Tangata Whenua has had a reasonable timeframe in accordance with 5.7.2 or such other timeframe as has been agreed between the applicant and the appropriate Tangata Whenua to consider and comment on the application. (In most instances 20 working days is considered to be an appropriate amount of time however this depends on the nature of the application); and
- b) A record in the application of the date(s), time(s) and details of pre-lodgement consultation by the applicant details of what was discussed, what was decided (if agreement was reached), and/or an attached cultural assessment (refer 5.8.6) where the appropriate Tangata Whenua has identified this as necessary; and

- c) The record of consultation shows that those consulted with were, at the time of consultation, the mandated representatives as per Council's records; and
- d) the lodged application, in the opinion of Council planning staff, provides sufficient information which is accurate and easily understandable to enable the appropriate Tangata Whenua to respond, and
- e) The appropriate Tangata Whenua have verified and/or demonstrated to Council, within 10 working days of the application being lodged, that:
  - the lodged application is in general accordance with the proposal that they have been consulted on, and the outcome of consultation is accurately represented; and
  - they were advised and consulted on those issues over which Council has discretion (refer section 5.2.2.e).

If Council has not received a response from the appropriate Tangata Whenua, on (e) above, within 10 working days of the application being lodged, and where requirements (a) to (d) above have been met, Council will be likely to consider that adequate consultation has occurred.

If it is determined that adequate consultation has not occurred, and in Council's opinion the proposal may have significant adverse environmental effects on Tangata Whenua, then Council will apply the steps identified in section 5.8.3 of this policy.

#### **5.8.6 Cultural Assessment**

The objective of the Cultural Assessment is to:

- Describe the relationship between the appropriate Tangata Whenua and the ancestral land, waters, sites, waahi tapu and other taonga being affected.
- Identify how the relationship will be affected.
- Identify, for Council consideration, the resource consent conditions that may mitigate any effects.

#### **5.9 Impact of Consultation on Council Decision Making**

Where consultation is recognised in accordance with section 5.3 of this policy to be appropriate and where adequate consultation has occurred, Council will, in relation to the particular activity proposed, follow a 3 step process:

1. Identify those matters which Council is able to consider under the provisions of the District Plan in relation to the specific resource consent application and/or conditions that may be imposed as part of that consideration; and
2. Consider the issues and any proposed mitigation measures suggested by the appropriate Tangata Whenua and/or the applicant through the consultation and application process; and
3. For those matters identified in step 1, and taking into consideration the issues raised in Step 2, Council will assess the environmental effects;

and the effect of the proposal on the relationship of Maori with their ancestral lands, waters, sites, waahi tapu and other taonga; and depending on the activity status of the application and Council's decision, will be to either:

- grant consent with no conditions; or
- grant consent and impose resource consent conditions to avoid, remedy or mitigate the environmental effects; or
- refuse consent.

Notwithstanding the above, any decision Council makes needs to be in accordance with the requirements of the RMA.

In undertaking Step 3 Council will record as an Advice Note, any agreements reached which do not form part of the conditions. Advice Notes can not be enforced by Council and are merely recorded for information.

#### **5.10 Appropriate Tangata Whenua Advised of the Application Decision**

Council will, in respect of an application that was considered to be appropriate to be consulted on under section 5.3, advise the appropriate Tangata Whenua of the decision on the resource consent application within 5 working days of the decision being made.

Council will, in respect of all other applications, provide the appropriate Tangata Whenua with a monthly summary of decisions affecting their rohe. The summary will include information on the applicants, the site, description of the activity, and decision.

#### **5.11 Determination and Payment of Costs Associated with Resource Consent Application**

##### **5.11.1 Processing of Applications**

Council will set fees and charges appropriate to cover the costs associated with processing a resource consent application through its usual fees and charges processes.

##### **5.11.2 Associated Costs of Consultation with Tangata Whenua**

Council suggests that where a consultation fee is to be charged by the appropriate Tangata Whenua it should be negotiated and agreed between those parties. The following is suggested as a useful guide:

- As part of the pre-application consultation the appropriate Tangata Whenua should provide the applicant with an estimate of the likely costs associated with the consultation.
- The fee rate should be agreed prior to the consultation occurring.
- The fees should be based on actual and reasonable costs in that they should reflect actual time involved and market rates for equivalent consultant service.
- The fee should be paid on receipt of a detailed invoice specifying actual hours, hourly rate and disbursements.
- In the event that the estimate is insufficient to cover actual and reasonable costs, a renegotiation should be initiated by the appropriate Tangata Whenua as soon as this becomes apparent.

These guidelines may also be useful in the negotiation of other fees associated with resource management related activities such as monitoring of earthworks.

#### **5.11.3 Costs Associated Where Further Consultation is Required (RMA: Section 92)**

Where Council has determined that adequate consultation has not occurred, in accordance with section 5.8.3, and further evidence of adequate consultation with the appropriate Tangata Whenua is required, then another consultation fee may need to be agreed between the applicant and the appropriate Tangata Whenua (as per section 5.11.2).

#### **5.12 Objections to Consent Condition**

It should be noted that under section 357 of the RMA only the applicant may object in respect of conditions imposed on a non-notified consent.

#### **5.13 Appeals to Resource Consents**

It should be noted that where either the applicant or a party who has submitted on a notified consent objects to the decision and/or conditions imposed, they have a right to appeal to the Environment Court under section 120 of the RMA.

#### **5.14 Minor Policy Amendments**

This policy will be updated in accordance with any changes to RMA section references. Where changes materially affect the substance of this policy then a review of the policy is required.

### **6 RELEVANT DELEGATIONS**

The implementation of this policy is delegated to the Chief Executive or his/her sub delegate.

### **7 REFERENCES AND RELEVANT LEGISLATION**

- Local Government Act 2002
- Resource Management Act 1991
- Tauranga District Plan (and proposed plan changes)
- Hapu Management Plans
- Hapu Protocols
- Tangata Whenua Literature Review Maps
- Smartgrowth: Marae Sightlines Report
- The Sustainable Evaluation of the Provision of Urban Infrastructure Alternatives using the Tangata Whenua Mauri Model within the Smartgrowth Sub-region, July 2003
- Environment Bay of Plenty Regional Policy Statement
- Environment Bay of Plenty Regional Plans
- A Review of Tauranga District Council's Resource Consent Process – Vaughan Paine
- Tangata Whenua Consultation on Resource Consent Applications – Peter Crawford



# DRAFT ENGAGING WITH TANGATA WHENUA ON RESOURCE CONSENT APPLICATIONS POLICY



<b>Policy type</b>	City		
<b>Authorised by</b>	Council		
<b>First adopted</b>	11 July 2006	<b>Minute reference</b>	M06/66.3
<b>Revisions/amendments</b>		<b>Minute references</b>	
<b>Review date</b>	As required.		

## 1. PURPOSE

- 1.1. To clarify the roles and responsibilities of Tauranga City Council, tangata whenua of Tauranga Moana, and applicants in respect of resource consent applications under the Resource Management Act 1991 (RMA) and provide consistency and certainty within the resource consent application process.
- 1.2. To encourage effective, efficient and meaningful engagement with tangata whenua in the context of resource consent applications under sections 6, 7(a) and 8 of the RMA.

## 2. SCOPE

This policy applies to:

- 2.1 Application sites within Tauranga City Council boundaries where a proposed development has the potential to adversely affect ancestral land, water, sites, waahi tapu and other taonga.
- 2.2 Application sites that include, are within, or directly adjoin a landscape feature, view shaft, site or item known by Council to be of cultural or spiritual significance to Māori.
- 2.3 A subdivision of any application site that is greater than 2000sqm in size.

## 3. DEFINITIONS

- 3.1 For the purposes of this policy, the following terms and definitions apply:

Term	Definition
<b>Applicant</b>	The party lodging the resource consent application.
<b>Application site</b>	As it is referred to in this policy means the land which is the subject of the application for resource consent.
<b>Cultural assessment</b>	In the context of engagement for a resource consent application, is intended to explain, among other things, the customary relationship between tangata whenua and the site and how, or if, that customary relationship is likely to be affected by the applicant's proposal.

<b>Engagement</b>	For the purposes of this policy, is the intentional process of working meaningfully with tangata whenua to shape and inform the idea or proposal related to a resource consent application and to better understand the potential effects of a proposal on tangata whenua. Engagement may include informing, consulting, involving, collaborating and/or empowering (refer to Schedule 1 for a description of each).
<b>Hapū (singular)</b>	A collection of whanau (families) who identify with a common tipuna (ancestor). The hapū is traditionally the main decision-making forum for tangata whenua in exercising kaitiakitanga over the resources for which they hold mana whenua.
<b>Iwi/hapū management plans</b>	Planning documents developed and promoted by tangata whenua that describe resource management issues of importance to them as tangata whenua.
<b>Iwi/hapū relationship protocols</b>	Agreements that outline the commitment to the relationship between Council and the iwi/hapū. They summarise the principles underpinning the relationship and the governance and operational roles and responsibilities of the respective parties.
<b>Kaitiakitanga</b>	As defined by the RMA means “the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources and includes the ethic of stewardship”. Only tangata whenua can be kaitiaki (guardians) of their rohe (territorial area).
<b>Landscape feature</b>	Includes outstanding landscapes as identified in Chapter 6 of the Tauranga City Plan or view shafts between sites of cultural or spiritual significance to tangata whenua.
<b>Landscape feature, site or item known by Council</b>	Includes any relevant information ascertainable by Council staff from any of the following documents: Council's GIS database (Archaeological Sites), the City Plan (Significant Māori Areas, Heritage Register, Planning Maps), Iwi and Hapū Management Plans.
<b>Mana whenua</b>	As defined in the RMA, the “customary authority exercised by an iwi, hapū or whanau in an identified area”.
<b>Resource consent</b>	Has the meaning set out in section 87 of the RMA; and includes all conditions to which the consent is subject.

<b>Tangata whenua</b>	As defined under the RMA, “in relation to a particular area, means the iwi, hapū or whanau that holds mana whenua over that area.”
<b>Taonga</b>	All things prized or treasured by Māori, both tangible and intangible. Examples include water bodies, trees, special landmarks and te reo.
<b>Tauranga City Council boundaries</b>	The whole of the Local Government Territorial Authority of the City of Tauranga as shown in the Plan Maps (Part B) of the City Plan.
<b>Viewshaft</b>	A visual connection between two physical locations. Refer to Smartgrowth: Marae Sitelines Report which identifies the specific viewshafts of 36 marae throughout the western Bay of Plenty.
<b>Waahi tapu (or wāhi tapu)</b>	A place or item sacred to Māori in the traditional, spiritual, religious, historical, or mythological sense. Those places defined as “waahi tapu” vary from hapū to hapū but typically include burial grounds and battle sites.

#### 4. PRINCIPLES

4.1 The following principles define good practice engagement with tangata whenua on resource consent applications under this policy:

- **Early** – engagement with tangata whenua starts at the beginning of the resource consent application process, prior to lodging an application when proposals are less ‘set in stone’.
- **Good faith** – engagement is based on honesty, mutual trust and cooperation.
- **Open mind** – all parties must be open to discussion such that the proposal may evolve or be amended in response to issues raised during the engagement process to make informed decisions.
- **Ongoing** – engagement may be continual with all parties committed to improving understanding of each other’s intentions and to building and maintaining enduring relationships.
- **Genuine** – discussions are meaningful where all parties may not always agree on a proposal but there are sincere efforts to reach an agreement.
- **Respectful** – tangata whenua must be able to present their views in a way that is appropriate and relevant to them.
- **Active Protection** – engagement is undertaken in a manner that recognises the desire of Māori to actively protect and exercise kaitiakitanga over their ancestral lands, water, sites, waahi tapu and other taonga.

#### 5. BACKGROUND

- 5.1 The Council’s fundamental statutory obligations to tangata whenua are predominantly provided for in the RMA and Local Government Act 2002 (LGA).
- 5.2 Under the RMA, Council has certain responsibilities when exercising its functions and powers as a consent authority in regard to managing the use, development, and protection of natural and physical resources, including:

- to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga (section 6)
- to have particular regard to kaitiakitanga (as exercised by tangata whenua within their rohe) (section 7(a))
- to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (section 8).

5.3 Council also has obligations under the LGA to maintain and improve opportunities for Māori to contribute to local government decision-making processes.

5.4 Council recognises that engaging with tangata whenua in the resource consent application process where any decision is likely to involve the matters identified in sections 6, 7 and 8 of the RMA will be important in ensuring Council is well equipped to make informed decisions and to give effect to its obligations under the RMA.

## 6. POLICY STATEMENT

### 6.1 General

6.1.1 Council acknowledges that only tangata whenua can determine their relationship, and the relationship of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga and kaitiakitanga.

6.1.2 As a matter of recognised best practice, engagement with tangata whenua should occur where a proposal may affect the relationship of tangata whenua and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga and their ability to exercise kaitiakitanga. Without such engagement, the council may be unable to make a fully informed decision on an application for resource consent.

6.1.3 Engagement typically requires two-way communication between the applicant and the appropriate tangata whenua groups. Requests for feedback without a response in writing from tangata whenua does not constitute engagement for the purposes of determining cultural impact. Applicants may proceed with finalising their application if all reasonable steps have been taken to engage but a response is not received or tangata whenua do not engage in a timely manner.

6.1.4 Council recognises that tangata whenua have limited resources, capacity and capability to participate effectively in the resource consent process and will provide training support where appropriate and necessary.

6.1.5 Iwi/hapū management plans lodged with the council and iwi/hapū relationship protocols endorsed by the council should be taken into account within the resource consent application process.

6.1.6 Engagement in accordance with this policy must involve working with the appropriate tangata whenua (this may be more than one iwi/hapū) which are the mandated representatives for the particular geographic boundary. Council officers can assist in providing information held by the council about iwi authorities, groups representing hapū, and areas where those groups exercise kaitiakitanga.

6.1.7 Effective engagement with tangata whenua that occurs at the beginning of the resource consent application process, particularly during the development of the proposal and before an application is lodged, will be more efficient and may avoid lengthy and costly litigation.

6.1.8 Council recognises that a proposal may affect specific tangata whenua at a local level but may also impact and affect other tangata whenua groups at a sub-regional level.

6.1.9 Council will ensure that the cultural effects of a proposed development are adequately assessed where this is enabled by the activity status in the City Plan.

## **6.2 Roles and Responsibilities**

6.2.1 There are three main parties involved in the resource consent application process for the purposes of this policy: council, applicant and tangata whenua.

### **6.2.2 Council**

6.2.2.1 Council will assist engagement in accordance with this policy by:

- keeping up to date records about iwi authorities, groups representing hapū, and areas where those groups exercise kaitiakitanga (as required under section 35A RMA)
- ensuring that information known by council officers relating to landscape features, sites or items that are important to Māori is accessible, complete, accurate and continually improved as new information becomes available
- building the relationship with tangata whenua and the applicant community to reach a full understanding of those matters important to tangata whenua
- ensuring resource consenting staff are appropriately trained and skilled (including participating in professional development opportunities)
- advocating the purpose of this policy through the council's consultant forum
- helping build capability, including training new iwi/hapū RMA representatives on how to effectively participate in a resource consent process.

6.2.2.2 Council will assist engagement once an applicant has approached the council by:

- providing applicants with information on the geographic boundaries of each iwi/hapū to assist identification of groups to work with
- providing applicants with information on any landscape feature, site or items known by council to be of cultural or spiritual significance to tangata whenua from the documents listed in the definitions above
- providing applicants with the current mandated iwi/hapū representative/s contact details and advise them on the best way to engage

6.2.2.3 Council will assist engagement where appropriate after an application has been received by:

- providing a brief summary of the application to assist tangata whenua in determining whether the proposal might affect them.

### **6.2.3 Applicant**

6.2.3.1 The applicant is encouraged to undertake the following in accordance with this policy to ensure that any cultural effects of the application can be assessed through the application process:

- start engagement with tangata whenua early in the preparation of the application as a matter of good practice

- agree with tangata whenua a reasonable timeframe for engagement **and how it will occur**
- **gain an understanding about the appropriate iwi/hapū prior to meeting with them, including from resources such as iwi and hapū management plans lodged with the council and from other publicly available resources listed under the 'Landscape Feature, Site or Items Known by Council' definition above**
- build the relationship with tangata whenua and the council **to reach a full understanding** of matters important to tangata whenua in relation to the application
- **cover the agreed reasonable costs associated with any engagement that takes place**
- prepare a Preliminary Application Summary with relevant and sufficient information for the appropriate tangata whenua to enable them to determine whether the proposal will affect them (note that this is not a substitute for providing them with the full application in due course);
- a Preliminary Application Summary should contain:
  - 1) a description of the proposed activity including plans and concept drawings
  - 2) the classification of the activity in accordance with the City Plan
  - 3) the geographic location of the proposed activity
  - 4) a summary assessment of actual or potential effects on the environment
  - 5) a description of any possible mitigation measures, alternative locations or methods considered for undertaking the activity, where the activity is likely to result in any significant adverse environmental effect (which may include cultural effects)
  - 6) an explanation of the matters in respect of which the council has restricted its discretion and that the council is able to consider in making a decision on the application, where the activity is a controlled or restricted discretionary activity.

6.2.3.2 Where engagement has occurred under this policy the applicant should, in respect of a lodged application:

- report on the engagement undertaken with the appropriate tangata whenua, and the applicant's response (if any) to the views of those who were engaged with
- include sufficient information relating to any potential environmental / cultural effects of the proposal on the appropriate tangata whenua
- identify any changes and/or mitigation included in the lodged application that have arisen from the engagement with tangata whenua **and provide a copy to tangata whenua.**

6.2.3.3 Where the council is the resource consent applicant making an application to Tauranga City Council, the consent processing and decision-making role **may** be undertaken by an independent party/parties.

#### **6.2.4 Tangata Whenua**

6.2.4.1 **To support this policy tangata whenua are encouraged to work with the council by:**

- **providing appropriate information about their relevant area of interests**

- providing information relating to landscape features, sites or items that are important to iwi/hapū and ensuring the information is complete, accurate and continually improved as new information becomes available
- **advising of any changes to the mandated representatives or other material changes that may impact on engagement occurring**
- building the relationship with the council to improve understanding of matters important to tangata whenua in relation to resource consent applications.

**6.2.4.2 To support this policy tangata whenua are encouraged to work with applicants by:**

- providing appropriate information and responses in a timely manner
- agreeing on a reasonable timeframe for engagement **and how it will occur**
- **negotiating fees to cover the reasonable costs associated with engagement**
- building the relationship with the development community to improve understanding of matters important to tangata whenua in relation to resource consent applications.

## **7. DELEGATIONS**

- 7.1 The implementation of this policy is delegated to the chief executive or their sub delegate.

## **8. REFERENCES AND RELEVANT LEGISLATION**

- Te Tiriti o Waitangi (Treaty of Waitangi Act) 1975
- Local Government Act 2002
- Resource Management Act 1991
- **Waitaha Claims Settlement Act 2013**
- **Tapuika Claims Settlement Act 2014**
- **Ngāti Pūkenga Claims Settlement Act 2017**
- Tauranga City Plan (and proposed plan changes)
- Iwi and Hapū Management Plans
- Iwi and Hapū Relationship Protocols
- Smartgrowth: Marae Sightlines Report
- **Bay of Plenty Regional Policy Statement**
- **Bay of Plenty Regional Plans**

## **9. ASSOCIATED POLICIES/PROCEDURES**

- **Engagement with Tangata Whenua on Resource Consent Applications Procedure (sets out the implementation process for the Environmental Planning team).**

## **10. SCHEDULES**

- **Schedule 1: Table of the different levels of engagement**
- **Schedule 2: Flow chart of best practice engagement with tangata whenua on resource consent applications (for applicants)**

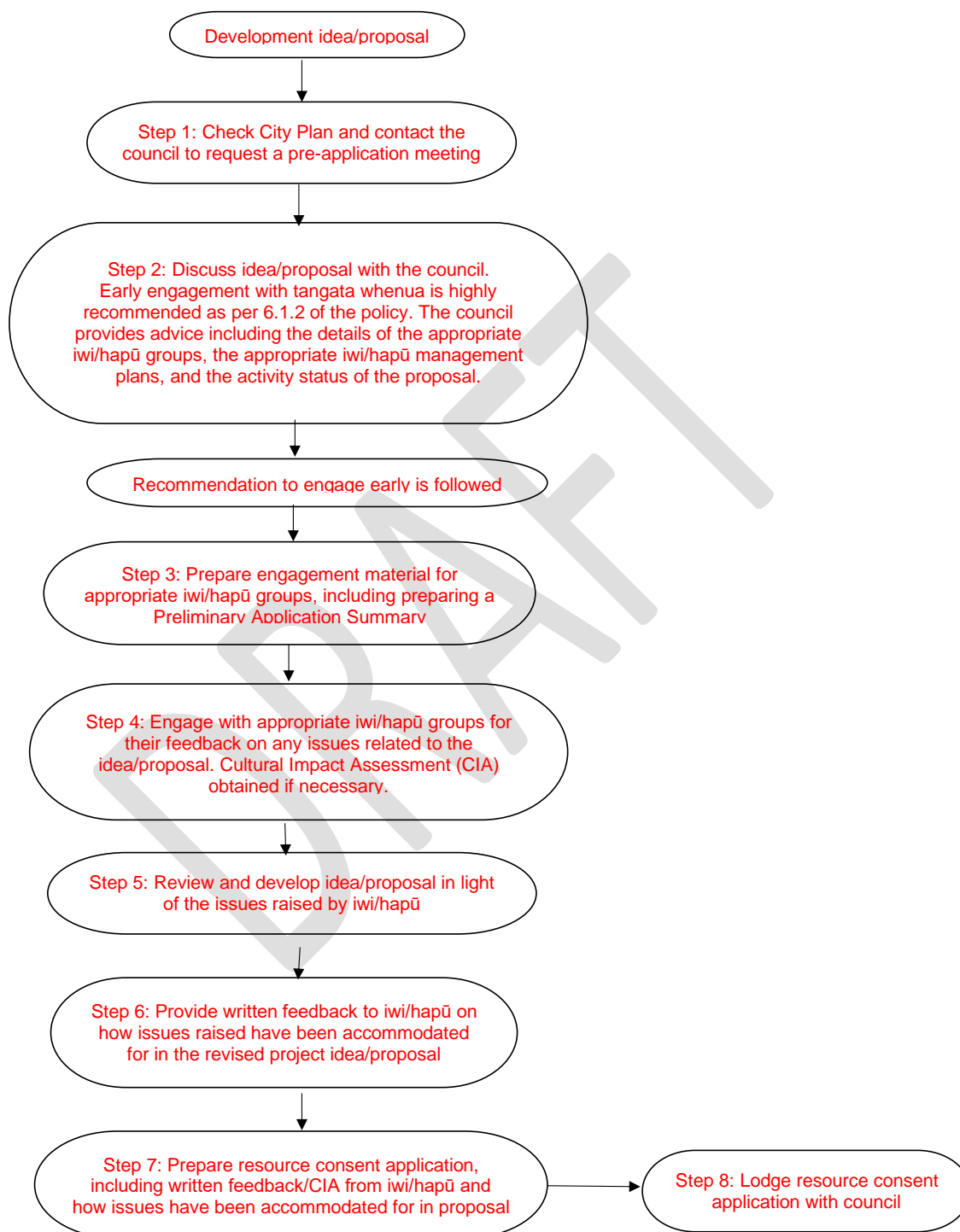
**Schedule 1: Table of the different levels of engagement\***

	<b>Purpose</b>
<b>Inform</b>	To provide appropriate information to assist understanding of a proposal and/or alternatives. Information may be in the form of council reports, maps, project plans, resource consent applications, research and photos.
<b>Consult</b>	To obtain the views and opinions of the appropriate tangata whenua groups on a proposal in relation to its potential cultural effects to inform the proposal's development.
<b>Involve</b>	To include tangata whenua in the process of a proposal development to ensure their concerns and aspirations are understood and considered.
<b>Collaborate</b>	To work together with tangata whenua on the development of a project proposal and alternatives to ensure their concerns and aspirations are incorporated.
<b>Empower</b>	Explore ways to involve tangata whenua in decision-making on a proposal, alternative or solution, or its implementation, to protect their interests and aspirations in relation to development in their rohe.

\*Based on the International Association for Public Participation (IAP2) Spectrum of Public Participation.



**Schedule 2: Flow chart of best practice engagement with tangata whenua on resource consent applications (for applicants)**



## 10.6 Proposed Draft Amended Dangerous, Affected and Insanitary Buildings Policy

**File Number:** A16664391

**Author:** Jane Barnett, Policy Analyst  
Steve Pearce, Manager: Building Services

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

### PURPOSE OF THE REPORT

1. For the committee to consider the proposed draft amended Dangerous, Affected and Insanitary Buildings Policy and Statement of Proposal for community consultation.

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### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Proposed Draft Amended Dangerous, Affected and Insanitary Buildings Policy".
- (b) Approves the proposed draft amended Dangerous, Affected and Insanitary Buildings policy (**Attachment One**) and Statement of Proposal (**Attachment Two**) for community consultation.
- (c) Authorises the General Manager: Regulatory and Compliance to make any necessary minor drafting or presentation changes to the draft Dangerous, Affected Building and Insanitary Buildings policy, the Statement of Proposal and related consultation material prior to the commencement of consultation.

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### EXECUTIVE SUMMARY

2. The Building Act 2004<sup>13</sup> (Act) requires Council to adopt a dangerous and insanitary buildings policy and then to review it every five years. Our current policy was last reviewed and adopted in February 2020 so is due for review.
3. Updated guidance<sup>14</sup> from the Ministry of Business, Innovation and Employment (MBIE) along with MBIE's recommendations from the recent performance monitoring assessment of the policy, have been incorporated into a revised draft policy.
4. Any changes to the policy must be consulted on in accordance with the special consultative procedure set out in the Local Government Act 2002.
5. We are seeking the Committee's approval of the proposed draft amended Dangerous, Affected and Insanitary Buildings policy (**Attachment One**) and Statement of Proposal (**Attachment Two**) for community consultation in February/March 2025.

### BACKGROUND

6. The Act requires Council to adopt a policy that sets out:

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<sup>13</sup> The Building Act 2004 ss. 131 and 132

<sup>14</sup> Guidance for Developing Policies on Dangerous, Affected and Insanitary Buildings, Ministry of Business, Innovation and Employment (MBIE) second edition July 2024

- the approach and priorities it will take in performing its functions for managing dangerous, affected and insanitary buildings and
  - how the policy will apply to heritage buildings.
7. The review has been waiting on the completion of MBIE's performance monitoring assessment of the current policy so that these findings could be incorporated into a revised policy.
  8. These findings, along with updated guidance from MBIE and staff feedback, have now been incorporated to develop the draft policy. The changes are minor and are presented in the table below. These changes are also highlighted as tracked changes in the draft policy (**Attachment One**).

Proposed Change	Reason
Include affected in the policy title.	Recommended by MBIE and better reflects all the types of buildings that must be considered in the policy.
Include reference to the required review schedule and that the special consultation procedure must be used in the summary information box under the title of the policy.	Recommended by MBIE.
Include the word passive in section 5.1.	Recommended by MBIE.
Amend section 4 to specify the relevant principles of the Building Act 2004 and to reference council's community outcomes.	To provide further clarity and to link the policy to our community outcomes.
Add into section 6: Council will exercise its statutory power under section 124 of the Act where action is required to avoid immediate danger or in circumstances where an acceptable solution cannot be reached by the building owner.	Recommended by MBIE.
Include a new section 10 Recording information about dangerous, affected and insanitary buildings.	Recommended by MBIE and to reflect what information is recorded and publicly available.
Note that the powers under the Civil Defence Emergency Management Act 2002 may be used by the Council instead of or in addition to the powers under the Act.	To ensure clarity and be transparent about what powers can be used in different situations.

## STATUTORY CONTEXT

9. Council is required to have a policy and review it at five-year intervals. However, section 132(5) of the Act states that a policy does not cease to have effect because it is due for review or being reviewed.
10. The policy can only be amended or replaced in accordance with the special consultative procedure in section 83 of the Local Government Act 2002.

## STRATEGIC ALIGNMENT

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

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

12. The proposed draft amended Dangerous, Affected and Insanitary Buildings Policy meets the council's requirement to have a policy under the Act. The approach set out in the policy helps Tauranga be an inclusive city by protecting the health and safety of our community and reducing the potential risk posed by dangerous, affected or insanitary buildings.

## OPTIONS ANALYSIS

13. The table below sets out the advantages and disadvantages of approving the proposed draft amended Dangerous, Affected and Insanitary Buildings Policy and Statement of Proposal for consultation.

Option	Advantages	Disadvantages
1 Approve the draft amended Dangerous, Affected and Insanitary Buildings Policy and Statement of Proposal for community consultation. <b>Recommended</b>	<ul style="list-style-type: none"> <li>The draft policy will ensure the council's approach to identifying and managing potentially dangerous, affected and insanitary buildings is transparent and consistent with MBIE's recommendations.</li> <li>Community feedback on the draft policy can be considered.</li> <li>Meets the council's statutory requirement to review the policy.</li> </ul>	<ul style="list-style-type: none"> <li>Resources used for the required consultation process.</li> </ul>
2 Retain the current policy and do not approve the draft amended Dangerous, Affected and Insanitary Buildings Policy and Statement of Proposal for community consultation.	<ul style="list-style-type: none"> <li>No resources will need to be used for consultation.</li> </ul>	<ul style="list-style-type: none"> <li>No amendments from the outcome of the review – including MBIE recommendations - will be included.</li> </ul>

## FINANCIAL CONSIDERATIONS

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

## TE AO MĀORI APPROACH

15. The approach set out in the proposed draft policy aligns with the principles of Manaakitanga – a strong duty of care and safety for our people and Kaitiākanga – stewardship of the natural environment.

## CLIMATE IMPACT

16. There are no direct or specific climate change impacts resulting from the proposed changes to the policy.

## SIGNIFICANCE

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

## ENGAGEMENT

20. Although the issue is of low significance, consultation is required under section 132(2) of the Act if Council wish to amend or replace the policy. This section of the Act requires Council to use the special consultative procedure set out in the Local Government Act 2002.
21. We also propose to undertake targeted consultation with the Medical Officer of Health, Fire and Emergency New Zealand, Tauranga Business Chamber, main street organisations, Heritage New Zealand Pouhere Taonga, Master Builders Association and the Real Estate Association.

## NEXT STEPS

22. If the committee approve the draft policy and Statement of Proposal, then community consultation will occur in February-March 2025.
23. If there are any submitters who wish to speak to their submission, the Committee will hold hearings in April next year. The Committee will then deliberate on the issues raised and formally adopt the final policy.

## ATTACHMENTS

1. **Draft Dangerous, Affected and Insanitary Buildings Policy - A16896575** [↓](#) 
2. **Draft Statement of Proposal - A16961365** [↓](#) 

# DRAFT DANGEROUS, AFFECTED AND INSANITARY BUILDINGS POLICY 2024



<b>Policy type</b>	Council		
<b>Authorised by</b>	Council		
<b>First adopted</b>	7 March 2006	<b>Minute reference</b>	M06/15.6
<b>Revisions/amendments</b>	6 March 2011 11 February 2020	<b>Minute references</b>	M11/13.6 PO3/20/6
<b>Review date</b>	<p><del>March 2024</del></p> <p>INSERT DATE 4 YEARS FROM LAST REVIEW</p> <p>In accordance with sections 132(1), (2) and (4) of the Building Act 2004 this policy will be reviewed at intervals of not more than five years and any amendment or replacement of the policy must be in accordance with section 83 of the Local Government Act 2002.</p>		

## 1. PURPOSE

- 1.1 To set out Council's approach to identifying and managing dangerous, affected and insanitary buildings.
- 1.2 To help ensure people who use buildings can do so safely without endangering their health.

## 2. SCOPE

- 2.1 This policy applies to all buildings within Tauranga.
- 2.2 This policy sets out:
  - the approach that the council will take in performing its functions under Part 2 of the Building Act 2004
  - Council's priorities in performing those functions
  - Council's approach to dangerous, affected and insanitary buildings.

## 3. DEFINITIONS

Term	Definition
Affected building	a building that is at risk of damage or other impact from a dangerous building or dam that is adjacent to, adjoining, or nearby. (Section 121A Building Act 2004 or any subsequent amendments)

Authorised officer	<p>an officer of the council to whom either or both of the following applies:</p> <ul style="list-style-type: none"> <li>(a) he or she is authorised to carry out inspections; or</li> <li>(b) he or she is authorised to enter the land <ul style="list-style-type: none"> <li>(i) by the Building Act 2004; or</li> <li>(ii) by an order of the District Court made under section 227.</li> </ul> </li> </ul> <p>(Section 222 Building Act 2004 or any subsequent amendments)</p>
Building	defined under section 8 of the Building Act 2004 (or any subsequent amendments) and means any temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery or chattels).
Dangerous building	defined under section 121 of the Building Act 2004 (or any subsequent amendments). In summary it is a building that, for reasons other than earthquakes, is likely to cause injury or death, by collapse or otherwise; or it is likely to cause damage to other property.
Heritage building	<p>a building that is included on:</p> <ul style="list-style-type: none"> <li>(a) Appendix 7A, 'Register of Built Heritage, Chapter 7 of the Tauranga City Plan</li> <li>(b) the New Zealand Heritage List/Rārangi Kōrero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or</li> <li>(c) the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014.</li> </ul> <p>(Section 7 Building Act 2004 or subsequent amendments)</p>
Insanitary building	<p>a building that:</p> <ul style="list-style-type: none"> <li>(a) is offensive or likely to be injurious to health because <ul style="list-style-type: none"> <li>(i) of how it is situated or constructed; or</li> <li>(ii) it is in a state of disrepair; or</li> </ul> </li> <li>(b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or</li> <li>(c) does not have a supply of potable water that is adequate for its intended use; or</li> <li>(d) does not have sanitary facilities that are adequate for its intended use.</li> </ul> <p>(section 123 of the Building Act 2004 or any subsequent amendments)</p>

#### 4. PRINCIPLES

- 4.1 The relevant principles of section 4 of the Building Act 2004 (Act) have been taken into account in preparing this policy, **in particular the need to ensure that harmful events on human health are prevented or minimised.**
- 4.2 Council has a legislative responsibility to ensure the safety of the community when they are in buildings.
- 4.3 **Alignment with the council's community and inclusivity principle of ensuring that people feel safe in their community.**
- 4.4 Council will endeavour to make sure existing buildings are maintained and made safe in conjunction with the owner of a building.
- 4.4 Building owners have a responsibility to ensure their buildings are safe and healthy.

#### 5. COUNCIL'S APPROACH

- 5.1 Council has a **passive and** reactive approach to the **management-identification** of dangerous, affected and insanitary buildings. The council will use external sources such as building occupants, neighbours, Fire and Emergency New Zealand, New Zealand Police and other agencies to inform them of dangerous, affected and insanitary buildings.

#### 6. DANGEROUS AND AFFECTED BUILDINGS

- 6.1 On receiving information or a complaint regarding a possible dangerous **or affected** building, the council will:
  - (a) inspect and assess the condition of the building in accordance with section 121 of the Act
  - (b) identify any buildings that are dangerous
  - (c) assess whether there are any potentially affected buildings (in accordance with section 121A of the Act) and consult with the owners and occupiers of any affected buildings regarding appropriate risk management approaches before taking action under section 124 of the Act
  - (d) liaise with Fire and Emergency New Zealand (FENZ) when Council deems it appropriate, as outlined in section 121 (2) of the Act.
- 6.2 If a building is found to be dangerous or affected, the council will **inform and** work with the building owner's **/occupants** and if necessary, use powers it has available, to ensure appropriate action is taken to make the building, its occupants and the public safe.
- 6.3 **Council will exercise its statutory power under section 124 of the Act where action is required to avoid immediate danger or in circumstances where an acceptable solution cannot be reached by the building owner.**
- 6.4 The building owner's responsibility is to undertake works to remove or reduce the danger, make the building safe and assume full financial responsibility.
- 6.5 **Where a state of emergency has been declared (or following a state of emergency, when a transition period has been declared) the council may choose to exercise powers under the Civil Defence Emergency Management Act 2002 instead of or in addition to powers under the Building Act 2004.**



**7. INSANITARY BUILDINGS**

- 7.1 On receiving information or a complaint regarding a possible insanitary building, the council will:
- (a) inspect and assess the condition of the building in accordance with section 123 of the Act
  - (b) identify from these investigations any buildings that may be considered to be insanitary
  - (c) inform the owner(s) of the building to take action to prevent the building from remaining insanitary
  - (d) liaise with the Medical Officer of Health when required to assess whether the occupants may be neglected infirm.
- 7.2 If a building is found to be insanitary, the council will work with the building owner/s and if necessary, use powers it has available, to ensure appropriate action is taken to make the building, its occupants and the public safe.
- 7.3. The building owner's responsibility is to undertake works to make the building safe and sanitary and assume full financial responsibility.

**8. HERITAGE BUILDINGS**

- 8.1 If a building which is deemed to be dangerous, affected or insanitary is also classified as a heritage building the approach is the same as for dangerous affected or insanitary buildings which are not heritage buildings. However, the council and the building owner/s will work in conjunction with the Heritage New Zealand Pouhere Taonga to remedy the building.
- 8.2 When considering heritage buildings under the policy, consideration will be taken of the:
- (a) importance of recognising any special traditional or cultural aspects of the intended use of the building
  - (b) need to facilitate the preservation and ongoing use of buildings and areas of significant cultural historical or heritage value.

**9 COUNCIL'S PRIORITIES UNDER THE BUILDING ACT**

- 9.1 Priority will be given to buildings requiring work urgently to address dangerous, affected and/or insanitary conditions. Clause 41(1)(c) of the Act defines this as for the purpose of saving or protecting life or health or preventing serious damage to property.
- 9.2 Where the council does need to prioritise work on buildings, the following issues will be taken in to account:
- 1) potential risk to human health and life
  - 2) importance of the building to the community e.g. hospital, school
  - 3) level of use and number of people using the building
  - 4) location of the building in relation to key infrastructure components
  - 5) size of the building
  - 6) age of the building.

**10. RECORDING INFORMATION ABOUT DANGEROUS, AFFECTED AND INSANITARY BUILDINGS**

- 10.1 Council will maintain a register of all potentially dangerous, affected or insanitary buildings that they investigate.
- 10.2 All notices to fix issued under section 164 of the Act and dangerous, affected and insanitary building notices issued under section 124 will be kept on the public file and included in any Land Information Memorandum (LIM) report prepared by council.

**11. DISPUTES**

- 11.1 If a building owner disputes a council decision or proposed action, relating to the exercise of the council's powers under sections 124 or 129 of the Act, the owner may apply for a determination from the Chief Executive of the Ministry of Building Innovation and Employment, as set out in the Act.

**11. RELEVANT DELEGATIONS**

- 11.1 The Tauranga City Council Chief Executive has delegated authority and the authority to subdelegate the implementation of this policy.

**12. REFERENCES AND RELEVANT LEGISLATION**

Building Act 2004

Civil Defence Emergency Management Act 2002

New Zealand Pouhere Taonga Act 2014

Tauranga City Plan

Health Act 1956

# **Proposed Amended Dangerous, Affected and Insanitary Buildings Policy**

## **Statement of Proposal**

This statement of proposal includes:

- the proposed amended Dangerous, Affected and Insanitary Buildings Policy
- the proposed changes
- how you can have your say on the proposed changes.

### **Proposed amended Dangerous, Affected and Insanitary Buildings Policy**

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The Building Act 2004 (Act) requires Tauranga City Council to adopt a policy on dangerous, affected and insanitary buildings. This policy is an important tool for council to ensure the community is protected against the risks of unsafe buildings.

The Act also requires the council to review the policy every five years and to consult on any changes it wants to make to the policy.

We have reviewed our current Dangerous and Insanitary Buildings Policy and incorporated recommendations from the Ministry of Business, Innovation and Employment (MBIE) into a draft Dangerous, Affected and Insanitary Buildings Policy.

The changes to the policy are not significant and have been made to ensure clarity and to address the recommendations from MBIE.

### **Proposed changes**

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- We have included 'affected' in the title of the policy to better reflect that these buildings are part of the policy. Affected buildings are buildings that pose a risk to building users and passers-by because of their proximity to a dangerous or insanitary building.
- Clarified that the council will exercise its statutory power under section 124 of the Act where action is required to avoid immediate danger or in circumstances where an acceptable solution cannot be reached by the building owner.
- Noted that council maintains a register of all potential dangerous, affected and insanitary buildings that it investigates, and all notices to fix and notices of dangerous and affected buildings are included on property files.
- Notes that the powers under the Civil Defence Emergency Management Act 2002 may be used by council instead, of or in addition, to the powers under the Act.
- Referenced legislative requirements in the policy as recommended by MBIE.

### **Submissions**

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We want to hear your views on the draft Policy. Have we missed anything out or should we change anything to make the Policy clearer?

Full copies of the draft proposed policy and the submissions forms on council's website at [have you say](#) INSERT LINK AND DATES

## 10.7 Potential Expansion of Papamoa Mainstreet Targeted Rate Area

**File Number:** A16889460

**Author:** Kendyl Sullivan, City Partnerships Specialist  
Jeremy Boase, Manager: Strategy & Corporate Planning

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

### PURPOSE OF THE REPORT

1. To present process options for the potential expansion of the Papamoa Mainstreet targeted rate area, and to consider other funding options that may be available.

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### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Potential Expansion of Papamoa Mainstreet Targeted Rate Area".
- (b) Supports Papamoa Unlimited commencing a process consistent with the attached expansion process document, and ensure they report back to this Committee periodically on progress.

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### EXECUTIVE SUMMARY

2. Papamoa Unlimited, the Papamoa mainstreet organisation, have expressed interest in expanding the area of benefit, and therefore the targeted rate area that it serves.
3. In anticipation of a request like this from one or more of the mainstreet organisations operating in Tauranga, council staff had previously prepared a draft process to address expansion requests. Engagement with the mainstreet organisations has occurred on the draft process.
4. Key elements of the draft process are that:
  - The mainstreet organisation engages with its community to build support.
  - The mainstreet organisation develops a value proposition for existing and new members.
  - A detailed map of the proposed expansion area(s) is prepared.
  - The mainstreet organisation obtains a resolution of existing members that supports the proposed expansion.
  - The mainstreet organisation secures a formal 'yes' vote by potential new members.
  - The mainstreet organisation obtains a confirmatory resolution from existing members regarding the expansion plan.
  - Council includes the expanded area in its draft annual plan for consultation and then approves the new targeted rate.
5. It is critical that for any expansion of a mainstreet organisation's area, and therefore the targeted rate, that there is strong support for that expansion both amongst existing ratepayers who are paying the targeted rate, and amongst ratepayers in the expanded area who will pay the targeted rate if the expansion proceeds. To this end, the 'value proposition' noted above needs to be compelling to both sets of those ratepayers.
6. This report considers the application of the proposed draft process, as well as two other options for increasing the funding base for Papamoa Unlimited. These options are detailed in the report and are highly summarised below.

Option	Who leads?	Characteristics	Engagement required	Comments
1A – Draft process as developed <b>Recommended</b>	Papamoa Unlimited, supported by council	Papamoa Unlimited retains same focus, but bigger area to service. Targeted rate paid by commercial ratepayers only.	Lots, both with existing members and potential new members in the expansion area.	Process takes time.
1B – Add residential ratepayers to the funding base	Council (likely)	Papamoa Unlimited likely to change focus from economic development to community-focus. Targeted rate paid by commercial and residential ratepayers.	Lots, but with residential ratepayers as well.	Process takes time. Will require a review of revenue and financing policy. Uncertain reception from residential ratepayers. Approach not supported by Papamoa Unlimited.
1C – Simplified process	Council	Papamoa Unlimited retains same focus, but bigger area to service. Targeted rate paid by commercial ratepayers only.	Minimum – could be annual plan consultation process only.	Could be quick. Maybe challengeable by reluctant new payers of the targeted rate. Value proposition may not be as well developed.

7. The report also briefly considers other potential opportunities for Papamoa Unlimited (and other mainstreet organisations) to access funding for the development or delivery of community event activities.

### BACKGROUND – REPORT REQUESTED

8. At the Community, Transparency and Engagement Committee on 15 October 2024, Papamoa Unlimited expressed their desire to expand their mainstreet targeted rate boundary to encompass the wider Papamoa area to which they are already, or could in the future, provide value.
9. Subsequently the Committee resolved that it:
- ‘Requests staff prepare an issues and options paper on expanding the Papamoa Mainstreet area that includes options on consultation and engagement with the local community’.*
10. While the resolution specifically references an expansion of the Papamoa Mainstreet area, the discussion that preceded also referenced other ways that Papamoa Unlimited could increase its funding base, particularly for community-focussed events it delivers or could deliver in the future. This report addresses both issues.

**BACKGROUND – MAINSTREET ORGANISATIONS**

11. Mainstreets are areas within Tauranga where local businesses and property owners have agreed to work together, with support from council. Council supports mainstreet organisations by collecting a targeted rate from commercial and industrial properties within a defined geographical area. The funds from the targeted rate are then provided by way of a mainstreet funding grant.
12. Mainstreet organisations are operated independently as incorporated societies and their programmes and services are provided according to their members' stated priorities. All business operators within their respective targeted rates areas are regarded by mainstreet organisations as being a mainstreet member.
13. The mainstreet organisations are required to be compliant with their own rules and 'constitution', and their funding agreement with Council. The funding agreement sets out the delivery of services, and the following objectives to be achieved as part of their organisational plans:
  - (a) To promote, encourage and advance the interests of the businesses in the area.
  - (b) Promote and encourage the appearance, ambience and services of the area to make it more attractive, interesting and inviting to shoppers, visitors and persons carrying on business in the area.
  - (c) Develop economic activities that benefit, support, and provide value to their members and the mainstreet business community.
  - (d) Carry out the objects set out in the mainstreet organisation's constitution and rules.
  - (e) Meet its obligations to the mainstreet members and third parties.
14. These objectives are generally consistent with mainstreet organisations' constitutions.
15. There is a difference between community organisations and mainstreet organisations. As demonstrated above in the objectives, mainstreet organisations are focused on the interests of businesses and members in the mainstreet area.

**BACKGROUND – MAINSTREET EXPANSION PROCESS**

16. Over the past two years, several of the mainstreet organisations have indicated a desire to expand the targeted rate area of their mainstreet.
17. Expansions should be undertaken by mainstreet organisations only where there is support from local businesses and a strong business/strategic case for expansion. An expansion needs to benefit or support all the ratepayers that are contributing.
18. Any expansion process requires several steps which can be worked toward over time. In the first instance, building support and engagement with those eligible voters located within the proposed expansion area. Secondly, identifying how the existing mainstreet organisation would need to evolve to meet the needs of the businesses located within the proposed wider area.

**Process developed**

19. Council staff have reviewed the process to expand a targeted rate area, based on the policies of other councils across New Zealand that support best practice. The draft expansion process was provided to the mainstreet organisations for their information and feedback, and to share with their members.
20. Initial feedback included concerns around polling and equity of rating where the existing boundary is adjacent to other commercial premises that are receiving incidental benefit of proximity, but not paying the targeted rate. This feedback has been addressed and we anticipate the process to be a living document.

21. A meeting was arranged for 2 August 2024 with all mainstreet organisations to go through the expansion process for increasing the targeted rate area of a mainstreet. This meeting was subsequently rescheduled and held on 1 November 2024.
22. The main feedback at that meeting was that mainstreet organisations were most interested in having certainty about a process that would be acceptable to council. They did not want to embark on a time-consuming and potentially costly process, and then find that that process was not acceptable to council.
23. The current version of the draft process is included as **Attachment 1** to this report.
24. To summarise, the proposed process is as follows:
  - (a) The mainstreet organisation informs council of intent (with proposed timeframe).
  - (b) Council and the mainstreet organisation ensure that all requirements in the existing Mainstreet Agreement are met.
  - (c) The mainstreet organisation builds support through initial engagement.
  - (d) Council will assist the mainstreet organisation to identify the proposed mainstreet boundary area and will prepare a copy of the proposed expansion map.
  - (e) The mainstreet organisation develops a two-year business plan outlining the proposed activities and budget that will be funded by the targeted rate (effectively establishing the 'value proposition').
  - (f) The mainstreet organisation and Council will agree on the level of targeted rate and the basis for its collection, required to support the mainstreet targeted rate grant amount.
  - (g) The existing mainstreet members must agree (by resolution at AGM/SGM) on the total budget required, including the amount of mainstreet targeted rate grant for the programme. The resolution is to include requesting that council include the mainstreet targeted rate in council's next Annual Plan or Long-term Plan consultation process.
  - (h) The mainstreet organisation will develop a voting register of businesses and property owners in the proposed expanded area.
  - (i) A full consultation process and voting ballot is undertaken (and funded) by the mainstreet organisation through an independent election agent.
  - (j) Ballot results confirmed. To be considered a valid 'yes' vote, the proposed process suggests that turnout should be at least 25% of those eligible to vote, and the result should be at least 50% +one vote in favour.
  - (k) To progress the mainstreet expansion, the existing members of the mainstreet must confirm and approve by Special Resolution (refer to mainstreet constitution) the completed expansion project (presented in a written report), including accepting the mainstreet ballot result.
  - (l) The mainstreet organisation reports to council on process, and applies for the mainstreet area map and targeted rate to be charged. On receipt of the mainstreet organisation's expansion report and minutes approving the expansion, council staff will draft a report to this Committee seeking approval (via a resolution recommending to Council) of the mainstreet expansion area map, and the proposed mainstreet targeted rate for the following financial year.
  - (m) Council will then consider inclusion in the next draft Annual Plan or Long-term Plan process.

## BACKGROUND – OTHER FUNDING OPTIONS

25. Mainstreet organisations can apply for additional funding outside their targeted rate grant. There are funding opportunities available for organisations such as mainstreet organisations for events.
26. During the Committee meeting of 15 October 2024, Papamoa Unlimited noted that additional funding may be necessary to produce their annual and very successful Matariki celebrations. Such other funding opportunities may be appropriate for this use.



27. Papamoa Unlimited has been successful with applications for event funding grants in the past, for example receiving two grants from council in the 2023/24 year. Other mainstreet organisations have applied to these funds and been unsuccessful<sup>15</sup>, but applications continue to be welcome from mainstreet organisations.
28. There are also a number of community-focused trusts and funding organisations that may view favourably applications from mainstreet organisations for community-focussed events.

### STATUTORY CONTEXT

29. When considering decisions relating to the funding of activities, Council needs to follow the processes set out in section 101(3) of the Local Government Act 2002. This involves reviewing the funding needs analysis (under section 101(3)(a)) and then determining the overall allocation of different funding sources (under section 101(3)(b)). The current Funding Needs Analysis (“FNA”) and the resultant Revenue & Financing Policy (“R&FP”) were both published in the 2024-2034 Long-term Plan.
30. A decision to consider extending the targeted rate area for Papamoa Unlimited is unlikely to be inconsistent with the existing FNA or R&FP. If, however, the Committee were to support Papamoa Unlimited to change the organisation’s focus from economic development to community events, and subsequently seek to change the source of funding from commercial to all ratepayers, the FNA and R&FP would need to be reviewed as part of that process.
31. A targeted rate is described in section 16 of the Local Government (Rating) Act 2002. A targeted rate may be set in relation all land in the city or in relation to a subset of that land<sup>16</sup>, including land defined on a geographical basis or land that is used for a particular purpose (as is the case with the existing targeted rate for Papamoa Mainstreet activities). Targeted rates may be set on a uniform basis for all relevant rateable land, or differentially for different categories of rateable land<sup>17</sup>.

### STRATEGIC ALIGNMENT

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

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

33. Mainstreet organisations are considered key strategic stakeholders in the council’s plans. They provide a valuable link between businesses and the council, and are involved in several projects.
34. In terms of Council’s community outcomes that are outlined in Our Direction – Tauranga 2050, well-run mainstreet programmes make a worthwhile contribution to vibrancy and to “*a well-planned city with a variety of successful and thriving compact centres, resilient infrastructure, and community amenities*”.
35. Well-run mainstreet programmes also have a key role in making a significant contribution “*to the social, economic, cultural and environmental well-being of the region*”.

<sup>15</sup> Three applications from two mainstreet organisations have been received recently, which didn’t meet the criteria for the two funds that the applications were made to and were therefore declined.

<sup>16</sup> See section 16(3) and 17, and Schedule 2, Local Government (Rating) Act 2002

<sup>17</sup> Se section 16(4), Local Government (Rating) Act 2002



## OPTIONS ANALYSIS

36. As noted above, there are two separate but linked issues that arose during the Committee's meeting of 15 October 2024:
- (a) Expansion of the Papamoa Unlimited mainstreet targeted rate; and
  - (b) Additional funding for Papamoa Unlimited to deliver events.
37. In preparing this options section, we have considered them separately. The Committee may decide to consider them together or separately.

### Issue 1 – Expansion of the Papamoa Unlimited Mainstreet targeted rate

38. Three potential options for this issue have been identified and explored:
- 1A – Support exploring an expansion of the mainstreet targeted rate area using the draft process prepared; or
  - 1B – Consider a broader targeted rate (including residential ratepayers); or
  - 1C – Consider a simplified process whereby council creates a wider mainstreet area.
39. These options are considered further below.
40. **Option 1A:** Support exploring an expansion of the mainstreet targeted rate area using the draft process prepared:

#### Recommended: Yes

41. This option has the following characteristics:
- Follows the proposed expansion process included as Attachment 1.
  - Adds additional commercial ratepayers not currently within the mainstreet Boundary Map (extent of the expansion yet to be determined).
  - Led by Papamoa Unlimited, but supported by Council.
  - Requires a two-year plan and budget (i.e. 'value proposition') to be prepared by Papamoa Unlimited and shared with both current and potential future members.
  - Ensures all potentially affected commercial ratepayers have opportunities to influence decision-making on the expanded rating area (majority vote required).
  - This Committee would:
    - Approve the proposed draft mainstreet expansion map prior to the mainstreet ballot; and
    - Consider a recommendation to Council on an expanded rating area once all process requirements have been met and the ballot has been completed.
42. This option has the following advantages, disadvantages and risks:

Advantages	Disadvantages and Risks
<ul style="list-style-type: none"> <li>- Potentially increases the funding base for Papamoa Unlimited.</li> <li>- Best practice process that can commence immediately.</li> <li>- Ensures Papamoa Unlimited 'owns' the process.</li> <li>- High level of engagement with affected parties, including a formal vote before proceeding.</li> <li>- Requires that the 'value proposition' is clearly set out by Papamoa Unlimited to both current and potential future</li> </ul>	<p><b>Disadvantages:</b></p> <ul style="list-style-type: none"> <li>- Is a time-consuming process for Papamoa Unlimited, which requires a level of funding and resourcing to achieve.</li> </ul> <p><b>Risks:</b></p> <ul style="list-style-type: none"> <li>- Papamoa Unlimited does not have adequate resources to undertake (council could choose to mitigate this risk by providing funding or other resources).</li> </ul>

<p>members.</p> <ul style="list-style-type: none"> <li>- High visibility of the process to council (staff and elected members) who will ultimately be responsible for levying an expanded rate.</li> <li>- Meets consultation requirements under section 82 of the Local Government Act, before the expanded rate is included in an Annual Plan or Long-term Plan process and subjected to further formal consultation.</li> </ul>	<ul style="list-style-type: none"> <li>- Papamoa Unlimited annual plan and strategy may need to be amended to support the additional area which is potentially geographically more diverse than currently.</li> <li>- Affected ratepayers may vote against an expansion plan.</li> <li>- Whilst the draft expansion process has been shared with mainstreet organisations, it has not been shared with the wider business community.</li> </ul>
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43. **Option 1B:** Consider a broader targeted rate (including residential ratepayers).

**Recommended: No**

44. This option has the following characteristics:

- Adds residential ratepayers to those contributing to Papamoa Unlimited.
- Likely to require a significant change of focus for Papamoa Unlimited from a business-funded organisation to a general ratepayer-funded organisation (may no longer be a classic 'mainstreet organisation').
- May follow the same process as for option 1A (though that is not what it was designed for).

45. This option has the following advantages, disadvantages and risks:

Advantages	Disadvantages and Risks
<ul style="list-style-type: none"> <li>- Potentially increase the funding base for Papamoa Unlimited such that residents as well as businesses fund the activities and events delivered.</li> <li>- <b>If</b> the expansion process is followed: <ul style="list-style-type: none"> <li>o Ensures Papamoa Unlimited 'owns' the process.</li> <li>o High level of engagement with affected parties, including a formal vote before proceeding.</li> <li>o Requires that the 'value proposition' is clearly set out by Papamoa Unlimited to both current and potential future members.</li> <li>o High visibility of the process to council (staff and elected members) who will ultimately be responsible for levying an expanded rate.</li> <li>o Meets consultation requirements under section 82 of the Local Government Act, before the expanded rate is included in an Annual Plan or Long-term Plan process and subjected to further formal consultation.</li> </ul> </li> </ul>	<p><b>Disadvantages:</b></p> <ul style="list-style-type: none"> <li>- Process undefined.</li> <li>- Expansion to residential ratepayers was not the original request of Papamoa Unlimited.</li> <li>- Likely to be a time-consuming process for Papamoa Unlimited, which requires a level of funding and resourcing to achieve.</li> <li>- Will be significantly more expensive if a poll of residential ratepayers is undertaken.</li> <li>- May require a significant marketing exercise to reposition Papamoa Unlimited as a community-funded organisation rather than a business-funded organisation.</li> <li>- <b>If</b> the purpose of the targeted rate changes from economic development to community events, then full consideration under council's FNA and R&amp;FP would need to be undertaken (s103, Local Government Act).</li> </ul>

	<p><b>Risks:</b></p> <ul style="list-style-type: none"> <li>- Mainstreet does not have adequate resources to undertake (council could choose to mitigate this risk by providing funding or other resources – realistically, for something of this scale council risks being called on to lead it).</li> <li>- Mainstreet annual plan and strategy may need to be amended to support the additional area, which is potentially geographically more diverse than currently, as well as the inclusion of residential ratepayers in its rating base.</li> <li>- Risk that a single ‘value proposition’ will not be appealing to both commercial and residential ratepayers.</li> <li>- Affected ratepayers may vote against an expansion plan.</li> <li>- Whilst the draft expansion process has been shared with mainstreet organisations, it has not been shared with the wider business community.</li> <li>- Risks setting a precedent for other mainstreet organisations which may not be appropriate.</li> </ul>
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46. **Option 1C:** Consider a simplified process whereby council creates a wider mainstreet area.

**Recommended: No**

47. This option has the following characteristics:

- Establishes a bespoke and foreshortened process, which will therefore be quicker than that set out in Attachment 1 (and Option 1A).
- Will focus on commercial ratepayers only.
- Likely to be led by council rather than Papamoa Unlimited.
- Likely to involve less engagement with affected ratepayers until the draft Annual Plan or Long-term Plan consultation process.
- May simply involve Council making a draft decision and then testing it with ratepayers through the Annual Plan or Long-term Plan process.

48. This option has the following advantages, disadvantages and risks:

Advantages	Disadvantages and Risks
<ul style="list-style-type: none"> <li>- Speed of decision-making.</li> <li>- Potentially a simple process.</li> </ul>	<p><b>Disadvantages:</b></p> <ul style="list-style-type: none"> <li>- Is not likely to be a best practice process.</li> <li>- Potential new payers of the targeted rate may not feel engaged in the process.</li> <li>- Council may be seen to be ‘imposing’ the new, wider targeted rate if the process is led by council not Papamoa Unlimited.</li> </ul>

	<ul style="list-style-type: none"> <li>- Less visibility of the 'value proposition' before a draft decision is made.</li> <li>- No poll of affected ratepayers.</li> <li>- Top-down approach goes against the concept of localism, that local communities know what is best for them.</li> </ul> <p><b>Risks:</b></p> <ul style="list-style-type: none"> <li>- Council not seen as working collaboratively with its affected ratepayers.</li> <li>- Papamoa Unlimited annual plan and strategy may need to be amended to support the additional area which is potentially geographically more diverse than currently.</li> <li>- Increased risk of challenge to decision-making processes.</li> </ul>
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## Issue 2 – Additional funding for Papamoa Unlimited to deliver events

49. Three potential options for this issue have been identified and explored:

2A – Council creates a contestable fund specifically for mainstreet organisations to deliver community event activities; and/or

2B – Papamoa Unlimited apply to existing contestable funds available from council and other funders; and/or

2C – Council provides direct funding to Papamoa Unlimited for community event activities.

50. These options are briefly considered further below.

	Synopsis	Advantages	Disadvantages
2A – Mainstreet contestable fund	Create a new fund. Establish objectives. Establish criteria. Annual /semi-annual funding round. Admin costs.	Even playing field among the four mainstreet organisations.	Additional expenditure for council/ratepayers to fund (both the fund and admin costs) – source to be determined. Uncertainty for each mainstreet organisation.
2B – existing contestable funds	Processes established.	No additional council expenditure required. Even playing field across all community organisations seeking similar event funding.	No dedicated funding for mainstreet organisations (would need to compete with other community organisations).
2C – direct funding	Additional grant provided for specific deliverables.	Certainty to Papamoa Unlimited. Simplicity.	Additional expenditure for council/ratepayers to fund – source to be determined.

## FINANCIAL CONSIDERATIONS

51. The financial implications for council will depend on the approach to this issue that is taken.
52. If the recommended process is followed for an expansion of the existing targeted rate area and is pursued, the cost implications to council will depend on the extent of support that is provided to help Papamoa Unlimited through the process.
53. Once the amended targeted rate is in place, there will be no direct financial implications for the council. Targeted rates for mainstreet organisations are raised directly from business ratepayers and used by the mainstreet organisation for improvements within their respective area. The council's financial role is to collect the mainstreet targeted rates and pass them directly to the mainstreet organisation every six-months.
54. The targeted rate is payable by the owners of the business rated properties within the geographic area of the individual mainstreet area.
55. Papamoa Unlimited currently receives a targeted rate grant of \$66,000, which is proposed to increase to \$72,600 in the financial year 2025/26.
56. If a different approach is made to increase funding for Papamoa Unlimited then the costs to council, and how they are ultimately funded, may be different.

## RISKS

57. Risks are briefly outlined under each of the options above.
58. There are no direct risks to the council that could result from the recommendation to support Papamoa Unlimited to commence a process consistent with the draft expansion process attached, as there is a large consultation requirement before Council considers actually striking the targeted rate.
59. The targeted rate is payable by the owners of the commercial and industrial properties within the geographic area of the individual mainstreet organisation. In practice, this cost is often passed on to the business owners who occupy these properties. This cost may be harder to meet at a time when businesses are financially impacted by high costs of living and overheads.
60. The operation of the mainstreet organisation is subject to the Funding Agreement. The Funding Agreement is intended to help minimise the potential for risks, by requiring each mainstreet organisation to report six-monthly to the Community, Transparency and Engagement Committee, plan for the intended use of funds, report on its activities to its members, and members to receive annual financial statements and audited financial report.
61. Council staff regularly monitor and support compliance with the Funding Agreement and provide a six-monthly report to the Community, Transparency and Engagement Committee.

## TE AO MĀORI APPROACH

62. The Funding Agreement does not prescribe individual mainstreet organisations' effectiveness, outcomes, or impacts for Māori. However individual mainstreet organisations may include, collaborate, and deliver projects, activities, and events with and for Māori.

## CLIMATE IMPACT

63. This is an administrative report, the recommendations in this report do not have implications for our climate impact.

## CONSULTATION / ENGAGEMENT

64. Engagement and consultation approaches are broadly outlined under each of the three options described under Issue 1. If the Committee decided to support following the documented proposed expansion process, a significant amount of engagement would be expected to occur between Papamoa Unlimited and both its existing members and its potential future members.

65. Any approach which proposed to amend the targeted rate, would also be formally consulted on through the relevant annual plan or long-term plan process prior to implementation.
66. Options under Issue 2 would not necessarily require engagement or consultation.

### SIGNIFICANCE

67. 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.
68. 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.
69. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that a decision to commence a process to potentially expand the area of the Papamoa Unlimited targeted rate is of low significance.

### ENGAGEMENT

70. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision on supporting Papamoa Unlimited to commence a proposed expansion process.

### NEXT STEPS

71. Staff will communicate the outcome of this meeting to Papamoa Unlimited and commence implementation of the Committee's decision with them.
72. Staff will also ensure other mainstreet organisations are aware of the decisions made in this Committee meeting.
73. Staff and Papamoa Unlimited will report back to the Committee in the first quarter of 2025 on progress made and any resourcing issues that may be apparent.

### ATTACHMENTS

1. **Draft Proposed Expansion of Mainstreet Boundary Process 2024 - A17010642** [↓](#) 

## Changing a Mainstreet boundary area

### Process Flowchart

Mainstreet Organisation informs Council of Intent (with proposed timeframe) → Mainstreet Agreement requirements met → Mainstreet builds support through initial consultation → Define Mainstreet Boundary → Two-year Business Plan and Budget → Draft targeted rate \$ or calculation → Mainstreet member (AGM) approval → Develop a voting register of businesses and property owners → Full consultation and voting ballot (>25% voter turnout, >50% plus one vote in favour) → Ballot results confirmed → AGM / SGM held. → Mainstreet reports to Council on process and applies for Mainstreet area map and targeted rate to be charged.

Requirements:

#### 1. Notice of Intent to Council

Mainstreet Organisations (Mainstreet) are required to give notice within 12 months of an Annual General Meeting to Tauranga City Council of their intention to investigate changing a Mainstreet boundary area map.

All projects proposing a change to an existing Mainstreet boundary must:

- Be identified and supported in the organisations planning documents (ie AGM, Annual Plan, Strategic Plan)
- Align (timing and resources) with the Mainstreet strategic plan and expenditure budgets.
- Have adequate budget and resources to undertake the expansion project
- Have sufficient time to complete the project
- Complete the reporting requirements associated with changing a Mainstreet boundary area map (member approvals via AGM or SGM)
- Achieved the minimum required ballot mandate

All proposed Mainstreet boundary changes must align with Tauranga City Council work programmes, budget and reporting timeframes, which includes ensuring the proposal is identified in Council annual budget planning and consultation processes for:

- Council staff reporting timeframes for council committees and meetings
- Tauranga City Council Annual and Long-Term Plan budget and consultation processes
- Whilst timeframes are indicated throughout the process, Council staff will work closely with Mainstreets through this process on specific timelines as the expansion progresses.

### Changing a Mainstreet Boundary

Changing a Mainstreet boundary area provides the Mainstreet an opportunity to grow and further evolve the Mainstreet programme adding value to their changing business community. Expanding the boundary ensures the Mainstreet continues to adapt and represent the wider business community in their area.

#### 2. Initial consultation

The Mainstreet is responsible for undertaking the initial consultation with the business community located within the proposed expansion area. This includes:

- Identifying the proposed Mainstreet expansion area. The proposed expansion area must be marked using roads or property boundary lines with no gaps, or deviations. The boundary map must be contiguous and needs to include business properties that benefit from the Mainstreet programme delivery.

- Eligible Mainstreet voter list. Identify the affected parties (the voters) located within the proposed expansion area.
- Understanding what businesses (the voter) located in the expansion area need, concerns, and opportunities.
- Review the existing Mainstreet programme deliverables to identify what changes (if any) are needed to evolve the current Mainstreet programme delivery to the wider boundary area.
- Develop a draft income and expenditure budget to identify the amount of Mainstreet targeted rate grant amount it will need to deliver the programme for the following financial year.
- Identify the level of interest from eligible voters in support of becoming part of the expanded Mainstreet programme.
- This consultation could include a public meeting to communicate the proposal to expand a Mainstreet, the area that it is proposed to cover, and its potential objectives and activities.

Following this initial consultation, the Mainstreet will provide feedback in the form of a written report to Council as part of their six-monthly reporting requirements on the response received, identifying if there is a sufficient level of support to proceed with the change to the boundary (indicatively >25% support). If they wish to proceed, the following requirements would need to be met:

### **3. Define Mainstreet boundary area map**

Tauranga City Council will assist the Mainstreet to identify the proposed Mainstreet boundary area map and a copy of the proposed expansion map will be provided via council. Council has final approval of the boundary map which should be included and presented to Council at a Mainstreet six-monthly monitoring presentation.

The purpose of the Mainstreet boundary area map is to capture:

- The geographical area for the delivery of the expanded Mainstreet programme.
- The affected properties within that geographical area which make up the eligible Mainstreet voters (landlords, owners, tenants).

### **4. Two-year business plan and budget**

Develop a two-year business plan outlining the proposed activities and budget that will be funded by the targeted rate. The plan and budget documents must clearly show the amount of Mainstreet targeted rate grant required for each financial year and which complies with the Mainstreet Agreement.

#### **Draft targeted rate grant amount**

The Organisation and Council will agree on the level of targeted rate and the basis for its collection, required to support the Mainstreet targeted rate grant amount. The Local Government (Rating) Act 2002 gives the Council authority to set a targeted rate for an activity such as, the delivery of a Mainstreet programme.

The amount of grant needs to be enough to support the delivery of the Mainstreet programme activities. The Mainstreet members must agree (by resolution at AGM/SGM) on the total budget required, including the amount of Mainstreet targeted rate grant for the programme. The resolution is to include requesting that Council include the Mainstreet targeted rate in the Council's Annual Plan or Long-Term Plan consultation process.

### **5. Ballot Process**

#### *Mainstreet Eligible Voter List*

The list must include both business ratepayers and business occupiers/tenants and is sourced as follows:



- Council provides a database of business ratepayers within the area identified via the proposed Mainstreet programme boundary map.
- The Mainstreet is required to identify and develop a database of all businesses identified as Mainstreet eligible voters. This includes all businesses or sole traders operating as a business within the Mainstreet programme proposed expansion area and located on:
  - Business and / or commercial zoned property or business rated property address.
  - Residential properties but operating a business (as the predominant use) from that property address.
  - A commercial business/tenant leasing premises within a Tauranga City Council owned property.
  - Any other business activities operating on any property.
- The Mainstreet is required to engage with all eligible voters utilising a range of consultation approaches, including hosting free public meetings to share information on the Mainstreet programme and ballot/voting process.
- The Mainstreet is required to make the eligible voter list publicly available (business name and property address only), at least one month before the ballot begins. This is to enable transparency of the ballot process and ensure businesses are aware of whether they will receive voting information. Any last-minute eligible voters can be added, subject to verification by the independent electoral agent.

#### *Mainstreet Ballot*

The Mainstreet is responsible for:

- engaging the services of the independent election agent.
- meeting all required costs and delivery deadlines.
- The ballot campaign must be undertaken in a democratic manner and must not interfere with or unduly influence voters. Refer to Section 122, 124, and 128 of the Local Electoral Act 2001.
- Ballots are coordinated by an election agent polling agent independent from Tauranga City Council and the Mainstreet.
- Voting in the ballot is based on the principle of 'one entity – one vote', an entity being a business ratepayer and/or a business/tenant. The election agent will combine the eligible Mainstreet voter list and Tauranga City Council ratepayer data to form the complete eligible voter list.
- The delivery of the voting papers (ballot pack) depends on the requirements of the Mainstreet, the voting area and subject to the discretion of the election agent.
- **The election agent will have the final say regarding who is entitled to vote and the ballot delivery/voting options.**
- Ballots must be for at least 4 weeks (20 working days) and completed by the end of November in any year.
- The ballot pack must include a range of material\* approved by Tauranga City Council before sending to the polling agent.

#### **\*Material and information to be included in the ballot pack**

- Proposed Mainstreet expansion map,
- The purpose of the ballot,
- Mainstreet programme targeted rate grant amount,
- Mainstreet rating mechanism, how the rate will be calculated,
- Mainstreet detailed income and expenditure budget for the following two years,
- Mainstreet organisation's objectives and goals (annual plan),
- Mainstreet organisation's membership form,

- Further information including key contact details for the Mainstreet organisation, the polling agent, and Tauranga City Council staff.

#### 6. Mainstreet ballot mandate

The minimum mandate required for a successful ballot result.

- A valid ballot must achieve a threshold of at least 25% of the total voting forms being returned.
- Of the returned voting forms, a minimum of 50% plus one vote must be in favour of the proposition raised on the ballot form to achieve a mandate.

#### **Mainstreet programme expansion project approval -**

(Insert as flowchart)

- Successful ballot by achieving the required mandate → Mainstreet organisation AGM / SGM to approve and adopt ballot results and reconfirm Mainstreet targeted rate, income and expenditure and business plan documents → Mainstreet provides a written report to Council confirming all requirements set out 1 to 6 above have been completed by 31 January. → Council staff to report to Community, Transparency and Engagement Committee approving the Mainstreet expansion map and confirm for approval the Mainstreet targeted rate in final annual or 10-year budget → Mainstreet amended targeted rate approved by Council struck commencing 1 July → Mainstreet Agreement reviewed and updated
- Unsuccessful ballot → Undertake AGM/SGM to approve and adopt ballot results by November 1 → Mainstreet ballot results notified to Council, no further action → Current Mainstreet rate continues to be struck

#### **Exceptional or unexpected circumstances affecting a Mainstreet ballot**

There may be exceptional and/or unexpected circumstances that have an impact on a ballot result. Examples include natural disaster, pandemic, or a major event that causes extended business disruption.

If feasible, and on the advice of the polling agent, the council staff recommend postponing the ballot if possible or extending the ballot period if voting has commenced.

When deciding whether to give effect to a ballot result, Council, at its discretion, may depart from the requirement that 25% of total voting forms must be returned for the ballot to be valid. When considering this discretion, Tauranga City Council will consider evidence of support to date, what is fair, and any impact from amending the voting threshold mandate.

#### 7. Mainstreet Organisation reporting to membership.

To progress the Mainstreet expansion the members of the Mainstreet must confirm and approve by Special Resolution (refer to Mainstreet constitution) the completed expansion project (presented in a written report) including accepting the Mainstreet ballot result.

The written report to include: report on the Mainstreet expansion project to be made available to members confirming all requirements 1 to 6 have been completed including achieving a successful ballot result. The report must include:

- Overview of the project
- Engagement and consultation processes
- Ballot results
- Mainstreet members approvals (AGM/SGM), copies of AGM and / or SGM minutes

- Any proposed member approved changes to the business plan, income and expenditure budget, Mainstreet targeted rate grant
- Examples of the types of engagement and communication utilised
- confirming all requirements set out 1 to 6 above have been completed.
- A copy of the AGM/SGM minutes including the resolution approving the Mainstreet expansion and a copy of the Mainstreet expansion report must be forwarded to council staff no later than 31 January.

**Reporting to Tauranga City Council**

On receipt of the Mainstreet Organisations expansion report (completing requirements 1 to 6) and AGM/SGM minutes (requirement 7) approving the expansion, council staff will draft a report to the Community, Transparency and Engagement committee (or Council) seeking approval via resolution of the Mainstreet expansion area map and the proposed Mainstreet targeted rate for the following financial year.

**Next Steps**

Council staff will advise the Mainstreet the expansion has been approved. Staff will also work with the Mainstreet to review, amend, and update the Mainstreet Agreement.

The Mainstreet will receive their targeted rate grant from 1 July.

## 10.8 Draft Alcohol Fees Bylaw

**File Number:** A16664380

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

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

### PURPOSE OF THE REPORT

1. To consider the draft Alcohol Fees Bylaw and Statement of Proposal for community consultation.

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### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Draft Alcohol Fees Bylaw".
- (b) Approves the draft Alcohol Fees Bylaw (**Attachment One**) and the Statement of Proposal (**Attachment Two**) for community consultation.
- (c) Authorises the General Manager: Regulatory and Compliance to make any necessary minor drafting or presentation changes to the draft Alcohol Fees Bylaw, the Statement of Proposal and related consultation material before consultation.

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### EXECUTIVE SUMMARY

2. Alcohol licensing fees can be set by the prescribed fees set out in the Sale and Supply of Alcohol (Fees) Regulations 2013 (Fees Regulations) or through a bylaw that allows Council to set their own fees.
3. On 15 October 2024, the Community, Transparency and Engagement Committee (the Committee) approved the development of an Alcohol Fees Bylaw. The proposed bylaw would allow alcohol fees to be set through the annual plan and long-term plan process to allow greater flexibility and for the community to provide feedback on the fees each year.
4. The Committee also agreed to use 100% cost recovery as an indication of potential new fees. This aligns with the directive in the Sale and Supply of Alcohol Act 2012 (Act) that as far as practicable, the total costs to councils are recovered out of the fees paid<sup>18</sup>.
5. The proposed new alcohol licencing fees are presented in schedule one of the draft bylaw. These fees do not bind Council to a cost recovery rate as any new fees will be set through the user fees and charges process as part of the annual plan.
6. We are seeking the Committee's approval of the draft Alcohol Fees Bylaw (**Attachment One**) and Statement of Proposal (**Attachment Two**) for community consultation in February/March 2025. The consultation will focus on whether Council should set fees (through a bylaw) or continue using the prescribed fees set out in the Fee Regulations.

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<sup>18</sup> Sale and Supply of Alcohol Act 2012 section 402(1)(b).

## BACKGROUND

7. Currently Tauranga's alcohol licensing function is funded by licensing fees and general rates. Our licensing fees, based on the prescribed regulation fees, cover around 40% of the total alcohol licensing costs with the remaining 60% coming from general rates (approximately \$755 000).
8. This amount is a decrease in cost recovery compared to last financial year when around 50% of costs were recovered from fees. The decrease in cost recovery is expected to continue with rising participation in the licensing process creating increased costs.
9. Although the prescribed regulation fees are required to be reviewed every 5 years<sup>19</sup>, the last review was carried out in 2017. The review could not draw any conclusions on overall cost recovery, so no changes were made to the prescribed fees.
10. The Act and associated secondary legislation<sup>20</sup> allow for Council to make a bylaw to set its own alcohol licensing fees. On 15 October 2024, the committee approved the development of an Alcohol Fees Bylaw for establishing licensing fees.
11. The specific fees will be set by Council resolution through the annual plan and long-term plan process, providing opportunity for the community to feedback on any proposed alcohol licensing fee charges each year. This process will ensure that the community can provide feedback on all of the council's proposed fees and charges at the same time.

## STATUTORY CONTEXT

12. 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 as it is practicable, the total costs to the territorial authority are recovered out of the fees paid to it under this Act*'.
13. 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*'.
14. The Act also outlines the specific types of fees which can be managed under a bylaw<sup>21</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>22</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 District Licensing Committee (DLC).

## STRATEGIC ALIGNMENT

15. 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"/>

<sup>19</sup> Sale and Supply of Alcohol Act 2012, s 404

<sup>20</sup> Sale and Supply of Alcohol Act 2012, s 495 and Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013

<sup>21</sup> Sale and Supply of Alcohol Act 2012, ss 397 and 402

<sup>22</sup> Sale and Supply of Alcohol (Fees) Regulation 2013, Reg 11

We are a city that supports business and education



16. The proposed Alcohol Fees Bylaw aligns with the council's strategic community outcome of an inclusive city. The alcohol licensing function helps prevent harm and helps create a safe community.

### OPTIONS ANALYSIS

17. The table below sets out the advantages and disadvantages of approving the draft alcohol fees bylaw and statement of proposal for community consultation.

Option		Advantages	Disadvantages
1	Approve the proposed draft Alcohol Fees Bylaw and Statement of Proposal for community consultation.  <b>Recommended</b>	<ul style="list-style-type: none"> <li>Allows the community to provide feedback on the level of cost recovery for alcohol licensing and who should fund alcohol licensing.</li> <li>Allows the community to provide feedback on how alcohol licensing fees should be set in Tauranga.</li> <li>Meets the consultation requirement under the Act<sup>23</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>Nil</li> </ul>
2	Do not approve the Alcohol Fees Bylaw and Statement of Proposal for community consultation.	<ul style="list-style-type: none"> <li>Nil</li> </ul>	<ul style="list-style-type: none"> <li>Does not allow for community feedback on funding alcohol licensing.</li> <li>A bylaw cannot be developed without community consultation.</li> </ul>

### FINANCIAL CONSIDERATIONS

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

### LEGAL IMPLICATIONS / RISKS

19. 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

20. The development of an Alcohol 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

21. There are no direct or specific climate change impacts resulting from the proposed draft bylaw.

<sup>23</sup> Sale and Supply of Alcohol Act 2012 s.405.

## SIGNIFICANCE

22. 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.
23. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
  - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
  - (b) any persons who are likely to be particularly affected by, or interested in, the issue.
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
24. 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

25. In accordance with the legal requirement in the Act, community consultation will be carried out. Although the Act does not require the special consultative procedure<sup>24</sup> to be used, we propose to use this procedure to ensure best practice and alignment with our bylaw development process.
26. The special consultative procedure requires a Statement of Proposal, the opportunity for people to present their views to Council, and a consultation period of not less than a month.
27. We will also undertake targeted consultation with all our current license holders and other stakeholders including Iwi, the Police, our Medical Officers of Health and other community groups.

## NEXT STEP

28. If the committee approve the draft bylaw for community consultation, consultation will be carried out in February/March 2025.
29. The committee will hear from submitters who wish to speak to their submission and deliberate on the issues raised before deciding whether to recommend to Council to formally adopt the bylaw in March/April 2025.
30. 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.
31. 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. **Draft Alcohol Fees Bylaw - A16957303**  
2. **Draft Statement of Proposal - A16924247**  

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<sup>24</sup> Local Government Act 2002 s.83

## DRAFT ALCOHOL FEES BYLAW 2024



<b>First adopted</b>	<i>Adoption date</i>	<b>Minute reference</b>	
<b>Revisions/amendments</b>		<b>Minute references</b>	
<b>Review date</b>	<i>No legislative requirement – recommend five years</i>		
<b>Engagement required</b>	<i>Note type of engagement (SCP, LGA s82?)</i>		
<b>Relevant legislation</b>	<i>This bylaw is made under the Sale and Supply of Alcohol Act 2012 and the Sale and Supply of Alcohol (Fees) Regulations 2013 and under the authority of the Sale and Supply of Alcohol (Fee-Setting Bylaws) Order 2013</i>		

### 1. TITLE

- 1.1 This bylaw is the Tauranga City Council's Alcohol Fees Bylaw 2024.

### 2. COMMENCEMENT

- 2.1 This bylaw comes into force on [insert date].

### 3. APPLICATION

- 3.1 This bylaw applies to the Tauranga City district.

### 4. PURPOSE

- 4.1 To prescribe fees:
- fees for matters payable to territorial authorities are prescribed in the Sale and Supply of Alcohol (Fees) Regulations 2013, and
  - additional fees payable relating to functions exercised by territorial authorities under the Sale and Supply of Alcohol Act 2012.



## 5. DEFINITIONS

5.1 For the purposes of this bylaw the following definitions shall apply:

Term	Definition
<b>Act</b>	Sale and Supply of Alcohol Act 2012
<b>Bylaw</b>	Tauranga City Council Alcohol Fees Bylaw 2024
<b>Council</b>	refers to the elected member body representing Tauranga City Council
<b>Fees Regulations</b>	Sale and Supply of Alcohol (Fees) Regulations 2013
<b>Licence</b>	meaning given by the Sale and Supply of Alcohol Act 2012:  (a) a licence issued under this Act that is in force; and  (b) in relation to any licensed premises, the licence issued for them (or, in the case of premises that two or more licences have been issued for, any of those licences)

5.2 Any explanatory notes and attachments are for information purposes and do not form part of this bylaw, and made be made, amended, and revoked without formality.

## 6. FEES PAYABLE

- 6.1 Fees will be set by Council resolution and set out in Schedule One of this bylaw.
- 6.2 Proposed fee changes will be publicly consulted on as part of annual plan or long-term plan processes before they are resolved.
- 6.3 Fees payable for on-licence, off-licence or club licence premises in this bylaw must follow the fee category framework set out in clause 7(2) of the Fee Regulations.
- 6.4 Fees may be set for additional functions exercised by Council under the Act including:
- 6.4.1 Late fee penalties for licence applications and licence renewals
  - 6.4.2 Fees for an extract from any record or register kept under section 66 of the Act.

### EXPLANATORY NOTE

*Application and annual fees for premises must be set within the fee categories set in clauses 4 to 6 in the Fees Regulations.*

*Fees for manager's certificates are in the Fee Regulations and as provided in clause 11(2)(a) must be the same as the fees charged by every other territorial authority.*

Schedule One – **Indicative fees based on 100% cost recovery** – prescribed by Council Resolution as at [Insert date of any relevant Council resolution]

**NOTE:** For information purposes the current fees as prescribed by the sale and supply of alcohol (fees) regulations 2013 are shown alongside the proposed indicative fees. All fees are inclusive of GST.

Application fees for premises – fee category based on risk rating in the Sale and Supply of Alcohol (Fees) Regulations 2013									
Very Low		Low		Medium		High		Very High	
<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>
\$368.00	\$1268.45	\$609.50	\$2099.90	\$816.50	\$2812.90	\$1023.50	\$3525.90	\$1207.50	\$4160.70

Annual fees for premises – fee category based on risk rating in the Sale and Supply of Alcohol (Fees) Regulations 2013									
Very Low		Low		Medium		High		Very High	
<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>
\$161.00	\$554.30	\$391.00	\$1346.65	\$632.50	\$2179.2	\$1035.00	\$3566.15	\$1437.50	\$4953.05

Special licence fees – class defined by the Sale and Supply of Alcohol (Fees) Regulations 2013					
Class 1		Class 2		Class 3	
<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>
\$575.00	\$1981.45	\$207.00	\$713.00	\$63.25	\$217.35

Other licence fees		
	<i>Current</i>	<i>Proposed</i>
Managers certificate	\$316.25	\$316.25
Temporary authority	\$296.70	\$1022.35
Temporary licence	\$296.70	\$1022.35
Extract of register	\$50	\$70
Variation of licence fee		The relevant risk category application fee
Late application for special licence applications and renewals		\$90

DRAFT

## **Draft Alcohol Fees Bylaw**

### **Statement of Proposal**

#### **Introduction**

Tauranga City Council has a range of alcohol licensing functions under the Sale and Supply of Alcohol Act 2012 (the Act). This includes:

- appointing and supporting the District Licensing Committee (DLC)
- receiving and processing licence applications for the DLC to make decisions on
- monitoring and compliance assessments of all licensees, including inspections of premises and providing education to licensees

The Act directs Council to recover, as far as is practicable, the total costs of its licensing function from alcohol licensing fees. Our current fees are set by the Act and have not changed since the fees were first set in 2013. These fees makeup around 40% of the total alcohol licensing costs with the remaining 60% coming from general rates (approximately \$755 000).

#### **Summary of the proposed changes**

We are proposing an Alcohol Fees Bylaw to enable us to set our own fees. This would mean we have the option to consider how alcohol licensing are funded in Tauranga.

The proposed draft bylaw would allow fees to be set by Council resolution through the annual plan and long-term plan process, providing an opportunity for the community to provide feedback on alcohol licensing fees each year. This ensures that the community can provide feedback on all of council's proposed fees and charges at the same time.

Schedule One of the proposed draft bylaw sets out indicative fees based on full cost recovery. This is to help inform community consultation. No decision has been made on the timing and level of any potential changes to the fees. This will be considered as part of the annual plan.

#### **Reason for the proposed changes**

The current fees, prescribed by the legislation, do not recover the full cost of alcohol licensing in Tauranga. Using the fees set in legislation does not allow for any changes to be made to how alcohol licensing is funded in our city. Having an Alcohol Fees bylaw would allow a greater proportion of the licensing costs to be funded by alcohol fees.

#### **Have your say**

Please tell us what you think of the proposal of Tauranga City Council developing a bylaw to set our own alcohol fees as opposed to using the prescribed fees set by the Act.

If a bylaw is adopted, we will come back to the community to get feedback on the level and timing of the fees. This will be done as part of the annual plan consultation.

You can do this by:

- Entering your feedback online at: <https://www.tauranga.govt.nz/community/have-your-say/how-to-have-your-say>
- Emailing it [info@tauranga.govt.nz](mailto:info@tauranga.govt.nz)

**Review Timeframes:**

- Consultation period: February/March 2025
- Hearings, deliberations, and bylaw adoption: March/April 2025
- Consultation of any new fees as part annual plan: March/April 2025
- Decision on fees: May 2025

## 10.9 Library Community Hubs Cashless Payments

**File Number:** A16878015

**Author:** Joanna Thomas, **Manager:** Libraries

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

### PURPOSE OF THE REPORT

1. To inform the Committee that Libraries and Community Hubs will change to cashless payments from 1 July 2025.

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### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Library Community Hubs Cashless Payments".
- (b) Notes the proposed approach for informing the community of the change.

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### EXECUTIVE SUMMARY

2. A decision was made in early 2024 for Tauranga City Council Library Community Hubs to go cashless from 1 July 2025. This decision was made because of the high costs that accompany the management of cash payments, plus the ever-decreasing cash-paying customers and continued safety and security concerns for staff.
3. A project team led by the Team Leader: Libraries and Community Hubs has been working on making this a smooth transition for staff and residents. GMs and team members from Corporate Services, Finance, Community Services and Regulatory & Compliance have all been involved in the planning.
4. Communications with affected customers are planned to begin early 2025, supporting a staged approach to the implementation of the change over six months – giving time for affected customers to prepare, and for council staff to support them through the shift. The communications approach is built on the premise that the shift to cashless will impact a very small number of customers, but that for some the change could be difficult, and they may feel excluded. We will show our impacted customers that we're committed to helping them through this change, and we will take the time to do so.

### BACKGROUND

5. Currently, council accepts cash for payment of library fees (e.g. photocopying, top titles) at our four libraries, but only at He Puna Manawa for other council payments like rates, dog registration or parking fines. In recent years, the number of cash transactions received in the He Puna Manawa Service Centre for council payments, has been declining, mainly due to the migration of customers to online payments. Payments for rates and other council services have been taken at Greerton, Mount Maunganui and Papamoa Libraries for a number of years by Eftpos only.
6. In recent years, the number of cash transactions received in the Library Community Hubs has been declining, mainly due to the migration of customers to online payments, with customers paying for most services themselves on Tauranga City Council's website. Most face-to-face payments are made by Eftpos (72% in 2023/24). We also introduced self-service kiosks in December 2023, more of which could be placed around the city in the future.

7. We received 1270 cash transactions in 2023/24 in relation to Council fees. This represents 0.1% of total payments across all methods (in person and online). We will be able to contact a high percentage of payees who paid by cash in respect of Rates, Water Rates and Dog Registrations to advise them of the change.
8. All payment types comparison for Council fee payments.

Payment Method	Payment received	Number of Payments	%
Online Bank transferring (Direct Credit/Direct Debit)	\$676,076,492.68	868,177	92.8%
Online Credit Card	\$10,898,839.32	48,016	5.1%
Online POLI	\$6,933,015.09	19,305	2.1%
In-Person EFTPOS	\$3,089,744.88	7190	0.8%
In-Person Credit Card	\$407,659.32	1084	0.0%
In-Person Cash	\$504,539.25	1270	0.1%
Total	\$693,908,347.09	935,498	

9. The ERP (Enterprise Resource Planning) is being rolled out at Tauranga City Council, replacing OZONE, (a legacy computer system that will not be supported) with SAP. Ultimately all transactions will be managed through SAP. The opportunity to go cashless enabled the decision for SAP not to include a functionality to process cash payments. This reduces the complexity and cost of the shift to SAP, resulting in reduced risk and cost to deliver and support the new payment platform.
10. Residents will continue to be able to pay rates, water rates, fines and dog registrations at 7 participating Post Shops around Tauranga using cash. There were 5991 transactions paid at NZ Post by customers in the 23/24 Financial Year. This equated to an overall cost to TCC of \$19770.30. If the current volume of cash payments paid at the He Puna Manawa service centre were paid at NZ Post sites instead, the operational cost (approx. \$3771.90) would be lower than retaining and managing the cash payment option in-house.
11. Accepting cash involves, staff time, training, audit and security. A cost reduction of \$20,000 per annum for cash collection services will take effect from July 2025.
12. The removal of cash as a payment option is a trend seen in libraries and local government service centres across the country, including in Auckland (all sites/libraries) and Wellington (all council sites and all libraries except two).
13. The move to cashless also supports the planning for the future Library Community Hub at Te Manawataki o Te Papa – the design of which will not require to include costly facilities for cash handling and storage.

## COMMUNICATIONS APPROACH

14. Through our communications, we will explain the change and its benefits, and share the facts supporting this. Messaging will underline that this change makes practical and financial sense in a world where most people have moved to electronic, online and contactless payment methods. Communications will raise awareness of what it takes to provide cash as a payment method (space, time, effort, security etc.), and show what other options are available (including paying with cash at Post Shops), and how we'll help those who may find the change difficult.
15. In our one-to-one dealings with impacted customers, we will show empathy, ensuring we don't downplay the impact the change could have on people. We will show with words and actions that we're committed to helping customers with the change, and to take the time to do so. We will take the time one-on-one with cash-paying customers, to talk them through

the options they have, and help them get set up with other payment methods and make it easy for them.

16. We will give the community enough time to get their heads around the change. From early January: communicate on the change at every interaction, and help people choose new ways of paying in the future. This will include targeting people we know have used cash recently, to inform them before they make a payment next. From 31 March: soft deadline – this is the communicated deadline, but staff will still be able to take cash for three months after that, allowing them to make one-off exceptions. 30 June: hard deadline. From this point our systems will not be able to process cash.
17. Communications tactics will support the one-to-one interactions with customers. This will be supported by on-site signage and information handouts; along with drop-in sessions at the libraries for customers wanting support from library community programmes team to shift to online payment methods. Early notification will be sent through rates and water rates citywide mailouts, and via relevant TCC e-newsletters (e.g. library newsletter, Paw Print, Kōrero mai) and other regular communications e.g. for dog registrations. We will also directly notify (via letter) the customers who have used cash to pay for their rates, water rates or dog registration in the past 18 months (approx. 580 people).

### STRATEGIC ALIGNMENT

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

	Contributes
We are an inclusive city	✓
We value, protect and enhance the environment	<input type="checkbox"/>
We are a well-planned city	<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. This administrative change is in the interest of value for money and does not contribute to a specific community outcome. However, the communication of the change will be focused on helping everyone in the community who may find the change difficult.

### FINANCIAL CONSIDERATIONS

20. Direct savings on secure cash collections to take cash to the bank is \$20,000 per annum.
21. The potential for increased fees paid to NZ Post for processing cash payments is no more than \$4,000 based on current volume of cash payments. It is considered more likely that the cost of over the counter payments to NZ Post in total will decrease in future years because of the new availability to pay council fees by Eftpos at all libraries.

### LEGAL IMPLICATIONS / RISKS

22. TCC legal counsel will review all payment terms and conditions to make certain that we are legally compliant.
23. The risk of members of the community seeing this change as a loss, is mitigated by the Communications plan and soft deadline approach so staff are supported to help people through the change.

### TE AO MĀORI APPROACH

24. Not Applicable.

### CLIMATE IMPACT

25. Not Applicable.



## **SIGNIFICANCE**

26. 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.
27. 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.
28. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of low significance as this report is an update on the administrative decision that has been made and to inform Councillors how the community will be kept informed.

## **ENGAGEMENT**

29. 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**

30. The Committee receives this Report and provides any feedback on the Communications Approach.

## **ATTACHMENTS**

**Nil**

## 10.10 Community Emergency Hub Pilot

**File Number:** A16961179

**Author:** Daniel Pearce, Team Leader - Emergency Management

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

### PURPOSE OF THE REPORT

1. To brief elected members on the pilot of a Community Emergency Hub (CEH) Programme being rolled out in Otūmoetai/Matua.

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### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Community Emergency Hub Pilot".

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### EXECUTIVE SUMMARY

2. The Tauranga City Council Emergency Management Team are rolling out a community resilience programme called Community Emergency Hubs (CEH), utilising the Otūmoetai/Matua communities as the first participants of the pilot programme. To date, we have signed MoU's with *C3 City Church, Matua Bowling Club & Abundant Life Church*. Three other locations (*St Johns Church, Otumoetai College & Te Kura O Mananui*) are awaiting approval from their respective executive teams.
3. This paper aims to provide Councillors with information about the programme and the plans to deliver this programme across the city.

### BACKGROUND

4. The CEH model has been running successfully in the greater Wellington Region for several years and aims to empower local communities to come together during an emergency and provide assistance to each other. Local Councils in the Bay of Plenty recently agreed to roll-out a programme based on the Wellington model, to enhance community preparedness and resilience.
5. In a disaster, emergency services are likely to be stretched and dealing with the most urgent matters. Local community members will be the most immediate source of support as first responders within their own communities. CEHs are run by the community, for the community and do not require official assistance or permission to activate.
6. A Community Emergency Hub is a place where locals, neighbours and the wider community can:
  - a) Ask for and offer help by sharing skills and resources among their community.
  - b) Share and find information about what's happening in their suburb.
  - c) Start organising the clean-up of their community.
  - d) Be in the company of others facing a similar situation.

## STATUTORY CONTEXT

7. Tauranga City Council has a legislative requirement to help prepare, educate and support community before, during and after an emergency event. This programme, which has been delivered in several regions across New Zealand, is aimed at increasing Tauranga city's capability and capacity to respond to emergency events.

## STRATEGIC ALIGNMENT

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

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

9. Otūmoetai and Matua had a well-established Community Response Team in the area and was thus an efficient community to pilot the CEH. The CEH model requires detailed community engagement and as the programme is rolled-out in other areas of the city, it will allow the Emergency Management (EM) team to connect with parts of the community (geographically and culturally) where it has been historically challenging for the EM team to maintain good community connections.
10. A well-planned city includes identifying strategic areas within communities to establish CEHs, that with support can develop their own capacity and capability to be self-sufficient in an emergency. Building resilience is one of the core pillars of the EM teams' deliverables and CEHs will play a key part in the successful delivery of this objective.

## FINANCIAL CONSIDERATIONS

11. The pilot programme is being delivered within existing EM budget.

## LEGAL IMPLICATIONS / RISKS

12. TCC Legal Team approved the content of the MoU that has been signed with community hosts. The MoU clearly defines the roles and responsibilities of both TCC and the user groups in relation to health and safety as well as responsibilities associated with costs.

## TE AO MĀORI APPROACH

13. A programme of work is underway to support capability and capacity building with marae to enable these facilities to be utilised as Civil Defence Centres (CDCs), and thus have not been considered in this pilot.

## CONSULTATION / ENGAGEMENT

14. As previously mentioned, the CEH model requires a significant number of hours of community engagement and participation for the model to be successful. The EM team advisors who are working on this pilot project have been consulting with the community within the pilot area. This has included a significant number of events attended and presentations to different community groups and boards about the project and its intended outcomes.

## SIGNIFICANCE

15. 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.

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

### ENGAGEMENT

17. 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

18. The pilot programme will begin with open events for the community in February 2025. These events are an opportunity for members of the community to get a better understanding of the project and how it can work for their community in an emergency.
19. Emergency Management staff will also facilitate a brief mock-scenario where the community emergency hub will be 'activated'.

### ATTACHMENTS

1. **Community Emergency Hub Information and FAQ - A16986810**  



**Community Emergency Hubs**

There are people in your neighbourhood who have all the skills you need to organise your community's response to an emergency - people like you!

[Take Our Hub Personality Quiz](#)

WREMO > Get Prepared > Community Ready > **Community Emergency Hubs**

[Community Emergency Hubs](#)   [Hub Guide](#)   [Find your hub](#)

### What is a Community Emergency Hub?

In a disaster such as a big earthquake, there is likely to be widespread damage to power lines, water pipes, buildings, roads, and phone networks. Emergency services will be dealing with the most urgent matters, so the people you live nearest to will be your most immediate, and ongoing, source of support.

A Community Emergency Hub is a place where you and your neighbours can go to help each other in a major emergency. There are 127 Hubs across the Wellington Region. They are located at community facilities and some schools and can be opened by keyholders living in the local area.



#### What is the purpose of a Community Hub?

In a disaster, official services will be stretched to the point where they must prioritise the most urgent call-outs. We will all have to pitch in and help each other.

When you have checked on your household and neighbours, you and your family can go to your local Community Emergency Hub to:

- Ask for and offer help by sharing skills and resources among your community
- Share and find information about what's happening in your suburb
- Start organising the clean-up of your community
- Be in the company of others facing a similar situation

#### What will I find at a Community Emergency Hub?

The Hub is run by people like you in your local community without official assistance. Each Hub has a guide for how to coordinate the sharing of information, skills and resources that exist in your community.

There is a small amount of equipment, including a VHF radio in case the phone and internet networks aren't working. The radio will allow communities to communicate with the Emergency Operations Centre (EOC) run by your local council.

There are no supplies, food, water or blankets stored at Hubs. Our communities are full of beds with blankets on them and pantries with food in them to get through the first week after an emergency. Your community can gather the things it needs at the time by working together.

#### How is a Community Emergency Hub run?

Community members run a Hub without official assistance - it's essentially a place for neighbours to help each other in a coordinated way. Each Hub has a Hub Guide which explains how to organise an emergency response and describes the different roles needed.

WREMO works with communities to practise how they would respond to an earthquake and help the people they live nearest to get through even some of the most challenging issues.

[View the Hub Guide](#)

### Community Emergency Hub Frequently Asked Questions

#### Why do we need Community Emergency Hubs?

As we saw in the Canterbury earthquakes and other disasters around the world, the community will naturally come together to support one another after a disaster. Strong, connected communities are better prepared to respond to and recover from disasters.

In a major emergency, official responders will need to prioritise the most urgent issues, so it is likely that for the first few days you will need to help each other within your local community. The Hub is a designated place where you can gather, connect with one another and solve problems using the skills and resources which already exist among your community.

#### When is a Community Emergency Hub needed?

A Community Emergency Hub is needed when there has been a major emergency where people need assistance, and the support needed is beyond the current capability of council and emergency services.

If official support is available from the council and emergency services, then you probably don't need to open a Hub.

## 10.11 Communication & Engagement - Our Changing Climate

**File Number:** A16532536

**Author:** Anna Rengstedt, Team Leader: Climate & Sustainability

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

### PURPOSE OF THE REPORT

1. To inform the Community, Transparency and Engagement Committee (“the Committee”) about how staff aim to lead discussions, share information, and involve the community over the next three years in preparing for the effects of a changing climate.

### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Communication & Engagement - Our Changing Climate".
- (b) Approves progressing with the three-stage approach to engage with communities on our changing climate.

### BACKGROUND

#### Climate Action and Investment Plan

2. Tauranga residents have consistently rated the natural environment as their number one priority. Tauranga Taurikura – our Environment Strategy – responds by setting out how “we prioritise nature...value, protect and enhance our environment”<sup>25</sup>.
3. One of the key goals in Tauranga Taurikura is ‘*Tauranga is a low emissions and climate resilient city*’ with the Climate Action and Investment Plan (AIP)<sup>26</sup> being our roadmap. The Climate AIP sets the direction for how Council will work with the community to respond to our changing climate.
4. The Climate AIP was developed in response to the Emission Reduction Plan (ERP) and the National Adaptation Plan (NAP). The ERP outlines that “*councils play an important role in engaging with their communities to help with the significant behavioural shifts required to meet our climate goals*”. The NAP highlights that “*local authorities have a responsibility to help and work with communities to prepare for, and adapt to, the physical effects of climate change impacts*”.
5. The Climate AIP was developed in collaboration with stakeholders across the city and was adopted by Council in 2023 after community consultation. Most priority actions were funded or partially funded through the Long-term Plan 2024-34.
6. Priority actions include “*developing a communications plan to clearly advise what we can do to make a difference*” (action 2), “*high-level community awareness programme on the impacts of climate change on the city and long-term adaptation options*” (action 28), and “*behaviour change and communication programmes to reduce emissions*” (action 51).

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<sup>25</sup> In the 2020 Vital Updates Survey, 41% of people responded that they feel that green spaces / natural environment / trees were important to protect. In the 2022 My Tauranga Vibe survey, 38% of people said that they think the way to tackle climate change is through the utilisation of our natural resources.

<sup>26</sup> Tauranga City Council, 2024, Climate Action and Investment Plan:

<https://www.tauranga.govt.nz/Portals/0/data/council/strategies/files/tauranga-climate-aip.pdf>

## Engagement

7. Engagement with communities, iwi and affected people is at the heart of local government decision-making. For this to be effective, communities must have enough information to understand the increasing risks posed by climate change over time.
8. On 5 November 2024, the Office of the Auditor General released a report<sup>27</sup> looking at how well councils are moving beyond high-level climate change commitments and strategies towards taking action. The report showed that effective engagement by councils with their communities is an important part of any council's climate change response.
9. The Auditor-General also highlighted that in their view, councils need not see the current absence of a legislative and financial framework for adaptation as a reason not to begin adaptation planning.
10. Many councils are using a Dynamic Adaptive Pathways Planning (DAPP) approach to guide their adaptation planning work. DAPP is an iterative process described in Ministry for the Environment's *Coastal hazards and climate change guidance*<sup>28</sup>. This process is intended to help communities understand what is happening with climate change, what communities value, options to address change, and how to implement a strategy and review its effectiveness.
11. In Tauranga, community engagement has told us that our communities are concerned about climate change. In the Quality of Life 2022 Survey, 76% of respondents were '*a little worried, worried or very worried*' about the impact of climate change on Tauranga.
12. Community engagement has also told us that many of our residents are not satisfied with Council's climate response to date. In Tauranga's Annual Residents 2024 Survey, results show that only 30% of residents are '*satisfied*' with how Council is taking action to help our city reduce its emissions.

## DISCUSSION

### Development of Communication and Engagement Strategy

13. Based on national guidance documents and a review of how other councils in New Zealand are engaging with their communities on our changing climate, council staff have developed a draft Communication and Engagement Strategy to deliver on the priority communication and engagement actions in the Climate AIP. Design of the strategy aims to align with council's increased focus on community engagement, trust, and transparency.
14. The Communication and Engagement Strategy will support delivery of the following outcomes:
  - (a) More homes resilient to extreme weather events;
  - (b) More energy-efficient and electrified homes;
  - (c) More residents using public and active transport;
  - (d) More common language for climate communication across the region; and
  - (e) More community-led adaptation planning.
15. To deliver this work, we propose a three-staged approach between now and June 2027.
16. In Stage 1 (starting late-2024), we will develop a toolkit of resources for project teams across Council to use, to make sure we are consistent in how we talk about natural hazards and the climate, using common terms and key messages. We will also carry out market research to understand the current perceptions, knowledge levels, and expectations of our Tauranga community regarding climate-related issues.

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<sup>27</sup> OAG, 2024, How well four councils are responding to a changing climate:

<https://www.oag.parliament.nz/2024/climate-actions>

<sup>28</sup> MfE, 2024, Coastal hazards and climate change guidance:

<https://environment.govt.nz/publications/coastal-hazards-and-climate-change-guidance/>



17. In Stage 1, we will share with the community examples from both Council and the local community, about how together we are reducing emissions and adapting to a changing climate. The main message for this stage is; *"we're making some changes...for a better tomorrow"*. Examples of stories we intend to share include:
- How our wastewater treatment plants have worked to reduce energy consumption and waste to landfill;
  - Our rainwater tank programme that enables more organisations, schools and residents to install rainwater tanks and be more resilient;
  - Our support for communities to grow their own food such as the Omanu community garden; and
  - Our work to vegetate the city with a goal of 30% canopy cover across Tauranga.
- These will be shared through a number of channels, including digital media, social media, and at community events.
18. Stage 2 (starting July 2025) will involve raising community awareness about our changing climate in Tauranga, including changes we are already seeing, what will change in the near future, and who will be impacted. Messages for Stage 2 include; *"we can expect more extreme weather events, such as severe droughts, more intense rainfall and flooding"*. We will continue sharing examples of what Council and the community is doing to be more resilient, and to contribute to a low-carbon future.
19. In Stage 3 (starting July 2026), we will deliver a city-wide programme to support communities to adopt resilient and future-proofed actions. The main message for Stage 3 will be along the same lines as Stage 1 but include *"together we're..."*. We will also identify communities at the highest risk from natural hazards and climate impacts where we need to talk at a local level about possible solutions.
20. Detailed communication and engagement plans will be developed for each of the three stages, including stakeholders and audiences, purpose, channels, frequency, and performance monitoring.
21. Funding to deliver the communication and engagement work over the next three years was approved through the consultation on, and adoption of, the Climate AIP, the Nature and Biodiversity AIP, and the Long-term Plan 2024-34.

## NEXT STEPS

22. Staff are available and recommend a separate briefing around climate change, its implications, and the roles and responsibilities of local government that relate to climate change.
23. Upon the Committee's approval of the three-stage approach, Council staff will undertake market research and finalise the communication and engagement plan for Stage 1, which will be shared with the Committee over the coming months.
24. Performance monitoring, and the outcomes of the communication and engagement activities, will be provided on an annual basis, together with the plans for Stage 2 and 3 prior to being implemented.

## ATTACHMENTS

Nil



## **10.12 Backflow Prevention Device Installs - Mount Maunganui and Te Papa Central Business Districts**

**File Number:** A16953900

**Author:** Jack Furnish, Water Engineer  
Peter Bahrs, Manager: Water Services

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

### **PURPOSE OF THE REPORT**

1. This report provides an update regarding Council's backflow prevention upgrade programme and outlines proposed next steps regarding the installation and on-charging of required backflow prevention devices in the Mount Maunganui and Te Papa central business districts.

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### **RECOMMENDATIONS**

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Backflow Prevention Device Installs - Mount Maunganui and Te Papa Central Business Districts".
- (b) Approves the installation of required backflow prevention devices in the Mount Maunganui and Te Papa central business districts, to commence in February 2025.
- (c) Approves on-charging the full costs of the backflow prevention devices and installation to customers via a single lump sum invoice.

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### **EXECUTIVE SUMMARY**

2. Council, as a water supplier, has legislative responsibilities requiring it to effectively identify and manage backflow risks. Backflow is a reversal of the normal direction of water flow in a water supply plumbing system. It occurs when the water delivery main is at a lower pressure than the internal plumbing system.
3. Backflow is an issue as it can contaminate the wider water supply. Council's legal responsibilities regarding backflow are set out in the Water Services Act 2021, as well as the Drinking Water Quality Assurance Rules 2022.
4. As part of these requirements, Councils must carry out 5-yearly backflow prevention surveys on all backflow risks in their areas. Where indicated by the survey results, Councils are required to install or upgrade backflow prevention devices.
5. In November 2022 Council approved, following identification of properties via survey results, installing required backflow prevention devices and on-charging the full costs of the devices and installation back to customers (CO22/22/8).
6. Backflow surveys have been ongoing across the city, with required upgrades occurring as soon practical as per Compliance Rules requirements. The following has occurred to date:
  - (a) 951 surveys have been carried out across the region, focused on commercial and industrial zoned areas (Judea & Mount Industrial areas, Maleme St etc.).
  - (b) 162 upgrades have been identified.
  - (c) 108 upgrades have been completed and invoiced to the property owner.

7. The Mount Maunganui and Te Papa central business districts are the next areas of focus for this work, and 118 surveys have been completed in the Mount with 48 properties identified as requiring an upgrade. Te Papa is expected to return similar results.
8. This report seeks approval from the Committee to continue the existing approach of invoicing customers for the cost of the devices and installation, via an invoice requiring a lump sum payment. This user-pays approach decreases costs for the general ratepayer and ensures costs are met by the business most likely to create backflow contamination.

## BACKGROUND

9. Backflow is defined as '*the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system*', Water Services Act 2021 (WSA). It occurs when the water delivery main is at a lower pressure than the internal plumbing system. Causes of backflow include:
  - A burst or ruptured water main.
  - High demand across the system.
  - Cross-connection of another water pump (such as a bore pump) to the internal plumbing system, and operation of this pump at a higher pressure than the water mains.
10. Backflow is a critical consideration as it can pollute the wider water supply. The WSA is focussed on ensuring water suppliers provide safe drinking water to consumers and introduced new and stringent requirements for Councils regarding backflow management.
11. All water connections generally have some form of backflow prevention device. This is typically a non-testable dual check device for residential properties with low risk (about 50,000 devices installed), with higher levels of backflow protection required for properties with identified medium or high hazards on the site.
12. There are approximately 5,000 testable backflow prevention devices across the city. There are different types of prevention devices required for different levels of backflow risk. In situations where the risk is greater from a potential backflow event, there is a greater level of protection required, as below.
  - (i) Low Risk – Dual Check Valve
  - (ii) Medium risk – Testable Double Check valve
  - (iii) High risk – Reduce Pressure Zone Device or Air Gap
13. The introduction of the WSA was accompanied by new Quality Assurance Rules in 2022. These require Councils to carry out 5-yearly backflow prevention surveys on all backflow risks in their areas. Where indicated by the survey results, Councils are to install or upgrade backflow prevention devices.
14. In November 2022 Council approved, following identification of properties via survey results, installing required backflow prevention devices and on-charging the full costs of the devices and installation back to customers (CO22/22/8, [agenda](#)).
15. Project delivery approval was sought from Council in August 2023 (Council report "[Backflow Prevention Device Physical Delivery Procurement](#)") and a contract to deliver the upgrade works was signed in March 2024.
16. Backflow surveys have been ongoing across the city, with required upgrades occurring as soon practical as per Compliance Rules requirements. The following has occurred to date:
  - (a) 951 surveys have been carried out across the region, focused on commercial and industrial zoned areas (Judea & Mount Industrial areas, Maleme St etc.).
  - (b) 162 upgrades have been identified.
  - (c) 108 upgrades have been carried out and invoiced to ratepayer.

- (d) Less than 10% of invoices remain outstanding and are being managed under Council debt recovery process.

### **MOUNT MAUNGANUI AND TE PAPA CENTRAL BUSINESS DISTRICTS**

- 17. The Mount Maunganui central business district (CBD), focused on the businesses north of the corner of Maunganui Rd and Sutherland Ave, has been surveyed as part of Council's risk assessed backflow survey programme.
  - (a) 118 surveys have been completed.
  - (b) 48 properties have been identified as requiring an upgrade (*NOTE, 2 properties likely requiring upgrade are yet to be surveyed due to access issues*)
- 18. The Te Papa CBD (Tauranga City centre) is yet to be surveyed, but similar results are expected, with a similar numbers of upgrades required.
- 19. These two areas are some of the older dense commercial zones in Tauranga, so a higher proportion of upgrades are expected (or have been found) than in other areas of the city. The expected cost of each installation is approximately \$3,000. This cost is passed onto the property owner by a single lump sum invoice, due by the 20<sup>th</sup> of the following month.
- 20. It is recognised that these areas are impacted by increases in commercial rates, License to Occupy rollouts, and alcohol licencing fees, and that the wider economy is creating challenges for many businesses.
- 21. Despite these challenges, this report recommends continuing with the current approach to backflow device installation (cost recovery, lump sum invoice), as this aligns with Council's approach to the 108 properties already upgraded and invoiced.
- 22. This report, whilst recommending the status quo of single lump sum payments, also presents an alternative option for Council's consideration – the choice of a payment plan for customers who want it.
- 23. Installation of upgraded backflow prevention devices in these two areas is currently scheduled for February 2025, with payment due on the 20<sup>th</sup> of the month following installation. Recognising that this may be an unanticipated cost, Council staff are planning to send out early notification letters to all impacted premises in January.

### **OPTIONS ANALYSIS**

- 24. The following options are set out for Council to consider.
  - (a) Option 1 – Cost recovery to continue using status quo, with invoicing of full costs via a single lump sum invoice. (Status Quo, Recommended)
  - (b) Option 2 – Customers can choose the option of cost recovery via a payment plan (full costs recovered over a 6-month period) or via a single lump sum.
  - (c) Option 3 - Council completes the required upgrades and meets either the full cost, or part of the cost, from Council budgets. This is non-budgeted item.

#### **Option 1 (Status Quo, Recommended)**

- 25. Council completes the required upgrades and invoices the works in full back to customers via a lump sum sundry invoice, as per current practice.
- 26. Estimated Cost: No cost to Council, full costs recovered in lump sum and unpaid debt captured in debt recovery process.
- 27. Key Risk: Property owners (and the wider community in general) may be unaware that they are carrying a backflow risk, due to backflow being a poorly understood aspect of drinking water safety, and may oppose the installation costs.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Keeping with status quo allows for consistent treatment of all commercial/industrial property owners.</li> <li>Follows a user-pays philosophy.</li> </ul>	<ul style="list-style-type: none"> <li>Imposes an additional cost to businesses.</li> <li>Customers may not be in a position to pay in one lump sum.</li> </ul>

### Option 2

28. Council completes the required upgrades and invoices the works in full back to customers, offering the choice of a payment plan (full costs recovered over a 6-month period) or payment via a lump sum.
29. Estimated Cost: No cost to Council, full costs recovered by a lump sum or payment plan, and unpaid debt captured in debt recovery process. However, recovery of costs may lead to unpaid debt remaining on Council budgets for extended periods.
30. Key Risks: Property owners who have already paid may be unhappy as they were not offered the choice of a payment plan, and property owners who are unaware they are carrying a backflow risk may oppose the installation costs (although this risk is decreased by offering a payment plan).

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Providing the option of splitting the cost over months potentially softens the impact of a cost on the property owner.</li> <li>Follows a user-pays philosophy.</li> </ul>	<ul style="list-style-type: none"> <li>Imposes an additional cost to businesses.</li> <li>Does not follow the status quo. May be perceived as unfair by already affected customers elsewhere in the city.</li> <li>Will require additional administration by Council Finance team staff.</li> </ul>

### Option 3

31. Council completes the required upgrades and meets either the full cost, or part of the cost, from Council budgets.
32. Estimated Cost: \$150,000 (assuming \$3000 per installation, assuming 50 devices are required).
33. Key Risk: Given the short timeframe required for delivery (this financial year) there is not time to seek funding via the Annual Plan or Long-Term Plan process. These works would be funded out of existing operational or capital budgets, which may impact on other planned work. This could be particularly challenging, given Council's constrained financial position.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Does not add an additional cost to property owner.</li> </ul>	<ul style="list-style-type: none"> <li>Does not follow the status quo.</li> <li>May be perceived as unfair by already affected customers elsewhere in the city and these customers may request refunds (approx. 110 installations).</li> <li>Does not follow a user pays philosophy. Using the wider ratepayer funding for subsidising a small group of individuals increases the overall cost of water fees.</li> <li>May create unplanned overspend for Council or negatively impact on the ability to deliver other initiatives.</li> </ul>

## STRATEGIC ALIGNMENT

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

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

35. Identifying the required backflow upgrades and installing devices is part of Council's commitment to meeting the requirements of the Water Safety Act 2022.

## TE AO MĀORI

36. Not applicable, Council's approach to backflow management is a legislative requirement.

## CLIMATE IMPACT

37. Not applicable, Council's approach to backflow management is a legislative requirement.

## STATUTORY CONTEXT

38. Council's legal responsibilities regarding backflow are set out in the WSA, as well as the Drinking Water Quality Assurance Rules 2022. Under the Quality Assurance Rules 2022, Rule D3.3, the upgrade must be completed "...as soon as reasonably practicable".

## LEGAL IMPLICATIONS / RISKS

39. Backflow risk has been recognised by the Water Regulator as a significant risk and is a prominent aspect of the Water Services Act and the Quality Assurance Rules. Water suppliers have defined requirements to protect against backflow risk. If Council do not adequately enforce the Quality Assurance Rules, Council as the water supplier will be held liable.
40. A backflow event which occurs due to Council failing to adequately manage backflow risk would have significant public health and financial implications to Council as a water supplier.
41. If a customer does not pay the sundry invoice for the installation of the required backflow prevention device, the debt may be passed on to a debt collection agency.

## CONSULTATION / ENGAGEMENT

42. To date, only pre-survey engagement has been carried out with Mount Maunganui CBD customers. Those customers whose properties require upgrades have not been notified, nor have any local advocacy groups. Following this report, letters will be sent out advising those property owners who require an upgrade.

## SIGNIFICANCE

43. 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.

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


### ENGAGEMENT

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

### NEXT STEPS

47. The next steps for this project include:
- (a) Advising property owners in the Mount Maunganui CBD who require upgrades.
  - (b) Advising property owners in the Te Papa CBD that backflow surveys will be undertaken and may require them to upgrade such devices for council to be compliant with the requirements under the Water Services Act 2021.
  - (c) Completing surveys for the Te Papa CBD and advising property owners in the event upgrades to their backflow prevention devices are required.
  - (d) Commence installations in February 2025.

### ATTACHMENTS

1. **Appendix A - Extract from Quality Assurance Rules for Backflow Protection Rules - A14233073**  



## 4.11 D3 Distribution System Rules

### 4.11.1 D3 Backflow Protection Rules

Rule Number	Requirement	Assurance/ Monitoring	Compliance period
D3.1	Drinking water suppliers must prepare and implement a backflow prevention programme to protect their distribution system against the risk of backflow.	Assurance	1 Year
D3.2	Periodic surveys of backflow risks to a distribution system to determine medium and high-risk sites must be undertaken by the drinking water supplier at least once every five years to assess the adequacy of backflow protection across the distribution system.	Assurance	1 Year
D3.3	Where backflow requirements at a point of supply are deemed inadequate, the drinking water supplier must notify the local authority with details of the situation and risk, determine the backflow device that should be installed at the point of supply and ensure that it is installed in a timeframe commensurate with the risk but as soon as reasonably practicable.	Assurance	1 Year
D3.4	Testing of all testable backflow prevention devices installed at a point of supply specifically to protect the network (generally boundary devices) <sup>64</sup> must be undertaken, at least annually.	Assurance	1 Year
D3.5	A drinking water supplier must maintain a register of the location of all point of supply testable backflow protection devices, device types, assessed risk level and the results of testing of all devices.	Assurance	1 Year
D3.6	Access to a water network through use of a standpipe is not permitted except by Fire and Emergency New Zealand, other emergency services, the drinking water supplier, or authorised contractors to the drinking water supplier where it is reasonably necessary to access the network for the operation of the drinking water supply.	Assurance	1 Year



### 10.13 Remote Metering Trial - Windermere

**File Number:** A16953772

**Author:** Jack Furnish, Water Engineer

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

#### PURPOSE OF THE REPORT

1. This report provides an update to Council regarding the remote metering trial proposed for Windermere and the accompanying community engagement plan.

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#### RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

- (a) Receives the report "Remote Metering Trial - Windermere".
- (b) Notes that the Windermere remote metering trial is on track, with meters scheduled for installation March 2025.
- (c) Notes that this trial is accompanied by a community engagement plan to ensure residents are aware of the trial and understand how remote metering can benefit them.

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#### EXECUTIVE SUMMARY

2. Most of Tauranga City Council's (Council's) water metering fleet are read via a manual process, where contractors visit household water meters quarterly and record usage. This is labour intensive, costly, and at times inaccurate. Additionally, private water leaks often go unnoticed until the next quarterly meter reading is taken.
3. Every year, Council loses an estimated 222,300m<sup>3</sup> of water, the equivalent of 900 Olympic swimming pools, to leaks (public and private) and issues nearly \$1 million per annum in credits due to private water leaks.
4. A smart (remote) meter trial is being proposed for Tauranga's Windermere suburb. Remote water meters enable real-time, accurate monitoring of water use patterns, including detecting any failures or leaks that need repairing.
5. This trial will inform a wider Proof of Concept project for the technology, which will assess evidence of the anticipated benefits of the technology. These benefits will then be used to inform a future business case for potential city-wide roll out of the technology.
6. The total estimated cost of the trial is \$82,200 and will be funded from existing metering budgets.
7. A community engagement plan is in place and includes:
  - A letter to the affected residents.
  - A public webpage on the Council website outlining the scope of the trial and providing answers to frequently asked questions.
  - A community drop-in session prior to commencing physical works.
  - Contact details where questions and/or issues can be directed to Council.
8. Installation of the meters is planned to occur in early March 2025.



## BACKGROUND

9. Most of Tauranga City Council's (Council's) water metering fleet are read via a manual process, where contractors visit household water meters quarterly and record usage. This is labour intensive, costly, and at times, inaccurate. Additionally, private water leaks often go unnoticed until the next quarterly meter reading is taken.
10. Water leaks are largely due to aging infrastructure, including pipework and fittings (both private and public). Every year, Council loses an estimated 222,300m<sup>3</sup> of water, the equivalent of 900 Olympic swimming pools, to leaks.
11. When water is lost to a private leak, customers are charged for water they did not use. They can recover the cost of this by requesting a water remission, however this process takes time and effort. Council issues nearly \$1 million annually in credits due to private water leaks. Water leaks also add unnecessary load to Council's water treatment plants and pump stations, increasing power use and emissions.
12. Council is proposing a smart (remote) meter trial for Tauranga's Windermere suburb. Remote water meters will help households to understand their own water-use habits through an online customer portal, allowing them to identify ways to reduce consumption (and costs) associated with water use. Remote meters assist Council in emphasising the value of water as a resource to our community.
13. Remote water meters enable real-time, accurate monitoring of water-use patterns, including detecting any failures/leaks that need repairing. They also enable superior asset management practices across the potable water network.
14. Remote water meters are identical to normal meters but include a communication device attachment that allows meter data to be collected remotely. These remote meters will utilise the existing smart-streetlight radio network, already owned and operated by Council.
15. Around 450 households and businesses will have remote water meters installed to monitor water use. This is planned to occur in early March 2025. The cost of this trial will be covered by existing water metering budgets (i.e. there will be no additional costs for the households within the pilot catchment).
16. This trial will inform a wider Proof of Concept project for the technology, which will assess evidence of the anticipated benefits of the technology. These benefits will then be used to inform a future business case for potential city-wide roll out of the technology.

## INSTALLATION PROCESS

17. All works are isolated to the existing water meter location, usually located at the boundary of the property within the Council owned road reserve.
18. The replacement process is non-invasive and requires only a short (10 minute) water shutdown for the property where the meter is being replaced.
19. Residents will be notified of the onsite water shutdown by the placement crew prior to works commencing.

## CONSULTATION / ENGAGEMENT

20. A Communication Plan has been developed to guide engagement with Windermere residents and businesses.
21. The rollout of the Communication Plan includes:
  - A letter to the affected residents.
  - A public webpage on the Council website outlining the scope of the trial and providing answers to frequently asked questions.

- A community drop-in session prior to commencing physical works to discuss the project and answer any questions.
- Contact details where questions and/or issues can be directed to Council.

**22. Purpose**

- (a) To inform the Windermere community about the upcoming installation of remote water meters, including potential disruptions such as temporary water shutdowns.
- (b) To inform the community of the benefits of remote water meters.
- (c) To address concerns or questions about water usage data being collected by remote water meters.

**23. Timing**

- (a) End of January 2025: Remote water meter recipients to be advised of upcoming installations of remote water meters, with associated information campaign about remote water meters for Windermere residents, such as a video of the installation process.
- (b) End of February 2025: Drop-in information session for residents to engage with project team to be held within the community.
- (c) Early March 2025: Installation and roll out of remote water meters for Windermere residents.

**STATUTORY CONTEXT**

24. Council’s responsibilities regarding water supply are governed under several pieces of legislation, including the Local Government Act 2002, the Water Services Act 2021 and the Local Government (Water Services Preliminary Arrangements) Act 2024.
25. The remote metering trial has no legislative implications.

**STRATEGIC ALIGNMENT**

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

	Contributes
We are an inclusive city	<input type="checkbox"/>
We value, protect and enhance the environment	✓
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"/>

27. The Windermere remote water meter trial contributes towards Council’s commitment to environmental sustainability by reducing water leaks and providing improved tools for water management. Additionally, transitioning to remote water meters is part of delivering on a well-planned water supply, ensuring Council’s water supply network continues to evolve as new technology becomes readily available.

**FINANCIAL CONSIDERATIONS**

28. The cost to install the remote water meters in Windermere is estimated at \$82,200 and will be funded from existing metering budgets.
29. Remote metering will deliver the following value-for-money benefits to Council and water users.

- (a) Live leak detection – private leaks are identified the day they begin. This will save the end user in water rates and will save Council in water remission and water production costs.
  - (b) Demand management – customers are provided with hourly data. This allows for greater engagement with the community to drive better water efficiency. Customers are given information which can allow them to save money by reducing water usage, and to develop a greater understanding of the value (and cost) of water.
  - (c) Wider network efficiencies – by receiving live data for all end users, Council water engineers can complete a water balance for Windermere. This allows Council to better understand the level of leakage/water theft occurring within the Council owned network. In turn, this leads to opportunities for greater water efficiency, and cost savings from lowered production costs. With an approximate variable cost of \$0.90/m<sup>3</sup> to Council to supply water to customers, reducing what Council needs to produce can have real effects on operational budgets.
  - (d) Asset Management insights – high resolution meter data allows for better management of Council's metering fleet. Utilising analytical software Council can more effectively prioritise meter renewals, leading to more efficient use of renewals budgets.
  - (e) Security of water rates revenue streams – remote meters that fail will alarm the day they fail, meaning that Council can take immediate action and avoid long stretches of no usage data. This offers far greater security of revenue compared to current manually read methods that may not find failed meters for 3 months.
30. The trial has set a target of a 10% reduction in legitimate and non-revenue (leaks/theft) water consumption. This would equate to approximately \$9,000 in yearly production costs savings now and continually in the future (noting this is with less than 1% of the total cities water meters converted to remote metering, and if more meters are converted to remote metering, savings would also increase), and a continual yearly savings of \$105 per household (assuming 3 people/household).

### LEGAL IMPLICATIONS / RISKS

31. There are no notable legal risks to Council from this trial. All data collection and management will comply with the Privacy Act 2020 and there are no health implications from transferring to the remote water meters, as the only function of the meters is to measure usage.

### TE AO MĀORI

32. There is no targeted consultation with mana whenua planned as part of this trial. Implementing remote water meters contributes to the Te ao Māori principle of *Kaitiakitanga* - *stewardship of the natural environment* by reducing water loss and improving management of Council's water supply.

### CLIMATE IMPACT

33. The implementation of remote water meters has the potential to improve the sustainability of Council's water supply by delivering water use efficiencies via changed consumer behaviour and decreased water losses due to leaks. Decreased water demands will have a flow-on effect of reducing emissions resulting from water treatment and network distribution.

### SIGNIFICANCE

34. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
35. In making this assessment, consideration has been given to the likely impact, and likely consequences for:

- (a) The current and future social, economic, environmental, or cultural well-being of the district or region
  - (b) Any persons who are likely to be particularly affected by, or interested in, the matter.
  - (c) The capacity of the local authority to perform its role, and the financial and other costs of doing so.
36. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of low significance.

### **ENGAGEMENT**

37. 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**

38. Following acceptance of this report, the implementation of the trial will begin, including the rollout of the Communication Plan and the installation of the remote meters.
39. The results of the Windermere trial will inform a wider Proof of Concept of the technology, currently underway and planned for delivery by the end of the current financial year.

### **ATTACHMENTS**

**Nil**

**11 DISCUSSION OF LATE ITEMS**

**12 CLOSING KARAKIA**