



AGENDA

Ordinary Council meeting Monday, 10 February 2025

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

Date: Monday, 10 February 2025

Time: 9.30am

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

Please note that this meeting will be livestreamed and the recording will be publicly available on Tauranga City Council's website: www.tauranga.govt.nz.

**Marty Grenfell
Chief Executive**

Terms of reference – Council

Membership

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

Role

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

Scope

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

- Make appointments of members to the council-controlled organisation Boards of Directors/Trustees and representatives of Council to external organisations.
- Undertake all statutory duties in regard to Council-controlled organisations, including reviewing statements of intent and receiving reporting, with the exception of the Local Government Funding Agency where such roles are delegated to the Accountability, Performance and Finance Committee. This also includes Priority One reporting.
- Consider all matters related to Local Water Done Well.
- Consider any matters referred from any of the Standing or Special Committees, Joint Committees, Chief Executive or General Managers.

Procedural matters

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

Regulatory matters

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

Order of Business

1	Opening karakia	7
2	Apologies	7
3	Public forum	8
3.1	Neil Pollett - Speaking to Reclassification of Marine Precinct	8
3.2	Hearing of submitters on the Alcohol Bylaw	9
4	Acceptance of late items	10
5	Confidential business to be transferred into the open	10
6	Change to the order of business	10
7	Confirmation of minutes	11
7.1	Minutes of the Council meeting held on 9 December 2024	11
8	Declaration of conflicts of interest	50
9	Deputations, presentations, petitions	50
	Nil	
10	Recommendations from other committees	50
	Nil	
11	Business	51
11.1	Appointment of Chairperson and Deputy Chairperson to the City Futures Committee and Community and Performance Committee	51
11.2	Letters of Expectations 2025/26 for Council-Controlled Organisations	56
11.3	Local Government Funding Agency (LGFA) Bespoke Covenant Application	73
11.4	Tauranga City Council Submission to Local Government (Water Services) Bill	86
11.5	Background Information - Marine Park Reclassification	90
11.6	160 Devonport Road - Land Purchase and Development	102
11.7	Temporary Road Closure Report for Events March - June 2025	118
11.8	Alcohol Control Bylaw 2018 Amendment: Hearings and Deliberations	122
11.9	Submission on Resource Management (Consenting and Other System Changes) Amendment Bill 2024	181
12	Discussion of late items	217
13	Public excluded session	218
13.1	Matua Hori Ahomiro - Asset Realisation Reserve	218
13.2	Spencer Webster, CEO Nga Potiki a Tamapahore Trust - Asset Realisation Reserve	218
13.3	Public Excluded Minutes of the Extraordinary Council meeting held on 25 November 2024	218
13.4	Public Excluded Minutes of the Council meeting held on 9 December 2024	218
13.5	Disposal of Properties under Asset Realisation Reserve	218
13.6	Asset Realisation Reserve - 376 No.1 Road, Te Puke (Orchard Block) Divestment Objectives and Disposal Classification	219

13.7	Asset Realisation Reserve - Kairua Road - Divestment Objectives and Disposal Classification	219
13.8	Te Maunga Bioreactor 2 - Contractor Negotiations Update	219
13.9	Sale of Marine Precinct - Legal Update	219
13.10	Western Bay of Plenty Sub-Regional Deal Proposal	219
Confidential Attachment 1	11.5 - Background Information - Marine Park	
Reclassification	220	
Confidential Attachment 2	11.5 - Background Information - Marine Park	
Reclassification	220	
14	Closing karakia	221

1 OPENING KARAKIA

2 APOLOGIES

3 PUBLIC FORUM

3.1 Neil Pollett - Speaking to Reclassification of Marine Precinct

ATTACHMENTS

Nil

3.2 Hearing of submitters on the Alcohol Bylaw

File Number: A17427858

Author: Clare Sullivan, Team Leader: Governance Services

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

PURPOSE OF THE REPORT

1. The following submitters will speak to their submission at 1pm.

DISCUSSION

2. The submitters who have requested to speak are:
 - (a) Mike Rickman
 - (b) Greg Stevenson
 - (c) Celewin Vazey
 - (d) Pat Workman
 - (e) John Tawahru
 - (f) Helen Smith
 - (g) Susan Hodgkinson
 - (h) Carole Long – Forest and Bird Te Puke Branch
 - (i) Kevin Davies
 - (j) Kerry McCaffery
 - (k) Andrew Galloway – Executive Director Alcohol Healthwatch

NEXT STEPS

3. Council will consider a report on the bylaw later in the meeting.

ATTACHMENTS

Nil

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

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Council meeting held on 9 December 2024

File Number: A17404520

Author: Clare Sullivan, Team Leader: Governance Services

Authoriser: Coral Hair, Manager: Democracy and Governance Services

RECOMMENDATIONS

That the Minutes of the Council meeting held on 9 December 2024 be confirmed as a true and correct record.

ATTACHMENTS

1. Minutes of the Council meeting held on 9 December 2024



MINUTES

**Ordinary Council meeting
Monday, 9 December 2024
and
Tuesday, 10 December 2024**

Order of Business

1	Opening karakia	4
2	Apologies	4
3	Public forum	5
3.1	Annie Hill - Creative BOP	5
3.2	Bob Tulloch	5
3.3	Mary Dillon	5
3.4	John Robson	5
3.5	Vanessa Hamm	5
3.6	Genevieve Whitson	6
3.7	Sam Allen	6
3.8	Alan Withy	6
3.9	Dr Tim Maltby	6
4	Acceptance of late items	7
4.1	Recommendation from the Community, Transparency and Engagement Committee dated 18 November 2024 - Including Rates Affordability Questions in the Annual Residents Survey	7
5	Confidential business to be transferred into the open	7
6	Change to the order of business	7
7	Confirmation of minutes	7
7.1	Minutes of the Council meeting held on 29 October 2024	7
7.2	Minutes of the Council meeting held on 12 November 2024	8
8	Declaration of conflicts of interest	8
9	Deputations, presentations, petitions	8
	Nil	
10	Recommendations from other committees	8
10.1	Recommendation from other committee – Tauranga Public Transport Joint Committee dated 7 November 2024 - Tauranga and Western Bay of Plenty Transport Committee Terms of Reference	8
10.2	Recommendation from the Community, Transparency and Engagement Committee dated 18 November 2024 - Including Rates Affordability Questions in the Annual Residents Survey	9
11	Business	9
11.1	Civic Whare, Exhibition and Museum (CWEM) Project Update and Next Steps	9
11.15	2025/26 Annual Plan Key Financial Update, Draft Capital Programme and LGFA Bespoke Borrowing Covenant Option	12
11.8	Local Water Done Well - Indicative Business Case on the Future for Water Service Delivery	14
13	Public excluded session	18
13.3	Waste Infrastructure Programme Business Case Options	19
13.4	Digital Services Funding Update	19

3	Public forum (<i>continued</i>).....	19
3.10	Manu Caddie.....	19
3.11	Sandra des Forges.....	19
11	Business (<i>continued</i>)	20
11.9	Remuneration Fees for External Representatives on Council Committees - Benchmarking with other Councils	20
11.10	Review of Governance Structure and Appointments 2025	21
11.11	Appointment of Tangata Whenua Representatives to Standing Committees	22
11.13	Mayoral vehicle	24
11.12	Meetings Schedule 2025.....	25
11.2	Update - Transport System Plan Infrastructure Funding and Financing Projects.....	25
11.3	Harington Street carpark - Variation of Encumbrance.....	26
11.4	City Centre Movement Pilot - Lower Harington Street	26
11.5	Options for access to un-fluoridated water	27
11.6	Speed Management Plan and Transport Resolutions Report No.53.....	28
11.7	Proposed Plan Change 39 - Upper Ohauti Land Rezoning - Adoption and Notification of Decisions	28
11.14	Submission to Local Electoral Reform Issues Paper	29
12	Discussion of late items	29
13	Public excluded session	30
13.1	Public Excluded minutes of the Council meeting held on 29 October 2024	30
13.2	Public Excluded minutes of the Council meeting held on 12 November 2024.....	31
13.4	Digital Services Funding Update	31
13.5	Appointment of Independent Chairperson Audit and Risk Committee	31
13.6	Sale of Marine Precinct - Legal Update and Supplement Report.....	31
	Confidential Attachment 1 11.1 - Civic Whare, Exhibition and Museum (CWEM) Project Update and Next Steps	31
	Confidential Attachment 3 11.1 - Civic Whare, Exhibition and Museum (CWEM) Project Update and Next Steps	32
	Confidential Attachment 4 11.1 - Civic Whare, Exhibition and Museum (CWEM) Project Update and Next Steps	32
	Confidential Attachment 7 11.1 - Civic Whare, Exhibition and Museum (CWEM) Project Update and Next Steps	32
13.4	Digital Services Funding Update	32
14	Closing karakia	33

**MINUTES OF TAURANGA CITY COUNCIL
ORDINARY COUNCIL MEETING HELD AT THE**

**BAY OF PLENTY REGIONAL COUNCIL CHAMBERS, REGIONAL HOUSE,
1 ELIZABETH STREET, TAURANGA ON MONDAY, 9 DECEMBER 2024 AT 9.30AM**

AND

**UNIVERSITY OF WAIKATO TAURANGA CAMPUS, TE MANAWAROA ROOM,
101-121 DURHAM STREET, TAURANGA ON TUESDAY, 10 DECEMBER 2024 AT 9.30AM**

MEMBERS PRESENT: Mayor Mahé Drysdale (Chairperson), Deputy Mayor Jen Scoular, Cr Hautapu Baker, Cr Glen Crowther, Cr Rick Curach, Cr Steve Morris, Cr Marten Rozeboom, Cr Kevin Schuler (Online), Cr Rod Taylor

LEAVE OF ABSENCE: Cr Mikaere Sydney

IN ATTENDANCE: Marty Grenfell (Chief Executive), Barbara Dempsey (General Manager: Community Services), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy, Growth & Governance), Alastair McNeill (General Manager: Corporate Services), Sarah Omundsen (General Manager: Regulatory and Compliance), Kathryn Sharplin (Acting Chief Financial Officer), Graeme Frith (Acting General Manager: City Development & Partnerships), Sam Fellows (Manager: City Partnerships), Mike Naude (Director of Civic Development), Jeremy Boase (Manager: Strategy & Corporate Planning), Frazer Smith (Manager: Strategic Finance & Growth), Tracy Hughes (Financial Insights & Reporting Manager), Susan Braid (Finance Lead Projects Assurance), Coral Hair (Manager: Democracy & Governance Services), Anahera Dinsdale (Acting Team Leader: Governance Services), Caroline Irvin (Governance Advisor), Aimee Aranas (Governance Advisor), Janie Storey (Governance Advisor)

EXTERNAL: Puhirake Ihaka, Buddy Mikaere, Josh Te Kani (Otamataha Trust), Wayne Silver (Willis Bond), David Lambie (Twenty Two), Chris Haines (Ryder Levett Bucknall), Ian Becke (Bell Gully), Kim Wallace, Chair, Te Manawataki o Te Papa Limited

Timestamps are included beside each of the items and relate to the recordings of the meeting held on 9 December 2024 at <https://www.youtube.com/watch?v=JBr7lInN2xA> and the meeting held on 10 December 2024 at <https://www.youtube.com/watch?v=-T14LX-Oqmc>

1 OPENING KARAKIA

Cr Hautapu Baker opened the meeting with a karakia.

2 APOLOGIES

The leave of absence granted to Cr Mikaere Sydney was noted.

3 PUBLIC FORUM

Timestamp: 14:15

3.1 Annie Hill - Creative BOP

Key points

- Support for development of Museum noting the community benefits, the need to showcase the cultural heritage, colonial history and the educational opportunities it would provide with interactive participation and engagement for all.

At 9.43am, Cr Kevin Schuler joined the meeting online.

3.2 Bob Tulloch

Key points

- Support for the Museum as it would reflect who we are, where we came from, what happened along the way and reflect the regions heritage from 800 years ago.
- Noted the history of the timber, dairy and kiwifruit industries within the region.
- Natural synergy for Museum, The Elms and Historic Village to become a tourist route for the 60,000 cruise ship visitors each year.

3.3 Mary Dillon

Key Points

- Supported the development of a museum over the past 25 years, noting it was central to the entire wider projects in the city centre and would be a major expression of the region's cultural inheritance.
- The cost would be less than \$3 per week per ratepayer.
- Utilise the skills and experience of the staff, do it once and do it right.

Attachments

- 1 Mary Dillon - Public Forum 9 December

3.4 John Robson

Key points

- Provided a view of some of the past reporting and decisions on a culture change within Council noting that there had been no change.
- Noted some decisions on the sites considered for a museum.

3.5 Vanessa Hamm

Key points

- Font Public Art Trust Director and longtime supporter of a museum noting the new facilities had given confidence to other businesses including Holland Beckett and 120 staff to move into a reactivated city centre.

3.6 Genevieve Whitson

Key points

- Downtown Tauranga /Mainstreet Tauranga were supporting the development noting that it was important that the city centre undergoes a major transformation within the next five years as the population continued to grow.
- Had experienced increased communication with the new Council which had renewed a sense of hope from businesses and saw a greater scope for working relationships with Council and others to bring the city centre to its full potential.

3.7 Sam Allen

Key points

- Expressed disappointment that no applications to the Public Art Fund had been selected from local artists, with a trend over recent years that the majority of funding was being provided to out-of-town artists.
- He had spent 160 hours putting together an application, and other local artists had done the same.

Action:

- Information on the allocation of the Public Art Funding to be provided to Councillors and a copy provided to Mr Allen.

3.8 Alan Withy

Key points

- Member of the Elm Trust, Tauranga Historical Society and Taonga Tu, and had along with others put hundreds of volunteers' hours to get a museum for Tauranga for the thousands of artifacts in storage.
- Manawataki, the heartbeat, could not happen without the culture and history. When you understand the past, you are ready to face the future.

Attachments

- 1 Sam Allen - Museum Collective Submission

3.9 Dr Tim Maltby

Key Points

- Opposes installing iwi members on Council committees. Only elected members should have voting rights as the people voted for them.
- People could not afford a 12.5% rate increase in 2025 as many were struggling, nor afford the operating deficit predicted for Civic Whare, Exhibition and Museum (CWEM) once it was established.
- Sunk cost for CWEM was a fallacy, as the costs to date were in the past not the future.
- Why demolish QEII as it was a steel frame structure and there was a lack of indoor courts facilities. An aquatic centre would also run at a loss.

4 ACCEPTANCE OF LATE ITEMS

4.1 Recommendation from the Community, Transparency and Engagement Committee dated 18 November 2024 - Including Rates Affordability Questions in the Annual Residents Survey

RESOLUTION CO25/24/1

Moved: Cr Rod Taylor

Seconded: Cr Glen Crowther

That the Council:

Accepts the following late item for consideration at the meeting:

- Recommendation from the Community, Transparency and Engagement Committee dated 18 November 2024 - Including Rates Affordability Questions in the Annual Residents Survey

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

CARRIED

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6 CHANGE TO THE ORDER OF BUSINESS

It was noted that there would be a number of changes to the order of business within the meeting.

Item 11.8 - Local Water Done Well Indicative Business case would be considered on Tuesday, 10 December 2024 at 9:30 am, followed by Item 13.3 - Waste Infrastructure Programme Business Case Options in public excluded business.

The following items would be discussed at 1:30 pm on Tuesday, 10 December 2024:

- 11.9 Remuneration fees for external representatives on council committees
- 11.10 Review of Governance structure and appointments 2025 and
- 11.11 Appointment of Tangata Whenua representatives to Standing Committees

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Council meeting held on 29 October 2024

RESOLUTION CO25/24/2

Moved: Cr Marten Rozeboom

Seconded: Cr Rick Curach

That the minutes of the Council meeting held on 29 October 2024 be confirmed as a true and correct record, subject to the following correction:

- (a) Item 11.8 – correct spelling for the name of the Director of Tauranga Art Gallery, Sonya Korohina

CARRIED

7.2 Minutes of the Council meeting held on 12 November 2024**RESOLUTION CO25/24/3**

Moved: Cr Rod Taylor

Seconded: Deputy Mayor Jen Scoular

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

CARRIED

8 DECLARATION OF CONFLICTS OF INTEREST

Mayor Drysdale noted an interest in Item 11.13 – Mayoral Vehicle and advised he would remove himself from the room during that item.

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Timestamp: 1:07:07

- 10.1 Recommendation from other committee – Tauranga Public Transport Joint Committee dated 7 November 2024 - Tauranga and Western Bay of Plenty Transport Committee Terms of Reference**

RESOLUTION CO25/24/4

Moved: Cr Glen Crowther

Seconded: Cr Rod Taylor

That the Council:

- (a) Receives the report "Tauranga and Western Bay of Plenty Transport Committee Terms of Reference".
- (b) Accepts the recommendations of the Tauranga Public Transport Joint Committee TPT4/24/4 and
 - (i) Renames the committee the Tauranga and Western Bay of Plenty Transport Committee; and
 - (ii) Adopts the revised Terms of Reference for the Tauranga and Western Bay of Plenty Transport Committee as set out in **Attachment 1**.

CARRIED

10.2 Recommendation from the Community, Transparency and Engagement Committee dated 18 November 2024 - Including Rates Affordability Questions in the Annual Residents Survey

The Committee recommendation was as follows:

- (b) *Recommends that Council considers including a question around rates affordability in the Annual Residents survey, i.e. 'Are rates affordable for you?' If not affordable then are they: 1) severely unaffordable, 2) moderately unaffordable, 3) somewhat unaffordable.*
- Key research, who undertake the annual residents survey, suggested the following questions be added to the survey in place of those recommended by the Committee:

Which statement best reflects your current financial situation and ability to pay rates?

 - I. I cannot afford to pay my current rates based on my household income and will not be able to pay my next rates invoice.*
 - II. I cannot comfortably afford my current rates with my household income and must give up other necessities to pay my next rates invoice.*
 - III. I can afford my current rates and everyday expenses, but there's no money left over.*
 - IV. I can afford my current rates and everyday expenses, and have some extra money left over.*
 - V. I can afford my current rates and everyday expenses and have a comfortable amount of money left over.*
- The Council considered both sets of questions and resolved to delegate to the Chief Executive the authority to determine the questions that related to both renters and homeowners.

RESOLUTION CO25/24/5

Moved: Cr Steve Morris

Seconded: Cr Hautapu Baker

That the Council:

- (a) Receives the report " Recommendation from the Community, Transparency and Engagement Committee dated 18 November 2024 - Including Rates Affordability Questions in the Annual Residents Survey ".
- (b) Delegates to Chief Executive to include rates for those paying rates directly and impact of rates for those renting in the Annual Residents Survey.

CARRIED

11 BUSINESS**11.1 Civic Whare, Exhibition and Museum (CWEM) Project Update and Next Steps**

Staff Graeme Frith, Acting General Manager: City Development & Partnerships
Mike Naude, Director of Civic Development
Jeremy Boase, Manager: Strategy & Corporate Planning
Frazer Smith, Manager: Strategic Finance & Growth
Kathryn Sharplin, Acting Chief Financial Officer

External Puhirake Ihaka, Buddy Mikaere, Josh Te Kani, Otamataha Trust
Wayne Silver, Director, Willis Bond & Co
David Lambie, Twenty Two (Independent Advisor)
Chris Haines, Director, Ryder Levett Bucknall, Quantity Surveyors
Ian Becke, Partner, Bell Gully
Kim Wallace, Chair, Te Manawataki o Te Papa Limited

Timestamp: 1:22:26

Correction:

Replacement options analysis section, paragraphs 87 to 104 (pages 19-30 of the agenda) were tabled. These had been circulated to members and available on the Council's website prior to the meeting.

Otamataha Trust

- Mr Ihaka noted that on behalf of mana whenua and wider tangata whenua of the Tauranga moana, they whole heartily supported and approved of the continuation of Option 1 of the project.
- Noted the history of beginning of project, the discussions with the Council on what was intended, what would happen and the role of mana whenua which further strengthened the relationship into a partnership of the space and fulfilling some treaty settlements.
- Provided the name Te Manawataki o Te Papa – The Beating Heart of Te Papa as from that point the city goes in all directions to connect with its 160,000 people.
- Civic Whare would become a place where discussions were held, decisions made, and people come together to exchange ideas and thoughts and make decisions for all parties.
- Acknowledged the late Peri Kohu and his vision along the way.
- Continuation of the work that had been done to date with comprehensive and extensive consultation with mana whenua whose designs would be paramount in the buildings.
- Acknowledged Council staff who he had worked with over the time, noting it was a very satisfying relationship to ensure correct consultation took place, the design aspects adhered to and agreed upon fully and implemented, giving people a much better understanding of what

mana whenua were trying to express.

- Mr Mikaere noted the history and confiscation of lands at the battle of Gate Pa and the Church Missionary Society holding the land on their behalf for the benefit and welfare of Māori which had now been leased to the Elms Trust at \$1 per annum.
- Noted the change of status being sought for Pukehinahina, advising that it each project would complement the other and add to the attractions of the city.
- Mr Te Kani provided an overview of the history of the area and those areas surrounding it.
- Noted the four Pou – Te Papa Houkura (A wellspring of wellbeing), Te Papa Manawa Whenua (A place of prosperity), Te Papa o Nga Waka (the landing place for many) and Te Papa Kainga o Te Iwi (the home of the people), giving the meaning and significance of each.
- We look back as we work into the future, with the Civic Whare being the heartbeat from the site at the epicentre of the tribal domain and they see value of that continuing into the future.

At 11.27am the meeting adjourned.

At 11.41am the meeting reconvened.

Presentation

- Presentation attached to the minutes provided by Jeremy Boase outlined the process to date and the recommendations included in the report.
- Wayne Silver, Director Willis Bond spoke of the role of Willis Bond and the benefits of a campus style masterplan.
- David Lambie spoke of his role as an independent advisor who tested the assumptions of whether the Council was getting value for money in the areas of expertise, process and momentum.

At 1.16pm the meeting adjourned.

At 1.49pm the meeting reconvened.

Changes to recommendations in report

- Changes were made to recommendation (g) requiring that Stages 3 and 4 only proceed once options to reduce costs were reported to Council and the final tendered costs endorsed by the Te Manawataki o Te Papa Limited Board.
- A new recommendation (l) was added to reduce the cost of the waterfront central plaza project prior to the execution of any related contracts.

RESOLUTION CO25/24/6

Moved: Mayor Mahé Drysdale

Seconded: Cr Hautapu Baker

That the Council:

- (a) Receives the report "Civic Whare, Exhibition and Museum (CWEM) Project Update and Next Steps".
- (b) Rescinds resolution CO12/23/8(c), passed on 24 July 2023, that the Council "Approves that on sale of assets managed through the Asset Realisation Reserve approach, any debt associated with that asset will be not repaid unless Council, by further resolution, determines full or partial debt repayment shall occur".
- (c) Confirms that on sale of assets managed through the Asset Realisation Reserve approach, any debt associated with that asset will be fully repaid from the sale proceeds unless Council, by further resolution, determines otherwise.
- (d) Notes that Te Manawataki o Te Papa Limited have endorsed Tauranga City Council proceeding with the CWEM Stage 2 (construction works) as recommended in this report.
- (e) Proceeds with construction of the CWEM facility as programmed in the 2024-34 Long-term Plan (Option 1: Status Quo) and authorises the Chief Executive to enter contracts on behalf of Tauranga City Council for the CWEM Stage 2 (construction) works, as further detailed within this report.
- (f) Notes that the commercially sensitive attachments to this report will remain in public excluded, and will be considered for release once negotiations have been concluded.
- (g) Requires that the contracts of stages 3 and 4 CWEM is progressed only when:
 - i) options to reduce the cost of Stages 3 and 4 of CWEM has been completed and reported to Council
 - ii) final tendered costs have been endorsed by the Te Manawataki o Te Papa Limited Board.
- (h) **Attachment 1** can be transferred into the open when all commercial arrangements have been completed
- (i) **Attachment 3** can be transferred into the open when all commercial arrangements have been completed
- (j) **Attachment 4** can be transferred into the open when all commercial arrangements have been completed
- (k) **Attachment 7** can be transferred into the open when all commercial arrangements have been completed
- (l) Considers options to reduce cost of the waterfront central plaza project prior to the execution of any related contracts.

CARRIED

For: Mayor Mahé Drysdale, Deputy Mayor Jen Scoular, Cr Hautapu Baker, Cr Steve Morris, Cr Marten Rozeboom, Cr Kevin Schuler and Cr Rod Taylor

Against: Cr Rick Curach and Cr Glen Crowther

Attachments

1 Presentation - CWEM

2 Revised Options Analysis

11.15 2025/26 Annual Plan Key Financial Update, Draft Capital Programme and LGFA Bespoke Borrowing Covenant Option

Staff Kathryn Sharplin, Acting Chief Financial Officer
Tracey Hughes, Financial Insights & Reporting Manager
Susan Braid, Finance Lead Projects Assurance

Timestamp: 4:28:45

The Annual Plan video was shown.

Refer to Attachment 3 which had been tabled and pre-circulated to members. Attachment 3 summarised the detailed capital budgets in graphs and by categories of projects over the LTP 2024-34 period and included strawman options to illustrate that some major capital programmes could be rephased into later financial years.

Refer to the Council workshop held on Wednesday, 4 December 2024, for further detailed information on the draft Annual Plan 2025-26. The recording is publicly available at https://www.youtube.com/watch?v=y_kvA7LmNnc

Corrections:

- Corrections were made to recommendation (c) date change from 9 to 10 February 2025, and recommendation (d) the amount should be amended from \$2.03M to \$2.83M .

Changes to recommendations:

- An additional option was added to (b) (ii) total rates increases does not overall exceed 10% net of growth.

Actions:

- Provide information on waste considerations noting the difference between the status quo and the plan.
- Tracking of debt and what would have been the Infrastructure Funding and Financing portion of the Te Manawataki o Te Papa project was requested going forward.

RESOLUTION CO25/24/7

Moved: Mayor Mahé Drysdale

Seconded: Cr Rod Taylor

That the Council:

- (a) Receives the report "Annual Plan Key Financial Update, Draft Capital Programme and LGFA Bespoke Borrowing Covenant Option".
- (b) Directs staff to develop the draft 2025/26 Annual Plan for consideration in February 2025 with options to ensure that:
 - (i) The total rates increase does not overall exceed 12.5% net of growth.
 - (ii) The total rates increase does not overall exceed 10% net of growth
 - (iii) Depreciation is fully funded except for roading depreciation, where the funded depreciation should reflect only the TCC share of renewals.
 - (iv) Operational costs proposed to be loan funded are separately reported for specific council approval.
 - (v) The capital programme as prioritised in Attachment 1 forms the basis for the draft budget subject to any changes to projects or levels of service agreed by Council prior to adoption for consultation in March 2025.
- (c) Agrees that Council should apply to Local Government Funding Agency for a bespoke covenant up to a limit of 350% debt to revenue ratio from June 2025, with a draft application to be considered by Council at its meeting on 10 February 2025.

CARRIED UNANIMOUSLY

RESOLUTION CO25/24/8

Moved: Mayor Mahé Drysdale

Seconded: Cr Rod Taylor

That the Council:

- (d) Approve the ordering of city operations plant budgeted at \$2.83m in 2025/26 to enable delivery within Council of four further areas of work currently undertaken under contract from 2025/26.

CARRIED

For: Mayor Mahé Drysdale, Cr Hautapu Baker, Cr Rick Curach, Cr Steve Morris, Cr Marten Rozeboom, Cr Kevin Schuler and Cr Rod Taylor

Against: Deputy Mayor Jen Scoular and Cr Glen Crowther

Attachments

- 1 2025-26 Annual Plan Key Financial Update information in graphs

Cr Hautapu Baker adjourned the meeting with a karakia.

At 3.54pm the meeting adjourned until 9.30am on 10 December 2024

Continuation of meeting – Tuesday, 10 December 2024 at 9.30am in Te Manawaroa Room, University of Waikato, Durham Street, Tauranga

MEMBERS PRESENT: Mayor Mahé Drysdale (Chairperson), Deputy Mayor Jen Scoular, Cr Hautapu Baker, Cr Glen Crowther, Cr Rick Curach, Cr Steve Morris, Cr Marten Rozeboom, Cr Kevin Schuler (Online), Cr Rod Taylor

LEAVE OF ABSENCE: Cr Mikaere Sydney

IN ATTENDANCE: Marty Grenfell (Chief Executive), Barbara Dempsey (General Manager: Community Services), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy, Growth & Governance), Alastair McNeill (General Manager: Corporate Services), Kathryn Sharplin (Acting Chief Financial Officer), Graeme Frith (Acting General Manager: City Development & Partnerships), Andrew Mead (Manager: City Planning & Growth), Frazer Smith (Manager: Strategic Finance & Growth), Andrew Elliott (Business Analyst and Partner), Phil Kai Fong (Team Leader: Commercial Property Services), Shawn Geard (City Centre Infrastructure Lead), Stephen Burton (Transformation Leader: Water Services), Wally Potts (Director of City Waters), Peter Bahrs (Manager: Water Services), Rodney Clark (Water Treatment Manager), Mike Seabourne (Head of Transport), Will Hyde (Senior Transportation Engineer), Brad Bellamy (Project Leader: Urban Planning), Cathy Davidson (Manager: Directorate Services), Sarah Stewart (Principal Strategic Advisor), Coral Hair (Manager: Democracy & Governance Services), Anahera Dinsdale (Acting Team Leader: Governance Services), Caroline Irvin (Governance Advisor), Aimee Aranas (Governance Advisor), Janie Storey (Governance Advisor)

EXTERNAL: Edward Guy, Rationale

Cr Hautapu Baker re-opened the meeting with a karakia.

11.8 Local Water Done Well - Indicative Business Case on the Future for Water Service Delivery

Staff Christine Jones, General Manager: Strategy, Growth & Governance
Stephen Burton, Transformation Leader: Water Services

External Edward Guy, Rationale

Timestamp: 7:23

Edward Guy and Stephen Burton spoke to the presentation (see attached) that outlined the suite of options.

Changes to recommendations:

- The Mayor moved a motion with changes made to the recommendations in the report, noting the legislative changes and acknowledging that the Western Bay of Plenty District Council was

a preferred partner.

A MOTION HAS BEEN PROPOSED

MOVED: Mayor Mahé Drysdale

SECONDED: Deputy Mayor Jen Scoular

That the Council:

- (a) Receives the report " Local Water Done Well - Indicative Business Case on the Future for Water Service Delivery" and the accompanying Indicative Business Case (Attachment 1).
- (b) Rescinds resolution CO11/24/5 made at the Council meeting on 20 May 2024 that *"Approves the preferred option of establishing a Council Controlled Organisation (CCO) model with Western Bay of Plenty District Council"* to reflect changes to the legislative framework with the Local Government (Water Services Preliminary Arrangements) Act which established the Local Water Done Well framework on 3 September 2024.
- (c) Adopts the Indicative Business Case and approves that the preferred way forward for the future of water service delivery to the Tauranga City community is:
 - (i) The establishment of a three-water jointly owned CCO which is mutually beneficial for Tauranga City Council and partner Councils; and
 - (ii) If no suitable 'partner council/s' is ready to proceed with establishing a jointly owned CCO by 1 July 2026, then a Tauranga City Council independent CCO should be established with a view to moving to the preferred joint or multiply owned CCO in the future.
- (d) Delegates the General Manager Strategy, Growth & Governance to make minor changes to the Indicative Business Case prior to its finalisation.
- (e) Notes that Council is willing to engage with any council that has a formal mandate, shared vision and that can demonstrate mutually beneficial outcomes through a joint/multiply owned water service delivery CCO.
- (f) Notes that staff will develop and report back to Council with a set of establishment principles, criteria, and safeguard mechanisms to apply to any joint or multiply owned CCO to ensure beneficial arrangements are able to be identified and implemented, including:
 - (i) The establishment of fair and equitable outcomes
 - (ii) That due diligence is undertaken, including:
 - that current and future investment requirements are adequately identified
 - that financial and asset positions are independently verified to ensure mutual benefit
 - that risks are identified, understood, and mutually agreed to be manageable within available mitigation mechanisms and funding
 - that current and future debt capacity is understood and is sufficient to allow for the establishment of a viable joint CCO.
 - (iii) That there is mutual agreement that costs will be ring-fenced in the short to medium term (5-10 years) before transitioning to pricing alignment.
- (g) Approves that staff continue to have informal conversations with other councils, including Western Bay of Plenty District Council, to progress the considerations listed in (f) above, while noting that a final decision on whether to proceed (or not) with a CCO option will be made after engaging with Iwi and Hapū and with our communities.

- (h) Approves that staff work with Western Bay of Plenty District Council to progress the option of establishment of a jointly owned CCO, while noting that a final decision on whether to proceed (or not) will be made after engaging with Iwi and Hapū and with our communities, and completion of due diligence by both Councils.
- (i) Approves the 'Summary communication and engagement approach' (Attachment 2), which will be undertaken in compliance the new consultation mechanisms provided for in Sections 61-64 of the Local Government (Water Services Preliminary Arrangements) Act 2024.
- (j) Approves that Council publicly consults alongside the Annual Plan on the:
 - (i) Current delivery model (Status Quo); and
 - (ii) The preferred option being a Jointly owned mutually beneficial two-water or three-water CCO involving Tauranga City Council and 'other council/s, with the option to set up a stand-alone Tauranga City Council CCO that other councils can join later if there is no suitable or ready partner to proceed by 1 July 2026; and
 - (iii) TCC only two-water or three-water CCO.
- (k) Approves that based on the preferred option, planning on the implementation phase will commence immediately to ensure business readiness for future water services delivery.
- (l) Notes that the initial unbudgeted cost to establish a CCO for 2025/26 and 2026/27 is estimated at \$7 million (based on high level Department of Internal Affairs advice).
- (m) Notes that there is projected to be a stranded cost disbenefit to the remaining organisation (initial estimate between \$7-10 million), with the potential for a significant portion of this cost to be recovered in the short to medium term through transitional arrangements between Council and the CCO. Further work is required on potential stranded costs.

AN AMENDMENT WAS PROPOSED:

MOVED: Cr Glen Crowther

SECONDED: Cr Rick Curach

That the proposed resolution (c) be amended to read:

- (c) Adopts the indicative Business Case and approves a preferred option for the future of water service delivery in Tauranga City is the establishment of a two-water or three-water Tauranga City Council owned CCO, either with a "debt capacity council" that is ready to proceed with establishing a jointly owned CCO by 1 July 2026 if that is mutually beneficial to TCC and partner councils, or a Tauranga City Council independent CCO with the potential to moving to a joint or multiply owned CCO in the future.

THE AMENDMENT WAS PUT AND LOST

For: Cr Glen Crowther

Against: Mayor Drysdale, Deputy Mayor Jen Scoular, Cr Hautapu Baker, Cr Rick Curach, Cr Steve Morris, Cr Marten Rozeboom, Cr Kevin Schuler, Cr Rod Taylor

RESOLUTION CO25/24/9

Moved: Mayor Mahé Drysdale

Seconded: Deputy Mayor Jen Scoular

That the Council:

- (a) Receives the report " Local Water Done Well - Indicative Business Case on the Future for Water Service Delivery " and the accompanying Indicative Business Case (Attachment 1).
- (b) Rescinds resolution CO11/24/5 made at the Council meeting on 20 May 2024 that *"Approves the preferred option of establishing a Council Controlled Organisation (CCO) model with Western Bay of Plenty District Council"* to reflect changes to the legislative framework with the Local Government (Water Services Preliminary Arrangements) Act which established the Local Water Done Well framework on 3 September 2024.
- (c) Adopts the Indicative Business Case and approves that the preferred way forward for the future of water service delivery to the Tauranga City community is:
 - (i) The establishment of a three-water jointly owned CCO which is mutually beneficial for Tauranga City Council and partner Councils; and
 - (ii) If no suitable 'partner council/s' is ready to proceed with establishing a jointly owned CCO by 1 July 2026, then a Tauranga City Council independent CCO should be established with a view to moving to the preferred joint or multiply owned CCO in the future.
- (d) Delegates the General Manager Strategy, Growth & Governance to make minor changes to the Indicative Business Case prior to its finalisation.
- (e) Notes that Council is willing to engage with any council that has a formal mandate, shared vision and that can demonstrate mutually beneficial outcomes through a joint/multiply owned water service delivery CCO.
- (f) Notes that staff will develop and report back to Council with a set of establishment principles, criteria, and safeguard mechanisms to apply to any joint or multiply owned CCO to ensure beneficial arrangements are able to be identified and implemented, including:
 - (i) The establishment of fair and equitable outcomes
 - (ii) That due diligence is undertaken, including:
 - that current and future investment requirements are adequately identified
 - that financial and asset positions are independently verified to ensure mutual benefit
 - that risks are identified, understood, and mutually agreed to be manageable within available mitigation mechanisms and funding
 - that current and future debt capacity is understood and is sufficient to allow for the establishment of a viable joint CCO.
 - (iii) That there is mutual agreement that costs will be ring-fenced in the short to medium term (5-10 years) before transitioning to pricing alignment.
- (g) Approves that staff continue to have informal conversations with other councils, including Western Bay of Plenty District Council, to progress the considerations listed in (f) above, while noting that a final decision on whether to proceed (or not) with a CCO option will be made after engaging with Iwi and Hapū and with our communities.
- (h) Approves that staff work with Western Bay of Plenty District Council to progress the option of establishment of a jointly owned CCO, while noting that a final decision on whether to proceed (or not) will be made after engaging with Iwi and Hapū and with our

communities, and completion of due diligence by both Councils.

- (i) Approves the 'Summary communication and engagement approach' (Attachment 2), which will be undertaken in compliance the new consultation mechanisms provided for in Sections 61-64 of the Local Government (Water Services Preliminary Arrangements) Act 2024.
- (j) Approves that Council publicly consults alongside the Annual Plan on the:
 - (i) Current delivery model (Status Quo); and
 - (ii) The preferred option being a jointly owned mutually beneficial two-water or three-water CCO involving Tauranga City Council and 'other council/s, with the option to set up a stand-alone Tauranga City Council CCO that other councils can join later if there is no suitable or ready partner to proceed by 1 July 2026; and
 - (iii) TCC only two-water or three-water CCO.
- (k) Approves that based on the preferred option, planning on the implementation phase will commence immediately to ensure business readiness for future water services delivery.
- (l) Notes that the initial unbudgeted cost to establish a CCO for 2025/26 and 2026/27 is estimated at \$7 million (based on high level Department of Internal Affairs advice).
- (m) Notes that there is projected to be a stranded cost disbenefit to the remaining organisation (initial estimate between \$7-10 million), with the potential for a significant portion of this cost to be recovered in the short to medium term through transitional arrangements between Council and the CCO. Further work is required on potential stranded costs.

CARRIED UNANIMOUSLY

Attachments

- 1 Presentation - Local Waters Done Well

At 11.37am the meeting adjourned.

At 12.03pm the meeting reconvened.

13 PUBLIC EXCLUDED SESSION

Public excluded resolution

RESOLUTION CO25/24/10

Moved: Cr Rod Taylor

Seconded: Cr Marten Rozeboom

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.3 - Waste Infrastructure Programme Business Case Options	<p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.4 - Digital Services Funding Update	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

At 1.15pm the meeting adjourned.

At 1.47pm the meeting reconvened in open.

3 PUBLIC FORUM *(continued)*

Timestamp: 4:17:15

3.10 Manu Caddie

Key points

- Support for the appointment of mana whenua representatives on the Council Committees with

voting rights to correct past injustices and to work with the Local Government Act requiring councils to provide opportunities for Māori to participate in local democracy.

Attachments

- 1 Public Forum - Manu Caddie Statement - Council 9 December 2024

3.11 Sandra des Forges**Key points**

- Supports the appointment of voting iwi representatives to ensure durable and robust decision making was undertaken.
- Pāpāmoa Hills with the public tracks and elaborate entranceway was recent evidence of what could be achieved when working together with mana whenua.

Attachments

- 1 Sandra des Forges - Statement

11 BUSINESS *(continued)***11.9 Remuneration Fees for External Representatives on Council Committees - Benchmarking with other Councils**

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

External Matire Duncan, Chair: Te Rangapū Mana Whenua o Tauranga Moana

Timestamp: 4:26:30

Matire Duncan, Chair, Te Rangapū Mana Whenua o Tauranga Moana

- Ms Duncan spoke to the item noting that remuneration provided for effective governance, equity and fairness with input being valuable as an equitable approach.
- Encourages greater participation from tangata whenua, contributes to knowledge and a holistic iwi outcome, fostering trust with Council and increases participation.

RESOLUTION CO25/24/11

Moved: Deputy Mayor Jen Scoular

Seconded: Cr Hautapu Baker

That the Council:

- (a) Receives the report "Remuneration Fees for External Representatives on Council Committees - Benchmarking with other Councils".
- (b) Approves the remuneration of \$1,430 per day, \$800 per half day, to maximum of 30 days per financial year for the Independent Chairperson of the Audit and Risk Committee.
- (c) Approves the remuneration of \$8,500 per annum for the Independent Chairperson of the Tangata Whenua/Tauranga City Council Committee.
- (d) Approves the remuneration of \$605 per meeting for the Tangata Whenua representative appointed to the Chairperson or Deputy Chairperson role on the Wastewater Management Review Committee.
- (e) Approves the remuneration of \$435 per meeting for Tangata Whenua members appointed to the Wastewater Management Review Committee.
- (f) Approves the remuneration of \$297 per meeting for the Tangata Whenua members appointed to the Tangata Whenua/Tauranga City Council Committee.
- (g) Approves changes to the Tangata Whenua Remuneration Policy 2021 as follows:
 - (i) Levels of remuneration - section 5.1.2 – a meeting fee set at \$297 will be paid to tangata whenua representatives appointed to all other governance committees, advisory groups with joint tangata whenua and elected member membership.
 - (ii) Te Rangapū Mana Whenua o Tauranga Moana section 5.2.5 – Council will pay a meeting fee of \$297 per individual mandated member (except the chairperson) (one per iwi or hapū) per meeting.
 - (iii) Te Rangapū Mana Whenua o Tauranga Moana section 5.2.6 – The Chairperson will be paid a meeting fee of \$402 in recognition of the extra duties undertaken by the Chairperson.

CARRIED UNANIMOUSLY

Attachments

- 1 Tabled Item - Matire Duncan Benchmark on Remuneration

11.10 Review of Governance Structure and Appointments 2025**Timestamp: 4:37:40**

- The Mayor advised that he had not appointed the Chairs and Deputy Chairs of the City Futures Committee and the Community and Performance Committee and would do so at the 10 February 2025 Council meeting.
- A decision for these positions to act as co-chairs, which was possible under the Local Government Act 2002, would also be determined in the new year.
- An amendment was proposed and then withdrawn with the consent of the members relating to imposing a financial threshold for the standing committees.

Action:

- It was requested that imposing a financial threshold for the standing committees and delegation

where there was significant risk be discussed in early 2025 when considering committee delegations.

RESOLUTION CO25/24/12

Moved: Mayor Mahé Drysdale

Seconded: Deputy Mayor Jen Scoular

That the Council:

- (a) Receives the report "Review of Governance Structure and Appointments 2025".
- (b) Acknowledges that the Mayor has exercised his powers under section 41A(3)(b) and (c) of the Local Government Act 2002 to review the standing committees of Council and appoint committee chairpersons and has revoked the following standing committees:
 - (i) Accountability, Performance and Finance Committee
 - (ii) Community, Transparency and Engagement Committee
 - (iii) Project Planning and Monitoring Committee
 - (iv) Vision, Planning and Growth Committee

And replaced those standing committees revoked above with the following two committees:

 - (i) City Futures Committee
 - (ii) Community and Performance Committee
- (c) Adopts the terms of reference for and makes the delegations to the City Futures Committee and the Community and Performance Committee and the amended delegations to the Council as outlined in Attachment 3 and explore the option of a co-chair arrangement in early 2025.
- (d) Confirms committee membership as follows:

Committee	Membership
City Futures Committees	Chairperson: to be appointed on 10 February 2025 Deputy Chairperson: to be appointed on 10 February 2025 All councillors Mayor Mahé Drysdale (ex officio) Tangata Whenua representative (subject to decision by Council 10 December 2024)
Community and Performance Committee	Chairperson: to be appointed on 10 February 2025 Deputy Chairperson: to be appointed on 10 February 2025 All councillors Mayor Mahé Drysdale (ex officio) Tangata Whenua representative (subject to decision by Council 10 December 2024)

- (e) Confirms the Te Rangapū Mana Whenua o Tauranga Moana members appointed to the Tangata Whenua/Tauranga City Council Committee are Matire Duncan, Puhirake Ihaka, Destiny Leaf, Whitiora McLeod, Kura Martin and Buddy Mikaere.

CARRIED**11.11 Appointment of Tangata Whenua Representatives to Standing Committees****Staff** Mayor Mahé Drysdale**External** Matire Duncan, Chair and Kura Martin, Member: Te Rangapū Mana Whenua o Tauranga Moana**Timestamp: 4:56:00****Matire Duncan, Chair, Te Rangapū Mana Whenua o Tauranga Moana**

- Ms Duncan spoke to the item and noted this was a step forward, and supported Council's statutory response under the Local Government Act 2002 and Resource Management Act 1991 for inclusivity and strengthened partnerships by Māori having a voice and a vote at the table.
- The appointments would be based on the skills and experience relevant to each committee.

A MOTION HAS BEEN PROPOSED

MOVED: Mayor Mahé Drysdale

SECONDED: Cr Hautapu Baker

That the Council:

- (a) Receives the report "Appointment of Tangata Whenua Representatives to Standing Committees".
- (b) Approves the appointment of one tangata whenua representative to each of the following Standing Committees:
 - (i) Audit and Risk Committee
 - (ii) City Futures Committee
 - (iii) Community and Performance Committee
- (c) Approves that the appointees will be nominated and endorsed by Te Rangapū Mana Whenua o Tauranga Moana based on the skill sets, attributes and knowledge appropriate to each Standing Committee.
- (d) Approves voting rights for the tangata whenua representatives on each of the Standing Committees.
- (e) Notes that the term of appointment of tangata whenua representatives will be subject to any future changes to the committee structure during the term of the Council.
- (f) Notes that the Chief Executive will report back to the Council on the remuneration for each of the tangata whenua representatives on the standing committees informed by an independent expert advisor.

AN AMENDMENT WAS PROPOSED:

MOVED: Cr Steve Morris

SECONDED: Cr Glen Crowther

The proposed resolution (d) be amended to read:

- (d) Consultation be carried out on whether to allow voting rights for the tangata whenua representatives on each of the Standing Committees.

THE AMENDMENT WAS PUT AND LOST

For: Cr Glen Crowther, Cr Steve Morris, Cr Marten Rozeboom

Against: Mayor Drysdale, Deputy Mayor Jen Scoular, Crs Hautapu Baker, Rick Curach, Cr Kevin Schuler, Cr Rod Taylor

THE MOTION WAS TAKEN IN PARTS

RESOLUTION CO25/24/13

Moved: Mayor Mahé Drysdale

Seconded: Cr Hautapu Baker

That the Council:

- (a) Receives the report "Appointment of Tangata Whenua Representatives to Standing Committees".
- (b) Approves the appointment of one tangata whenua representative to each of the following Standing Committees:
 - (i) Audit and Risk Committee
 - (ii) City Futures Committee
 - (iii) Community and Performance Committee.
- (c) Approves that the appointees will be nominated and endorsed by Te Rangapū Mana Whenua o Tauranga Moana based on the skill sets, attributes and knowledge appropriate to each Standing Committee.
- (e) Notes that the term of appointment of tangata whenua representatives will be subject to any future changes to the committee structure during the term of the Council.
- (f) Notes that the Chief Executive will report back to the Council on the remuneration for each of the tangata whenua representatives on the standing committees informed by an independent expert advisor.

CARRIED

For: Mayor Drysdale, Deputy Mayor Jen Scoular, Crs Hautapu Baker, Cr Steve Morris, Cr Kevin Schuler, Cr Rod Taylor

Against: Cr Glen Crowther, Cr Rick Curach, Cr Marten Rozeboom

RESOLUTION CO25/24/14

Moved: Mayor Mahé Drysdale

Seconded: Cr Hautapu Baker

That the Council:

- (d) Approves voting rights for the tangata whenua representatives on each of the Standing Committees.

CARRIED

For: Mayor Drysdale, Deputy Mayor Jen Scoular, Crs Hautapu Baker, Cr Kevin Schuler, Cr Rod Taylor

Against: Cr Glen Crowther, Cr Steve Morris, Cr Marten Rozeboom, Cr Rick Curach

Attachments

- 1 Tabled Item Matire Duncan Appointment of Tangata Whenua Representatives on Council

At 3.45 pm, Mayor Mahé Drysdale withdrew from the meeting and took no part in the discussion or voting on item 11.13. Deputy Mayor Jen Scoular took the Chair.

11.13 Mayoral vehicle

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

Timestamp: 6:13:09

RESOLUTION CO25/24/15

Moved: Cr Hautapu Baker

Seconded: Cr Rod Taylor

That the Council:

- (a) Receives the report "Mayoral vehicle".
- (b) Agrees to provide the Mayor with a vehicle of his choice for restricted private use, up to the maximum vehicle amount provided for by the Remuneration Authority in the Local Government Members (2024/25) Determination.

CARRIED UNANIMOUSLY

At 3.46pm the meeting adjourned.

At 4.06pm the meeting reconvened. The Mayor returned to the meeting and resumed the Chair.

11.12 Meetings Schedule 2025

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

Timestamp: 6:37:00

An updated 2025 meetings schedule was tabled. It was previously circulated to members.

Action:

- Ensure that staff from each of the local authorities liaise with regards to the timing of the two joint committees, the Tauranga and Western Bay of Plenty Transport Committee and the Public Transport Committee.
- Request a change of date for the August 2025 Audit and Risk Committee.

RESOLUTION CO25/24/16

Moved: Mayor Mahé Drysdale

Seconded: Cr Steve Morris

That the Council:

- (a) Receives the report "Meetings Schedule 2025".
- (b) Adopts the meetings schedule for the period January-December 2025 as set out in the tabled meetings schedule.

CARRIED

Attachments

- 1 2025 Planner - Yearly Meeting Schedule January-December

11.2 Update - Transport System Plan Infrastructure Funding and Financing Projects

Staff Kathryn Sharplin, Acting Chief Financial Officer
Frazer Smith, Manager: Strategic Finance & Growth
Andrew Elliott, Business Analyst and Partner

Timestamp: 6:41:10

Action:

- It was requested that the preferred optimisation report be provided to Council as soon as possible.

RESOLUTION CO25/24/17

Moved: Cr Hautapu Baker

Seconded: Cr Marten Rozeboom

That the Council:

- (a) Receives the report "Update - Transport System Plan Infrastructure Funding and Financing Projects".
- (b) Direct staff to engage with Crown Infrastructure Partners and other Crown agencies to explore opportunities to optimise the drawdown of the Transport System Plan Infrastructure Funding and Financing facility.
- (c) As part of engaging with the Crown, investigate potential amendments to the Infrastructure Funding and Financing (Western Bay of Plenty Transport System Plan Levy Order 2022).
- (d) Report to Council with a preferred optimisation approach by 30 June 2025.

CARRIED

11.3 Harington Street carpark - Variation of Encumbrance

Staff Phil Kai Fong, Team Leader: Commercial Property Services

Timestamp: 7:01:20

Action:

- It was requested that a conversation be held with the contractor regarding the free carparks being used by construction contractors.

RESOLUTION CO25/24/18

Moved: Cr Rod Taylor

Seconded: Cr Rick Curach

That the Council:

- (a) Receives the report "Harington Street carpark - Variation of Encumbrance.
- (b) Approves a variation of Encumbrance 12069224.2 to extend the date that the developer is required to deliver no less than 200 carparks, which are available to and can be safely used by the general public, from 1 December 2024 to 30 June 2025.

CARRIED

11.4 City Centre Movement Pilot - Lower Harington Street

Staff Nic Johansson, General Manager: Infrastructure
Mike Seaborne, Head of Transport
Shawn Geard, City Centre Infrastructure Lead

Timestamp: 7:10:57

- Recommendation (b) was changed to accommodate two-way travel in Lower Harington Street as soon as possible.

RESOLUTION CO25/24/19

Moved: Deputy Mayor Jen Scoular

Seconded: Cr Rick Curach

That the Council:

- (a) Receives the report "City Centre Movement Pilot - Lower Harington Street".
- (b) Endorses the City Centre Movement Pilot adjusting Harington Street between Willow Street and The Strand to accommodate two-way travel, noting this will result in reduced carparking provision to occur as soon as possible.
- (c) Requests staff provide further reporting to Council on the City Centre Movement Pilot by May 2025.
- (d) Support the current bus stop location on Harington Street until a workshop on the City Centre Movement Pilot to be held in March 2025.

CARRIED

11.5 Options for access to un-fluoridated water

Staff Nic Johansson, General Manager: Infrastructure
Wally Potts, Director City Waters
Peter Bahrs, Manager: Water Services
Rodney Clark, Water Treatment Manager

Timestamp: 7:31:50

The recommendations in the report were not resolved and staff were requested to explore further and more affordable options to provide un-fluoridated water and report back in February 2025. A motion to wait until the current court hearings process was complete was proposed and lost.

RESOLUTION CO25/24/20

Moved: Cr Hautapu Baker

Seconded: Cr Steve Morris

That the Council:

- (a) Receives the report "Options for access to un-fluoridated water".

CARRIED

A MOTION HAS BEEN PROPOSED

MOVED: Cr Hautapu Baker

SECONDED: Cr Steve Morris

That the Council:

- (b) Do nothing in terms of providing un-fluoridated water until the outcome of the current court hearings are known relating to whether the public health merits of fluoride can be justified under the NZ Bill of Rights.

THE MOTION WAS PUT AND LOST.

For: Mayor Mahé Drysdale, Cr Hautapu Baker, Cr Marten Rozeboom

Against: Deputy Mayor Jen Scoular, Crs Glen Crowther, Cr Steve Morris, Cr Rick Curach, Cr

Kevin Schuler, Cr Rod Taylor

RESOLUTION CO25/24/21

Moved: Mayor Mahé Drysdale

Seconded: Cr Rod Taylor

That the Council:

- (c) Explores all accessible and affordable options to supply un-fluoridated water and report back to Council in February 2025.

CARRIED UNANIMOUSLY

11.6 Speed Management Plan and Transport Resolutions Report No.53

Staff Nic Johansson, General Manager: Infrastructure
Mike Seabourne, Head of Transport

Timestamp: 8:09:00

RESOLUTION CO25/24/22

Moved: Cr Glen Crowther

Seconded: Cr Marten Rozeboom

That the Council:

- (a) Receives the report "Speed Management Plan and Transport Resolutions Report No.53".
- (b) Approve the introduction of 30 km/h variable speed zones at 35 schools previously approved for 40 km/h zones (see Attachment 1).
- (c) Approve the development and implementation of 30 km/h speed zones at 8 new schools as outlined in Attachment 1, noting that funding will be considered in the annual plan.
- (d) Approve the extension or inclusion of 30 km/h variable school zones in the speed management plan map (Attachment 2) for the following,
 - (i) extending the 30km/h variable speed limit to include Queen Road, Ōtūmoetai.
 - (ii) extending the 30km/h variable speed limit on Golf Road to Ranch Road.
 - (iii) inclusion of the 30km/h variable speed limit on Links Avenue.
 - (iv) extending the variable 30km/h variable speed limit on Te Okuroa Drive.
- (e) Approve the relocation of the urban/rural boundary on Welcome Bay Road, moving the 50 km/h/80 km/h speed limit change 230 meters east.
- (f) Approve consultation with directly affected parties on whether Truman Lane (between Mangatawa Link Rd and SH29) should stay at 50 km/h permanently or revert to 80 km/h once the temporary limit expires.
- (g) Resolves to adopt the proposed traffic and parking controls relating to new subdivisions and minor changes for general safety, operational or amenity purposes, as per Attachment 3 of this report.
- (h) The changes are to become effective on or after 10 December 2024 subject to installation of appropriate signs and road markings.

CARRIED

11.7 Proposed Plan Change 39 - Upper Ohauti Land Rezoning - Adoption and Notification of Decisions

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

Timestamp: 8:20:48

RESOLUTION CO25/24/23

Moved: Cr Rick Curach

Seconded: Cr Marten Rozeboom

That the Council:

- (a) Receives the report "Proposed Plan Change 39 - Upper Ohauti Land Rezoning - Adoption and Notification of Decisions".
- (b) Pursuant to clause 29(4) of Schedule 1 of the Resource Management Act 1991, accepts and adopts as its decision the recommendations and reasons of the Independent Hearing Commissioner on Proposed Plan Change 39 Upper Ohauti Land Rezoning included as Attachment 1 - Recommended Proposed Plan Change 39 Provisions, and Attachment 2 - Recommendations on Submissions and Further Submissions.
- (c) Delegates authority to the General Manager Strategy, Growth & Governance to notify the decision in accordance with clause 10 of Schedule 1 of the Resource Management Act.
- (d) Delegates authority to the General Manager: Strategy, Growth & Governance to approve any minor and technical changes to the plan content set out in the recommended Proposed Plan Change 39 Provisions (Attachment 1).

CARRIED

11.14 Submission to Local Electoral Reform Issues Paper

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

Timestamp: 8:30:20

Action:

- Elected Member comments to be provided to Mayor Mahé Drysdale.

RESOLUTION CO25/24/24

Moved: Deputy Mayor Jen Scoular

Seconded: Cr Rod Taylor

That the Council:

- (a) Receives the report "Submission to Local Electoral Reform Issues Paper".
- (b) Delegates to the Mayor the authority to approve the submission on behalf of the Council to the Local Electoral Reform Issues Paper in time to be lodged by 19 January 2025.

CARRIED

12 DISCUSSION OF LATE ITEMS

Late item discussed earlier in meeting.

13 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

RESOLUTION CO25/24/25

Moved: Cr Rod Taylor

Seconded: Cr Hautapu Baker

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.1 - Public Excluded minutes of the Council meeting held on 29 October 2024	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(i) - The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
13.2 - Public Excluded minutes of the Council	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural</p>	<p>s48(1)(a) - the public conduct of the relevant part of the</p>

meeting held on 12 November 2024	<p>persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
13.4 - Digital Services Funding Update	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.5 - Appointment of Independent Chairperson Audit and Risk Committee	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.6 - Sale of Marine Precinct - Legal Update; and Supplementary Report	<p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
Confidential Attachment 1 - 11.1 - Civic Whare, Exhibition and Museum (CWEM) Project Update and Next Steps	s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a) the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

Confidential Attachment 3 - 11.1 - Civic Whare, Exhibition and Museum (CWEM) Project Update and Next Steps	s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a) the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
Confidential Attachment 4 - 11.1 - Civic Whare, Exhibition and Museum (CWEM) Project Update and Next Steps	s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a) the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
Confidential Attachment 7 - 11.1 - Civic Whare, Exhibition and Museum (CWEM) Project Update and Next Steps	s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a) the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED**RESOLUTIONS TRANSFERRED INTO THE OPEN SECTION OF THE MEETING****13.4 Digital Services Funding Update**

RESOLUTION CO25/24/30

Moved: Mayor Mahé Drysdale

Seconded: Cr Rod Taylor

That the Council:

- (a) Receives the report "Digital Services Funding Update".
- (b) Confirms the treatment of Digital funding for 2024/25, consistent with the requirements of Accounting Standards and Generally Accepted Accounting Practices, noting that where Digital project expenditure provides multi-year benefit, it can be loan funded over the expected life of the development; and
- (c) Approves unbudgeted expenditure of \$5.22M for digital services for 2024/25 to be loan funded as follows:

Description	2024/25 Overspend
Non-rates Revenue	\$1M
Customer Master Data	\$540K
Automating Regulatory and Compliance	\$1.22M
Field Service Management	\$1.27M
Information Management and Productivity	\$840K
Digital Online and Community Engagement	\$350K
Total	\$5.22M

- (d) Notes that more detailed reports will be provided to Audit and Risk and the Community and Performance committees.
- (e) Approaches central government to promote the concept of a government agency leading a project to develop a national/central software and hardware platform/solutions that local governments help develop and then are required to utilise and that government's response be reported back to Council.

CARRIED

Abstention: Deputy Mayor Jen Scoular abstained from voting

14 CLOSING KARAKIA

Cr Hautapu Baker closed the meeting with a karakia.

The meeting closed at 7.20pm on 10 December 2024.

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 10 February 2025

.....
Mayor Mahé Drysdale
CHAIRPERSON

8 DECLARATION OF CONFLICTS OF INTEREST

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

11 BUSINESS

11.1 Appointment of Chairperson and Deputy Chairperson to the City Futures Committee and Community and Performance Committee

File Number: A17386492

Author: Mahé Drysdale, Mayor

Authoriser: Mahé Drysdale, Mayor

PURPOSE OF THE REPORT

1. To confirm the appointment of the Chairperson and Deputy Chairperson of the City Futures Committee and the Community and Performance Committee.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Appointment of Chairperson and Deputy Chairperson to the City Futures Committee and Community and Performance Committee".
- (b) Confirms the appointment of the Chairperson and Deputy Chairperson of the following committees:

Committee	
City Futures Committee	Chairperson: Deputy Chairperson:
Community and Performance Committee	Chairperson: Deputy Chairperson:

- (c) Confirms that the:
 - (i) Chairperson and Deputy Chairperson of the City Futures Committee act as co-chairs.
 - (ii) Chairperson and Deputy Chairperson of the Community and Performance Committee act as co-chairs.
 - (iii) That for each committee the following changes are made to the terms of reference:

Chairperson and Deputy Chairperson acting as Co-Chairs

- While the Chairperson and Deputy Chairperson of the Committee roles are separately appointed it is the intention that they act as co-chairs.
 - Only one person can chair a meeting at any one time. The person chairing the meeting has the powers of the chairperson as set out in standing orders and has the option to use the casting vote in the case of an equality of votes.
 - The rotation of the meeting chairs is at the discretion of the Chairperson and Deputy Chairperson and subject to their availability, however it is expected that they will alternate chairing meetings when possible.

-
- When the Deputy Chairperson is chairing the meeting, the Chairperson will vacate the chair and enable the Deputy Chairperson to chair the meeting. The Chairperson will be able to stay and participate in the meeting unless they declare a conflict of interest in an item, in which case they will not participate or vote on that item.
 - The Chairperson and Deputy Chairperson will attend pre-agenda briefings and split any other duties outside of meetings, e.g. spokesperson for the Committee.
 - The Chairperson and Deputy Chairperson will jointly oversee and co-ordinate all activities of the Committee within their specific terms of reference and delegated authority, providing guidance and direction to all members and liaising with Council staff in setting the content and priorities of meeting agendas.
 - The Chairperson and Deputy Chairperson will be accountable for ensuring that any recommendations from the Committee are considered by the Tauranga City Council.
-

EXECUTIVE SUMMARY

2. At the 10 December 2024 meeting where two new standing committees were established, I did not appoint the Chairperson and Deputy Chairperson for these two new committees. It was agreed to consider these appointments at the next Council meeting on 10 February 2025 after further discussion among elected members.
3. I will announce the appointment of the Chairperson and Deputy Chairperson of the City Futures Committee and the Community and Performance Committee at the meeting.
4. It was also agreed to consider the option of these positions acting as co-chairs after providing more information and time to consider this option. The recommendations reflect changes to the delegations for these committees to enable co-chairing arrangements to occur.

BACKGROUND

5. The Council considered a report from the Mayor at its meeting on 10 December 2024 to create two new standing committees, the City Futures Committee and the Community and Performance Committee. Resolutions were passed adopting the terms of reference for these committees.
6. Legal advice has been sought on the matter of the chair and deputy chair acting as co-chairs when this was introduced for the Wastewater Management Review Committee. Co-chairs are not legally able to be appointed to council committees. However, the Chairperson and Deputy Chairperson can agree to alternate to preside over meetings, thus effectively acting as co-chairs. There is no legal impediment to this working with the new committees as long as the terms of reference are updated with the following:

Chairperson and Deputy Chairperson acting as Co-Chairs

- *While the Chairperson and Deputy Chairperson of the City Futures Committee roles are separately appointed it is the intention that they act as co-chairs.*
 - *Only one person can chair a meeting at any one time. The person chairing the meeting has the powers of the chairperson as set out in standing orders and has the option to use the casting vote in the case of an equality of votes.*
 - *The rotation of the meeting chairs is at the discretion of the Chairperson and Deputy Chairperson and subject to their availability, however it is expected that they will alternate chairing meetings when possible.*
 - *When the Deputy Chairperson is chairing the meeting, the Chairperson will vacate the chair and enable the Deputy Chairperson to chair the meeting. The Chairperson will be able to stay and participate in the meeting unless they declare a conflict of interest in an item, in which case they will not participate or vote on that item.*

- *The Chairperson and Deputy Chairperson will attend pre-agenda briefings and split any other duties outside of meetings, e.g. spokesperson for the Committee.*
- *The Chairperson and Deputy Chairperson will jointly oversee and co-ordinate all activities of the Committee within their specific terms of reference and delegated authority, providing guidance and direction to all members and liaising with Council staff in setting the content and priorities of meeting agendas.*
- *The Chairperson and Deputy Chairperson will be accountable for ensuring that any recommendations from the Committee are considered by the Tauranga City Council.*

STATUTORY CONTEXT

7. Section 41A of the Local Government Act 2002 (LGA) provides for the Mayor to establish committees of Council and to appoint the chairperson of each committee. This report is formal notification that Mayor Drysdale has exercised this power. The Mayor consulted with elected members prior to exercising this power.
8. The provisions of the Local Government Act 2002 relating to the appointment of a chairperson of a committee refer to the appointment of a person, singular, as the chairperson, which does not allow for the appointment of a co-chair. As such, the positions of Chairperson and Deputy Chairperson are appointed and remain separate.
9. However, the Chairperson can vacate the chair for all or part of a meeting and enable the Deputy Chairperson to chair the meeting.¹ The Chairperson is able to be present and participate in the meeting, including voting, while not chairing the meeting². This would enable the two roles to effectively act as co-chairs.
10. This pre-supposes that the Chairperson agrees to vacate the chair to enable the Deputy Chairperson to chair the meeting at pre-agreed times.³ The Terms of Reference would need to state that it is the intention that this occurs, however, there is no ability to enforce this practice if the Chairperson decides not to vacate the chair for a particular meeting.
11. Only one person can chair a meeting at any one time. The person chairing the meeting has the powers of the chairperson as set out in standing orders. They would also have the option to use the casting vote (under Standing Order 19.3) in the case of an equality of votes. It is recommended that this be explicitly stated in the terms of reference for clarification.
12. The Chairperson and Deputy Chairperson would attend pre-agenda briefings (usual practice) and split any other duties outside of meetings, e.g. spokesperson.

¹ Clause 26(2) Schedule 7 of Local Government Act 2002 states

“The chairperson of a committee must preside at each meeting of the committee at which he or she is present unless the chairperson vacates the chair for a particular meeting.”

and Standing Order 14.2 (see below) allows the chair of a committee to vacate the Chair for a particular meeting.

“In the case of committees, subcommittees and subordinate decision-making bodies, the appointed Chairperson must preside at each meeting, unless they vacate the chair for all or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson. This person may exercise the meeting responsibilities, duties and powers of the Chairperson.”

² The exception to this is where the reason the chairperson vacated the chair was that they had a conflict of interest, in which case they could not participate in the debate or vote.

³ Options include alternating meetings or agreeing to chair for a specific time e.g. for the year. The Chairperson will need to formally vacate the chair at the start of each meeting that it is pre-agreed the Deputy Chair will chair, and this needs to be recorded in the minutes of that meeting.

STRATEGIC ALIGNMENT

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

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

OPTIONS ANALYSIS

14. The following options are available:

Option	Details	Comments
1	Chairperson and Deputy Chairperson act as co-chairs.	Recommended option. The co-chairing arrangement enables a job-sharing approach to the governance of the Committee in order to spread workload and provide chairing opportunities for Deputy Chairs.
2	Chairperson and Deputy Chairperson do not act as co-chairs.	This is in line with the traditional approach to committee appointments. It does allow for the deputy to undertake duties in the absence of the chair.

FINANCIAL CONSIDERATIONS

15. There are no financial impacts of changing the committee structure. It does not impact on the elected members remuneration as all councillors, apart from the Deputy Mayor are remunerated at the same level.

LEGAL IMPLICATIONS / RISKS

16. The new committee structure comes into effect in February 2025. Legal advice has been sought on the matter of the chair and deputy chair acting as co-chairs when this was introduced for the Wastewater Management Review Committee and there are no legal implications from this occurring with the new committees.

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 decision.

- (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 decision is of low significance.

ENGAGEMENT

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

NEXT STEPS

- 21. Chairs and Deputies take up their roles for the 2025 meeting round.
- 22. Update the Governance Structure Manual

ATTACHMENTS

Nil

11.2 Letters of Expectations 2025/26 for Council-Controlled Organisations

File Number: A16212189

Author: Caroline Lim, CCO Specialist

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

PURPOSE OF THE REPORT

1. The purpose of this report is for Tauranga City Council to formally receive the Letters of Expectations 2025/26 to its substantive council-controlled organisations, namely, Bay Venues Limited, Tauranga Art Gallery Trust, Tourism Bay of Plenty, and Te Manawataki o Te Papa Limited, to guide the development of the council-controlled organisations' Statements of Intent 2025/28.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Letters of Expectations 2025/26 for Council-Controlled Organisations".
- (b) Receives the Letter of Expectations 2025/26 from Tauranga City Council to Bay Venues Limited (Attachment 1).
- (c) Receives the Letter of Expectations 2025/26 from Tauranga City Council to Tauranga Art Gallery Trust (Attachment 2).
- (d) Receives the Letter of Expectations 2025/26 from Tauranga City Council to Tourism Bay of Plenty (Attachment 3). Noting that as joint shareholder, Western Bay of Plenty District Council is not providing Tourism Bay of Plenty with a Letter of Expectations for 2025/26.
- (e) Receives the Letter of Expectations 2025/26 from Tauranga City Council to Te Manawataki o Te Papa Limited (Attachment 4).

EXECUTIVE SUMMARY

Tauranga City Council's Letters of Expectations 2025/26 to its substantive council-controlled organisations – Bay Venues Limited, Tauranga Art Gallery Trust, Tourism Bay of Plenty and Te Manawataki o Te Papa Limited

2. Tauranga City Council's (TCC or Council) Letters of Expectations to its substantive Council-Controlled Organisations (CCOs) are provided as attachments to this report for Council approval.
3. Council's substantive CCOs are Bay Venues Limited (Bay Venues), Tauranga Art Gallery Trust (TAGT), Tourism Bay of Plenty (TBOP) and Te Manawataki o Te Papa Limited (TMOTPL).
4. Bay Venues is Council's largest CCO and the kaitiaki of more than 20 community facilities. The core purpose of Bay Venues is connecting the community with exceptional experiences through hosting activities and events at community facilities across Tauranga including aquatic centres, indoor sport and fitness facilities, event venues, community centres and halls, and the Adams Centre for High Performance. In the CCO's Statement of Intent 2024/27, Bay Venues has an annual operating grant forecast for 2025/26 (based on Council's Long-term Plan 2024/34) of \$7,958,000.

5. TAGT's core purpose is to create exceptional art experiences that engage, inspire, challenge and educate through exhibitions, public programmes and events. In the CCO's Statement of Intent 2024/27, TAGT has an annual operating grant forecast for 2025/26 (based on Council's Long-term Plan 2024/34) of \$1,534,540.
6. TBOP's core purpose is to lead the sustainable growth of the Western BOP visitor economy, the management of the region as a visitor destination, and the management of iSITE Visitor Information Centres at Tauranga, Mount Maunganui and the Port of Tauranga (during the cruise season only). In the CCO's Statement of Intent 2024/27, TBOP has an annual operating grant forecast for 2025/26 (based on Council's Long-term Plan 2024/34) of \$2,133,309 (includes iSITE Visitor Information Centres).
7. TMOTPL's core purpose is to govern the effective delivery of a suite of projects across Tauranga city centre, to benefit the whole community. The Board provides a high level of experience, skills and governance in managing and delivering highly complex public projects, including the Te Manawataki o Te Papa programme. In the CCO's Statement of Intent 2024/27, it stated that "TMOTPL expects to receive funding from the Council for the financial year beginning 1 July 2024". In the CCO's Annual Report 2023/24, TMOTPL received an annual operating grant of \$778,625.
8. The Letters of Expectations 2025/26, at their core, prioritise value for money, and delivering more for less for the people of Tauranga.
9. Council expects that the priority strategic community outcomes contained in these Letters of Expectations will be reflected by the CCOs in their Statements of Intent (SOIs) 2025/28. The SOIs should be supported by a realistic number of performance indicator measures where appropriate, which should help tell the story of the ongoing value back to Council and the public, and which should be highlighted when reporting back to Council on a half-yearly and annual basis.
10. Overall, there is an expectation that the CCO Boards:
 - Identify and implement operating expenditure savings of at least 7% in its 2025/26 budget.
 - Review any spending planned to ensure it is both necessary and will deliver maximum value for money for the people of Tauranga, with every opportunity to save/reduce cost considered.
 - Communicate what their organisation delivers to the community, clearly demonstrating value for money, so the public understands Council's investment and the joint role of Council and its CCOs in providing valuable public services, spaces, and facilities.
 - Continue to be open and transparent by providing information, such as quarterly, half-yearly, annual reports and media releases, on CCOs' websites, and made available to the public, highlighting what's been achieved, what's planned, and any areas for ongoing improvement.
 - Continue to promote Council as a main contributor to the organisation's ongoing operating cost and the benefits of those operations for the people of Tauranga.
 - Undertake its activities in accordance with TCC's Enduring Statement of Expectations, as well as all relevant regulatory and statutory requirements, policy and administrative requirements, and in accordance with best practice governance.
11. The focus for Council going forward is to ensure when the draft SOIs are provided to Council by 1 March 2025 (a legislative deadline), that they meet Council's expectations and as the shareholder for Bay Venues, TAGT and TMOTPL, and as joint shareholder for TBOP, Council provides feedback by 1 May 2025 (a legislative deadline).
12. Although Council has until 1 May to provide feedback, to enable the CCOs to submit their final SOIs to Council by 30 June 2025 (a legislative deadline), it is anticipated that:

- Letters from Mayor Mahé Drysdale to each individual CCO Board Chair outlining Council's feedback on their draft SOI will be sent out **prior** to 28 April 2025 (this will be done in consultation with Council's City Partnerships Manager and CCO Specialist).
- A staff report outlining Council's feedback on the draft SOIs will be presented to Council **on** 28 April 2025 for approval.

BACKGROUND

Letters of Expectations – Best Practice

13. While letters of expectations are not legislatively required, they exist from a best practice perspective, and are set at a strategic level.
14. Under the Local Government Act legislative framework, TCC has minimal opportunity for input into its CCOs' planning for the following year, until the draft Statements of Intent have been completed and submitted to TCC, at which point, TCC as the shareholder only has two months to respond.
15. TCC and several other councils take a best practice approach by working proactively and collaboratively with their CCOs to provide them with clear guidance in the early stages of the CCOs' annual planning process. This helps ensure that the CCOs' objectives and strategies are aligned with Councils' and is particularly important when CCOs deliver significant services on the Councils' behalf.
16. Over the years, TCC has worked proactively and collaboratively with its CCOs to set clear expectations and to develop expectation documents, in particular, the overarching Enduring Statement of Expectations and the annual Letter of Expectations.
17. The letter of expectations process has been focused for those substantive CCOs that TCC has significant control over, namely Bay Venues, TAGT, TBOP (joint shareholder with WBOPDC) and TMOTPL.
18. These letters outline key strategic areas of focus for the CCOs for the following year, usually linked to the strategic priorities for Tauranga city.
19. In essence, the Letters of Expectations provide guidance to the CCOs on what Council expects to see in their next SOIs.
20. Council does not do Letters of Expectations to its three other CCOs, namely Bay of Plenty Local Authority Shared Services Limited (BOPLASS), Local Government Funding Agency (LGFA) and Te Manawataki o Te Papa Charitable Trust (the Charitable Trust), unless there are significant areas of concern. This is because TCC is one of nine shareholder members of BOPLASS and one of 31 shareholder members of LGFA, and TCC jointly governs the Charitable Trust with the Otamataha Trust.
21. The term *substantive* originates from the 2010 amalgamation of all the territorial local authorities in Auckland. The legislation that enabled the amalgamation introduced this term to describe a CCO that provides significant service to the Auckland community on behalf of that council.

STATUTORY CONTEXT

22. While not a legislative requirement under the Local Government Act (2002), when combined with the overarching Enduring Statement of Expectations, the Letter of Expectations is a key strategic governance document through which Council provides clear guidance to its CCOs.
23. The Letters of Expectations help ensure that the CCOs' objectives and strategies are aligned with Council's, by providing key areas of focus that Council expects to see reflected in the CCOs' Statements of Intent.

STRATEGIC ALIGNMENT

24. Council's letters of expectations to its CCOs contribute 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	✓

25. The letters of expectations ensure the CCOs continue to deliver on behalf of Council and the communities across the city.

OPTIONS ANALYSIS

26. There are no options as Council is formally receiving the Letters of Expectations 2025/26 to its substantive CCOs.

FINANCIAL CONSIDERATIONS

27. There is an expectation that Council's substantive CCOs identify and implement operating expenditure savings of at least 7% in its 2025/26 budget.

LEGAL IMPLICATIONS / RISKS

28. There are no legal implications or risks.

TE AO MĀORI APPROACH

29. While the Te Ao Māori approach is important, the matters addressed in this report are of a procedural nature.

CLIMATE IMPACT

30. While climate impact is important, the matters addressed in this report are procedural.

CONSULTATION / ENGAGEMENT

31. Community consultation or engagement is not required or appropriate for this matter.

SIGNIFICANCE

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

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





ENGAGEMENT

35. 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

36. The Letters of Expectations 2025/26 will be made public via TCC's website.
37. The Letters of Expectations 2025/26 will inform the CCOs' draft Statements of Intent 2025/28, which are due to Council on 1 March 2025.
38. Council will then provide feedback on the draft Statements of Intent to the CCOs by 1 May 2025 via Mayoral letters to the CCO Board Chairs prior to 28 April 2025 and a staff report to be presented at a Council meeting on 28 April 2025 .
39. The final Statements of Intent must be adopted by the CCO boards and submitted to Council by 30 June 2025. Council will then formally receive the final Statements of Intent via a staff report to be presented at a Council meeting on 5 August 2025.
40. The final Statements of Intent 2025/28 will be made public via TCC's website.

ATTACHMENTS

1. **Attachment 1 - Tauranga City Council Letter of Expectations 2025-26 to Bay Venues Limited - A17365569** [↓](#) 
2. **Attachment 2 - Tauranga City Council Letter of Expectations 2025-26 to Tauranga Art Gallery Trust - A17365571** [↓](#) 
3. **Attachment 3 - Tauranga City Council Letter of Expectations 2025-26 to Tourism BOP - A17365576** [↓](#) 
4. **Attachment 4 - Tauranga City Council Letter of Expectations 2025-26 to Te Manawataki o Te Papa Limited - A17365587** [↓](#) 



Office of the Mayor



Tauranga City

20 December 2024

Simon Clarke

Chair – Bay Venues Limited
81 Truman Lane
Mount Maunganui 3152

By email: simon@matuagovernance.com

Dear Simon

Tauranga City Council Letter of Expectation to Bay Venues Limited for 2025/2026

On behalf of Tauranga City Council (Council), I would like to thank Bay Venues Limited (Bay Venues) Board members for their commitment to building a strong partnership with Council and aligning the organisation with Council's expectations over the past few years.

Council elected members look forward to building the relationship with you and your Board over the next four years.

Strategic Direction, Priorities and Community Outcomes

Now that the newly-elected Council is in place, we wish to provide council-controlled organisations (CCOs) with clear direction on our intentions and expectations, with a particular focus on the following areas:

- Delivering more for less – value for money for the ratepayers of Tauranga and transparency and accountability in our decision-making processes
- Delivering on Council's priority strategic community outcomes
- Working collaboratively – in a direction consistent with Council's objectives.

In relation to the above priorities, Council has identified the following key principles, which should also apply to CCO operations and activities.

- Looking after what we have
- Everyone pays a fair share
- Ongoing financial, economic, social, cultural and environmental sustainability
- Robust and transparent financial analysis
- Value for money.

For clarity, 'value for money' means achieving the most advantageous combination of cost, quality and sustainability, and refers to the efficient, effective and economical use of public resources to achieve the best possible outcomes for the city. In that regard, please note that the minimal 7% saving in operating expenditure Council is seeking for its own operations will also apply to CCOs, as stated in the Expectations and Key Deliverables section below.

Council's priority strategic community outcomes remain important and must be included in the development of your Board's Statement of Intent 2025/26, with achievement progress related to the relevant principles reported in your half-yearly and annual reports to Council.

Mayor Mahé Drysdale
Tauranga City Council

Private Bag 12022, Tauranga 3143, New Zealand
Phone 07 577 7000 Email mayor@tauranga.govt.nz www.tauranga.govt.nz

Expectations and key deliverables for Bay Venues are:

- Effective storytelling about what Bay Venues delivers to the community, clearly demonstrating how the organisation provides value for money, so the public understands the rationale for Council's investment and our joint role in providing high-quality amenities for Tauranga city.
- Information such as quarterly, half-yearly and annual reports will be published on Bay Venues' website and made available to the public, highlighting what's been achieved, what's planned and any areas for improvement.
- Ongoing promotion of Council as a main contributor to your organisation's operating cost and the benefits of those operations for the people of Tauranga.
- Continuing the work in the sustainability space and ensuring your Sustainability Action Plan is aligned to Council's Climate Action and Investment Plan, which helps guide city-wide and Council-specific environmental focus areas.
- Continuing to identify and implement energy saving projects across the facility network.
- Confirming that memoranda of understanding with mana whenua are in place.
- Actioning the outcomes of the social return on investment work.
- Hosting another voluntary board intern through the recruitment of the third cohort of interns 2024/25, to increase diversity and fresh thinking on your board.
- Continuing engagement and partnerships with Council, key stakeholders, and mana whenua on key projects such as the Active Reserves Masterplans and the proposed Memorial Park Aquatic Facility.
- Explore opportunities in expanding our network in partnership with Maori and private land owners.
- Ensuring that facility renewals planning continues to be aligned with Council's strategic priorities and investment planning in the 2024-34 Long-term Plan.
- Notwithstanding the above, we are in a constrained financial environment and Council expects that Bay Venues will identify and implement expenditure savings of at least 7% in its 2025/26 operating budget. To that end we look forward to working with you, to understand the implications of such a cut, which is likely to coincide with a similar size cut in your 2025/26 operating grant.
- We expect a review of capital and upgrade budgets to ensure the spending planned is both necessary and will deliver maximum value for money for our people with every opportunity to save/reduce cost considered.

Expectations of the Board

Council expects the Bay Venues Board to undertake its activities in accordance with TCC's Enduring Statement of Expectations, as well as all relevant regulatory and statutory requirements, policy and administrative requirements; and in accordance with best practice governance.

Statement of Intent

Council expects that the strategic priorities outlined in this Letter of Expectation will be reflected in Bay Venues' Statement of Intent and supported by performance indicator measures where appropriate.

Should you require any guidance in that respect, please don't hesitate to reach-out via your primary Council contact person.

Council believes that by working collaboratively, with a shared approach, goals and culture, the Tauranga City Council whānau can deliver best value-for-money and high-quality, cost-effective services and outcomes for the community.

Thank you for contributing to this process and we look forward to receiving your draft Statement of Intent by 1 March 2025.

Wishing you and your fellow board members a very merry Christmas and a Happy New Year.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mahé Drysdale', with a long horizontal flourish extending to the right.

Mahé Drysdale
Mayor of Tauranga

Cc: Chad Hooker, CEO, Bay Venues – chad.hooker@bayvenues.co.nz



Office of the Mayor



Tauranga City

20 December 2024

Rosemary Protheroe
Chair – Tauranga Art Gallery Trust
108 Willow Street
Tauranga 3110

By email: rosemary.protheroe@gmail.com

Dear Rosemary

Tauranga City Council Letter of Expectation to Tauranga Art Gallery Trust for 2025/2026

On behalf of Tauranga City Council (Council), I would like to thank Tauranga Art Gallery Trust (TAGT) Board members for their commitment to building a strong partnership with Council and aligning the organisation with Council's expectations over the past few years.

Council elected members look forward to building the relationship with you and your Board over the next four years.

Strategic Direction, Priorities and Community Outcomes

Now that the newly-elected Council is in place, we wish to provide council-controlled organisations (CCOs) with clear direction on our intentions and expectations, with a particular focus on the following areas:

- Delivering more for less – value for money for the ratepayers of Tauranga and transparency and accountability in our decision-making processes
- Delivering on Council's priority strategic community outcomes
- Working collaboratively – in a direction consistent with Council's objectives.

In relation to the above priorities, Council has identified the following key principles, which should also apply to CCO operations and activities.

- Looking after what we have
- Everyone pays a fair share
- Ongoing financial, economic, social, cultural and environmental sustainability
- Robust and transparent financial analysis
- Value for money.

For clarity, 'value for money' means achieving the most advantageous combination of cost, quality and sustainability, and refers to the efficient, effective and economical use of public resources to achieve the best possible outcomes for the city. In that regard, please note that the minimum 7% saving in operating expenditure Council is seeking for its own operations will also apply to CCOs, as stated in the Expectations and Key Deliverables section below.

Council's priority strategic community outcomes remain important and must be included in the development of your Board's Statement of Intent 2025/26, with achievement progress related to the relevant principles reported in your half-yearly and annual reports to Council.

Mayor Mahé Drysdale
Tauranga City Council

Private Bag 12022, Tauranga 3143, New Zealand
Phone 07 577 7000 Email mayor@tauranga.govt.nz www.tauranga.govt.nz

Expectations and key deliverables for TAGT are:

- Effective storytelling about what Tauranga Art Gallery (TAG) delivers to the community, clearly demonstrating how the organisation provides value for money, so the public understands the rationale for Council's investment and our joint role in promoting the arts and culture sector.
- Information such as quarterly, half-yearly and annual reports will be published on TAG's website and made available to the public, highlighting what's been achieved, what's planned and any areas for improvement.
- Ongoing promotion of Council as a main contributor to your organisation's operating cost and the benefits of those operations for the people of Tauranga.
- Continuing the engagement and partnership with Council on the Te Manawataki o Te Papa Civic Precinct development project, which will have a significant and positive impact on Tauranga's city centre.
- Continuing to implement TAGT's Māori Engagement Strategy so that stronger relationships with mana whenua and wider engagement with Māori can be delivered.
- Hosting another voluntary board intern through the recruitment of the third cohort of interns 2024/25, to increase diversity and fresh thinking on your board.
- Completing the upgrade work on air conditioning and lighting, as part of the Art Gallery's redevelopment, in alignment with Council's Climate Action and Investment Plan.
- Continuing to use environmentally sustainable means through better sourcing of resources, reducing waste and recycling, and continuing to provide the ArtBus for students to attend the Gallery's educational programmes.
- Continuing to deliver a variety of arts and culture offerings to our local, regional and international visitors.
- Exploring further opportunities for additional revenue streams once the Gallery reopens in 2025.
- Notwithstanding the above, Council expects that TAGT will identify and implement expenditure savings of at least 7% in its 2025/26 operating budget. To that end your 2025/26 operating grant will reduce by 7%.

Expectations of the Board

Council expects the TAGT Board to undertake its activities in accordance with TCC's Enduring Statement of Expectations, as well as all relevant regulatory and statutory requirements, policy and administrative requirements, and in accordance with best practice governance.

Statement of Intent

Council expects that the strategic priorities outlined in this Letter of Expectation will be reflected in TAGT's Statement of Intent and supported by performance indicator measures where appropriate.

Should you require any guidance in that respect, please don't hesitate to reach-out via your primary Council contact person.

Council believes that by working collaboratively, with a shared approach, goals and culture, the Tauranga City Council whānau can deliver best value-for-money and high-quality, cost-effective services and outcomes for the community.

Thank you for contributing to this process and we look forward to receiving your draft Statement of Intent by 1 March 2025.

Wishing you and your fellow board members a very merry Christmas and a Happy New Year.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mahé', with a stylized flourish underneath.

Mahé Drysdale
Mayor of Tauranga

Cc: Sonya Korohina, Director, Tauranga Art Gallery – director@artgallery.org.nz



Office of the Mayor

20 December 2024



Tauranga City

Russ Browne
Chair
Tourism Bay of Plenty
8 Wharf Street
Tauranga 3110

By email: russ@pkftauranga.co.nz

Dear Russ

Tauranga City Council Letter of Expectation to Tourism Bay of Plenty for 2025/2026

On behalf of Tauranga City Council (Council), I would like to thank Tourism Bay of Plenty (TBOP) Board members for their commitment to building a strong partnership with Council and aligning the organisation with Council's expectations over the past few years.

Council elected members look forward to building the relationship with you and your Board over the next four years.

Strategic Direction, Priorities and Community Outcomes

Now that the newly-elected Council is in place, we wish to provide council-controlled organisations (CCOs) with clear direction on our intentions and expectations, with a particular focus on the following areas:

- Delivering more for less – value for money for the ratepayers of Tauranga and transparency and accountability in our decision-making processes
- Delivering on Council's priority strategic community outcomes
- Working collaboratively – in a direction consistent with Council's objectives.

In relation to the above priorities, Council has identified the following key principles, which should also apply to CCO operations and activities.

- Looking after what we have
- Everyone pays a fair share
- Ongoing financial, economic, social, cultural and environmental sustainability
- Robust and transparent financial analysis
- Value for money

For clarity, 'value for money' means achieving the most advantageous combination of cost, quality and sustainability, and refers to the efficient, effective and economical use of public resources to achieve the best possible outcomes for the city. In that regard, please note that the 7% saving in operating expenditure Council is seeking for its own operations should also apply to CCOs, as referred to in the Expectations and Key Deliverables section below.

Council's priority strategic community outcomes remain important and must be included in the development of your Board's Statement of Intent 2025/26, with achievement progress related to the relevant principles reported in your half-yearly and annual reports to Council.

Mayor Mahé Drysdale
Tauranga City Council

Private Bag 12022, Tauranga 3143, New Zealand
Phone 07 577 7000 Email mayor@tauranga.govt.nz www.tauranga.govt.nz

Expectations and key deliverables for TBOP are:

- Effective storytelling about what Tourism Bay of Plenty delivers to the community, clearly demonstrating how the organisation provides value for money, so the public understands the rationale for Council's investment and our joint role in promoting tourism and economic development.
- Information such as quarterly, half-yearly and annual reports is to be published on TBOP's website and made available to the public, highlighting what's been achieved, what's planned and any areas for improvement.
- Ongoing promotion of Council as a main contributor to your organisation's operating cost and the benefits of those operations for the people of Tauranga.
- Continuing the development and delivery of activities which will fuel tourism-related economic vibrancy in the Bay of Plenty region.
- Continuing to promote Tauranga as a destination through the Flavours of Plenty Festival and other signature events for the Bay of Plenty region.
- Continuing to work collaboratively with key stakeholders, iwi and operators to enhance the benefits that the cruise sector brings to the Tauranga community and economy.
- Continuing to support new and existing tourism operators and activities which provide authentic experiences for visitors.
- Incorporating our cultural history and stories into digital storytelling and wayfinding platforms managed by TBOP throughout the Western Bay region.
- Continuing the Green Room Sustainability Programme with more tourism, accommodation, hospitality and event operators becoming sustainable, in alignment with Council's Tauranga Climate Change Action and Investment Plan.
- Notwithstanding the above, Council expects that TBOP will identify and implement operating expenditure savings in its 2025/26 budget. We look forward to working with you to understand the impact of these savings and will take into account any reduction in program grants when looking at reductions in your 2025/26 operation grant.

Statement of Intent

Council expects that the strategic priorities outlined in this Letter of Expectation will be reflected in TBOP's Statement of Intent and supported by performance indicator measures where appropriate.

Should you require any guidance in that respect, please don't hesitate to reach-out via your primary Council contact person.

Council believes that by working collaboratively, with a shared approach, goals and culture, the Tauranga City Council whānau can deliver best value-for-money and high-quality, cost-effective services and outcomes for the community.

Thank you for contributing to this process and we look forward to receiving your draft Statement of Intent by 1 March 2025.

Wishing you and your fellow board members a very merry Christmas and a Happy New Year.

Your sincerely



Mahé Drysdale
Mayor of Tauranga

Cc: Oscar Nathan, General Manager, Tourism Bay of Plenty, oscar@bayofplentynz.com



Office of the Mayor



Tauranga City

20 December 2024

Kim Wallace
Chair – Te Manawataki o Te Papa Limited
306 Cameron Road
Tauranga 3110

By email: kimlouise.wallace@gmail.com

Dear Kim

Tauranga City Council Letter of Expectation to Te Manawataki o Te Papa Limited for 2025/2026

On behalf of Tauranga City Council (Council), I would like to thank Te Manawataki o Te Papa Limited (TMOTPL) Board members for their commitment to building a strong partnership with Council and aligning the organisation with Council's expectations over the past couple of years.

Council elected members look forward to building the relationship with you and your Board over the next four years.

Strategic Direction, Priorities and Community Outcomes

Now that the newly elected Council is in place, we wish to provide Council's council-controlled organisations (CCOs) with clear direction on our intentions and expectations, with a particular focus on the following areas:

- Delivering more for less – value for money for the ratepayers of Tauranga and transparency and accountability in our decision-making processes
- Delivering on Council's priority strategic community outcomes
- Working collaboratively – in a direction consistent with Council's objectives.

In relation to the above priorities, Council has identified the following key principles, which should also apply to CCO operations and activities.

- Looking after what we have.
- Everyone pays a fair share.
- Ongoing financial, economic, social, cultural, and environmental sustainability.
- Robust and transparent financial analysis.
- Value for money.

For clarity, 'value for money' means achieving the most advantageous combination of cost, quality and sustainability, and refers to the efficient, effective and economical use of public resources to achieve the best possible outcomes for the city. In that regard, please note that the 7% saving in 2025/26 operating expenditure Council is seeking for its own operations will also apply to CCOs, as stated in the Expectations and Key Deliverables section below.

Council's priority strategic community outcomes remain important and must be included in the development of your Board's Statement of Intent 2025/28, with achievement progress related to the relevant principles reported in your half-yearly and annual reports to Council.

Mayor Mahé Drysdale
Tauranga City Council

Private Bag 12022, Tauranga 3143, New Zealand
Phone 07 577 7000 Email mayor@tauranga.govt.nz www.tauranga.govt.nz

The delivery of the Te Manawataki o Te Papa civic precinct development projects in Tauranga's city centre is a once-in-a generation opportunity that will see the city's heart transformed into a vibrant community space, breathing new life into what will become a key cultural, heritage and economic driver for the region. These projects involve a significant community investment, which will result in a curated precinct that is consistent with the refreshed Tauranga Civic Masterplan, and which will revitalise the city centre.

Expectations and key deliverables for TMOTPL are:

- Designing, procuring and overseeing construction of the Library and Community Hub, Civic Whare, Exhibition Gallery and Museum buildings, and associated landscaping; and the Baycourt refurbishment, as per the agreed project timelines, and in accordance with the Tauranga Civic Precinct Masterplan and any further approvals or variations advised by Council.
- Designing, procuring and overseeing the construction of the Public Realm and Waterfront sub-programme and associated landscaping, as per the agreed project timelines, and in accordance with the Tauranga Moana Waterfront Plan and any further approvals or variations advised by Council.
- Designing, procuring and overseeing the internal fit out of the 90 Devonport Road sub-programme, as per the agreed project timelines and in accordance with any further approvals or variations advised by Council.
- Designing, procuring and overseeing the construction of the Memorial Park Aquatics/Recreation Hub project and associated landscaping, as per the agreed project guidelines advised by Council once final decisions have been made on the project scope in early 2025.
- Designing, procuring and overseeing the construction of the Civic Whare, Exhibition and Museum (CWEM) project Stage 2, as defined by Council's policy decisions of 9 December.
- Ensuring Stages 3 and 4 of CWEM will only proceed after cost reduction options are reported and final costs are endorsed by Council.
- Designing, procuring and overseeing for the Indoor Courts Facility project, as per the project guidelines advised by Council.
- Ensuring that the total capital project cost for each programme of work does not exceed budget, and appropriately balance the capital cost of initial construction, the cost of operation, and the cost of refurbishments over the lifetime of the projects.
- Meeting contracted delegations, New Zealand legislation and regulations, and New Zealand construction industry best practice, including meeting or exceeding New Zealand construction industry best practice standards for the health, safety, and wellbeing of all involved in a project.
- Delivering a sustainable approach to the design and construction of projects, including consideration of 6 Green Star sustainability and WELL certifications for the associated buildings.
- Ensuring that the projects recognise and reflect the inherent connection with mana whenua.
- Respecting the name gifted by mana whenua representatives from Otamataha Trust for the overall Te Manawataki o Te Papa project.
- Delivering projects which will provide an uplifting, enjoyable experience for those utilising the civic precinct area for recreation and business, and for those bringing events or experiences to the precinct.
- Ensuring the precinct area is accessible to all in the region, addressing both access for those with disabilities, and ease of access for all in terms of transport and connectedness to the outer regions of Tauranga.
- Notwithstanding the above, Council expects that TMOTPL will identify and implement expenditure savings of at least 7% in its own 2025/26 operating budget. To that end we

look forward to working with you, to understand the implications of such a cut, which is likely to coincide with a similar size cut in your 2025/26 operating grant.

- We expect a review of the capital program to ensure the spending planned is both necessary and every opportunity to save/reduce cost considered that will deliver maximum value for money for our people.

Expectations of the Board

Council expects the TMOTPL Board to undertake its activities in accordance with TCC's Enduring Statement of Expectations, as well as all relevant regulatory and statutory requirements, policy and administrative requirements, and in accordance with best practice governance.

Statement of Intent 2025/28

Council expects that the strategic priorities outlined in this Letter of Expectation will be reflected in TMOTPL's Statement of Intent and supported by performance indicator measures where appropriate.

Should you require any guidance in that respect, please do not hesitate to reach-out via your primary Council contact person.

Council believes that by working collaboratively, with a shared approach, goals and culture, the Tauranga City Council whānau can deliver value-for-money, high-quality, and cost-effective services and outcomes for the community.

Thank you for contributing to this process and we look forward to receiving your draft Statement of Intent by 1 March 2025.

Wishing you and your fellow board members a very merry Christmas and a Happy New Year.

Your sincerely



Mahé Drysdale
Mayor of Tauranga

Cc: Mike Naude, Director of Civic Development, TCC – Mike.Naude@tauranga.govt.nz

11.3 Local Government Funding Agency (LGFA) Bespoke Covenant Application

File Number: A17100462

Author: Kathryn Sharplin, Manager: Finance

Authoriser: Paul Davidson, Chief Financial Officer

PURPOSE OF THE REPORT

1. This report seeks Council agreement to the contents of the application to the Board of the Local Government Funding Agency (LGFA) for a bespoke borrowing covenant that would enable an increased level of borrowing and debt headroom for Council into the future.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Local Government Funding Agency (LGFA) Bespoke Covenant Application".
- (b) Agrees that Council application to LGFA for a bespoke borrowing Covenant includes the following:
 - (i) A bespoke borrowing covenant of 350% debt to revenue.
 - (ii) Noting that Council aims to maintain debt headroom by borrowing below this maximum, with an internal borrowing limit at around 320%.
 - (iii) the covenant should apply from the 2024/25 financial year.
 - (iv) the background information attached to this report is provided with the letter of application.
- (c) Authorises the Mayor to submit the attached application letter to the Board of LGFA on behalf of Council supported by the material contained in Attachment 1 to this report.
- (d) Notes that the implications of a bespoke LGFA borrowing covenant and how it would differ from the existing borrowing limits of the 2024-34 Long-Term Plan can be included in the financial information in the Annual Plan consultation document.

EXECUTIVE SUMMARY

2. This report provides a draft letter of application to be signed by the Mayor, along with an attachment containing background material to be provided to the Board of LGFA in support of the application.
3. Agreement is sought from the Council for the draft letter to be sent to the Board along with the background material.
4. TCC is not expected to breach existing LGFA covenants in 2024/25 under the LGFA calculation. However, a higher borrowing limit through a bespoke covenant this year will provide debt headroom for Council to manage any unforeseen events in the year and so the application seeks the bespoke covenant to apply for the current year.

BACKGROUND

5. Shareholder Councils of LGFA approved at the 19 November 2024 Annual Meeting to delegate to the Board of LGFA the ability to approve bespoke borrowing covenants to assist debt constrained 'growth' councils.

6. On 10 December 2024, Council report 11.5 2025/26 Annual Plan Key Financial Update, Draft Capital Programme and LGFA Bespoke Borrowing Covenant Option provided background to TCC's debt position and projections along with information on the borrowing covenants. Council resolved at this meeting to

“apply for a bespoke covenant from LGFA up to a limit of 350% debt to revenue ratio from June 2025, with a draft application to be considered by Council at its meeting on 9 February 2025”.
7. TCC staff have subsequently discussed with LGFA the process to make application. LGFA are supportive of the application, with TCC recognised as one of the most affected growth councils for which this bespoke covenant is intended. The attached background material aims to provide TCC's perspective for Board consideration. LGFA staff will undertake their own analysis and recommend to the LGFA Board based on TCC published documents as well as the provided material. They may seek further clarification and information from staff to complete their assessment.
8. Timing of our application could make either the February meeting of the LGFA Board or a special meeting in March for consideration of TCC's application. A decision in the next few months would provide reassurance regarding available debt headroom. However, TCC does not expect to breach current debt to revenue limits this year under the LGFA calculation methodology.

STATUTORY CONTEXT

9. The financial requirements of Councils are set under the local Government Act 2002. There is no statutory requirement to borrow with LGFA. However, the Financial Strategy requires Council to set limits on borrowing. One of these limits in the 2024-34 Long-term Plan (LTP) was that

“net external debt as a percentage of operating revenue (including Bay Venues Limited) will not exceed the borrowing limits set by the Local Government Funding Agency – see table 1”
10. The limits represent LGFA calculation of debt to revenue. As discussed in the attachment to this report TCC does not exceed for the 2025/26 annual plan the LGFA borrowing limit. However, a bespoke covenant would improve debt headroom for Council.
11. Because of this, the implications of the bespoke covenant should be explained within the financial section of consultation document.

STRATEGIC ALIGNMENT

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

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

13. Council borrows to deliver the capital infrastructure required for the community. Increasing borrowing limits through a bespoke covenant better enables Council to deliver the capital required while maintaining adequate debt headroom for Council.

OPTIONS ANALYSIS

14. Council has already agreed to apply for a bespoke covenant. This report presents the detail of the letter of application and background material for approval. Options analysis has not been provided, but Council could consider changes to the letter or background material.

FINANCIAL CONSIDERATIONS

15. The financial implications of a revised debt to revenue ratio limit have been discussed in previous reports and are included in the background material to the application.
16. If a bespoke covenant is not provided, Council is not projected to breach LGFA borrowing limits in the annual plan year under the LGFA calculation. However, the level of debt headroom for Council would be reduced as the ratio is projected to increase to 255% against a limit of 280%. Council would need to reduce its capital expenditure over the period of the LTP to remain prudently within borrowing limits. Based on the capital programme and revenue assumptions of the LTP, Council would likely breach the borrowing covenants under LGFA calculation by 2028/2029.

LEGAL IMPLICATIONS / RISKS

17. There are no risks or legal implications from making the application to LGFA.

CONSULTATION / ENGAGEMENT

18. Council will include the borrowing limits and expected debt to revenue ratio as part of the information provided in the Annual Plan. This is an opportunity to explain the change to funding of a bespoke covenant compared with the Financial Strategy in the LTP. However, this would not need to be a consultation item.

SIGNIFICANCE

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

ENGAGEMENT

22. Taking into consideration the above assessment, that the proposal is of medium significance, officers are of the opinion that the following consultation is suggested/required under the Local Government Act.
23. It is recommended to include discussion of the impacts of a bespoke covenant as part of disclosure of financial information in the Annual Plan.

NEXT STEPS

24. If approved the application letter and background information will be sent to the Board of LGFA.

25. Staff will include within the financial information in the draft 2025/26 Annual Plan consultation document, the implications of a bespoke covenant for the 2025/26 Annual Plan. This material can be considered by Council at its meetings on 24 February and 3 March 2025 prior to finalisation.

ATTACHMENTS

1. **2025120 Application for a Bespoke Covenant for Tauranga City Council 2024 - A17367917** [↓](#) 
2. **Application letter for bespoke Covenant Jan 2025 - A17432506** [↓](#) 

Tauranga City Council – Information to support an Application for a Bespoke Covenant for Tauranga City Council 2024/25

This material provides background information for the Board of the Local Government Funding Agency (LGFA) to support a request from Tauranga City Council (TCC) for a bespoke covenant up to 350% debt to revenue ratio commencing in 2024/25.

Financial Situation

TCC is a debt constrained council under existing borrowing covenants. TCC's ongoing infrastructure requirements to service our growing population have driven the capital programme and operational budgets in the 2024-34 Long-term Plan (LTP). Decisions by Council and NZTA since the LTP was adopted have increased debt levels and reduced revenue in the current year and through the LTP, leading to a worsening of the debt to revenue ratio for TCC.

Debt Position and Forecasts

TCC is forecasting year end debt of \$1.5b for June 2025, on an operating revenue of \$476m (excluding Development Contributions (DCs) and Government grants to support capital expenditure to deliver infrastructure). TCC is currently A+ rated by Standard and Poors with a negative outlook. A downgrade of TCC's rating could occur if there was a downgrade of Local Government's institutional settings.

Council's debt to revenue ratio under LGFA's calculation methodology was 211% at 30 June 2024 projected to be at 255% by 30 June 2025¹. At present more than a quarter of council's debt is growth debt to be funded and repaid through DCs. In a few years there will be a deterioration of the ratio once one-off flows of reimbursements of capital costs cease in 2026/2027. These one-off payments relate to:

- (i) IFF funded transportation projects and
- (ii) Tauriko West new growth area development.

Council has carried very high debt to revenue relative to other councils for over 20 years as a result of rapid population growth requiring new infrastructure, funded primarily through development contributions (DCs). This funding comes in slowly as subdivisions occur and new houses are built. Large city-wide infrastructure can have a repayment timeframe of over 30 years. Interest is capitalised throughout this time under the growth pays for growth principle. In 2024/25 \$19m of council's interest costs (30%) is DC interest so capitalised. Offsetting this cost, \$34m of DC revenue is budgeted in 2025.

TCC has utilised the Infrastructure Funding and Financing Act (IFF) and has \$177m of borrowing available for transportation projects under IFF. The Minister of Housing and Urban development did not approve a second IFF for the city centre development (Te Manawataki o Te Papa (TMoTP)) without the approval of the newly-elected Council for Tauranga. The Council resolved in August 2024 not to use IFF for TMOTP in favour of continued LGFA borrowing. The impact of this resolution is additional borrowing and interest costs in

¹ This is based on current LGFA debt to revenue covenant which allows TCC to include IFF funding repayments through Crown infrastructure Partners and revenue from the Tauriko West development deal with NZTA and developers which is effectively a flow through of costs and reimbursement transactions on which assets are not owned by TCC. Excluding these transactions TCC debt to revenue would be 292% by year end.

Council's accounts compared with the LTP however the IFF levy to be charged to ratepayers for these projects was removed.

Revenue

Tauranga City Council revenue comes from rates, user fees, subsidies and development contributions. Rates in 2024/25 is \$333m, which makes up 70% of operating revenue sources. User fees, interest revenue and NZTA subsidies (opex and capex) make up a further \$130m. Development contribution revenue varies depending on economic conditions and the pace at which new houses are built to meet population growth, and while budgeted at \$34m for the year is expected to be closer to \$24m.

Rates in Tauranga are amongst the highest in New Zealand for residential ratepayers and comparable with other metro councils for industrial and commercial ratepayers. Water is metered in Tauranga, so charges are mostly volumetric.

Table 1 - Key Financials

Key Financial Metric	2024/25 LTP \$m	2025/26 (Year 2) LTP \$m	2025/26 Annual Plan \$m
Total Rates \$m	333	373 Increases to 375 including IFF levy	Target maximum 375
Rates Increase % after growth and adjusting for IFF debt retained in-council (\$3.3m is 1% rates increase)	15.9%	12.5%	Target maximum 12.5%
Funded Depreciation \$m	72	82	113
Unfunded depreciation \$m (\$21m is NZTA share of transport depreciation)	32	34	21
Net savings required to remain within 12.5% rates limit after growth			25
Capital and operational projects of a capital nature \$m	510	544	515
Capital Subsidies \$m	119	161	81
Net Debt \$m	1,450	1,639	1,666
Debt to Revenue Ratio per Financial Strategy excluding IFF & Tauriko West "grants" as revenue	277%	272%	296%
Debt to Revenue ratio per LGFA calculation including IFF & Tauriko West "grants" as revenue	234%	223%	255%

Long-term Plan Capital Investment and its Financial Impact

Ten-year capital programme

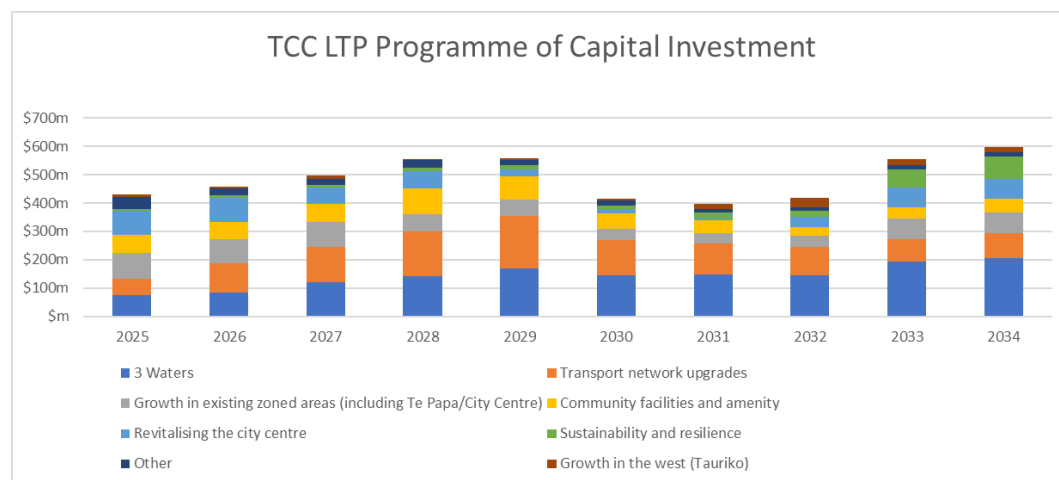
The 2024-34 Long-term Plan (LTP) identified a large ten-year capital programme of \$5.1b, made up of \$4.9b of capital investment across major infrastructure areas and a further \$200m of digital and planning expenditure not shown on the graph. Because of past borrowing constraints and high levels of expenditure across three waters, Tauranga City has been identified as having a significant deficit in infrastructure across the transportation

network and community and waste/recycling facilities for a city of its size. The LTP proposed significant catch-up investment in these areas along with expenditure on five new growth areas. Even with this significant planned growth expenditure, Tauranga still does not comply with the National Policy Statement for Urban Development (NPSUD).

Waters infrastructure investment also remains high mainly to cater for growth with further investment of \$2.1b planned for the ten years.

The following graph shows the distribution of capital expenditure across the key activity areas planned for the LTP.

Graph 1 Capital Programme LTP



To fund the proposed investment in the LTP, rates were projected to rise by over 100% over the ten years. Three waters charges have been projected to double. Most of council's water charging is metered water, while wastewater is funded through a targeted rate. Both these activities are currently operated with ring-fenced revenue.

Changes to Financial Assumptions Since the LTP

In the LTP, two significant changes to financial assumptions means that the levels of investment proposed in the LTP would not be achieved without a higher borrowing limit. The two changes are:

- i. a decision not to move \$151.5m of city centre investment funding off balance sheet through IFF, and
- ii. The loss of significant capital subsidy from NZTA over the next three years

Expenditure of \$151.5m of investment to revitalise the city centre, (TMOTP), was to be funded through a levy on ratepayers under the Infrastructure Funding and Financing Act (IFF). Council has agreed to continue the investment in TMOTP but funded the ratepayer loan portion on balance sheet through LGFA. The decision not to use IFF for the city centre has put an additional \$151.5m of debt back on Council's balance sheet over the next three years that was not included in the LTP financials.

The revised debt figures are shown in Table 2 below relative to the LTP. The full key financials from the LTP are shown as attachment 1 at the end of this background document.

Table 2: Net Debt and Debt to Revenue Ratio with TMoTP Debt on Balance Sheet

Civic IFF on Balance Sheet	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Net Debt	1,486	1,725	1,921	2,138	2,340	2,365	2,420	2,456	2,626	2,774
LGFA D:R	246%	247%	262%	280%	291%	292%	289%	273%	275%	272%

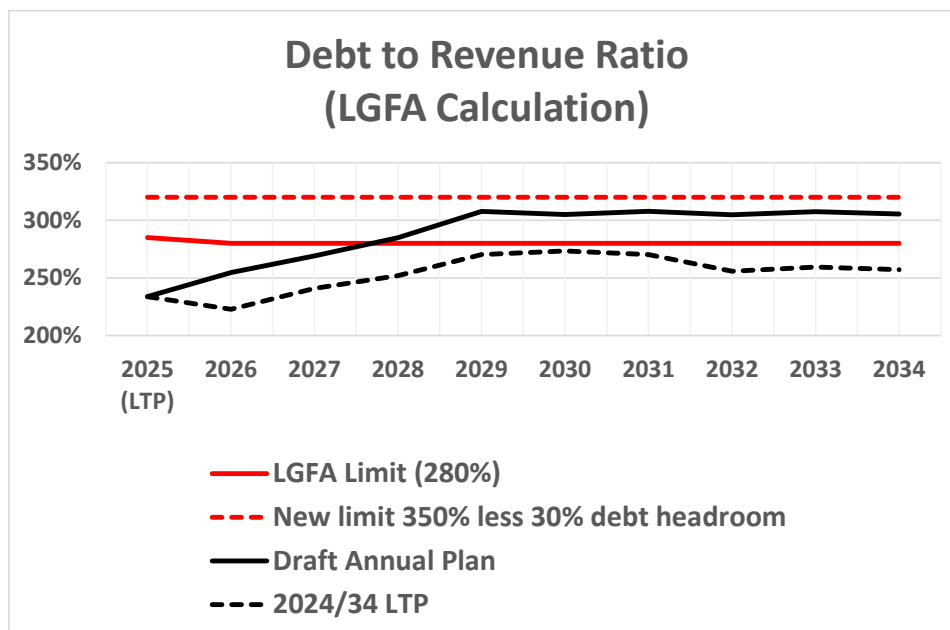
A second major change from LTP financial assumptions has been that expected New Zealand Transport Agency (NZTA) funding for identified roading infrastructure has not been included in the next three years of NZTA funding. Therefore, Council will look to rearrange its capital programme to avoid undertaking these projects until NZTA funding is confirmed. Council has undertaken a reforecasting of 2024/25 capital budgets at lower levels than the LTP and a draft 2025/26 annual plan is proposed to further delay key transport projects until NZTA funding is available.

Implications for debt levels and the need for a higher bespoke covenant limit

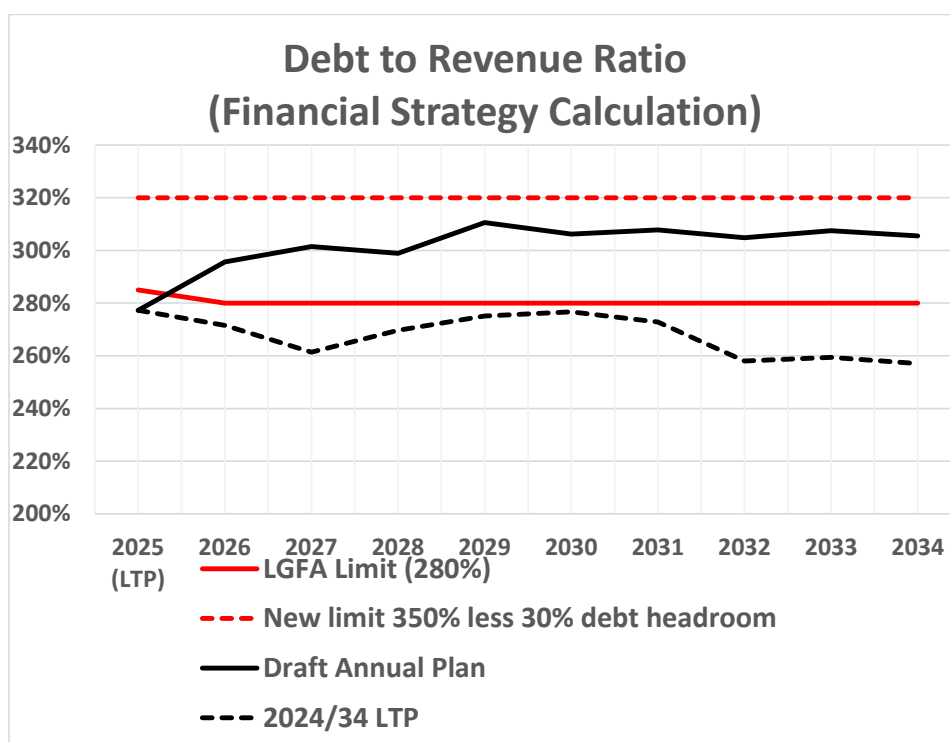
Decisions on the remaining years of the LTP capital programme have not been made by Council at this stage. However, indicative rephasing of major roading projects has been undertaken assuming that NZTA funding is approved for these projects in later years. The impact on the debt levels and the debt to revenue ratio of all the changes since the LTP are incorporated in the two graphs below. The first graph is based on the LGFA current covenant approach that includes revenue from two financing arrangements IFF and Tauriko West. These "revenue" amounts are not included in the second graph which is used in the LTP financial strategy. Both calculations include capital subsidies from NZTA but exclude vested assets and development contributions.

The second graph shows just how close TCC is to its borrowing covenant limits and the lack of debt headroom over the medium term. In both the graphs while a bespoke covenant of 350% is sought from the Board, TCC would plan to utilise up to 320% with the rest remaining as debt headroom in the event of unforeseen events.

Graph 2 – Debt to revenue Ratio against LGFA Limits with LGFA Calculation



Graph 3– Debt to revenue excluding IFF & Tauriko West “Grants”



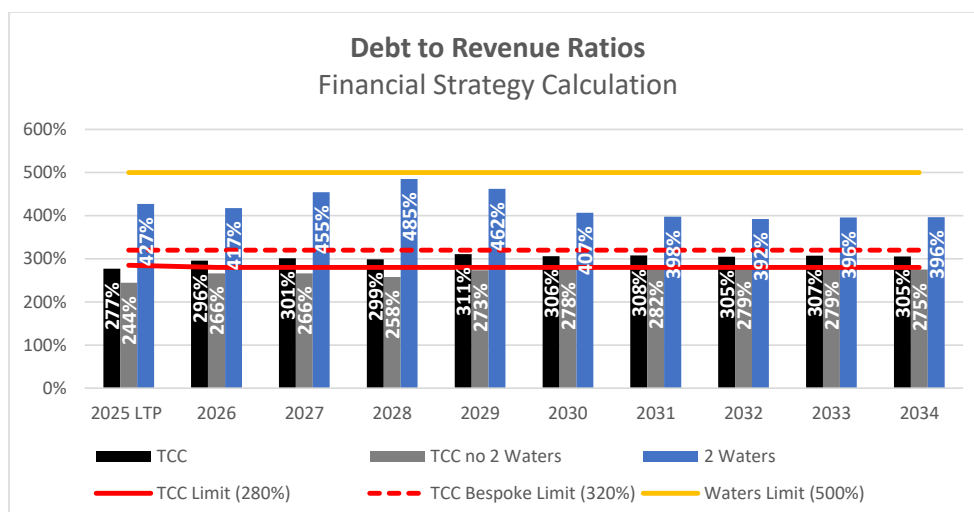
Waters CCO

TCC has undertaken a business case regarding options for water services delivery into the future. Council has agreed to consult with the community on a preferred option of a joint CCO with other councils where there is mutual benefit from such an arrangement. From TCC's perspective, this includes where another council has debt capacity.

The LTP proposes 10% average annual rates and charges increases.

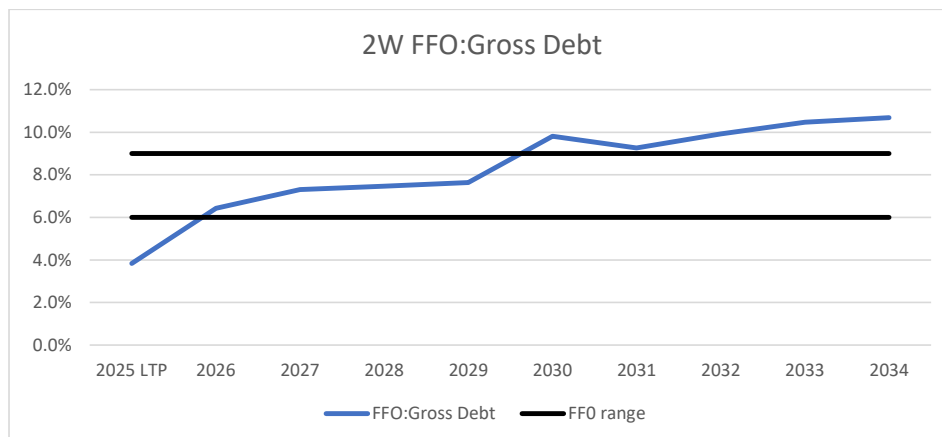
Some work has been done based the FFO ratio and the LTP revenue assumptions. As Tauranga has invested extensively in its water infrastructure the current borrowing limits for a ring-fenced entity are approaching 500%. Therefore, whilst this a CCO model with higher borrowing capacity will provide some benefit to Council the need for a bespoke covenants remains. Graphs showing the D:R ratio and FFO calculation are shown below based on two waters revenue and expenditure:

Note that the Debt to revenue graph below is based on an indicative revised LTP as were the earlier graphs and the calculation methodology for the financial strategy. It would be more favourable using the current LGFA methodology.



A different measure of debt to revenue position relevant to utilities is considering free funds from operations against gross debt (FFO) ratio.

The FFO measure enables comparison with other utilities where this measure is widely used. Department of Internal Affairs has indicated a target range of 6 to 9% for this ratio is comparable with other utilities. The table of calculation for the FFO is included as the second table in the attachment to this background information. The free funds from operations are the funds (revenue) available to the entity after paying operating expenses. For TCC waters the main source of free funds is funded depreciation. As funded depreciation increases the level of free funds increases. Later in the ten years as funded debt retirement was included the free funds increases substantially which is why the FFO ratio increases significantly from 2030. The ratio measures these free funds from operations against gross debt.



Summary

In summary, Tauranga seeks to be able to support further growth development for the city whilst ensuring the maintenance of existing assets and a reduction of its existing infrastructure deficit. This will assist in reducing the housing supply gap by providing an increase in serviceable land. To achieve this Council requires to utilise a combination of the following:

- Use of Infrastructure Funding and Financing for \$177m of off balance sheet financing
- Subject to consultation and decision of Council the establishment of a Water CCO to enable borrowing up to 500% for waters infrastructure
- The use of bespoke borrowing covenants for remaining Council to enable borrowing up to 320% (allowing 350% for unexpected events)

The implications of not having bespoke covenants will be that key capital projects will need to be removed from the long-term plan, which would restrict Councils ability to deliver on growth infrastructure and meet requirements of water reform and community needs for transportation, waste and community facilities. The present lack of debt headroom

Attachment 1

The table below is a draft of a likely revision to LTP numbers to reflect borrowing for the city centre now on balance sheet rather than in IFF and an estimate of rephasing of the LTP through the ten years based on changes to NZTA subsidy. In the table the NZTA capital subsidies are assumed to be received for these projects but outside the first three years.

Table 3: Indicative Update of LTP project Timing (not approved through Council).

Key Financials for Annual Plan revision, inflated

	2026 Update	2027 update	2028 update	2029 update	2030 update	2031 update	2032 update	2033 update	2034 update
Capital Programme (\$m)	439	544	647	578	418	393	435	538	581
Operational Expenditure of a Capital Nature (\$m)	76	69	6	8	7	7	10	10	10
Net Debt (\$m)	1,662	1,954	2,258	2,490	2,527	2,599	2,686	2,866	3,051
Debt to revenue ratio (bespoke)	299%	322%	318%	328%	318%	318%	313%	322%	320%
Financial Limit on Borrowing (debt to revenue ratio - bespoke)	320-350%	320-350%	320-350%	320-350%	320-350%	320-350%	320-350%	320-350%	320-350%
Total Rates (\$m)	Target 375	414	453	497	548	580	620	673	721
	First cut 395-400	439	478	522	573	605	645	698	746
Total Rates Increase (net growth and penalties)	Target 12.5%	8.8%	8%	8%	9%	4%	5%	7%	6%
	First cut 17-18%	8%	8%	8%	8%	4%	5%	7%	5%
IFF levies (approx increase on rates)	0.0%	0.2%	0.0%	0.2%	0.1%	0.0%	0.2%	0.1%	0.0%
Total Ratepayer increase net growth	Target 12.5%	9%	8%	8%	9%	4%	5%	7%	6%

Table 2 in Attachment – calculation of Free Funds from operations (FFO)

2W	2025 LTP	2026	2027	2028	2029	2030	2031	2032	2033	2034
Operating Revenue	95,432	107,454	119,757	135,824	156,844	179,861	187,877	199,590	225,013	248,909
Capital Subsidies	384	7,552	9,440	9,368	1,332	785	-	-	-	-
FFO Income	95,816	115,006	129,197	145,192	158,176	180,646	187,877	199,590	225,013	248,909
Operating Expenditure	114,423	123,270	128,280	136,827	146,659	155,249	167,490	172,377	185,296	198,868
Depreciation	33,906	37,073	38,843	40,839	43,875	46,452	48,784	50,460	53,563	55,339
FFO Expense	80,517	86,198	89,437	95,988	102,784	108,797	118,705	121,917	131,733	143,529
FFO (income less expense)	15,299	28,808	39,760	49,204	55,392	71,849	69,171	77,673	93,280	105,379
Gross Debt	398,946	448,592	544,491	658,881	725,393	731,963	746,911	782,621	890,860	986,171
FFO:Gross Debt	3.8%	6.4%	7.3%	7.5%	7.6%	9.8%	9.3%	9.9%	10.5%	10.7%

10 February 2025

The Board of Directors
Local Government Funding Agency
P O Box 5704
Wellington 6145
Attention Craig Stobo, Chair
Cc: Mark Butcher, CEO

Tauranga City Council Application for Bespoke Borrowing Covenant

This letter is an application to the Board of Directors of Local Government Funding Agency (LGFA) to provide a bespoke covenant to Tauranga City Council (TCC) which increases the limit on debt to revenue ratio for council borrowings to 350% from the 2024/25 financial year.

If the application is approved by LGFA, TCC will set its own internal borrowing limit below the 350% D:R borrowing covenant to ensure there is adequate debt headroom for the Council. The council currently sees this internal limit at around 320%. The attachment to this letter provides background to the current debt levels, the proposed capital programme, analysis of debt levels within waters and within the remaining areas of council through 2024/34 Long-term plan.

Council agreed in December to consult on a waters CCO, with a preference for a joint CCO over time with partner councils where there is mutual benefit from such an arrangement. From TCC's perspective, this includes where another council has debt capacity. The waters CCO option would do little to address TCC's overall borrowing constraints or the borrowing constraints within TCC's waters activities as they are already heavily indebted with a debt to revenue ratio for two waters that exceeds 450% by 2027, as outlined in the background material.

Council staff will be able to provide further information as required to support this application.

We have appreciated the contribution LGFA has made to supporting efficient borrowing for all Councils since it began in 2011 and we look forward to continue our relationship with LGFA into the future.

Yours sincerely

Mahé Drysdale
Mayor, Tauranga City Council

11.4 Tauranga City Council Submission to Local Government (Water Services) Bill

File Number: A17403864

Author: Tyler Buckley, Corporate Solicitor
Charles Lane, Team Leader: Commercial Legal
Stephen Burton, Transformation Lead - Water Services

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

PURPOSE

1. To seek approval for Tauranga City Council (**TCC**) to make a submission to the Parliamentary Select Committee regarding the Local Government (Water Services) Bill (**the Bill**).

RECOMMENDATIONS

That the Council:

- (a) Receives this report “Submission Document – Local Government (Water Services) Bill”.
- (b) Approves the draft submission “Tauranga City Council Submission - Local Government (Water Services) Bill”.⁴
- (c) Delegates authority to the Chief Executive to approve, finalise and sign the Council’s submission on the Bill.

LOCAL GOVERNMENT (WATER SERVICES) BILL

2. The broad policy intent of the Bill is to establish a new structure and regulatory framework for water services delivery. The Bill represents the third phase of the coalition Government’s “Local Water Done Well” legislative framework.
3. The first two phases dealt with:
 - a. In February 2024, the repeal of legislation relating to water services entities.⁵
 - b. In September 2024, the introduction of the Local Water Done Well framework and the preliminary arrangements for the new water services system.⁶
4. The third and current phase (which is by far the most substantive phase, with the Bill running to 325 pages) provides the substance of the Local Water Done Well framework, and includes:
 - a. Arrangements for the new water services delivery system, including:
 - i. structural arrangements for water services provision such as establishment, ownership, and governance of water organisations;
 - ii. operational matters such as arrangements for charging, bylaws, and management of stormwater networks; and

⁴ Draft submission still under development at time of release of agenda. It will be provided as an attachment to this meeting in advance of the meeting.

⁵ Water Services Acts Repeal Act 2024 repealed the Water Services Entities Act 2022, Water Services Legislation Act 2023 and the Water Services Economic Efficiency and Consumer Protection Act 2023.

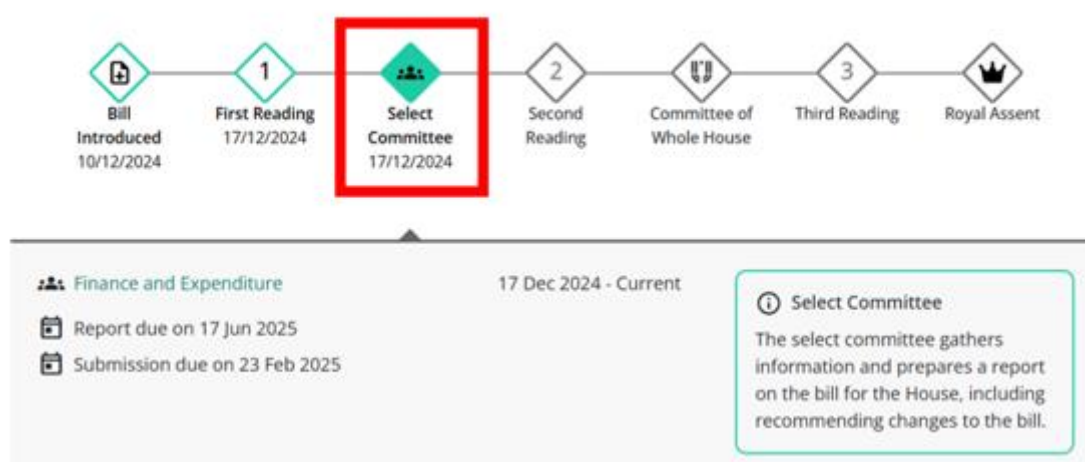
⁶ Local Government (Water Services Preliminary Arrangements) Act 2024

- iii. planning, reporting, and financial management.
- b. A new economic regulation and consumer protection regime based on Part 4 of the Commerce Act which currently applies to electricity lines services, gas pipeline services, and airport services.
- c. Changes to the water quality regulatory framework and the water services regulator, including:
 - i. changes to the Water Services Act 2021 to reduce the regulatory burden of the drinking water quality regime;
 - ii. a change in approach to Te Mana o te Wai⁷; and
 - iii. a new single standard for wastewater and stormwater environmental performance.

TCC'S OPPORTUNITY TO SUBMIT TO THE SELECT COMMITTEE ON THE BILL

5. A bill will typically undergo three readings within the House of Representatives. The primary opportunity for public submission is following the First Reading at the Select Committee stage. If the bill passes the Second Reading and Third Reading it will receive Royal Assent (be signed by the Governor General) and will become law.
6. The following image illustrates where the Bill currently sits within the legislative process:

Progress of the Bill



7. It is appropriate for TCC to submit on the Bill to ensure any issues are identified and communicated to the Select Committee. This is consistent with TCC's approach to other legislation, with TCC having made a submission on the former government's draft Three Waters bill.⁸

CONSULTATION / ENGAGEMENT

8. Following the Bill being made public on 17 December 2024, Council staff sought feedback from internal stakeholders, took advice from industry experts (such as BECA and Water NZ) and sought advice from leading law firm, Simpson Grierson.

⁷ The fundamental concept of the Essential Freshwater regulations introduced by the NZ Government in 2020.

⁸ See TCC's submissions dated 24 February 2023 and 5 July 2023.

TCC'S DRAFT SUBMISISON

9. In conjunction with Simpson Grierson, we are developing a draft submission on the Bill. As a result of time constraints, the draft submission is still being developed. However, staff will provide Elected Members with a copy of the draft submission prior to the Council meeting on 10 February 2025.
10. However, at a high-level, the draft submission is likely to address the following:
 - a. The Bill's complexity and level of prescription.
 - b. Whether Water Organisations (**WOs**), as well as having objectives, should have a list of statutory operating requirements for the purpose of providing a base level of standards for all WOs nationwide to comply with.
 - c. The level of control a Territorial Authority can have a WO.
 - d. Appropriateness of omitting any provisions addressing matters relevant to Māori and involvement of mana whenua in decision making.
 - e. Charging provisions, including whether contractual charging, by all Water Service Providers (**WSPs**), is possible; and, the overly complicated and prescriptive nature of the charging regime in the Bill;
 - f. Development Contributions, including whether contractual charging is possible; the appropriate triggers for the right to require Development Contributions for water services infrastructure; and, transitional issues in moving from a Territorial Authority to a WO.
 - g. The Bill's very conservative powers of entry onto land, which from a practical point of view, is likely to create significant access problems.
 - h. Issues with the approach to stormwater, including what is and isn't covered by the Bill and charging for stormwater. For example, there is no provision in the Bill to allow WOs to charge for stormwater services based on property value.
11. Although the submission is still being finalised, it is unlikely to deviate in any material way from the issues identified above.
11. Paddy McNamara (Partner at Simpson Grierson, expert in the Local Water Done Well legislative framework, and the primary author of TCC's submission) will be available online at the Council meeting on 10 February 2025 to explain the Bill, speak to TCC's submission, and to respond to questions from elected members.

12. We also note TCC intends to provide Te Rangapū Mana Whenua O Tauranga Moana with a copy of TCC's draft submission.

SIGNIFICANCE:

13. The LGA 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.
14. 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.
15. In accordance with the considerations above, criteria and thresholds in the policy, the preliminary assessment is that the matter is of low significance. This assessment does not refer to TCC's final Local Water Done Well decisions, but the subject matter of this report (i.e. TCC's submission on the Bill).

FINANCIAL IMPLICATIONS:

16. Other than the professional fees incurred in the preparation of TCC's draft submission, this report does not raise any further financial implications.

NEXT STEPS

17. The next step is for Council staff to work with Simpson Grierson to finalise TCC's submission and lodge it by 23 February 2025.

ATTACHMENTS

1. Nil

11.5 Background Information - Marine Park Reclassification**File Number: A16672159****Author: Nick Chester, Principal Strategic Advisor****Authoriser: Paul Davidson, Chief Financial Officer****Please note that this report contains confidential attachments.**

Public Excluded Attachment	Reason why Public Excluded
Item 11.5 - Background Information - Marine Park Reclassification - Attachment 1 - Agreement to Lease - Marine Research Facility - fully signed 4 July 2024	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.
Item 11.5 - Background Information - Marine Park Reclassification - Attachment 2 - Marine Research Facility - Financial Considerations	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.

PURPOSE OF THE REPORT

1. The purpose of this report is to present a comprehensive overview of Council's decision-making processes regarding the reclassification of a section of Marine Park and subsequent lease to the University of Waikato (UoW) for a research and educational facility.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Background Information - Marine Park Reclassification".
- (a) **Attachment 1** can be transferred into the open at the end of the lease
- (b) **Attachment 2** can be transferred into the open at the end of the lease

EXECUTIVE SUMMARY

2. Council was approached by the University of Waikato in 2017 to work collaboratively towards establishing a research and educational facility close to the city centre at Sulphur Point.
3. Staff undertook an assessment of several sites and concluded that a near 7000m² portion of Marine Park was the most appropriate site for such a facility.
4. As the site was classified as a recreation reserve, council would need to either revoke reserve status, or reclassify the portion of the reserve as "local purpose" status before a facility could be constructed.
5. Council underwent a consultation process in 2018-2019 with the intention to revoke reserve status of the relevant portion of the park, and then lease the land to UoW. In July 2020, the Minister of Conservation declined the revocation process.

6. Council subsequently undertook a process to reclassify the portion of the reserve to local purpose status. Following public consultation, Council resolved to reclassify in July 2022.
7. A tender process was then undertaken to lease the land, with UoW the only tender received. The lease was successfully negotiated and announced in June 2024.
8. The facility has now proceeded to design and consenting stage. It is anticipated that the facility will be opened in 2027/28.

BACKGROUND

University of Waikato Research and Educational Facility

9. At the beginning of 2017 the University of Waikato (UoW) approached Council with the wish to work collaboratively towards establishing an internationally sought after, multidisciplinary research and educational facility close to the city centre at Sulphur Point.
10. The facility aims to increase the quality and quantity of tertiary and post-tertiary education, allowing Tauranga to further establish itself in this important and valuable sector. Some of the specific outcomes of the project include:
 - (a) Public benefit, including accessible, marine and coastal environmental based education and/or public engagement initiatives.
 - (b) Resilience understanding; including innovative and sustainable responses to climate change, water quality and sea level rise.
 - (c) Identified benefit to Tauranga Moana Iwi and Hapu, focused on educational wellbeing and/or provision for Māori culture and design, Mātauranga approaches as well as social and economic outcomes.
 - (d) Employment opportunities to people living in Tauranga and the wider Bay of Plenty region including Eastern Bay aquaculture initiatives.
 - (e) Increased tertiary education (including research) capabilities, in undergraduate, post graduate and doctoral programmes as well as national and international collaboration.
 - (f) Potential identification of sustainable and valuable commercial development opportunities, e.g. entrepreneurial universities, cancer drugs, nutraceutical, etc.
11. Staff undertook an assessment of several sites in mid-2017 to determine if any would be appropriate for such a facility. The findings of this assessment identified a 7,000m² site at Marine Park at Sulphur Point as the most feasible site for this significant economic development opportunity.
12. Marine Park was identified as the most suitable location for the University of Waikato facility, considering the factors below:
 - (a) Proximity to Tauranga CBD campus on Durham Street
 - (b) Proximity to a deep-sea channel connected to the harbour entrance
 - (c) Proximity to water for boat launch and water intake for the filtration tanks
 - (d) Good water quality to enable world class coastal marine research
 - (e) Adequate area to provide for required functions (generic and specialist laboratories, as well as research facilities)
 - (f) Community outreach and public engagement capabilities

Marine Park

13. Marine Park is located on Keith Allan Drive at Sulphur Point. The park is 11.2ha in size. The park is shown in Figure 1, noting:
 - (a) Area 1 is the areas newly reclassified for local purpose and leased to UoW
 - (b) Area 2 is the current overflow car park.

(c) Area 3 is the Tauranga Fish & Dive Club building.



Fig.1: Marine Park map

14. At the time of UoW's initial approach to Council, the whole of Marine Park at Sulphur Point was classified as a recreation reserve under the Reserves Act 1977. The whole site is zoned Active Open Space in the City Plan.
15. The Tauranga Fish and Dive Club is located on the southern half of the reserve, in addition to an area that is used for events, and space for passive recreation. The northern half of the reserve includes a Māori navigation circle and is also used for passive recreation and some events.
16. Marine Park is the premier recreational boating access point for Tauranga and is the focal point of large recreational boating activities and events. It is a prime location for water related activities due to the location of the area of reclaimed land near deep water channels in the harbour. Marine Park is the only space of its kind in Tauranga that provides all tide access for water based recreation and supports water based, non powered, recreation access and events. The park is also used for informal recreation. Observational studies undertaken of the reserve in the location of the proposed research facility January and February 2019 indicated low levels of informal recreation by the community.
17. The Park falls within the Iwi rohe of Ngati Ranginui, Ngati Pukenga, and Ngai Te Rangi, and the Hapu rohe of Ngai Tamarawaho, Ngati Tapu and Ngai Tukairangi.

Unsuccessful Revocation Process 2018-2020

18. Classification of reserves under the Reserves Act 1977 Act identifies the primary purpose of a reserve and helps direct its management, usage and development. The building of an educational facility on a recreation reserve is not permissible under the Act as it is not the primary purpose for use of the reserve. More information about reserve classification status can be found on council's [website](#).
19. In order for the facility to be developed, Council was required to either:
 - (a) Reclassify the portion of Marine Park to be used for the facility from recreation reserve to local purpose reserve, and lease the site to the University of Waikato, or
 - (b) Revoke the reserve status of the portion of the park entirely and lease the site to the University.
20. Council resolved the following at a meeting on 16 October 2018:

"That Council:

 - (a) Approves in principle its intention to seek the revocation, pursuant to Section 24 of the Reserves Act 1977, of the recreation reserve status of part of Marine Park not exceeding 7,000m2, being part of Part Lot 2 DPS 34961 and shown as Attachment A to report DC319.*
 - (b) Notes that the purpose of the proposed revocation is to enable the leasing of the land to the University of Waikato to enable the development of a new Marine Research and Educational Facility. Officers are to arrange for the required area to be surveyed.*
 - (c) (Notes that the formal resolution to publicly notify the intention to seek the revocation of the reserve status of that area will be referred to a subsequent meeting of the Council.*
 - (d) Directs staff to discuss the provision of replacement land with Bay of Plenty Regional Council."*
21. Public consultation on the revocation of reserve status took place in November and December 2018. Engagement also occurred with tangata whenua.
22. A total of 498 submissions were received from the community during this consultation period. In response to the question *"Would you support the revocation of the reserve status of 6,952m2 of land as part of Marine Park (total 112,369m2) for the purpose of the long-term lease to the University of Waikato to enable the development of a new marine research and education facility?"* 58% responded "No" and 42% responded "Yes".
23. Council considered feedback received during this consultation and approved the revocation of reserve status at its meeting on 7 August 2019.
24. The revocation application was submitted to the Department of Conservation (DOC) in November 2019. The application comprised relevant Council reports and resolutions and supporting material, and objections and other submissions received by Council.
25. On 29 July 2020, the Minister of Conservation declined the application, on the basis that:
 - (a) it would adversely affect activities associated with deep water recreational boating and associated events,
 - (b) it would have a significant detrimental effect on the recreational amenity value of the recreational reserve,
 - (c) two iwi groups objected to the proposal,
 - (d) the land is highly valued for reserve and open space,
 - (e) no assessment of alternative sites had been undertaken, and a majority of submitters opposed the revocation.
26. The Council was of the view that some of the material on which the Minister based the decision was incomplete (largely that the minister stated that alternative sites had not been

investigated, by council believed this had been adequately done) and that was raised with DOC and the Minister's office with a request that the refusal be reconsidered. Subsequent communications with DOC have advised that DOC will not reconsider Council's application without the entire revocation process being run afresh.

Reclassification and Lease Process

27. Following the unsuccessful attempt to revoke reserve status, council investigated the option to instead reclassify the portion of Marine Park from reserve status to local purpose status, and then lease this to the University of Waikato.
28. The process to classify or reclassify reserves is set out in section 17 of the Reserves Act 1977, and requires notification by the council and a formal consultation period. Council, as administering body, has delegated authority from the Minister to make the decision as to whether to reclassify all or part of a reserve.
29. On 4 October 2021, Council resolved to initiate the reclassification process for approximately 7,000m² of land making up 6% of Marine Park ([agenda](#), [minutes](#)).
30. Consultation on the proposed reclassification took place from 16 May – 20 June 2022. A total of 323 submissions were received, with 66.3% in support of the proposal. A hearings report outlining the results of feedback, and to provide submitters with an opportunity to present in person occurred at the meeting of Council on 27 June 2022 ([agenda](#), [minutes](#)).
31. On 25 July 2022, Council resolved to reclassify the relevant portion of Marine Park to local purpose, and initiate lease tender process under the Public Bodies Leases Act 1969. The resolution also endorsed the Chief Executive to exercise the delegated authority to appoint a preferred applicant under the Public Bodies Leases Act 1969 ([agenda](#), [minutes](#)).
32. The reclassification was confirmed by Council, acting as the Minister of Conservation's delegate in September 2022 and finalised through the Gazette notice and updated title in November 2022.

Lease Tender and Award

33. The tender process for leasing the land was completed in March 2023. Council received only one tender. Through their tender the University of Waikato demonstrated the capability to establish and operate such a facility, subject to meeting the requirements in the Agreement to Lease.
34. Negotiations with the University of Waikato commenced in April 2023 and concluded successfully in June 2024. The lease was signed on 4 July 2024. The Agreement to lease is included as Attachment 1.
35. The University of Waikato will now progress with concept design and funding approvals. A resource consent has not yet been applied for and would typically follow design and funding conditions being satisfied. It is anticipated that the facility will be fully open during 2027/2028.

Sulphur Point Masterplan

36. The Marine Facilities Strategy that Council engaged with the community on in 2021 has been progressed into a framework with various actions. Staff are in the process of planning the work required around these actions.
37. One of the priority actions from the Framework is the development of a Sulphur Point masterplan. Sulphur Point and Marine Park are strategically important for many people in Tauranga and is the one of the only places for deep water access. The Master Plan will help to identify future land use, facilities and activities to respond to concerns raised by recreation and commercial users, and identify actions and investments required.
38. The masterplan will not incorporate the development of the facility.

STRATEGIC ALIGNMENT

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

40. The reclassification of Marine Park and future development of the UoW facility is strongly aligned to Council's strategic direction, specifically the following community outcomes:
- (a) Tauranga Taurikura – A city that values, protects and enhances the environment. The facility will provide valuable insights related to climate change, water quality and sea level rises and provide educational opportunities to enhance the understanding of environmental risks on the city and region.
 - (b) Tauranga a te kura – A city that supports business and education. The new facility provides both educational and employment opportunities to the city and enhances Tauranga's reputation as a city that provide educational opportunities.

FINANCIAL CONSIDERATIONS

41. Financial considerations are detailed in Attachment 2.

LEGAL IMPLICATIONS/RISKS

42. The reclassification requirements have been adhered to, as provided for in the Reserves Act 1977.
43. Council has a legally binding Agreement to Lease with the University of Waikato for the land at Marine Park.

TE AO MĀORI APPROACH

44. Council's Te Ao Māori approach has been applied throughout the reclassification and lease process. Marine Park has been identified as a site of interest to tangata whenua, and proactive engagement has been undertaken to identify key concerns and aspirations.
45. Engagement with Tangata Whenua / mana whenua on the proposed reclassification and potential use of the land was a critical part of the reclassification process. Ngai Tamarawaho and Ngati Pukenga had initially objected the revocation process but supported the subsequent reclassification process in principle.
46. Ngati Pukenga have indicated an interest if the reclassification has an impact on the harbour for which they have a joint kaitiaki responsibility along with other hapu and iwi, otherwise they support Ngai Tamarawaho's position on the land itself in recognition of their mana whenua.
47. Ngai Tamarawaho supported the reclassification in principle, and their feedback to date is summarised below:
- (a) The hapū is, in principle, in support of the reclassification taking into account the proposed activity. However, if any permanent disposal is on the table, the hapū considers that the whenua should be returned to them in the first instance.
 - (b) Marine health is of paramount importance and should be considered throughout the lifecycle of the project.
 - (c) There was no consultation when the initial reclamation was undertaken.

- (d) The hapū was previously interested in this land for a historic and cultural centre, but this project is now being considered on another site.
 - (e) The hapū is interested in exploring partnership opportunities with both Council and the lease applicant/s.
 - (f) There is a study being undertaken currently, to gauge the level and health of kai moana in the estuary which could identify potential actions.
48. The University of Waikato are actively engaging with Tangata Whenua on the design criteria for the facility.

CLIMATE IMPACT

49. The development of the UoW facility has the potential to improve Tauranga's ability to adapt to a changing climate. This can be achieved through the facility's stated aims to improve climate resilience understanding including innovative and sustainable responses to climate change, water quality and sea level rise.

CONSULTATION / ENGAGEMENT

50. There has been significant engagement at various stages throughout the project.
51. There was an open public consultation period during the unsuccessful attempt to revoke reserve classification, which took place in late 2018. This was accompanied by public open days run by council staff.
52. Council ran a public consultation process as part of the reclassification of the Park as required by the Reserves Act 1977, and in line with our own Significance and Engagement Policy. Consultation was open in May and June 2022. Submitters also spoke in person on the matter at a Council meeting on 27 June 2022.
53. The consultation included:
- (a) A notice in the local paper, which appeared three times, 16 May, 23 May and 30 May 2022.
 - (b) Online posting on LinkedIn and Facebook.
 - (c) Geo-targeted advertisements.
 - (d) Online webpage for Marine Park reclassification.
 - (e) Physical copies of project documents at Libraries, He Puna Manawa and the mobile service centre.
54. A complaint was received by the Ombudsman relating to consultation undertaken as part of the reclassification process. The Ombudsman released his opinion on this complaint on 18 July 2024, finding that Tauranga City Council had met the obligations under the Local Government and Reserves Act before making any decision. The Ombudsman's full decision is included as Attachment 3.

SIGNIFICANCE

55. 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.
56. 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.

57. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of low significance.


ENGAGEMENT

58. Taking into consideration the above assessment, the matters raised in this report do not require any further engagement and no decision is being requested from the Council.

NEXT STEPS

- 59. The University of Waikato are progressing with funding and design of the facility, and obtaining the necessary consents required to begin building. It is anticipated it will be fully open during 2027/2028.
- 60. The Marine Facilities Strategy that Council engaged with the community on in 2021 has been progressed into a framework with various actions. Staff are in the process of planning the work required around these actions.
- 61. One of the priority actions from the Framework is the development of a Sulphur Point Master Plan. Sulphur Point and Marine Park are strategically important for many people in Tauranga and is the one of the only places for deep water access. The Master Plan will help to identify future land use, facilities and activities to respond to concerns raised by recreation and commercial users, and identify actions and investments required.

ATTACHMENTS

- 1. **Agreement to Lease - Marine Research Facility - fully signed 4 July 2024 - A17431883 - Public Excluded**
- 2. **Marine Research Facility - Financial Considerations - A17431926 - Public Excluded**
- 3. **Final Decison from Ombudsman on Marine Park Reclassification Complaint - A16203811** [↓](#) 

Our ref CASE-006799 (Complaint ground: GROUND-0007360)

Contact Katty Lau

18 July 2024

Marty Grenfell
Chief Executive Officer
Tauranga City Council

By email: marty.grenfell@tauranga.govt.nz



Dear Mr Grenfell

Final opinion on complaint
Neil Pollett – Marine Park reclassification

I refer to the letter from Scott Martin of 2 July 2024.

My investigation concerned the public consultation undertaken by Tauranga City Council (the Council) in relation to the decision to reclassify about 7,000m² of land at Marine Park from 'recreation reserve' to 'local purpose reserve'.

I have now formed the final opinion that the Council has not acted unreasonably.

I **attach** details of my opinion.

I have now completed my investigation. Thank you for the assistance that has been provided.

Yours sincerely

Peter Boshier
Chief Ombudsman

Office of the Ombudsman
Tari o te Kaitiaki Mana Tangata

L7, 70 The Terrace, Wellington 6011
PO Box 10 152, Wellington 6143
New Zealand

Tel: 64 4 473 9533 Fax: 64 4 471 2254
Free phone: 0800 802 602
www.ombudsman.parliament.nz

Appendix 1. Details of my opinion

Extract from Scott Martin's letter to Neil Pollett of 2 July 2024

Under the Reserves Act 1977 (Reserves Act), the power to reclassify a reserve lies with the Minister of Conservation. In this case, the Minister has delegated this decision-making power to the Council. The Reserves Act requires the decision-maker to consider all submissions received before resolving to confirm or abandon the reclassification.

As a local authority, decisions made by the Council must also comply with the requirements of the LGA. Under the LGA, the Council may determine how it will comply with the requirements. In this case, the Council determined the proposal to be of medium significance under its [Significance and Engagement Policy](#), which means the Council may decide whether it is appropriate or necessary to engage with the community with regard to the proposal. That engagement must comply with the Council's obligations under the LGA.

Consultation

Public consultation on the reclassification took place from 16 May to 20 June 2022, followed by a public hearing on 27 June 2022. You complain that the Council provided insufficient publicity or advance notice of the public hearing.

Inquiries have established that the Council posted a notice in print and social media on multiple occasions during this period. Readers were directed to the Council's webpage for Marine Park reclassification for further information and to the [submission form](#). Paper copies were also made available at Council service centre, libraries, and mobile service centre. Submissions could be made by email or by post.

An [overview document](#) summarising the proposal was available on the Council's website. It included a diagram showing the area within the recreation reserve area that the Council proposed to reclassify. It explained that the intention was to develop a marine research and education facility, and why that particular site was identified as the most suitable for that purpose. It stated that the location of the facility would not impact existing car and trailer parking or access to boat ramps in the vicinity. It also provided contact details for readers who had questions, including the relevant team's phone number and email address.

The publicly available agenda of the Ordinary Council meeting of [4 October 2021](#) provided further details about the proposal. The document provided background context to the proposal, and the Council's analysis of the proposal. It summarised the Council's analysis of alternative options to reclassification the reserve, including revoking the reserve status and investigating alternative sites. It outlined the advantages, disadvantages and key risks in relation to each option.

One aspect of your complaint is that the information provided to the public omitted that other viable sites for the marine research centre existed. However, the scope of the consultation was to seek feedback on the specified site, therefore the omission of discussion regarding other options in the consultation information does not seem unreasonable. I note that the overview document nevertheless provided an explanation as to why the proposed site was preferred. It stated:

We've identified the proposed site at Marine Park as the most suitable location for a marine research and education facility because of its proximity to the ocean, Tauranga

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

city centre, tertiary and education institutions, boat ramps, and a deep-sea channel connected to the harbour entrance.

The closing date for submissions of 20 June 2022, and the hearing date of 27 June 2022, were clearly included in the materials that were part of the public awareness campaign. The submission form asked submitters to indicate whether they wished to speak at the hearing in support of their written submission, and that the Council would contact the speaker to arrange a 10 minute speaking time.

With regard to your specific complaint that you did not receive adequate notice of your time allocation at the hearing, I acknowledge that being notified one day prior left you with little time to arrange your affairs. However, it is unlikely that the Ombudsman would consider that this undermined the consultation process or your opportunity to be heard. There is no requirement in the consultation process for submitters to present oral submissions. All written submissions received were considered regardless of whether the submitter spoke at the hearing.

It would appear that the Council made genuine efforts to provide relevant information to the community about the proposed reclassification, and to invite submissions to be made on the proposal. It is unlikely that the Ombudsman would consider that the Council's public awareness and consultation process to be inadequate or unreasonable.

Council's deliberations on feedback

The Council's deliberation on the feedback received is documented in a report dated 25 July 2022 (Deliberation Report).

All written submissions received from public consultation were included in this report. It documents that the Council received 323 submissions from the public. A majority of those were in support of the proposal.

With regard to the submissions objecting to the proposal, the Council identified the key objection points from the individual submissions. This showed a significant portion of objections related to themes of 'Open Space' (including loss of green space and/or the recreational value of the reserve), and 'Alternative Site/Use' (including that the site would be better used for boating-related activities and parking, and consideration for alternative locations for the research facility). The Deliberation Report also outlines the Council's view on how concerns about adverse effects of proposed reclassification and marine education facility can be mitigated.¹

In addition, the Council engaged with:

- Tangata whenua: Though Ngāi Tamarawaho and Ngāti Pukenga did not raise objections, their respective views on the proposal were documented in the Deliberation Report.

¹ For example, the Feedback Report noted in response to 'Open Space' related objections that the proposed site for reclassification was chosen to mitigate loss of open space, being set back from the water's edge maintaining access to harbour margins, and as far South as possible to minimise impact on casual users and dog walkers. It also noted that the delivery of more boat ramps/parking is provided for in the Council Long-Term Plan, and that the proposal will not impact on current or planned service levels.

- Department of Conservation (DOC): DOC indicated that the Council should have regard to the previously raised Ministerial considerations. The Minister's concerns were evidently revisited and addressed in the Deliberation Report.

You consider that the omission of the Minister of Conservation's rejection of the Council's 2018 proposal to revoke the reserve status of the land was misleading. However, while that decision may provide context, the 2022 decision was a separate decision, made by a different decision-maker. Nevertheless, it seems evident that the Council has turned its mind to the concerns previously raised by the Minister, and the Council's response to those concerns were presented to the decision-makers for consideration.

I note that consultation is not a delegation or sub-contracting of decision-making. It is an information gathering process. The process of consultation does not mean that the consulting body must reach agreement with those consulted. The meaning of 'consultation' for legal purposes was considered in the leading case of *Wellington International Airport Ltd v Air New Zealand* [1993] 1 NZLR 671 (CA). The Court of Appeal stated:

The word 'consultation' did not require that there be agreement as to the charges nor did it necessarily involve negotiations towards an agreement, although this might occur particularly as the tendency in consultation was at least to seek consensus. It clearly required more than mere prior notification. If a party having the power to make a decision after consultation held meetings with the parties it was required to consult, provided those parties with relevant information and with such further information as they requested, entered the meetings with an open mind, took due notice of what was said and waited until they had had their say before making a decision: then the decision was properly described as having been made after consultation.

In this case, it seems that relevant information was provided to the community. It is appropriate that the Council considered feedback from a range of sources and applied its own analysis to the feedback received from public engagement. The Council appears to have taken due notice of the objections to, and feedback on, the proposal before advising the decision-makers whether to proceed with it. The fact that it was not persuaded by the submissions opposing the reclassification does not indicate that the Council's view was predetermined or that its process was flawed. In this case, there does not appear to be basis for the Ombudsman to form the view that the Council's consultation process had departed from good administrative practice or from its obligations under the LGA and the Reserves Act.

11.6 160 Devonport Road - Land Purchase and Development

File Number: A16662359

Author: Fiona Nalder, Principal Strategic Advisor

Authoriser: Paul Davidson, Chief Financial Officer

PURPOSE OF THE REPORT

1. This report summarises past decisions made in relation to the purchase and development of 160 Devonport Road.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "160 Devonport Road - Land Purchase and Development".

EXECUTIVE SUMMARY

2. The previous owners of 160, 168 and 176 Devonport Road (160 Devonport Road) made an unsolicited approach to Council in 2022 as they had secured alternative accommodation and were looking to sell the property.
3. Council owned little city centre property at that time (with the exception of the Willow Street site), and 160 Devonport Road offers significant development potential which could have been lost via a sale to the open market. For these reasons Council decided to purchase the site as a strategic acquisition (see Attachment 1 for past recommendations and Council decisions and Attachment 2 for the 12 December 2022 Council report).
4. A sale and purchase agreement was entered into on 1 May 2023 and settled on 20 June 2023 for a total of \$10 million.
5. In July 2023 Council decided to develop the site as a carpark and construction commenced in October 2023. Construction was completed in August 2024 at a forecast final cost of \$1.83m. The completed carpark provides 101 standard bays, 3 mobility bays and 24 bike parks, and has been operational since 1 September 2024.

BACKGROUND

Strategic land purchases by Council

6. Council owns land across the city for a range of operational and strategic purposes. Many of Council's activities and services require land, often in excess of the size provided by individual land parcels.
7. As the city continues to grow, Council needs to plan to meet future needs, including in brownfield areas. However, securing sizeable land blocks, especially in brownfield areas, is becoming more challenging and suitable land can be difficult to acquire. For these reasons Council may purchase strategically located and sized land parcels ahead of an identified need, or with only a high-level intent.
8. This type of purchase typically fulfils one of several future purposes:
 - It may be developed to deliver a core Council activity – e.g. a public space or facility, or other infrastructure such as roading or water.

- It may be leveraged by Council to deliver on strategic outcomes – e.g. land owned by Council, known as Smiths Farm, was provisionally purchased for sportsfields. However, when Council identified it was no longer needed (for sportsfields or any other Council purpose) it was able to leverage the sale of the land to provide needed housing for the city, including the delivery of affordable housing and increased density.
 - It may facilitate the acquisition and development of land elsewhere, either via a land swap or by providing a valuable asset which can be sold to fund another land purchase. For example, this can occur when Council buys land in a greenfield area that is not yet developed. As Council's needs become clearer over time, the purchased land may not be fit for purpose. However, it provides Council with leverage, and can be a useful asset when negotiating with other landowners in the area.
9. Additionally, land is an appreciating asset over time, and although values may fluctuate over the short-term, in the medium to long-term land prices increase. This means that acquiring land in anticipation of a future need can be a prudent financial move for Council, especially when a large land parcel becomes available, as sizeable blocks can be particularly difficult and costly to secure.

The rationale for purchasing 160 Devonport Road

10. The previous owners of 160, 168 and 176 Devonport Road (160 Devonport Road) made an unsolicited approach to Council in 2022 as they had secured alternative accommodation and were looking to sell the property.
11. At the time Council owned little in the way of landholdings in the city centre (apart from the civic precinct site and reserve land). As discussed above, landholdings are of value to Council, as they enable future service delivery and the delivery of strategic outcomes.
12. 160 Devonport Road offers significant development potential as it is a sizeable land parcel (consisting of several separate land holdings grouped together). However, that potential would be diminished or lost if the land was sold off as individual parcels to separate purchasers or, once sold, land-banked indefinitely without activation.
13. Priority One's Tauranga CBD Blueprint talks to the potential of the 160 Devonport Road and the aspirations of the previous owners, identifying the site as suitable for quality office and retail space, ideally suited to larger corporate businesses who desire a strong-inner city presence.
14. Council resolved on 12 December 2022 to proceed with the purchase of 160 Devonport Road for the reasons outlined in points 10-13 above. Additional information regarding Council's purchase rationale can be found in points 8-14 and 17-28 of the 12 December Council report *CBD – Strategic Property Purchase* (see Attachment 2).
15. Note that the recommendation to Council sought approval of up to \$11m for the purchase of 160 Devonport Road. The final resolution approved up to \$14.5m, however this amount was for the purchase of 160 Devonport Road *and* the purchase of 134 Durham Street (this report focuses solely on 160 Devonport Road).

The purchase of 160 Devonport Road

16. Council completed thorough pre-purchase due diligence prior to its purchase of 160 Devonport Road. This included obtaining:
- An independent valuation for the properties (Telfer Young), as well as a peer review of that valuation.
 - Independent advice on geotechnical and planning issues relating to the properties.
 - Independent legal advice.

- Building reports, including asbestos testing (Note: while the pre-purchase asbestos testing detected limited asbestos in the buildings, more was discovered during the deconstruction process).
17. The Council paid \$10 million to purchase the properties. The sale and purchase agreement was entered into on 1 May 2023 and the purchase settled on 20 June 2023. The purchase cost was debt funded.
18. This due diligence collateral and the sale and purchase agreement have been reviewed and released to the public (with redactions if necessary). Note that the pre-purchase legal advice has been withheld under s7(2)(g), Local Government Official Information and Meetings Act 1987 (LGOIMA) and the peer review of the Telfer Young valuation has been withheld under s7(2)(c) and S7(2)(f)(i), LGOIMA.

Development of 160 Devonport Road as carparking

19. On 3 July 2023 Council decided to terminate the remaining leases at 160 Devonport Road, demolish the buildings, and construct an at-grade carpark on the site (see Attachment 10). The use of the site for carparking in the short-medium term was assessed as:
- Contributing towards the demand for carparking in the city centre by providing approximately 100 carparks (charged at hourly and day rates).
 - Providing a revenue stream for Council.
 - Decreasing holding costs to Council.
20. Development of the site commenced in October 2023 and included the following works:
- Demolition of the existing buildings on the site.
 - Regrading and resurfacing the site with asphalt and line marking.
 - Installation of approximately 100 metres of concrete kerbing.
 - Installation of bike parking facilities.
 - Installation of a stormwater system to collect and discharge water through kerbside outlets with proprietary treatment devices.
 - Installation of utility services to support new lighting and pay machines.
 - Installation of 40 metre x 1.6 metre masonry block wall.
 - Removal of existing vehicle crossings and reinstatement of public kerb and footpath.
21. The pre-purchase construction estimate for these works was \$1.43 million. The forecast final cost is \$1.83m. This excludes civil contractor extension of time claims of \$94k which have not yet been negotiated pending completion of remedial works. The demolition cost was higher than anticipated due to the discovery of additional asbestos in the existing buildings (some of this was detected by building reports in the due diligence phase, but not all). Other cost variations were due to:
- The addition of internal lights, landscaping works, seat and concrete pad, relocation of the bus shelter, bollards and wheel lights.
 - The upgrade from a chipseal surface to 30mm of asphalt.
 - Increasing the size of the block wall to the neighbouring property and enabling work for the waterproofing the neighbour's wall.
22. The parking facility consists of 101 standard parking spaces, 3 mobility spaces and 24 bike parks. Construction was completed late August 2024 and the facility opened for use on 1 September 2024.

Attachments, other available information and redactions

23. The following tables itemises the attachments to this report, and other information which is available on request (or by visiting Council's LGOIMA response webpage and searching for Devonport Road). The tables also identify when and why information contained within the attachments and other documents has been withheld.
24. The Council report from 12 December 2022 was public excluded but has since been reviewed and released publicly as part of a 10 May 2024 LGOIMA response. The 3 July 2023 Council report was also public excluded but was transferred into open upon conclusion of lease negotiations as per resolution CO11/23/4 (e)⁹.

Table 1 – Attachments to this report

Attachment	Description	Information withheld / LGOIMA reference
1	Acquisition and development timeline, including past Council decisions	None
2	Council report "13.3 CBD – Strategic Property Purchase (12 December 2022)"	Attachment A from this report has been withheld in reliance on s7(2)(h)

Table 2 - Information available on request (or by visiting Council's LGOIMA response webpage)

Report	Description	Information withheld / LGOIMA reference
1	Telfer Young's valuation for TCC (December 2022)	The following information has been withheld/redacted from this document in reliance on s7(2)(b) and s7(2)(c): - Passing income summary and tenancy summary at page 17. - Retail rental evidence at pages 21, 22, and 23. - Passing vs market rent analysis at page 24. - Investment sales analysis at pages 25, 26, 27, 28. - Land sales analysis at pages 29, 30, 31 and 32.
2	Letter of advice from the Property Group re: planning due diligence (10 March 2023).	Information has been withheld under s7(2)(a) and s7(2)(h).
3	160, 168, and 176 Devonport Road – Building Reports (21 February 2023).	Information has been withheld under s7(2)(a).
4	Tonkin and Taylor Ground contamination assessment – PSI (May 2023).	Information has been withheld under s7(2)(a).
5	Tonkin and Taylor Prepurchase Assessment Report 160 to 176 Devonport Road (1 March 2023).	Information has been withheld under s7(2)(a). There is no final copy, the draft document was used.
6	LIMs for 160, 168, 176 Devonport Road.	None
7	A copy of the sale and purchase	The following information has been

⁹ <https://econtent.tauranga.govt.nz/data/bigfiles/public-excluded-reports/2024/190924carpark.pdf>

	agreement (1 May 2023).	withheld/redacted from this document in reliance on s7(2)(h): - the tenancy schedule - personal names have been redacted under 7(2)(a)
8	Council report "13.4 Construction of Car Parks 160-176 Devonport Road (3 July 2023)"	None

STATUTORY CONTEXT

25. The Attachments to this report and the information and reports in Table 2 above contain information which has been redacted and withheld for one or more of the following reasons under section 7 of LGOIMA:

- 7(2)(a) – the withholding of the information is necessary to protect the privacy of natural persons.
- 7(2)(b)(i) – the withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret.
- 7(2)(b)(ii) – The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
- 7(2)(c)(i) – the withholding of the information is necessary to protect information which is subject to an obligation of confidence where the making available of that information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.
- 7(2)(f)(i) - maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority in the course of their duty.
- 7(2)(g)- maintain legal professional privilege.
- 7(2)(h) – the withholding of the information is necessary to enable the Council to carry out, without prejudice or disadvantage, commercial activities.

STRATEGIC ALIGNMENT

26. Council's purchase of 160 Devonport Road and its subsequent development for carparking 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 checked="" type="checkbox"/>
We can move around our city easily	<input type="checkbox"/>
We are a city that supports business and education	<input type="checkbox"/>

27. The timely acquisition of land contributes to the successful delivery of Council's strategic and operational objectives. The development of 160 Devonport Road for carparking over the short-medium term provides additional carparking, contributing to the vibrancy of the city centre.

FINANCIAL CONSIDERATIONS

28. Council funded the \$10 million purchase of 160 Devonport Road and the \$1.83m of development costs via additional borrowing, at an interest rate of 4.8%. Additional financial analysis is provided in the 12 December 2022 and 3 July 2023 Council reports.

LEGAL IMPLICATIONS / RISKS

29. Council has received a LGOIMA request asking it to re-consider its redactions of information contained in the market valuation completed by Telfer Young. This process is currently underway. There is a risk that redactions made by Council could be challenged via the Office of the Ombudsman.

TE AO MĀORI APPROACH

30. Mana whenua blessed 160 Devonport Road prior to the demolition of the buildings previously onsite. The carpark at 160 Devonport Road does not incorporate te reo Māori or cultural design elements. This approach was taken as the use of the site for carparking purposes is a short-medium term measure (not a permanent use of the site).
31. If Council chooses to sell 160 Devonport Road in the future, this will occur in accordance with Council's Property Acquisitions and Disposals Policy (2023), which includes a right of first refusal for mana whenua to buy land classified as surplus at its assessed market value.

CLIMATE IMPACT

32. This report is for information purposes, and the recommendation (to receive the report) has no climate impacts. The development of 160 Devonport Road as an at-grade carpark negatively impacts on Tauranga's ability to (a) adapt to a changing climate, (b) reduce emissions, and (c) enhance nature and biodiversity. This is because it supports private vehicle use, provides limited opportunities for vegetation, and is constructed with a largely impervious surface (asphalt).

CONSULTATION / ENGAGEMENT

33. This report is for information purposes, so does not require consultation. Neither the purchase of 160 Devonport Road nor its subsequent development into a carpark were consulted on.
34. Purchase – the purchase of 160 Devonport Road was an unscheduled acquisition that was assessed in the report of 12 December 2022 as being of high significance as the purchase cost was unbudgeted. However, the acquisition was considered to be time-sensitive and not consulted on for this reason. Additionally, the 12 December 2022 report noted that the decision to purchase 160 Devonport Road was easy to reverse, as the property could be on-sold by Council.
35. Carpark development – the 3 July 2023 report assessed the development 160 Devonport Road for carparking purposes as being of low significance, and no consultation occurred.

SIGNIFICANCE

36. 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.
37. 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, this report
 - (c) The capacity of the local authority to perform its role, and the financial and other costs of doing so.
38. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that this report is of low significance.

ENGAGEMENT

39. Taking into consideration the above assessment, that this report is of low significance, officers are of the opinion that no further engagement is required prior to Council receiving this report.

NEXT STEPS

40. None

ATTACHMENTS

1. **Past Recommendations and Resolutions - 160 Devonport Road - A16779471** [↓](#) 
2. **Council Report 13.3 CBD - Strategic Property Purchase - 160 Devonport Road - A16769983** [↓](#) 

Attachment 1: Past Council recommendations and resolutionsKey

- Plain text – recommended and resolved as per recommendation (i.e. no changes between recommendation and final decision).
- Strike Through – recommendation which was not passed.
- Italics – resolution which differs from the recommendation (i.e. shows the final decision, which differed from the decision recommended by the report).

Council report “13.3 CBD – Strategic Property Purchase” (12 December 2022)

CO23/22/19 – that the Council

- (a) Receives the report "CBD - Strategic Property Purchase".
- (b) Resolves as follows:
 - i. ~~Approves the purchase of the properties at 160, 168 and 176 Devonport Road, for an amount up to \$11,000,000 as non-budgeted loan funded expenditure.~~
 - i. *Approves the purchase of the properties at 160, 168 and 176 Devonport Road and 134 Durham Street, for an amount up to \$14,500,000 as non-budgeted loan funded expenditure.*
 - ii. Delegates authority to the Chief Executive to complete due diligence, negotiate and execute the agreements required to purchase the properties.
 - iii. Notes that a further report will be presented to Council to discuss redevelopment options or a potential joint venture/development agreement to fully activate the site.
 - iv. Notes that a review of Council's Property Acquisition and Disposal policy will be initiated together with a comprehensive report on the treatment of future strategic and tactical property purchases.
 - v. ~~Approves a \$11m increase to the borrowing resolution for the 2022/23 financial year to enable debt funding of this purchase.~~
 - v. *Approves a \$14.5m increase to the borrowing resolution for the 2022/23 financial year to enable debt funding these purchases.*
 - vi. Retains resolution (b)(i) and (b)(v) and Attachment A in confidential, with resolution (b)(i) and (b)(vi) to remain in confidential until such time as settlement occurs. Attachment A to remain in the confidential section indefinitely.

Council report “13.4 Construction of Car Parks 160-176 Devonport Road” (3 July 2023)

CO11/23/4 - That the Council:

- (a) Receives the report "Construction of Car Parks 160-176 Devonport Road".
- (b) Provides notices of termination with respect to all existing tenancies on 160-176 Devonport Road.
- (c) Approves construction of 97 car parks on 160-176 Devonport Road for a total unbudgeted estimated cost of \$1.43 million excl. GST for the 2023/2024 financial year to be funded from the parking activity.
- (d) Approves a \$1.43 million increase to the borrowing resolution for the 2023/24 financial year to enable debt funding of this purchase.
- (e) Transfers the report and resolutions into the open upon conclusion of the lease negotiations.

13.3 CBD - Strategic Property Purchase**File Number:** A14262004

Author: Gert van Staden, Senior Strategic Advisor
 Mark Harrington, Business Analyst & Partner
 Paul Davidson, Chief Financial Officer
 Curtis Bones, Manager: Strategic Property & Commercial Facilitation

Authoriser: Paul Davidson, Chief Financial Officer

Section under the Act	The grounds on which part of the Council or Committee may be closed to the public are listed in s48(1)(a) of the <i>Local Government Official Information and Meetings Act 1987</i> .
Sub-clause and Reason:	s7(2)(b)(ii) and s7(2)(i) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information and The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

PURPOSE OF THE REPORT

1. To approve the purchase of 160 – 176 Devonport Road, comprising three separate titles for the purpose of strategic property investment.
2. To signal a review of Council's Property Acquisition and Disposal policy, to potentially make provision for purchases such as the above property, which currently fall outside of the scope of the Strategic Acquisition Fund.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "CBD - Strategic Property Purchase".
- (b) Resolves as follows:
 - (i) Approves the purchase of the properties at 160, 168 and 176 Devonport Road, for an amount up to \$11,000,000 as non-budgeted loan funded expenditure.
 - (ii) Delegates authority to the Chief Executive to complete due diligence, negotiate and execute the agreements required to purchase the properties.
 - (iii) Notes that a further report will be presented to Council to discuss redevelopment options or a potential joint venture/development agreement to fully activate the site.
 - (iv) Notes that a review of Council's Property Acquisition and Disposal policy will be initiated together with a comprehensive report on the treatment of future strategic and tactical property purchases.
 - (v) Approves a \$11m increase to the borrowing resolution for the 2022/23 financial year to enable debt funding of this purchase.
 - (vi) To retain resolution (b)(i) and (b)(v) and Attachment A in confidential, resolution (c)(i) and (c)(vi) to remain in confidential until such time as settlement occurs. Attachment A to remain in the confidential section indefinitely.

EXECUTIVE SUMMARY

3. Council has been approached by the owner of 160 – 176 Devonport Road, with the intent to gauge Council's interest in acquiring the properties, outside of a competitive market process.
4. The properties front Devonport Road as well as Second Avenue and is effectively the gateway into the inner CBD. The properties are tenanted and returns approximately 2.5% (gross) per annum, minimising holding costs, however, there is still a deficit of approximately \$411,000.00 per annum to be funded. There is scope to lower the holding costs, by reviewing the current rental amounts, leasing out two vacancies (currently on the market) as well as potential to create some on-grade carparking to increase the total return generated by the properties. The intention is that these options will be developed to maximise the return of the site to minimise any funding shortfall.
5. The properties are earmarked for commercial/mixed use redevelopment in Priority One's CBD blueprint, which forms part of Council's City Centre Action and Investment Plan.
6. With this property becoming available, staff have identified several facets of the Strategic Acquisition Fund which does not enable it to be used efficiently for acquisitions of this nature. Staff will review this policy, to enable it to be used more strategically and flexibly, while still retaining appropriate checks and balances.
7. Staff recommend that the acquisition be approved, debt-funded, as it represents an opportunity to secure prime landholdings, in line with the CBD redevelopment strategy.

BACKGROUND

8. Council has been provided the opportunity to secure a prime landholding within the CBD, outside of a competitive market process. The properties are located at 160, 168 and 176 Devonport Road, approximately 180 metres South of the Regional Council building, and 250 metres South of the site for the new City Council offices.
9. Priority One has the site earmarked for quality office and retail space, ideally suited to larger corporates who desire a strong inner-city presence. The blueprint indicates that it can potentially offer around 4,000 square metres of space.
10. The current owners of the premises no longer require the property, as they have secured alternative accommodation, and wish to divest of this asset.
11. The property represents a prime opportunity for Council to obtain a significant landholding at a time where it finds itself with hardly any noteworthy inner-city property assets.
12. The current vendor has indicated that there are high level plans available to redevelop the property into a carpark, as a short-term holding option. As an alternative, the majority of the tenants are willing to stay on, meaning that there is an immediate return on investment minimising holding costs while redevelopment of the site is considered more fully.
13. Securing the property enables Council access to a prime piece of real estate. Should this go to the open market, there is real risk that the properties could be sold off as individual parcels to separate purchasers, compromising the overall level of potential redevelopment. There is also a risk that the properties, once sold, could be land banked indefinitely without any activation which is contrary to Council's City Centre Action Investment Plan, with these properties being identified as a catalyst development.
14. It is intended that there will be a reasonable due diligence period, to allow Council to properly assess this purchase and the opportunities it represents, prior to settlement taking place.

Funding

15. This land purchase will not be funded from the strategic acquisition fund due to its quantum so will be loan funded outside of the current borrowing programme approval limits. The current borrowing resolution for the 2022/23 financial year as approved by council on 25 July

Public Excluded Council meeting Agenda

12 December 2022

2022 is for \$184m. This land purchase will require an \$11m increase to this approved level for a borrowing limit of \$195m which would increase total gross debt to \$934m.

16. There is a likelihood of this amount being adjusted lower, as we are still awaiting our independent property valuation report.

STRATEGIC / STATUTORY CONTEXT

17. Council is working towards the community outcomes of a well-planned city (Tauranga Tātai Whenua) and a city that supports business and education (Tauranga a Te Kura). Delivering on these outcomes requires efficient use of land with intensification of uses around town and neighbourhood centres, with a specific focus on areas in and around the CBD.

Strategic Property

18. Property is a key enabler to the delivery of Council's strategy and objectives.
19. A significant driver for the acquisition of this property is to enable Council to have access to the right property at the right time. What is especially relevant is that these properties are situated in the CBD and supports the vision of a vibrant and attractive city centre.
20. It is imperative that Council have access to landholdings, both to provide for future need and to enable Council to operate in the property sector as a landowner, providing us with opportunities to influence and drive outcomes identified in our key policies and strategies, like the City Centre Action Investment Plan, which identified 160 – 176 Devonport Road as a catalyst development.
21. The subject properties can be utilised for a myriad of uses, which include redevelopment (potentially through a joint venture or development agreement) into office blocks or mixed commercial use.
22. The locale of the site directly supports Council's Urban Form and Transport Initiative (2020), in that its redevelopment will intensify existing urban areas, connect and strengthen the neighbourhood and provide for employment/housing in centralised locations. Intensification of existing areas also provides the community with more and/or alternative transport choices, which could lead to a greater uptake of public or alternative transport, easing congestion and the City's carbon footprint.
23. In line with the City Centre Action Investment Plan, the community's aspirations for the City can be supported by the redevelopment of this site, specifically the aspirations for increased housing choice, to see the City's potential realised and a supported city centre business community.
24. What makes the acquisition more attractive is that it currently returns approximately 2.5% (gross) per annum, minimising holding costs. There is also an opportunity to explore short to medium term carparking as a holding option, while redevelopment of the site is considered in more detail by the various Council Activities.

Sub Regional Strategy

25. Council Urban Form and Transport Initiative (UFTI) (2020) sets out objectives for the sub-region, which include delivering on a connected centres programme. This work focuses on:
 - a. Intensifying existing urban and new growth areas
 - b. Encouraging strong local centres and connected neighbourhoods, through concentrating the provision of services, housing and employment in centralised locations across the city.
26. One of UFTI's objectives is to enable and shape a sustainable, vibrant, efficient, and more liveable urban form. The subject properties are strategically located, maximising the use of urban land and enhancing the vibrancy of the CBD.

Government Direction

Public Excluded Council meeting Agenda

12 December 2022

27. The National Policy Statement-Urban Development requires Council to enable density by removing restrictive planning rules, with the intent of enabling intensification surrounding centres and major public transport routes.
28. The Devonport Road properties have a proposed height limit of 48 metres in Plan Change 33, situated within the City Centre Business Zone, making it a prime candidate for redevelopment.

Strategic Acquisition Fund (SAF)

29. The SAF enables Council to act expeditiously on acquisitions as they arise, allowing us to compete with the market, and even sometimes offer an early purchase option to vendors without the need to go to market. This competitive advantage has enabled us to secure properties on short notice and with a high level of efficiency.
30. This specific property falls outside of the scope of the SAF, as there is time to prepare a Council report to authorise the purchase and budget to go with it. The quantum of this purchase also requires separate treatment as it is excess of the amount contained in the SAF.
31. To provide for a more flexible use of the SAF, staff recommend that it be reviewed, to potentially make it a viable source of funding for these types of acquisitions. This will also offer increased budgeting capabilities for the SAF.
32. It is intended that the review will lead to two budget or funding streams, one for high-value landholding acquisition, like the subject of the report, and the other to serve as a funding source for more operational or tactical acquisitions, funded by Council's major activities through the Annual Plan or Long-Term Plan. Funding has been adjusted in the 2022/23 Annual Plan to reflect this approach within current budget constraints and a paper will be presented to Council in the new year outlining this approach in greater detail.

160 – 176 Devonport Road

33. The subject site is well-located and a strategically sound purchase, as indicated by the above assessment against key documents and national direction. The properties have a cumulative Capital Valuation of \$15,200,000, with the vendor's valuation report indicating a market value of \$10,500,000. Council's valuers are progressing an independent valuation report which will guide Council's negotiation strategy for this acquisition, if approved.
34. A Geotechnical Investigation Report has been commissioned for this site, based on a 1,500sqm office building, basement carparks and a two-storey carpark building. It was noted that the sea-facing cliff to the east of the site does not provide any slope stability risk.
35. There are numerous options for redevelopment, some which include short-term holding options, while detailed design is considered more fully. There are also alternative options, one which is to purchase the site, and then on-sell to a developer who is amenable to activate the site in terms of Council's strategy for a vibrant and attractive CBD. Attachment A contains concept drawings for an office block.
36. The properties are currently tenanted, with three of the four agreements being monthly arrangements, with the final agreement expiring 31 July 2023. When assessed against the market valuation, the gross return on investment is approximately 2.5%, which excludes the two vacancies. Net return is around the 1.4% mark.
37. The buildings have been assessed to be in average condition, considering their use and age, without any significant maintenance requirements.
38. Taking into account the nature of the properties, the immediate rental return mitigating holding costs as well as the redevelopment options, staff recommend acquiring the properties subject to Council being satisfied with due diligence.

OPTIONS ANALYSIS**Option 1**

Item 13.3

Page 4

Public Excluded Council meeting Agenda

12 December 2022

Approve the purchase of 160 – 176 Devonport Road (recommended).

Key risks: Increased expenditure and holding costs. Holding costs are mitigated by the current rate of return.

Financial impact: \$11m increase in debt costs, annual opex costs of \$125,000 and a return of 2.6% gross per annum. After interest and depreciation expense are included an annual deficit of \$411,000 is generated, which will require rates funding in the absence of alternative funding being explored to minimise this deficit.

Advantages

Provides an opportunity to:

Obtain strategic property in the heart of the CBD.

Acquire property without the uncertainty and potential competition associated with an auction or tender.

Ability to intensify use of key properties, as opposed to the private sector which may landbank indefinitely or deliver outcomes not in line with Council's strategy.

Disadvantages

Additional borrowing costs and impact on debt.

Rates increase to cover the funding of 0.2% however it is expected that this will reduce based on increased tenancies, parking charges, etc

Option 2

Reject the acquisition of the properties.

Key risks: No ability for Council to acquire the properties in one transaction, potential of the properties being parcelled off individually at auction and not being activated or activated contrary to Council's strategy for the CBD.

Financial impact: No financial impact

Advantages

No additional funding required

Disadvantages

A dwindling stock of strategic properties withing the CBD

No guarantee that the properties may come to market again or be developed appropriately if sold to the private market.

Land banked indefinitely by the private market.

FINANCIAL CONSIDERATIONS

Public Excluded Council meeting Agenda

12 December 2022

39. Council intends to fund this purchase by additional borrowing, which for new debt is set at 4.8%.
40. Taking into account the estimated operational expenditure, including rates, depreciation and interest, the properties return around 1.4% net, meaning that some rates funding is required, in the amount of \$411,775 per annum (representing the elements which are rates funded).
41. The financial impact currently shows a deficit of the site to cover holding costs. Further work will be undertaken to look for rental return from the two vacancies and rates payable by all of the tenants, together with a total transaction cost for the properties closer to the valuation amount, the rates funded deficit can be lowered to 0.106%, or approximately \$244,825.00 per annum. This increases the gross return to approximately 3.5% and the net return to 2.8%. At grade parking will also be investigated given the added advantage of increased parking stock together with increased revenue.
42. As part of the due diligence process, the lease terms and estimated operational expenditure will be confirmed to gauge the viability of the acquisition in the short term, along with options for the site's redevelopment, feedback to Commissioners will be provided on an ongoing basis.
43. Funds in the Strategic Acquisition Fund is not sufficient to cover the purchase costs, nor is the policy associated with this fund set up for acquisitions of this nature. There is no budget which can be brought forward from other activities, as the intention is to hold the property for a yet to be determined final purpose.
44. The asset will be held by Council's Strategic Property Activity, until such time as it can be transferred to another Council activity, like Spaces and Places or City Redevelopment and Partnerships, who will then reimburse the Strategic Property Activity, with funding coming from the Activity to which the asset is transferred.
45. The amount proposed to be raised in the resolution is based on the valuation report obtained by the vendor, however, our valuers are in the process of delivering an independent report which will guide Council's negotiation strategy for this acquisition.

LEGAL IMPLICATIONS / RISKS

46. Should Council decide to not pursue this purchase, there is a likelihood that the risks mentioned in Option 2 may come to pass. This is especially likely given the low confidence in the development industry at present, the EBOSS 2022 Construction Industry Confidence Report shows confidence has dropped significantly with 59% of builders and 46% of architects predicting the sector to deteriorate — almost double 2020 figures.
47. Considering the strategic location and size of the property, coupled with the overall low risk of property purchases (can be on-sold in future years if required), an acquisition of this site aligns with future vision and plans for the CBD.

CONSULTATION / ENGAGEMENT

48. The proposed purchase is for properties identified in Council's City Centre Action and Investment Plan, which has been consulted on. It forms part of Priority One's blueprint for the CBD as a catalyst redevelopment.
49. Additionally, Council's recently adopted Long Term Plan Amendment specifically notes that the city centre is transitioning from being a traditional retail/service centre to becoming the major civic, cultural, business, educational, residential and commercial hub of our region. This purchase represents an opportunity for Council to play an active role in seeing the strategic direction for the City become a reality.
50. In terms of the net financial impact, while the purchase is loan funded, the revenue associated with the holding costs minimises the total financial impact to Council. However, it does acquire an amendment to the borrowing resolution to fund the acquisition.

SIGNIFICANCE

Item 13.3

Page 6

Public Excluded Council meeting Agenda

12 December 2022

51. 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.
52. 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.
53. In assessing the matter against the policy, officers are of the opinion that it is of High significance, taking into account the value of the proposed purchase price.
54. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of high significance, based on the above assessment.

ENGAGEMENT

55. Taking into consideration the above assessment, that the decision is of high significance, engagement and consultation is required under Council's Significance and Engagement Policy.
56. However, the nature of the decision renders consultation impractical and/or inappropriate, based on the timeframes within which the vendor requires an offer to be made. Should engagement and consultation take place, there is a high likelihood that the properties would have been sold by the time that engagement/consultation concludes, leading to a missed opportunity.
57. Officers are therefore of the opinion that paragraph 5.7 of the Significance and Engagement Policy applies, particularly that maintaining confidentiality is of paramount importance so as not to prejudice Councils negotiating position.
58. Additionally, the rate of return offered by the properties offsets a fair portion of the rates-funded elements of the purchase with minimal impact to ratepayers.
59. It should also be noted that the properties can also be on-sold, making the decision relatively easy to reverse and that a thorough due diligence will identify any potential issues with the acquisition, mitigating the risks associated with the decision.
60. Councils Property Acquisition and Disposal Policy makes provision for unscheduled acquisitions and is defined as "an acquisition that either is not contemplated by and in accordance with the long-term plan or annual plan or occurs ahead of the financial year within which it was planned and budgeted for".
61. It also states that unscheduled acquisitions allow council to acquire property on a proactive and efficient basis, ensuring that council can take advantage of market opportunities. Unscheduled acquisitions support council to:
 - i. Deliver improved economic, environmental, social or cultural outcomes; and
 - ii. Meet its future operational requirements, by allowing for the advantageous purchase of property not anticipated for in the current financial year.
62. Based on the reasons above, staff consider that despite the decision being of high significance, that it is not appropriate to consult and that the Significance and Engagement Policy provides adequate direction for the decision to forego engagement and consultation.

NEXT STEPS

Public Excluded Council meeting Agenda

12 December 2022

63. Negotiate a sale and purchase agreement.
64. Undertake due diligence and investigate feasibility of redevelopment and/or holding options.

ATTACHMENTS

1. **Attachment A - renders - A14262966**

11.7 Temporary Road Closure Report for Events March - June 2025

File Number: A17422244

Author: Lindsay Cave, Team Leader: Corridor Access & Temporary Traffic Management
Jenna Quay, Events Facilitation Manager

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. To seek Council approval of temporary road closures for upcoming events.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Temporary Road Closure Report for Events March - June 2025".
- (b) Pursuant to Clause 11(e) of the Tenth Schedule of the Local Government Act 1974, grants approval to close the roads listed in Attachment A of this report to ordinary vehicular traffic on the dates and during the hours stated for the purposes of facilitating safe and successful operations during the following events in Tauranga.

EXECUTIVE SUMMARY

2. Pursuant to Clause 11(e) of the Tenth Schedule of the Local Government Act 1974 this report seeks the Council to approve the temporary road closures associated with the three upcoming events and activities in Tauranga as outlined in Attachment A.
3. The road closures aim to provide safe and well-organised events for public to attend, protect competitors, manage the transport network, and minimise impacts to residents and businesses while events are taking place.
4. The organiser of each event will:
 - Undertake engagement with affected residents and businesses prior to the event occurring.
 - Submit a detailed temporary traffic management plan to the Corridor Access & Temporary Traffic Management Team for approval as part of Councils overall event approval process. This plan stipulates all traffic signage indicating sections of roads or car parks closed, alternative detours and, any other appropriate signage for traffic control and advance warning of road closures in accordance with the Code of Practice for Temporary Traffic Management (CoPTTM).

BACKGROUND

5. Staff work to coordinate a calendar of events with event organisers and affected stakeholders across the city. Event planning meetings are held in advance of events with representation from various Council teams, city stakeholders and the organisers. Traffic management and road closures play an important role in supporting the safety of event participants and the public, and supporting a well-planned transport network while events are taking place.

6. Road closures allow for safe access to, during and from events by creating separation of vehicles from pedestrians. The wider event approval process led by the Event Facilitation Team assists in managing the impacts of events on residents and ensures event activities are managed within Councils regulatory requirements such as noise management, building consents, liquor licences and communication plans for example.

STATUTORY CONTEXT

7. Pursuant to Clause 11(e) of the Tenth Schedule of the Local Government Act 1974 this report seeks the Council to approve the temporary road closures.

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	✓
We are a city that supports business and education	✓

9. Council has the authority to close roads under the powers of the Local Government Act 1974 – Clause 11(e) of Schedule 10.

FINANCIAL CONSIDERATIONS

10. None.

LEGAL IMPLICATIONS / RISKS

11. The formal approval of road closures by the Council is part one of a two-part approval process. In addition to seeking this approval from the Council under the Act, part two requires a warranted Site Traffic Management Supervisor (STMS), usually a traffic management company engaged by the event owner to submit a traffic management plan (TMP) to Tauranga City Council.
12. The Corridor Access team has delegated authority as a Traffic Management Coordinator (TMC) to review and approve a TMP in accordance with the Code of Practice for Temporary Traffic Management (CoPTTM).
13. The traffic management contractor engaged by the event owner has a duty to ensure so far as reasonably practicable the safe and efficient movement of all road users through and around the working space. This requires a risk assessment to be completed before the implementation of a traffic management operation.

TE AO MĀORI APPROACH

14. No Te Ao Māori implications. This is a regulatory requirement.

CLIMATE IMPACT

15. No climate implications. This is a regulatory requirement.

CONSULTATION / ENGAGEMENT

16. All temporary road closures must be publicly notified allowing a period for the public to submit comments. Any objections must be considered by the Council before making a decision on the requested temporary road closures.

- (a) The temporary road closures were publicly notified on 17 January 2025 in the Bay of Plenty Times.
- (b) The consultation period finished on 7 February 2025. Staff to advise if any objections have been received at the Council meeting.

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 decision.
 - (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 decision is of low significance.

ENGAGEMENT

- 20. 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.

ATTACHMENTS

- 1. **Attachment A - Temporary Road Closure Report for Events March - June 2025 - A17423578** [!\[\]\(8d139a66f540002704b5c70b7fe6cc7a_img.jpg\)](#) 

Attachment A – Temporary Road Closure Report for Events March – June 2025**Oceania Championship Triathlon**

Marine Parade from Grace Avenue to Pacific Avenue
From 7am Friday 28 March – 7pm Sunday 30 March 2025

Marine Parade from Adams Avenue to Grace Avenue (lane closure on beach side)
Marine Parade from Pacific Avenue to Oceanbeach Road
Grace Avenue from Marine Parade to Maunganui Road
Pacific Avenue from Marine Parade to Rita Street
Adams Avenue from Marine Parade to Maunganui Road
From 6am – 12pm on Saturday 29 March 2025

Marine Parade from Adams Avenue to Grace Avenue (lane closure on beach side)
Marine Parade from Pacific Avenue to Oceanbeach Road
Grace Avenue from Marine Parade to Maunganui Road
Pacific Avenue from Marine Parade to Rita Street
Adams Avenue from Marine Parade to Maunganui Road
From 6am – 1.30pm on Sunday 30 March 2025

Mount Maunganui Triathlon – UPDATED

Marine Parade from Grace Avenue to Pacific Avenue
From 4am Friday, 4 April to 6pm Saturday, 5 April 2025

Papamoa 'Light up the Waterway' Matariki

Santa Monica Drive from Gravatt Road to Sandspit Way
From 4pm to 11pm on Friday, 20 June 2025

11.8 Alcohol Control Bylaw 2018 Amendment: Hearings and Deliberations

File Number: A17099940

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

Authoriser: Sarah Omundsen, General Manager: Regulatory and Compliance

PURPOSE OF THE REPORT

1. To receive submissions on the proposed alcohol control bylaw amendment and consider the issues raised by submitters.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Alcohol Control Bylaw 2018 Amendment: Hearings and Deliberations".
- (b) Receives the submissions to the draft Alcohol Control Bylaw 2018 Amendment (**Attachment One**).
- (c) Resolves, in accordance with section 147A and 155 of the Local Government Act 2002 that:
 - (i) the amendments to the Alcohol Control Bylaw 2018 (**Attachment Two**) are the most appropriate and proportionate way of addressing the perceived problem of alcohol consumption in public places in the area that the amendments apply;
 - (ii) the draft amendments are in the most appropriate form of bylaw;
 - (iii) the draft amendments do not give rise to implications under the New Zealand Bill of Rights Act 1990;
 - (iv) the draft amendments can be justified as a reasonable limitation on people's rights and freedoms;
 - (v) a high level of crime or disorder caused or made worse by alcohol consumption is likely to arise in the area to which the draft amendments are intended to apply if the amendments are not made;
 - (vi) the draft amendments are appropriate and proportionate in light of that likely crime and disorder.
- (d) Adopts the Alcohol Control Bylaw 2018 Amendment (**Attachment Two**) to come into effect on the 24 February 2025.

EXECUTIVE SUMMARY

2. On 15 October 2024 the former Community, Transparency and Engagement Committee approved the draft amended Alcohol Control Bylaw 2018 for community consultation.
3. The draft amended bylaw incorporates the summer period alcohol-free areas along Marine Parade, from its intersection with Grove Avenue, and Oceanbeach Road and Maranui Street. This is the area between the two existing year-round alcohol-free areas along the coastal strip.

4. Police report that this alcohol-free area assists them manage potential alcohol-related disorder and minimise the risk of alcohol-related harm.
5. Community consultation occurred between 4 November 2024 and 6 December 2024.
6. 213 submissions were received, and 11 of these submitters wish to speak to their submissions.
7. 71.4% of submitters support the proposed amendments and 28.6% of submitters do not support formalising the alcohol-free area in the bylaw. Those who support the proposed amendment believe it will increase safety in the community while those against it do not believe there is a need for it and that people should be able to have a drink on the beach.
8. Council is asked to consider the submissions and adopt the Alcohol Control Bylaw amendment.
9. Although the proposed summer period provisions, set out in the amended bylaw, do not start until 21 October it is recommended that amended bylaw comes into force on 24 February 2025 so that the updated bylaw can be available.
10. The area is currently alcohol-free until the 6 April 2025 in accordance with the resolution made by Council on the 16 September 2024.

BACKGROUND

11. Tauranga's Alcohol Control Bylaw 2018 (the bylaw) sets out year-round alcohol-free areas and areas that are alcohol-free over the New Year period. Clause 8 of the bylaw also allows for Council to make, by resolution, temporary alcohol-free areas for a set period and/or event.
12. Since 2018, Council has put in place a temporary alcohol-free area, during the summer period along Marine Parade, from its intersection with Grove Avenue, and Oceanbeach Road and Maranui Street, in response to community feedback and evidence from the Police of alcohol related harm in the area.
13. The proposed amendments to the bylaw incorporate this summer-period alcohol-free area permanently in the bylaw to formalise a consistent approach across the coastal strip, making it more efficient than continuing to put it in place each year via Council resolution.

CONSULTATION

Consultation summary

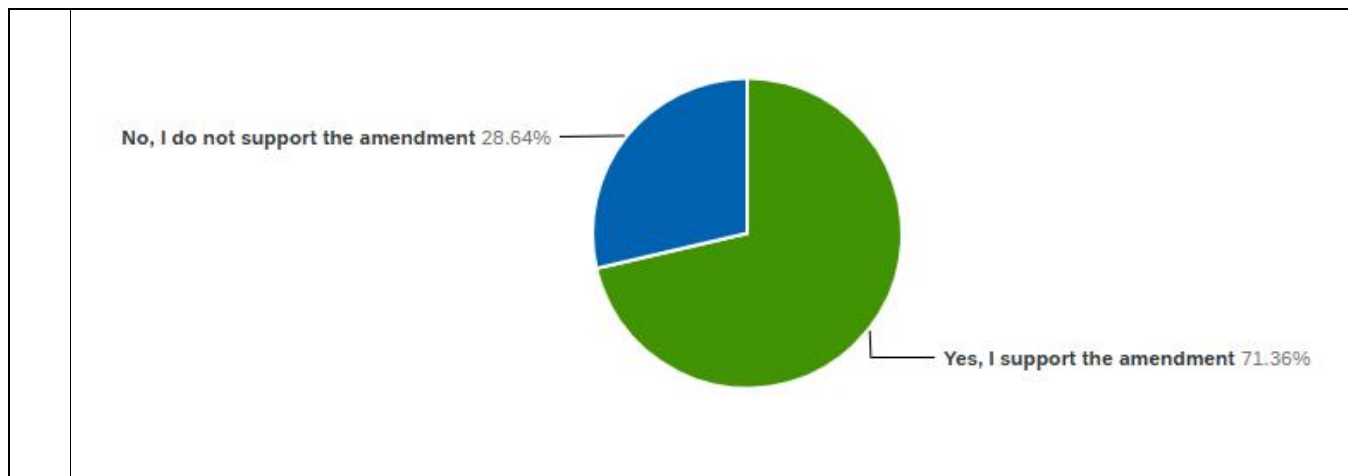
14. In accordance with section 156 of the Local Government Act 2002 consultation occurred from 4 November 2024 until 6 December 2024.
15. A public notice of the consultation was provided on Council's website and via notices in the Bay of Plenty Times on 9 November 2024 and in the Weekend Sun 8 November 2024. A media advisory was also issued on 4 November 2024.
16. Information on the proposed amendment and consultation process was included in both the 11 November and 26 November 2024 *Kōrero mai – Let's talk Tauranga* newsletters. 951 clicks were recorded from the newsletter.
17. Letters were sent to all residents and/or property owners of the 748 properties in the proposed alcohol-free area and a Facebook ad was placed on 5 November 2024.

Submission summary

18. 213 submissions were received (**Attachment One**) with 11 submitters wishing to speak to their submission (**Attachment Four**).
19. 21 comments and 41 reactions were received in response to the Facebook ad (**Attachment Three**).

20. Table one below shows that 71.4% of submitters support the proposed amendment with the remaining 28.6% not supporting it.

Table One: 'Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coast?'



21. Those submitters who supported the proposed amendment provided the following reasons for doing so:
- no need for people to drink in public locations;
 - safer for the community;
 - reduced crime and litter;
 - helps protect bird nesting sites; and
 - simplifies regulation.
22. Eight submitters (submissions 75, 116, 130, 156, 172, 181, 192 and 201) supporting the proposal indicated that the alcohol-free area should be put in place for a longer period. Health New Zealand Te Whatu Ora suggest changing the summertime period to 1 October until 30 April to reduce confusion. Other submitters thought the area should be alcohol-free all year and/or be in place for 24 hours or start before 9pm.
23. Submitters against the proposed amendment gave the following reasons:
- takes rights away from people and penalises the majority of people for the harmful behaviour of a few;
 - will make it harder to undo the alcohol-free area in the future (submission 188);
 - concern that it would include drinking at Omanu Surf Club¹⁰ (submission 149);
 - alcohol should be permitted during the day¹¹ (submissions 100, 103, 105, 110, 157, 206)
 - the proposed time period is too long (submissions 69, 86, 91, 123, 150 and 155) recommended time periods include:
 - Christmas to New year period.
 - 1 November to 28 February.
 - beginning December to end of January.
 -

¹⁰ The alcohol-free area does not include licensed premises such as Omanu Surf Club.

¹¹ Under the amendment the area would only be alcohol-free from 9pm until 7am during the summer period from 21 October to 2 April.

STATUTORY CONTEXT

24. Before making or amending a bylaw, Council must be satisfied that:

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

25. Council must also determine whether:

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

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

Table two: Section 147A and 155 Considerations

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

bylaw?	<p>area.</p> <p>The Police report that the temporary ban has assisted the management of potential alcohol-related disorder and minimised the risk of alcohol-related harm. Including this area in the bylaw is more efficient and provides greater clarity and certainty for the Police and community.</p>
---------------	--

STRATEGIC ALIGNMENT

27. 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"/>

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

OPTIONS ANALYSIS

30. The table below sets out the advantages and disadvantages of the Alcohol Control Bylaw amendment. Option one is the recommended option.

Option	Advantages	Disadvantages
1 Adopt the Alcohol Control Bylaw amendment. Recommended	<ul style="list-style-type: none"> Ensures a consistent approach along the coastline. Formalises the current practice of implementing an alcohol-free area along this part of the coastline during the summer period. Supports Police to assist in the management of a safer environment for the community. Provides greater clarity and certainty to the community and Police. Mitigates any potential perceived risk that the alcohol-free area may not be appropriate under Clause 8 of the bylaw. Supported by over 70% of submitters. 	<ul style="list-style-type: none"> Some residents and visitors may view the summer period alcohol-free areas as being too restrictive. 28.6% of submitters do not support the amendment.
2 Do not adopt the Alcohol Control Bylaw amendment.	<ul style="list-style-type: none"> 28.6% of submitters do not support the amendment. 	<ul style="list-style-type: none"> The ability of the Police to successfully limit alcohol harm and manage public disorder

Option		Advantages	Disadvantages
			<p>along the coast would be reduced.</p> <ul style="list-style-type: none"> • 71.4% of submitters support the proposed change to the bylaw. • Creates an inconsistent approach to managing alcohol-related harm along the coastal strip. • Requires an annual resolution of Council to achieve the same outcomes as Option 1. • Does not mitigate any potential perceived risk that the alcohol-free area may not be appropriate under Clause 8 of the bylaw.
3	<p>Any other options such as changing the timing and extent of the alcohol-free area as suggested by submitters.</p> <p>Note: These changes may require further consultation.</p>		

FINANCIAL CONSIDERATIONS

31. There are no financial considerations resulting from the proposed amendments to the Alcohol Control Bylaw.

LEGAL IMPLICATIONS / RISKS

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

TE AO MĀORI APPROACH

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

CLIMATE IMPACT

34. There are no direct or specific climate change impacts resulting from the proposed amendments to the Alcohol Control Bylaw.

SIGNIFICANCE

35. 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.
36. 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.
37. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance. This is because the alcohol-free area has been in place for the past six summers and formalising it in the bylaw will ensure its automatic renewal each year without requiring annual Council approval. This change is not expected to impact the community as it maintains the status quo.





ENGAGEMENT

38. Although the issue is of low significance, consultation was required under section 156 of the Local Government Act 2002 because the proposal changes the bylaw.
39. The community consultation undertaken between 4 November and 6 December 2024 was focused on the proposed amendment. A full review of all the current alcohol-free areas and assessment of whether any additional areas will be carried out in 2028 in accordance with the current review schedule.

NEXT STEPS

40. If Council agrees to adopt the Alcohol Control Bylaw amendment, a public notice will be published stating that the bylaw will come into force on Monday 24 February 2025.
41. As noted above, although the proposed summer period provisions do not start until 21 October it is recommended that amended bylaw comes into force on 24 February 2025 so that the updated bylaw can be made available on our website.
42. All submitters will be informed of Council's decision and the Police will be notified.

ATTACHMENTS

1. **Submissions to the Alcohol Control Bylaw Amendment - A17422623** [↓](#) 
2. **Draft Alcohol Control Bylaw 2018 Amendment - A17428003** [↓](#) 
3. **Comments from facebook ad - A17424963** [↓](#) 
4. **Schedule of speakers - A17428035** [↓](#) 

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
001	Morton	Mair	Yes	There is no need for people to drink alcohol in public locations (streets etc)
002	Sue	Hawkins	No	There is no need for this to become a permanent by law. Having a drink on the beach with friends and whanau is lovely. The majority of people are respectful and are simply enjoying time with kai (fish and chips usually). Anything that is out of control should be dealt with on a case-by-case basis. We have lived on the beachfront along Oceanbeach Road for nearly 20 years and there has never been an issue to our knowledge. Also, the website address (for this feedback) in your letter is incorrect. Not good enough if you want feedback.
003	Dale	Minter	No	Residents of this area should be allowed to sit on the beach with a picnic and have a beer or wine over summer without being punished or penalised. We are not in a high tourist area, nor an area that is frequented with issues. This should be an exception - with no alcohol ban at all. This overreach of law has an affect on both the economics and "vibe" of an area. If police are occasionally required to sort out a problem - that is their job and why they are there. Please do not destroy the joy of living in NZ at the beach over summer - anymore than has already happened over the past few decades :(
004	Maya		Yes	It is safer for our community
005	Vanessa	Tait	Yes	I have seen and heard of the parties on the beach especially on New Years. While I feel people should be able to have fun and enjoy this, the alcohol consumption means things go too far such as fights and property damage.
006	Cory	Malbon	Yes	
007	Pauline & William	Byrne	Yes	We support the Tauranga City Council formalise the alcohol - free area. Beach area should always be family friendly, alcohol is not required on or near the beaches. Family first, should be the council motto, when it comes to protecting the beach areas from alcohol fueled residents and visitors. There is a good selection available to enjoy alcohol in the community
008	Rosalind and Geoff	Burton	No	am firmly against a bylaw to ban alcohol at the Mount at various times of the year. I am firmly against penalising the majority of responsible adults, for the behaviour of a few idiots. Surely the police/council can deal to the small amount of bad behaviour? I see absolutely no reason why responsible adults can not take a bottle of wine to enjoy of an evening at the beach. In addition, I would far rather the council spend its time/our money on supporting the proposed ferry between the Mount & Tauranga, rather than attempting to put more restrictions on the long-suffering rate payers. We simply do not agree with the "cancel culture" which pervades our society - ie if you don't like something, just ban it and never mind that you are penalising the majority of NZers (who are not a problem) by doing so.
009	Frank	Stuart	Yes	Sensible proposal particularly in view of other areas close by.
010	Barry	Coghlan	No	People should be allowed to have a drink with a picnic lunch or dinner.

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
011	Sharon		No	It sounds like more council interference when we just want you to look after the basics. Everyone expects a higher level of drinking/partying during Christmas and New Year. The rest of the year it's fairly quiet. We already have laws for drunken and disorderly behaviour. Use them if necessary. We were hoping this new council would be better.
012	Dave	Northcott	Yes	This allows families to feel safe without the danger of alcohol related harm. It save cost on clean up, police resources.
013	Bob	Groothuis	No	How about having the guts to punish those few who ruin it for the vast majority of common sense people who drink responsibly.
014	Kiri	Warwick	Yes	
015	Stef	Haworth	Yes	Every summer, for the past 10 years or so, young people drink and party across the road from us. Sometimes getting completely out of control with drinking too much, very loud music, throwing things at cars, throwing broken bottles on the road and grassed areas ,yelling, running stupidly across the road in front of passing vehicles, and the list goes on. Us and Most of our neighbour's have phoned police many times but it still keeps occurring. Maybe alcohol free zoning will reduce this bad behavior.
016	James	Whitlock	Yes	
017	rowan	Meredith	No	Due to small minority cause trouble there is no reason to remove enjoyment for the majority that can enjoy the area responsibly.
018	Monique	Lens	Yes	Because the temporary control area has been successful, I believe we should formalise the restriction in order to cement this in place for the future.
019	Wetini	Paul	Yes	
020	Florence	Trout	Yes	I support the alcohol ban on the designated area for the specified times. The temporary ban has shown a decrease in disorder related to inebriation, which must be a good thing for individuals concerned, the neighbourhood, and visitors to the popular area. The Mount deserves better than being a "booze hole" for irresponsible people. thank you.
021	Ray	Coster	Yes	We want our beaches to be safe places for people - especially families and children. These are not places for consuming alcohol.
022	Greg	Stevenson	No	As a resident of the area I enjoy occasionally visiting the beach in the evening for a wine or beer at sunset. I don't think this should be criminalised.
023	Gabriel		No	It has done it's job to stop the youth drinking parties but I think drinking should be aloud during daylight hours all year round. Now with the walkway and benches with BBQs, it would be silly to not allow some drinks. Disorderly alcohol induced behavior at any location should be stopped no matter the time of year.
024	Lorraine	Forbes-Faulkner	Yes	I would like the amendment to be formalized into a permanent requirement for the area to be alcohol free.

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
025	Murray	Graham	Yes	It is essential to the safety of the residents and visitors that this amendment is put into place as soon as possible. Since the introduction of the existing criteria, the areas along the beautiful coast have been more safe and enjoyable by all people, and this is what the City Council is required to do. I have lived in Tauranga for 50 years and have visited the coastal area many times with family and friends and still do. It is vital to prevent alcohol along this area!!
026	Sam	Mayston	Yes	Yes great to see. Alcohol after dark is usually an issue but great to see it is still ok during the day. A few quiet cold drinks at picnics is great.
027	DONNA	Harris	Yes	Helps keep alcohol induced crimes reduced
028	Joseph	Briffa	No	Tauranga council is overstepping. Alcohol should be allowed, and the police must step up and manage unlawful occurrences, whether or not alcohol is a contributing factor.
029	Brent	Musk	No	
030	Mitchell	ALLEY	No	It should be personal decision to drink alcohol or not. There are already laws about disruptive behaviour, and people acting sensibly should not be penalised for the few that don't follow the rules. It would make it a great place to go and use the BBQs on the beach and have a beer while enjoying the facilities.
031	Celwin	Vazey	No	How many rights will you take away from us before we are rioting in the streets looting and burning??? If its not broken then dont fix it. You have bigger problems to fix than harrassing a few backpackers and people enjoying a beer or wine on the beach. *****ing dogs**t *****s.
032	Dawid	De Villiers	Yes	It will remove the uncertainty caused by a temporary ban over a permanent ban. It simplifies regulation and allows better policing.
033	Rosemary	Stockdale	Yes	
034	Brie	Stewart	Yes	Alcohol harms out community. The more safe areas away from alcohol the better.
035	Richard and Zeta	Robertson	Yes	We totally agree with your proposal to formalise this summer period alcohol-free area along Marine Parade.....etc.etc. by including it in the bylaw, as suggested in your letter received today.
036	Libby		Yes	
037	Sheldon	Garrett	No	Should not change. Should be less control over the community I would like to have beer with my family sitting on beech at anytime Enjoying the sun .
038	Tony	Steele	Yes	Keeps people safer and helps to control the amount of broken glass on roadways, footpaths and front of properties.
039	Dean James	Cronin	No	Preventing people , families or couples having a nice quiet picnic or or romantic dinner on the beach enjoying the atmosphere and scenery all year round is unreasonable.
040	Paul	Robinson	No	
041	Matt	McGehan	No	
042	Shirley	Loughlin	Yes	Simplifies the understanding of the bylaw by having ban all year around.

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
043	Jamie	Rewi	Yes	The rubbish left behind creates a safety hazard and there are plenty of bars to drink at in the area.
044	Ivan	Cole	Yes	It's fair Makes it safer for all users Makes it clear for police and other services
045	Holly	Allison	Yes	I support any reduction in alcohol consumption, especially in a public place.
046	Hendrika (pip)	baeck-stubenitsky	Yes	It stopped a lot of misbehavior by intoxicated folk. We all like to enjoy our beaches and safe walking.
047	Max		Yes	
048	dani	shepherd	Yes	As a permanent resident the litter, mess and damage to the dune areas left by people drinking on the beach over the peak period significantly outweighs the impact of all other visitors. People who are intoxicated shouldn't be near water either especially after dark as this is a massive risk for drowning and other physical harm. Anyone who is drinking should have a place to stay for the night therefore they can enjoy the beach and then drink at their temporary or permanent residence without endangering themselves or others and creating rubbish and environmental impacts that everyone has to deal with the next day
049	Todd	Jennings (Kuehne + Nagle)	No	
050	susan		No	If you are of legal age to buy alcohol you should be able to drink it anywhere...that is why they have this as a law.
051	Stacey	Harrison	Yes	Antisocial behaviour is most often fuelled by alcohol. The less alcohol we have in public spaces, the better.
052	Ian	Morrison	Yes	We need to ensure no parties or gathering with alcohol take place on these beach areas
053	Greer	Groves	Yes	Helps to keep area free of broken glass, bottles left around and supports a more safe area for family and children and young and old to enjoy. Sunshine & alcohol do not mix.
054	Dean	Stewart	Yes	
055	Luke		No	I believe in removing the alcohol ban completely as I don't believe it does anything it doesn't actually stop people drinking in alcohol banned areas. It just makes people be more sneaky with taking alcohol into these areas. I have seen it first hand myself each year I spend time in those areas through summer. I believe it should be left to people to use common sense not to be told that there is a alcohol ban which doesn't get followed anyway
056	Ann	Dorey	Yes	
057	Barclay	Wilkinson	Yes	
058	Lin	Childs	Yes	Keeping the public as safe as possible from vandalism and hooliganism
059	Kathy	Steed	Yes	There is no need to have alcohol in public places. It is a drug and can make some people total idiots.
060	Damian	Skinner	Yes	There is good evidence that these alcohol restrictions make things much more pleasant and safer for the majority of the community, and I think it is important to provide as much clarity as possible for authorities who need to police any bad behaviour involving alcohol. Given the large numbers of people who use this area, amending the bylaw to include this area in a formal way is a great idea.

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
061	Daniel	Bruce	Yes	
062	Michael	Sparrow	Yes	
063	Darren	Stent	Yes	
064				Please find the details of this submission under Submission 172
065	Carole	Long (Forest & Bird, Te Puke branch)	Yes	Forest & Bird are keen to protect any nesting sites for the endangered NZ dotterel which is using the dunes at Arataki as one of its nesting sites. These birds were nesting at Panepane Point on Matakana Island until the Port of Tauranga dredged the entrance to the harbour and the ideal nesting site was totally eroded away.
066	chris	ingram	Yes	Alcohol is responsible for loss of self control, violence and abuse to women by men, crime.drunk driving.and much else. the Christmas and New Year celebrations invites more and unrestricted drinking and effects as above this alcohol ban has been successful in past yrs and it is sensible to make it a permanent ban Which I strongly support.
067	Nicole	Austin	Yes	The area is a family area and it has been much more enjoyable without having to avoid intoxicated persons or broken glass.
068	Jasmine	Kidd	Yes	
069	Susan	hay	No	I think the period of time from October to April is too long. In the past there have been community disturbances with intoxicated young people. This is usually around new year time. I support the ban during the Christmas through to New Year time.
070	Russ	Hawkins (Fat Boy Charters Ltd)	Yes	This is a win win for all including policing at a very busy time. Also as we know from the past that alcohol fuels all types of problems such as aggression and rubbish particularly broken glass. Families will feel safer in those areas. My only other concern is the year round Alcohol Free area at the Pilot Bay Boat Ramp area particularly at the actual Mount end does not seem to be patrolled very regularly as I am there early in the morning and either pick up bottles/cans or sweep up the broken glass.
071	Trevor	Sykes	Yes	Great idea...keep theboozing and reckless behavior away from this,area
072	Elaine	Cook	Yes	Currently the ban supports community safety which is great for residents and visitor to the area
073	Terry & Betty	Hawker	Yes	
074	Tim	Pegler	Yes	Unfortunately without the ban things can get a big rowdy down at the Mt over the holiday season
075	Kevin	Savies	Yes	We definitely need a safer environment for all concerned. The serious social issues with alcohol and stupidity, and ruthless regard to law order . I even feel 9 pm is too late. Sensible part of society needs a stronger voice collectively to help council and police address unacceptable behaviour.
076	Rosemary	Briggs	Yes	
077	Diane	Leigh	Yes	We have seen and lived through the effects of excessive alcohol in people

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
078	Robyn	Richards	No	It is now 21st century, no where else in the European World this is a thing, why only NZ, you are creating a country going backwards, because of a 1920s law, for God's sake stop this nonsense. Let NZ grow up into a sophisticated modern world, without this censorship with everything for a few minority who don't behave. Instead Police it as most European Countries do, so sick of this backward thinking so called Council...
079	Rogan	Donaldson	Yes	
080	Ray	Fowke	Yes	I am not against alcohol but I support the amendment because I believe that the beach within the City Suburb Boundary is not a suitable location for the consumption of alcohol, particularly involving (often large) party groups and sometimes including under-age persons which can evolve into unlawful activities. The risk of broken glass being left in the sand is also a possible problem. There are numerous licensed businesses within a short distance from the high tide mark along the Mt Maunganui and Papamoa coast and those locations are where alcohol should be consumed.
081	Sarah	Benfell	Yes	
082	Marian	Lake	Yes	
083	Britt	Cavanagh	Yes	For the health and wellbeing of individuals and our community as a whole
084	Alison	McCulloch	Yes	I live in this area and for safety and security reasons I support this policy.
085	James & Carol	Simpson	Yes	It makes sense.
086	Keith	Fletcher	No	I agree in principle but think it should be off a shorter period i.e. 1st November to 28th February
087	Elaine	Comyn	Yes	It's working so keep it in place.
088	Bill	Dyck	No	The problem isn't alcohol of course but it's people who abuse it. It seems quite primitive to penalise everyone from taking a bottle of wine to the beach for a picnic lunch because a small minority of people want to drink to excess and make a nuisance of themselves. They will do this anyway. So by formalising this bylaw it might not achieve the goal/outcome desired.
089	Corinne	Hill	Yes	To keep our beaches safe for our community.
090	Bernie	Hermann	Yes	Makes for a safer and more peaceful community
091	Linda	Osborne	No	I support alcohol free in this area but not for such a long period. I'd be happy with beginning December to end of January
092	Duncan	Newington	Yes	Safer for families
093	Anna	Nathan	Yes	

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
094	Jane	Daniell	No	I feel it is high time the council assured by ensuring The Mt becomes a vibrant happy wellnpoiced srea where adults can be treated like adults and have few beers and/or wine the beach in summer. I resent being lumped in with the few who make everything so punitive for the rest of us. The Mt needs to be able to join the “real world@ and have the freedom to serve alcohol El fresco in cafes in restaurants at tables on the sand at beachside bars (I.e. Mt Drury) and keeping the place safe and well policed.
095	Pat	Workman	No	The ban is draconian, broken by many residents and only seems to apply to some people. Mainly young. This encourages people to flout the law and treat it as a joke. Get rid of the law/ ban in all areas, allow people to make their own decisions and become responsible citizens.
096	Robyn	Cunningham	No	People need to be able to control their own behavior rather than having council dictate rules. Alcohol bans are fine for New Year and other holiday but I don't agree with prohibition.
097	Jim	Dowsett	No	I'm a 67 year old man. If I have a bottle of red wine and a pizza in Pilot Bay as I'm watching a cruise ship leave I'm breaking the law. Grow up! Ridiculous!! Let the Police do their job properly and get tough with the usual idiots, instead of criminalising everyday citizens.
098	Michael	Thorne	Yes	The ban has made a difference and it is now a safer space for everybody including families.
099	Ivan	Perry	Yes	
100	Matt	Frear	No	My parents live on Oceanbeach Road and we occasionally enjoy a responsible drink on the beach in summer. Even in peak summer the beach is fairly empty yet for some reason it's illegal to drink on the beach. I did not ask for and do not support a liquor ban on the beach in Omanu.
101	Michael	Puke	Yes	
102	Haumihi	Budd	No	I remember when I was younger the mount was one of the top places to visit for new years and summer, when I lived in palmy everyone I knew would talk about summer in the Mount but now it's only if there's a concerts on we draw the crowds . Some of what made it great were the pop up bars and new year's along the beach and summer brought business and people who wanted to spend money in the city. I think there should be some sort of restrictions but there has to be a balance for us 18-35 year old to actually want to come spend our money we are workers. When people talk about the mount and taurnga now it's about how boring it is, how everything is catered to the elderly and night life here is dead. Tauranga city for under 50 year old is dead, I'm 33 and will have to say since TGCC needs a fresh set of young mind who can actually move the city forward instead of holding it back because TGCC only seems to cater for 55 year old and up. TGCC has the perfect opportunity to draw crowds and crowds in to the city they just need to think younger
103	Rory	McLeod	No	It's taking away more freedom. It's nice to sit on the beach with the family sharing a pizza for dinner whilst enjoying a beer. The police are not likely to use discretion in a case like this as they are desperate for anything to build up their “quota” so as to not loose more government funding.
104	Robert	Miller	Yes	Reducing alcohol consumption along the coastal strip makes the area safer, cleaner, and family-friendly.

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
105	Koenraad	Groot	No	We need to allow people the freedom to choose. If I want to enjoy a wine on the beach and relax I should be able to. just because a couple of idiot's cause trouble the rest of responsible Tauranga shouldn't be inconvenienced. If there is trouble that is what the police is for. <u>Stop being the anti fun police.</u>
106	scott		No	it is far too controlling. We have been stopped carrying a case of beer to friends house. The case was unopened and we were not drinking. I agree we don't need rave parties on the beach and the rubbish and waste they leave behind. We also don't need groups on the open side walk having drunken parties. But we put be allowed to carry our beverages to a friends house to enjoy in the comfort of their own home
107	Paul	Dixon	Yes	The beach and area identified should be kept alcohol free during this high usage time as it is such an awesome and safe place for families including young children to be able to enjoy the beauty of the area we have here, without broken alcohol bottles and vomit over the sand. With families being able to safely enjoy this area due to NO drunken hooligans upsetting there time, this is enough to encourage more visitors to the area. It is also seen as being a safe place to be able to take the family! The minority of people who don't know when to stop drinking or can't handle their drink, have many places that they can frequent that are better monitored and controlled and don't need to hassle the general public.
108	Justin	Adamson	Yes	I think its a good idea, as a regular beach user, it is great to be able to take a drink or 2 down to the beach to enjoy in Summer. It really annoys me seeing people who don't clean up after themselves though, so a heavy fine/punishment for leaving alcohol bottles or any rubbish should also be enforced as a deterrent
109	Reece	Burgess	Yes	It will keep our public spaces cleaner at peak times. this will only be to prevent the irresponsible, so I don't expect it to be a money maker for law enforcement over simply "spoken to" at the time, with the power to fine, if ignored.
110	Ruth	Arnold	No	I would like to go and sit on the beach and have a glass of wine or a gin and tonic with my fish n chips <u>I'm fed up with the total control councils have over the rate payer. Let us live and life and enjoy our leisure time</u>
111	Jeremy	Ball	Yes	Drinking alcohol should be consumed at home or in a bar/restaurant
112	Elaine	Wordsworth	Yes	It will hopefully make this area safer by not having people under the influence of alcohol
113	Tom	Rawson	Yes	Helps control antisocial behavior
114	Rebecca	MacKay	No	leave it alone, most people are responsible and only a few idiots who ruin things for everyone
115	Mark	Sullivan	Yes	reduction in paperwork yearly
116	Linda	Russell	Yes	I walk the beach every day, and spend most of summer picking up alcohol cans and bottles that have been left by people drinking. The most annoying part is that a lot of the time they walked past a bin to get onto the beach. A permanent ban would be great.
117	Jill	Chalmers	Yes	The alcohol free zone has worked well to minimise harm to the amenity and good order of the community caused by alcohol. Counsel can do more in this regard and minimise the number of taverns and class 1 restaurants in the area and also to decrease the hours of operation to prevent late night alcohol consumption at the mount.

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
118	Rick	Lowe	No	I feel that it is a well used area and believe the public in general are reliable enough not to abuse alcohol in this area. Those that are likely to abuse alcohol in that area will probably do it irrespective of the law.
119	Penelope	Cook	Yes	
120	Jason	Ford	No	Its poorly thought out.
121	Arthur	Warner	Yes	
122	Kristina	Wainwright	Yes	Alcoholic cause a lot of problems. People should be able to have a good time without being intoxicated. So much more pleasant and civilized not having drunk teenagers and adults running around being stupid. Also a health issue, since many of them get sick and vomit all over the place. Not nice.
123	Tracey	Somerville	No	Period of time is too long.
124	Adam	Nowland	Yes	I am an adult and like to be able to have a responsible beer at the beach and take my rubbish home with me. The hours you are proposing are outside hours when people like myself would be doing this and should impact people who are drinking excessively and also disturbing the peace. This seems well thought out !
125	Joy	Darien Cunliffe	Yes	It has helped reduce crime at this time over the period it has been implemented.
126	Heather	Ballantyne	Yes	safety, family friendly, terrifying memories of being in our caravan at the Mount on NYs eve in past years. Older people friendly. Usable beach, picnic swimming walking areas in holidays, after work and in the long evenings. Fewer drunk rangitahi to climb over the next morning. So sad.
127	Susan	Thirlwall	Yes	Alcohol can change behaviour, not always for the best. It may cause offensive behaviour. Also near water, someone may engage in more risky behaviour under the influence of water and harm or even kill themselves drowning. Personally I don't enjoy the louder noise that tends to come from groups of people drinking. The beach is a lovely place to be in itself. There are other places and beaches for people to drink.
128	Jean	Sabado	Yes	It's a good control to minimise accidents caused by alcohol-induced behaviours.
129	Debbie		Yes	
130	Raewyn	Bell	Yes	I think that there should be no public drinking of alcohol especially near areas of risk, such as water ways. I also think there should be no public drinking of alcohol where children and young people may be present - to minimize threat and risk to them and also we should avoid the normalization of alcohol for children and young people through general exposure in public places. Alcoholism is an extreme problem in NZ and all efforts must be made by all citizens and government to minimize the establishment of drinking cultures and alcohol presence.
131	Katherine	Doerr	Yes	People drinking on the beach area causes harm
132	Laura		No	
133	Polly	Hall	Yes	Great idea Gives police clear direction But also gives everyone the chance to enjoy the Mt all summer and not be intimidated by a drunk few
134	David	Ibbotson	Yes	

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
135	Teresa	Gaylor	No	Because let the teenagers have their freedom, like I did when I was young, too many restrictions and laws these days
136	Lynda	Sullivan	Yes	
137	Alex		Yes	Instead of just baning it put in a limit of how many drinks you are aloud to have on you on the beach
138	Rob	Pitts	Yes	Alcohol has many negative personal and social qualities. It's great to prioritise family, friends and the beauty of Mauao over alcohol (I enjoy a drink and am not against alcohol. I just firmly believe we should have controls and limits in place to ensure there is a balance, and a culture that promotes good times without alcohol is wonderful)
139	James	Evetts	No	Not required. As a resident, this bill comes across as too controlling. Especially for the 99% of people that act in an orderly fashion and enjoy a quiet beer or wine at the beach (not troubling anyone).
140	Gerald	Gibbard	Yes	
141	Carole	Kennedy	Yes	Whilst I do not reside within this suburb - the public should feel safe and not put into danger by those under the influence of alcohol or illicit substance intoxication. Secondly the impact on emergency services adds another layer of complexity, with limited resources. Lastly those intoxicated are vulnerable and compromised placing themselves at risk if harm.
142	Lesley	Taylor	Yes	As many families will be spending time in this area over the Christmas/New Year period I support this amendment.
143	Dean	Wearne	No	If there is a problem, police it. Stop imposing restrictions on the community based on a couple of complaints about an issue that should be managed not outlawed.
144	Tyler	Tabak	No	Antisocial behaviour associated with drinking should be policed. A total ban to deal with the small number of people who cause issues is lazy policy. My family often has picnic's with wine or a couple of beers along the beach. A totally reasonable thing to do. Police, don't prohibit.
145	Zara	Lynch	Yes	I support formalising this bylaw. I do enjoy a wine on the beach with friends on summer nights but happy for this to be before 9pm only. Thanks
146	Beth	po	No	Keep it alcohol free
147	Robert Turei Pat Richard Rae		Yes	Keeps the area free from all forms of poor behaviour associated with excess consumption of alcohol
148	Sue	Berry	Yes	Important to keep public safe spaces alcohol free to manage and encourage good behavior Important to minimize pollution and rubbish Alcohol is a drug. Public spaces should be drug free so we can all enjoy them.
149	Barry	Scott	No	I am concerned only about the area occupied by the Omanu Surf Club. The Club runs a bar upstairs during the late Spring and Summer. It is a pleasant social area where members and guests can gather for a drink and a chat. I would not like to see this closed down, but I recognise that taking drinks out of the bar could be restricted.

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
150	Kellie	Mehrtens	No	Who is going to Police it? Where else are the kids going to go and drink and have a bonfire? I understand New Years eve has been a problem in the past, Ive been there. So ban it new years eve, but not for all of summer on one of new zealands best beaches, do not turn it into a police state. Trust the public to look after themselves. This is not your job.
151	Ben	Neilson	Yes	
152	George	Swanepoel	Yes	This bylaw should have been implemented years earlier. It will make a difference for all and make it more pleasant to go to those areas during that period.
153	Ken	van Heerden	Yes	Safer for all
154	Sally	Cox	Yes	Curbing public consumption in family areas will hopefully decrease the incidents of unnecessary harm to communities and avoid spontaneous street brawls that have occurred from time to time in our neighbourhood
155	Gay	BARBER	No	I think it's very sad for us responsible people .We should not have to curtail to the irresponsible . Fair enough though to ban alcohol over the New Year's Eve period to discourage the louts
156	David	Buckley	Yes	We don't need to have alcohol anywhere near water. Totally support a year long ban.
157	Jo	Mosley	No	Having a drink on or near the beach should not be a criminal offence. Having a beach picnic or BBQ with a bottle of wine is not offensive A social drink should not be confused with drunkenness
158	Yulia	Roodt	Yes	I agree with proposed amendment, the purpose and scope have been clearly outlined in the proposal. I would like to know how this ban will be reinforced going forward.
159	Robyn	Richards	No	Archaic law, making NZ and Tauranga a backwater , ruled by the few ,because the council or police won't police the areas, easy for them, but hardly a 21st City with these Archaic laws no other countries have, unless Middle East. Need to Growup, can't even have a glass of wine at Pilot Bay dreadful rule...
160	Nicola	Neilson	Yes	Better clarity for law enforcement
161	Nicki	O'Donoghue	Yes	
162	Stuart	Roodt	Yes	I support the amendment to the Alcohol Control Bylaw as I believe this will further encourage safe behaviour in the community around a festive and celebratory period in the year. I agree that binging clarity to ban zones and duration will help local Council and law enforcement to protect the community, and in turn create a stronger sense of security within the community.
163	Ian	Grace	Yes	The previous version temporary by-law has worked well and by making this permanent releases council staff to do other important work for the community.
164	Jacqui	Williams (Unispace)	Yes	I think this works really well and still gives options/flexibility for evening picnics with a drink in certain areas
165	Koenraad	Groot (Tritan Imports Limited)	No	Can we stop making all these rules and allow ratepaying law abiding citizens to use the Mount to its full extent. Only a few idiots cause trouble - that's a police problem. The rest of us might just like a beer or wine with the Mrs late in the evening on the beach, without council/police getting in our face. Take all the rules down and allow us to be grownups.

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
166	Goldstone	Richard	Yes	I believe it prevents a lot of bad behaviour brought on by being intoxicated and makes the area more family friendly
167	Rod	Bailey	Yes	Alcohol is a cancerous poison that causes enormous harm. I support a permanent ban public intoxication.
168	Alexander L	Kennedy	Yes	Keeps the beach front as a more friendly and family area. Alcohol is often the cause of disruptions along the beach and access points along there as well. Another item that concerns me is those who sleep in cars and other vehicles.
169	Jonelle	Murray	No	It doesn't need to be on such a vast area and perhaps giving a bit more freedom of choice in Tauranga
170	Alison	Grey	Yes	It should help make that area safer by making it easier for Police to deal with those who would perhaps cause varied sorts of trouble amongst themselves or towards other members of the public because of how they behave when they consume (excess) alcohol. It should also make it clear to all what is / is not permitted regarding possessing / consuming alcohol in those areas and during those periods. It will bring consistency, and be more efficient for the Council than bringing in those temporary bylaws each year, and could also make it more difficult to challenge that bylaw by claiming eg - that not enough notice was given before the bylaw comes into effect.
171	Robyn		Yes	It makes a safer, more pleasant environment for everyone.
172	Lyn	Jarman	Yes	It's an area for whanau to relax in - doesn't need or warrant alcohol being allowed. Mauao overlooks the area - this makes it more important not to have alcohol in the area. Needs to be an alcohol free area all year.
173	Leonie		Yes	That is a family friendly place with alcohol it become a place where you need to look after your children .the language use and the behavior is not good examples
174	David Graeme	Clarke	Yes	
175	Sibyl	Thorne	Yes	I have seen too many drunk young people over the summer period in the past. So I think it will be great to formalise the alcohol-free area along the coastal strip.
176	Neville	Collins (IRFA - Incident Response First Aid Ltd)	Yes	
177	Fay	Espie	Yes	It will mean a safer area for families, especially with young children. It will help to keep the community safe from alcohol ridden persons creating trouble and mayhem in the area.
178	Steven	Venter	Yes	
179	Stephen	White	Yes	
180	Ronnie	James	Yes	Very happy with previous years and the quality of control it gives you.
181	Lauren	Turner	Yes	I hope saying yes I support the amendment means I want the area to be alcohol free. I'm a women, active, strong, and a fast runner, but drunk people still make me extremely anxious. I dont think alcohol is part of a safe, thriving community. Especially where kids are easily lost from their parents in the crowds/beaches. I would support alcohol free full time. I'm pretty sure qnstown waterfront is alc free year round. What a great idea.
182	Nicky	Spraggon	No	I think its a shame that people (grown ups) can't enjoy a drink at the beach responsibly during this time and in this space. It feels like the majority are being punished and governed by the minority of people who can't behave. The Mount could benefit from some NYE entertainment like the olds days, family friendly events on Marine Parade.
183	Bronwyn	Swainson	Yes	

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
184	Natalie		Yes	
185	Kerry	McCaffery	Yes	Alcohol destroys not only the drinker but families. People need more education on the danger of Alcohol especially Doctors and hospital . We need more facilities for alcoholics especially those who want to do something about their drinking but are unable to get help. So many rehabs have Been closed and the crisis team is a joke. They are unable to cope. Nor is the mental health ward. Alcoholics need rehabs for Alcoholics....mental health issues often disappear when the person stops drinking. People can stop drinking but the can't stay stopped...that is the problem. NZ has a huge drinking culture. It often leads onto hard core drugs like p. So the person becomes dual addicted. Alcoholism is a disease and it needs to be treated medically. The facilities are a joke, most people drink again after leaving within a week and so on they go again. I have been sober for many years and it is heart breaking to witness the damage Alcohol does esp to families. The average Alcoholic lives next door to you and they need help. The 12 step program of AA is a person's best bet but most need facilities to help them start to recover. You have to wait for often months to get into a treatment centre.....the problem is not going away because we are living in it. We need to be living in the answer because there is a solution. Recovery is the solution but how to get there. Education and more rehabs would help.very difficult to write this on my phone but the problem we have in NZ with Alcoholism is at crises point and nothing is being done about it. Is it lives or cycle paths that we need to spend more money on. Obviously it's cycle paths in Tauranga. How very sad is that???
186	Andre	Pansegrouw	Yes	Making it a more respectful place
187	Mike	Ward	Yes	75 years resident of the Mount and have seen the trashing of downtown Mount at xmas - new year too many times. Make permanent what the yearly temporary policy enacts now.
188	Karen	Shakes	No	It will make it too hard to undo if in time, you ever want to revert back to how it was.
189	Nick	Dewhurst	No	Stop policing us and treating us like children. There should be NO alcohol control bylaws - period.
190	Brian	Hillis	No	We have far too much regulation already in Tauranga and New Zealand as a whole. Let the people exercise their own judgement instead of making all their decisions for them. We already have laws for drink driving and being drunk and disorderly, why is it necessary to introduce more legislation for the same issue. Use the legislation already in place and stop removing people's freedom of choice and enjoyment. We are among the most regulated and legislated countries on the planet.
191	Mike	Trow	Yes	

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
192	John	Tawharu	Yes	I am one of many kaitiaki of our local beach and environment. I have been involved with the planting of many of our dunes areas along our coastline, through CoastCare and as a teacher at Omanu. I have been an ongoing foundation member of 'Trees for Survival programme' since its conception, so have supported the replanting of Mauao for the past 30 years, supporting Josh and others in the council. In 2024, I accepted an award ,on behalf of Omanu School, acknowledging the work I have done. I am writing a submission to encourage council to put into place a permanent bylaw relating to alcohol free public spaces, in particular from Tweed Street /Oceanbeach Road Round-about seaward side, including our reserve area in front of 2A-4B Oceanbeach Road residents, all the way through to Omanu Surf Club. This needs to be zoned permanently alcohol free. *bottles/ broken glass * (area gets used daily by Gwen Rodgers Kindergarten/ Mount College students * damage to vehicles/damage to homes/ *damage to vehicles down Moa st/ Tui St *unacceptable behaviour relating to alcohol ie throwing bottles/ fights /dangerous driving of vehicles * high level of anxiety amongst our local residence when alcohol related activity is taking place ie Moa St/Tui St residence
193	Megan	Wakefield	Yes	The alcohol free area noticably helps reduce behaviour that leads to littering along the shoreline during the summer months. Formalising it will help with managing awareness and community expectations of behaviour.
194	Jade	Maddox	Yes	Any formalisation of initiatives which effectively reduce the amount of harm done by alcohol in our community is worthwhile.
195	Mark	Hemingway	No	I support the amendment in principle but feel discretion should be given to those who are enjoying a quiet outing on one of our many beautiful evenings, taking in a sunset or just enjoying the moment whilst keeping to themselves and not over indulging or creating disturbances or distractions.
196	Mesha	Premiall	No	People should have the freedom of choice. This is a prejudiced bylaw. It is a beautifully place, great tourist destination. Such a bylaw will decline because no one will visit. Business will suffer. While the residents may think it's their right to restrict and impose laws. The mount and beach is for all to enjoy. I am totally against this bylaw.
197	Kaye	Hurn	Yes	Having zero alcohol limits the type of people who would hang around the beach and near areas.
198	Michelle Muller	Amelia (Michelle Muller mum filling out form) Muller	Yes	Alcohol causes much harm to community. Having an area that families can enjoy knowing it will be free for drinking and anti social behavior is positive for our community.
199	Dyanne	Dixon	Yes	
200	Callum	Van de Weyer	Yes	
201	Renee	Bolkowy (Health New Zealand Te Whatu Ora National Public Health Service Te Manawa Taki)	Yes	Please see attached submission

25 November 2024

Health New Zealand
Te Whatu Ora

Tauranga City Council
Private Bag 12022
TAURANGA 3143
policy@tauranga.govt.nz

Tēnā koe, Jane Barnett

Submission for Alcohol Control Bylaw Amendment

This submission is presented on behalf of Health NZ | Te Whatu Ora National Public Health Service Te Manawa Taki (NPHS Te Manawa Taki).

We do not wish to speak to our submission.

Health New Zealand | Te Whatu Ora (Health NZ) leads the day-to-day running of the health system across Aotearoa New Zealand, and either provides or commissions services at local, regional and national levels. Under the Pae Ora (Healthy Futures) Act 2022, one of the key objectives of Health NZ is “to promote health and prevent, reduce, and delay ill-health, including by collaborating with other agencies, organisations, and individuals to address the determinants of health.”

The **National Public Health Service Te Manawa Taki (NPHS Te Manawa Taki)** is within Health NZ and leads the delivery of health protection, health promotion and disease prevention services for communities across Taranaki, Waikato, Bay of Plenty, Rotorua, Taupō and Tairāwhiti. As a Te Tiriti o Waitangi partner, NPHS advocates for equitable health outcomes, by striving to eliminate health disparities, particularly for Māori, and build towards Pae Ora (healthy futures) for everyone.

NPHS Te Manawa Taki welcomes the opportunity to submit on the **Alcohol Control Bylaw Amendment**.

Building towards Pae Ora (Healthy Futures) for everyone includes taking a cross-sector, population health approach¹ to address social, commercial, and environmental determinants impacting health outcomes and inequities. Health NZ is committed to achieving health equity, guided by the principles of Te Tiriti o Waitangi, as set out in our Te Pae Tata Interim New Zealand Health Plan.¹ We endeavour to influence the determinants of health through cross-sector collaboration, community partnerships and by applying an equity lens to plans, policies and resources of local and regional government to support our communities to lead lives of wellness.

¹ Health New Zealand. Te Pae Tata Interim New Zealand Health Plan 2022[Internet].2022 Oct 28 [cited 2024 Nov 19]. Available from <https://www.tewhatuora.govt.nz/publications/te-pae-tata-interim-new-zealand-health-plan-2022/>

National Public Health Service Supports Proposed Changes to Tauranga City Council Alcohol Control Bylaw Amendment

NPHS Te Manawa Taki supports the proposed changes to the Alcohol Control Bylaw. We agree with Tauranga City Council's (TCC) proposal to formalise the temporary summer-period alcohol-free area along the coastal strip, Mount Maunganui to Pāpāmoa by including it in the bylaw.

Background

There is no safe level of alcohol consumption.² A recent study in Aotearoa New Zealand evaluated and ranked drug harms using a multi-criteria decision analysis (MCDA) framework. The findings indicated that alcohol is the most harmful drug for the overall population.³ NPHS Te Manawa Taki advocates for Councils to adopt and enhance alcohol control bylaws to minimise public exposure and de-normalise alcohol consumption.

Additionally, Māori, along with other socially disadvantaged groups such as Pacific populations, experience a disproportionate amount of alcohol-related harm compared to non-Māori. We recommend Tauranga City Council (TCC) to have processes in place to gain input and guidance from local iwi, and other socially disadvantaged groups ensuring that alcohol control bylaws are adopted in the best interests of these vulnerable population groups within the TCC jurisdiction.

Drinking in public places is a significant factor contributing to alcohol-related harm. Public settings often serve as hotspots for minor alcohol-related offenses and can escalate to more serious alcohol-related violence.⁴ They also increase the risks of drunk driving and underage drinking.⁵

Alcohol Control Bylaws are a well-established and widely used tool both internationally and in Aotearoa New Zealand. They are known to enhance public safety perceptions and help reduce harm by providing law enforcement with a mechanism to address antisocial behaviour stemming from public drinking.⁶ Additionally, these bylaws can shift social norms by making alcohol less visible in public spaces, thereby encouraging consumption in more controlled or supervised environments.

We understand the proposed changes are only in relation to Schedule 3 of the Alcohol Control Bylaw. We also note that the dates to the summer period will not change as stated within the Frequently Asked Questions on your website. We suggest that TCC considers extending the summer period to 1 October to 30 April. We believe this will reduce confusion among the public with starting and finishing on clear dates.

² World Health Organization. Europe. 2023. "No Level of Alcohol Consumption Is Safe for Our Health." 2023.

<https://www.who.int/europe/news/item/04-01-2023-no-level-of-alcohol-consumption-is-safe-for-our-health>.

³ Crossin, R., Cleland, L., Wilkins, C., Rychert, M., Adamson, S., Potiki, T., Pomerleau, A.C., et al. 2023. "The New Zealand Drug Harms Ranking Study: A Multi-Criteria Decision Analysis." *Journal of Psychopharmacology* 37 (9): 891–903. <https://doi.org/10.1177/02698811231182012>.

⁴ Stevenson, R. (2009, April). National Alcohol Assessment. NZ Police.

<https://www.police.govt.nz/sites/default/files/Police-NationalAlcohol-Assessment.pdf>

⁵ Webb, M., Marriott-Lloyd, P. A. U. L., & Grenfell, M. (2004, May). Banning the bottle: Liquor bans in New Zealand. In 3rd Australasian Drug Strategy Conference. Melbourne, Australia

[http://www.moh.govt.nz/moh.nsf/pagescm/1047/\\$File/banningbottleliquorbans.pdf](http://www.moh.govt.nz/moh.nsf/pagescm/1047/$File/banningbottleliquorbans.pdf)

⁶ Pennay, A., Manton, E., Savic, M., Livingston, M., Matthews, S., Lloyd, B. (2014). Prohibiting public drinking in an urban area: Determining the impacts on police, the community and marginalised groups. Turning Point Alcohol and Drug Centre. Funded by the National Drug Law Enforcement Research Fund.

<https://www.aic.gov.au/sites/default/files/2020-05/monograph49.pdf>



We wish to thank Council for the opportunity to submit on these proposed changes. We look forward to working with TCC on the review of the Alcohol Control Bylaw 2018.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Lynne Lane'.

Dr Lynne Lane

**Public Health Medicine Specialist | Medical Officer of Health
National Public Health Service Te Manawa Taki**

The primary contact point for this submission is:
Renee Bolkowy, Health Improvement Advisor



			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
202	Leah		Yes	Less intoxicated people posing harm to our community and tamariki in the area. Also, police and others now know what is and isn't against the law and can take appropriate action without letting things slide. Less noise and disruption to people in the area.
203	Mike	Rickman	No	I am completely opposed to the proposed Alcohol Control Bylaw. The Council and Police cannot be trusted to apply this fairly to everybody. I am all for rules if apply to everybody fairly but as an example the Council and Police have chosen not to apply the beach bylaws to homeless people living in the dunes, polluting them with their rubbish and excrement and removing plants and cutting down trees and using drugs and being aggressive. They say they are powerless to do anything and what is the point in fining people who refuse to pay. Well I say what is the point of making more rules if they do not apply to everybody fairly. They'll just go and fine people who are good rate paying citizens and when it come to the few who are the real problem say it is too hard. The council is weak and gutless and unfair. Look at the mess in this photo attached ..how is that acceptable to not remove this person and not fine them? If you are not going to make rules that apply to everybody then you may as well just let everybody have fun and enjoy a couple of drinks without being harassed.



			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
204	Lee	Steer	Yes	
205	Stephen	Stanley	Yes	I have walked the beach and picked up rubbish daily for years, but it seems there is more broken glass in the sand now. Pretty much all of it is from beer and ready-to-drink bottles. Many of them are broken, and that is where the visual pollution becomes a public danger. I would say no alcohol on the beach ever, but let's start with formalizing none over the summer
206	Shayne		No	I agree that people shouldn't be drunk along this area - but having a glass of wine or a beer with dinner is harmless and should be allowed.
207	Helen Mary	Smith	Yes	I have worked as an addiction clinician for 30 years and have see first hand experiences of what alcohol does to our society. We have a big problem here with all the damage that alcohol does and I don't want to see more alcohol harm events. Many car accidents and violence are caused by alcohol, these facts can be given by the police and other agencies.
208	Max	Deal	Yes	To mimimise occurrence of injury from all alcohol related causes
209	Ash	Nicholson	Yes	
210	Susan	Hodkinson	Yes	I collect street, venue car park, and wherever I go litter. The container litter at holiday time and when an event like cricket, rugby, concerts and other drawcards occur the alcohol litter increases. The glass breakage is dire. I believe like other towns, Mt Maunganui, in entirety should be alcohol free in public areas ie Whanagamata, Whirota, Paihia. The ban should be policed and the must include Blake park and other public areas where under clean up rules for events alcohol can be sold and only drink within the venue NOT the roads.
211	Staying / Anonymous	Local Citizen	No	the council are trying to control everything, let the people drink on the beach, don't be a twat
212	Andrew	Galloway - Excecutive Director (Alcohol Healthwatch)	Yes	Please see attached submission



Submission on Tauranga City Council Alcohol Control Bylaw Amendment

6 December 2024

Tēnā koutou

Thank you for the opportunity to provide feedback on the proposed amendment to the Alcohol Control Bylaw 2018. If you have any questions on the comments we have included in our submission, please contact:

Andrew Galloway
Executive Director
Alcohol Healthwatch
P.O. Box 99407, Newmarket, Auckland 1149
M: [REDACTED]
E: [REDACTED]

About Alcohol Healthwatch

Alcohol Healthwatch is an independent national charity working to reduce alcohol-related harm and inequities. We provide a range of regional and national health promotion services such as providing evidence-based information and advice on policy and planning matters; supporting community action projects, and coordinating networks to address alcohol-related harm such as the Fetal Alcohol Spectrum Disorder Ropu and the Cross-council Local Alcohol Policy Network.

Summary

1. Alcohol Healthwatch acknowledges the Council's consideration of Police and community concerns in amending the 2018 Alcohol Control Bylaw and we support the proposal to have a permanent alcohol-free area in summer months between Mount Maunganui and Papamoa. We believe that this amendment to the bylaw will provide greater certainty and clarity for the Police and the public, and it will strengthen measures to reduce alcohol-related harm.

Alcohol Control Bylaws

2. The purpose of making an Alcohol Control Bylaw is to encourage a safe and welcoming environment in public places, reduce the negative impact alcohol consumption has¹ and

to provide the Police with an appropriate tool for dealing with anti-social behaviour caused by drinking alcohol in public.^{2 3}

3. The bylaw also supports other measures that form a cohesive package to reduce alcohol-related harm, including the Council's Local Alcohol Policy. Research has found that "alcohol bans" are more effective when they are part of a multi-component approach to reducing alcohol-related violence and public disorder.⁴ Alcohol control bylaws not only leverage off other measures but also support these other initiatives.
4. Alcohol bans (or "alcohol free areas") are an evidence-based intervention that may not only impact immediate crime and disorder in a neighbourhood, but may also help de-normalise alcohol use⁵ and reduce the harmful effects associated with perceptions of neighbourhood disorder.⁶
5. A bylaw is cost-effective, given the damage and harm associated with crime, injury⁷ and vandalism that impacts Council assets and programmes with the resulting under-utilisation of public places.
6. A bylaw is necessary to address alcohol-related issues in Tauranga City, and especially in areas where the risks are greater, such as where there would be a greater chance of drinking and swimming or congregating in a public place.^{8 9}

Conclusion

7. Alcohol Healthwatch supports the proposed addition of a permanent alcohol free area in the bylaw as it reflects public and Police concerns and can reduce crime and disorder made worse by alcohol in that identified area. The amendment to the bylaw is reasonable, appropriate and proportionate and reinforces the purpose of the bylaw, and aligns with the Council's Safe City focus.¹⁰

References

- ¹ Sureda X, Villalbí JR, Espelt A, Franco M. Living under the influence: normalisation of alcohol consumption in our cities. *Gac Sanit* 2017; **31**: 66–8.
- ² New Zealand Police. Alcohol – Police Manual Chapters. Enforcement of Alcohol Bans. 18 April 2024. <https://www.police.govt.nz/sites/default/files/publications/alcohol-enforcement-of-alcohol-bans-180424.pdf>.
- ³ Tauranga City Council. Draft Amendments to the Alcohol Control Bylaw – Statement of Proposal. <https://letstalk.tauranga.govt.nz/Portals/14/data/citywide/alcohol-control-bylaw/files/statement-of-proposal-alcohol-control-bylaw-amendments.pdf>.
- ⁴ Homel R, Clark J. The prediction and prevention of violence in pubs and clubs. *Crime Prev Stud* 1994; : 1–46.
- ⁵ Bandura A. Social learning theory. Upper Saddle River: Prentice-Hall, 1977.
- ⁶ Hoek, J. The role of “place” in normalising smoking - tobacco, alcohol, and social pressures for young people. Presented at the Dunedin Tobacco Control Seminar, Dunedin: Health Promotion Agency. 2014. <https://www.smokefree.org.nz/files/images/The%20role%20of%20%E2%80%98place%E2%80%99%20in%20normalising%20smoking.pdf>.
- ⁷ Sim M, Morgan E, Batchelor J. The Impact of Enforcement on Intoxication and Alcohol Related Harm. Wellington: Accident Compensation Corporation, 2005 <https://www.police.govt.nz/resources/2005/wgtn-city-alcohol-enforcement-report/wgtn-city-alcohol-enforcement-report.pdf>.
- ⁸ Greenaway A, Conway K, Field A, *et al.* Young People, Alcohol and Safer Public Spaces. Auckland: University of Auckland, 2002. <http://aphru.ac.nz/projects/publicSpaces.pdf>.
- ⁹ Kim Conway, Booze and beach bans: turning the tide through community action in New Zealand, *Health Promotion International*, Volume 17, Issue 2, June 2002, Pages 171–177, <https://doi.org/10.1093/heapro/17.2.171>
- ¹⁰ Tauranga City Council. Tauranga Mataraunui – Inclusive City Strategy 2023-2033. Adopted 21 August 2023. Available from: <https://www.tauranga.govt.nz/Portals/0/data/council/strategies/files/tauranga-mataraunui-inclusive-city-strategy.pdf>.

			Q1. Do you support the proposed amendment to the Alcohol Control Bylaw to formalise the summer period alcohol-free area along the coastal strip? *	
	Name	Surname	Q1:	Comments
213	Ali	Duncan	Yes	
214	Jim and Kathy	Tabak	Yes	<p>We support the submission to extend the liquor ban from Crossroads to further past the Omanu Surf Club.</p> <p>We live adjacent to the Crossroads beach access and have experienced large numbers of young people gathering to drink. It is a large grass area for youth's to congregate & for cars to drive dangerously around the roundabout.</p> <p>This has lead to fighting, drunk behaviour, urinating on private property, throwing glass bottles onto the road, rubbish & bottles left on the beach and the dunes, beach access, along with condoms & broken bongs.</p> <p>Drinking often leads to uncontrolled bonfires on the beach.</p> <p>It is a further concern because the Crossroads beach access is used by preschoolers, primary & secondary school kids.</p> <p>In short this anti social behaviour has become very dangerous and request the council extend the liquor ban area before someone gets seriously injured.</p> <p>We have had to call the police on several occasions because the drinking & behaviour got out of hand (one night I called 111 three times). The last time the police came with dogs to scatter the crowd. We often have grandchildren staying, the noise & shouting from the crowd has woken them. We do not feel safe as a result.</p> <p>The community has had to clean up the aftermath.</p> <p>It has been an issue for the police too because when they arrive - the youth's disappear down to the beach often over our property.</p> <p>So to reinforce we believe an extension of the liquor ban would be best & provide police with more powers.</p>

ALCOHOL CONTROL BYLAW 2018



Tauranga City

First adopted	24 June 2004	Minute reference	M04/61.9
Revisions/amendments	29 October 2008	Minute reference	M08/123.5
	20 September 2010	Minute reference	M10/71.1
	16 September 2013	Minute reference	M13/60.11
	18 September 2018	Minute reference	M18/79.7
Review date	This Bylaw is to be reviewed 10 years after date of adoption		
Relevant legislation	This Bylaw was made under the Local Government Act 2002		

1. TITLE

- 1.1 This bylaw is the Alcohol Control Bylaw 2018.

2. COMMENCEMENT

- 2.1 This bylaw comes into force on 19 November 2018. **Date that amendments come into effect to be inserted**

3. APPLICATION

- 3.1 This bylaw applies to Tauranga.

4. PURPOSE

- 4.1 The purpose of this bylaw is to control the consumption of alcohol in public places to reduce alcohol-related harm.

5. DEFINITIONS

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

Term	Definition
Alcohol	has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012 (or any subsequent legislation in amendment of, or substitution for, the same).
Beach	any land in the Council's district adjacent to any seacoast or lakeside which is part of the foreshore, or is land contiguous to and used in connection with the foreshore, and to which the public has a right of access. For the purposes of this bylaw, the beach includes the foreshore which is the parts of the bed, shore or banks of tidal water between mean high water springs and mean low water springs.

Bylaw	refers to the Tauranga City Council Alcohol Control Bylaw 2018.
Council	refers to Tauranga City Council – the elected member body representing Tauranga.
Public Place	has the meaning given by section 147 of the Local Government Act 2002 (or any subsequent legislation in amendment of, or substitution for, the same).

6. PERMANENT ALCOHOL-FREE AREAS

6.1 The consumption, bringing, and possession of alcohol in the public places specified in **Schedule One** is prohibited 24 hours a day seven days a week, except for the following places where the consumption, bringing and possession of alcohol in a public place is prohibited from 9pm to 7am seven days a week:

- all beaches, reserves and Public Places on the seaward side of Papamoa Beach Road, Taylor Road, Motiti Road and Karewa Parade. For the avoidance of doubt, this includes but is not limited to:
 - Papamoa Domain, excluding the Papamoa Beach Holiday Park;
 - the Harrison's Cut car-park and access-way off Papamoa Beach Road; and
 - the car park and accessway off Papamoa Beach Road opposite Stella Place
- Taylor Road Reserve and Motiti Reserve.

7. NEW YEAR ALCOHOL-FREE AREAS

7.1 The consumption, bringing and possession of alcohol in the public places specified in **Schedule Two** is prohibited for the period beginning on 26 December and ending at 6am on 6 January each year.

8. SUMMER PERIOD ALCOHOL-FREE AREAS

8.1 The consumption, bringing and possession of alcohol in the public places specified in **Schedule Three** is prohibited between the hours of 9pm and 7am for the period beginning on 21 October and ending at 7am on 6 April each year.

9. TEMPORARY ALCOHOL-FREE AREAS

9.1 Council may, by resolution, prohibit the consumption, bringing and possession of Alcohol on or in a Public Place for a time period and/or event specified in that resolution ('*temporary alcohol-free area*').

9.2 Where such a resolution is passed, a minimum 14 days public notice shall be given prior to the temporary alcohol-free area being effective, specifying the areas and time period when the provisions of the temporary alcohol-free area shall apply.

10. POWERS OF SEARCH, SEIZURE AND ARREST

10.1 Upon Council providing 14 days public notice, during the periods and in the areas affected by the alcohol-free areas set out in clauses 6, 7 and 8 of this bylaw any member of the Police may, in addition to the powers of search under section 169(2), also exercise the powers of immediate search, seizure and arrest under s170(2) of

the Local Government Act 2002 or any subsequent legislation in amendment of, or in substitution for, the same.

11. PUBLIC EVENTS

- 11.1 Clauses 6 and 7 of this bylaw shall not apply to the consumption or possession of Alcohol acquired pursuant to a special licence granted by Council under the Sale and Supply of Alcohol Act 2012 for a special public event held within a specified alcohol-free area, when the alcohol is being consumed within that area as part of the public event.

12. OFFENCES AND BREACHES

- 12.1 Every person breaches this bylaw and commits an offence who:
- a) does, or allows anything to be done, which is contrary to this bylaw or any part of it; or
 - b) fails to do, or allows anything to remain undone, which ought to be done by him, her or it within the time and in the manner required by this bylaw or any part of it; or
 - c) does anything which this bylaw prohibits; or
 - d) fails to comply with any notice given to him, her or it under this bylaw or any part of it or any condition of a consent or licence granted by Council; or
 - e) obstructs or hinders any Council officer or other Council-appointed person in performing any duty or in exercising any power under this bylaw.

12. NOTICES

- 12.1 Council may give notice to any person in breach of this bylaw to carry out any remedial action in order to comply with the bylaw and every such notice shall state the time within which the remedial action is to be carried out and may be extended from time to time.

13. PENALTIES

- 13.1 Subject to anything to the contrary, every person who commits an offence against this bylaw shall be subject to the penalties set out in the Local Government Act 2002.
- 13.2 Every person guilty of an infringement offence is liable for the applicable infringement fee relating to that offence.
- 13.3 Under the Local Government Act 2002 the Police have the powers of arrest, search and seizure in relation to this bylaw.

14. DISPENSING POWERS

- 14.1 Council may waive full compliance with any provision of this bylaw in a case where the Council is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community. Council may in its discretion impose conditions on any such waiver.

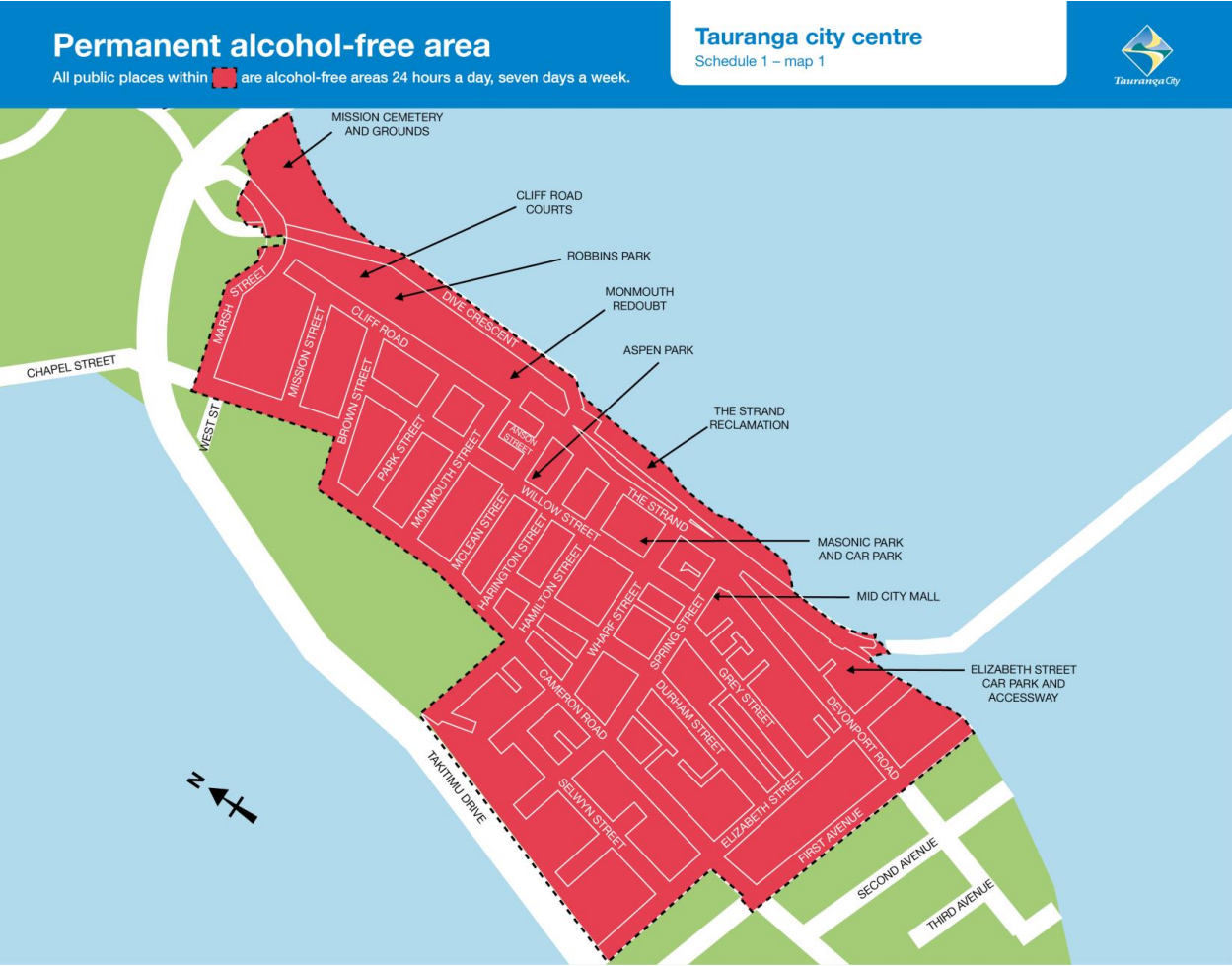
Schedule 1: Permanent Alcohol-free areas

The following public places in the Tauranga city centre, as shown in **map 1**, are permanent alcohol-free areas 24 hours a day seven days a week:

- Dive Crescent from the roundabout at the intersection of Dive Crescent and Marsh Street up to and including its intersection with The Strand.
- The Strand, including The Strand Extension, The Edgewater Fan, The Strand Reclamation car park and all other public areas to the mean low water springs.
- Devonport Road, from the Devonport Road/The Strand roundabout to and including its intersection with First Avenue.
- Grey Street between Elizabeth Street and Spring Street.
- Durham Street between Elizabeth Street and Harington Street.
- Cameron Road from its intersection with First Avenue to its intersection with Brown Street.
- Chapel Street from its intersection with Marsh Street to its intersection with Brown Street.
- Willow Street from its intersection with Spring Street to its intersection with Brown Street.
- Cliff Road, Anson Street and Monmouth Street.
- First Avenue from its intersection with Cameron Road eastward to the harbour's edge.
- Elizabeth Street from its intersection with Takitimu Drive to its eastern boundary at The Strand Extension/harbour's edge.
- The Elizabeth Street carpark including all pedestrian and vehicle access ways.
- Wharf Street, Spring Street, Selwyn Street and Williams Street.
- Aspen Park from Willow Street to McLean Street.
- McLean and Harington, from their intersections with The Strand Reclamation car park to their intersections with Cameron Road.
- The area of Spring Street known as the Mid-City Mall.
- Park Street and Brown Street from their intersections with Cliff Road to their intersections with Cameron Road.
- Mission Street from its intersection with Cliff Road to its intersection with Chapel Street.
- Marsh Street from its intersection with Chapel Street to, and including, the Mission Cemetery grounds up to and including the harbour's edge.
- Masonic Park and car park.

- Robbins Park, Cliff Road Courts and the Monmouth Redoubt.
- All pedestrian and vehicle access ways within the areas identified above.

DRAFT

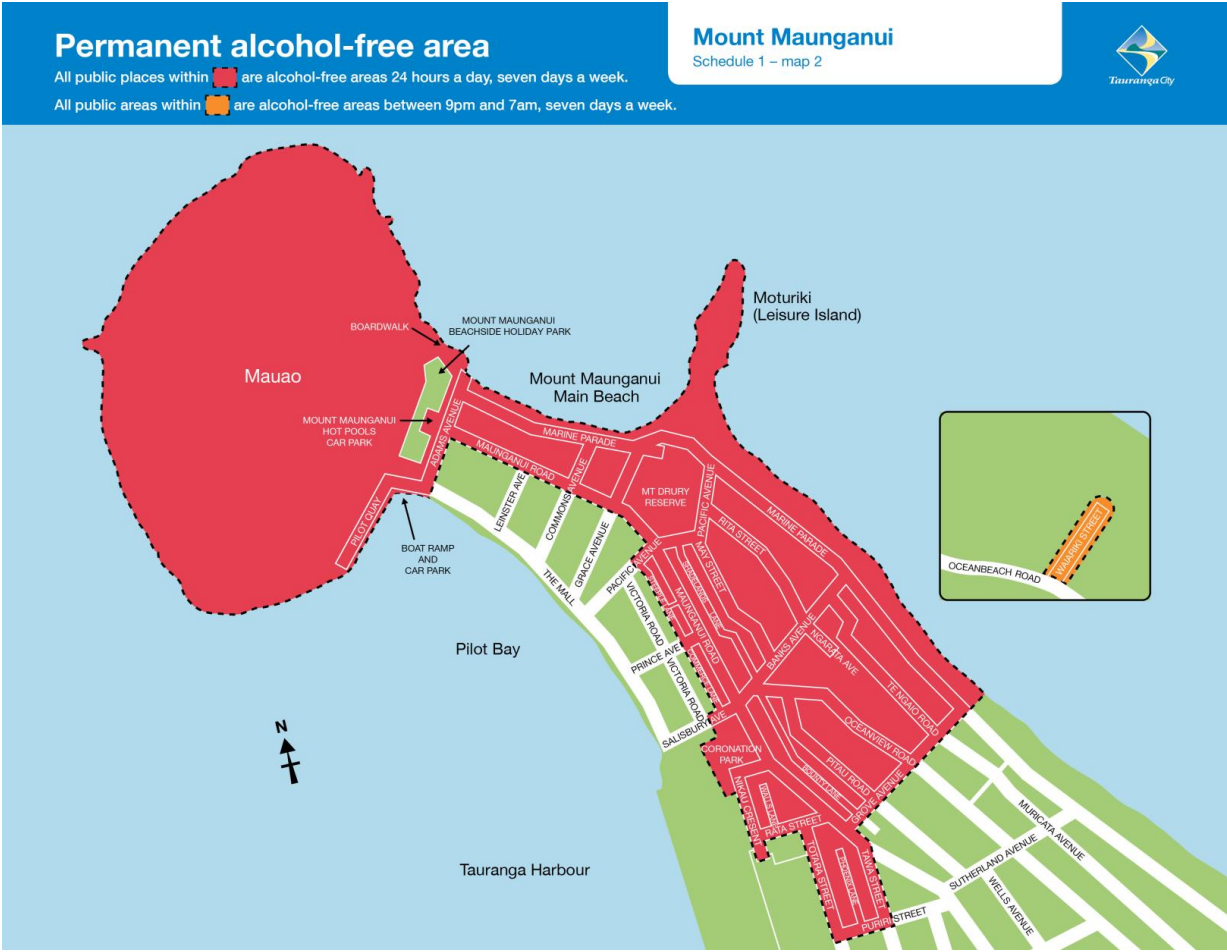


The following public places at Mount Maunganui, as shown on **map 2**, are permanent alcohol-free areas 24 hours a day seven days a week.

- Marine Parade from its intersection with Adams Avenue to its intersection with Grove Avenue.
- Adams Avenue, including the Mount Maunganui Hot Pools car park and extending to the area commonly known as the boat ramp.
- The area west of Adams Avenue and to the southern side of Mauao in the road area known as Pilot Quay.
- Mauao, excluding the Mount Maunganui Beachside Holiday Park.
- The area designated as the Mount Maunganui Beachside Holiday Park boardwalk and public area surrounding the boardwalk.
- Mount Drury (Hopukiore) and all reserve or Council land bounding Mount Drury.
- Pacific Avenue, from its intersection with Steeple Lane to Marine Parade.
- Rita Street, May Street and Shadelands Lane from their intersections with Pacific Avenue to their intersections with Banks Ave.
- Maunganui Road from its intersection with Adams Avenue to the intersection with Tawa Street.
- Te Papa O Ngā Manu Porotakataka between Maunganui Road and May Street.
- Banks Avenue, from the Salisbury and Banks Avenues roundabout up to and including its intersection with Shadelands Lane and Oceanview Road, including the areas known as the Burger King car park to the north and the car park on the corner of Banks Avenue, Shadelands Lane and Maunganui Road to Marine Parade.
- Grace Avenue and Commons Avenue from the intersection with Marine Parade to the intersection with Maunganui Road.
- Steeple Lane, Commerce Lane, Te Ngaio Road, Grove Avenue, Ngarata Avenue, Nikau Crescent and Phoenix Lane.
- Coronation Park.
- Oceanview Road and Bounty Lane from and including their intersections with Grove Avenue to their intersections with Banks Avenue.
- Pitau Road from its intersection with Grove Avenue to its intersection with Oceanview Road.
- Totara Street from its intersection with Rata Street to its intersection with Puriri Street.
- Tawa Street from its intersection with Puriri Street to its intersection with Maunganui Road.
- Salisbury Avenue from Maunganui Road to its intersection with Victoria Road.
- Puriri Street from its intersection with Totara Street to its intersection with Tawa Street.
- Rata Street and Wallis Lane.
- Prince Avenue from its intersection with Commerce Lane to its intersection with Maunganui Road.

- Waiariki Street.
- All reserves, beaches and Public Places on the seaward side of Marine Parade including Moturiki (Leisure Island) to Grove Avenue.
- All pedestrian and vehicle access ways within the areas identified above.

DRAFT



The following public places, as shown in **map 3**, is a permanent alcohol-free area 24 hours a day seven days a week.

- Memorial Park which is bounded by Devonport Road, 11th Avenue, 7th Avenue and Fraser Street, to the harbour's edge.
- All pedestrian and vehicle access ways within the area identified above.



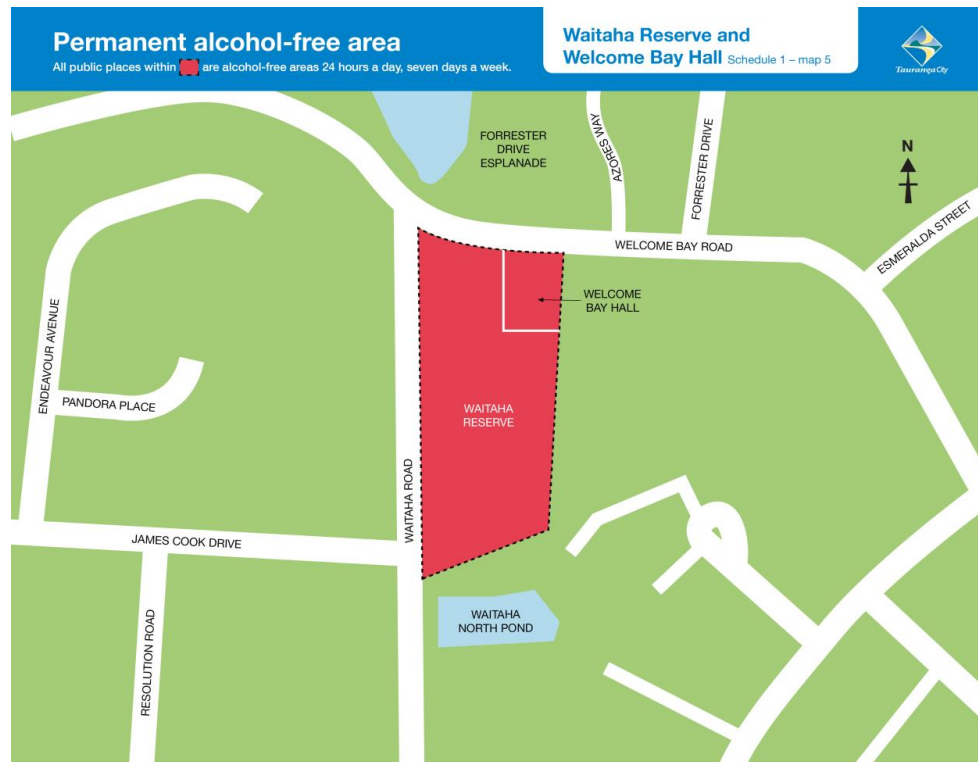
The following public places, as shown on **map 4**, are permanent alcohol-free areas 24 hours a day seven days a week.

- Fraser Street from its intersection with Hampton Terrace to, and including, its intersection with Oxford Street.
- Merivale Road from Fraser Street to, and including, its intersection with Landview Road.
- Kesteven Avenue from its intersection with Fraser Street to the boundary with Merivale Primary School.
- Merivale Community Centre grounds.
- Surrey Grove including the Surrey Grove Reserve.



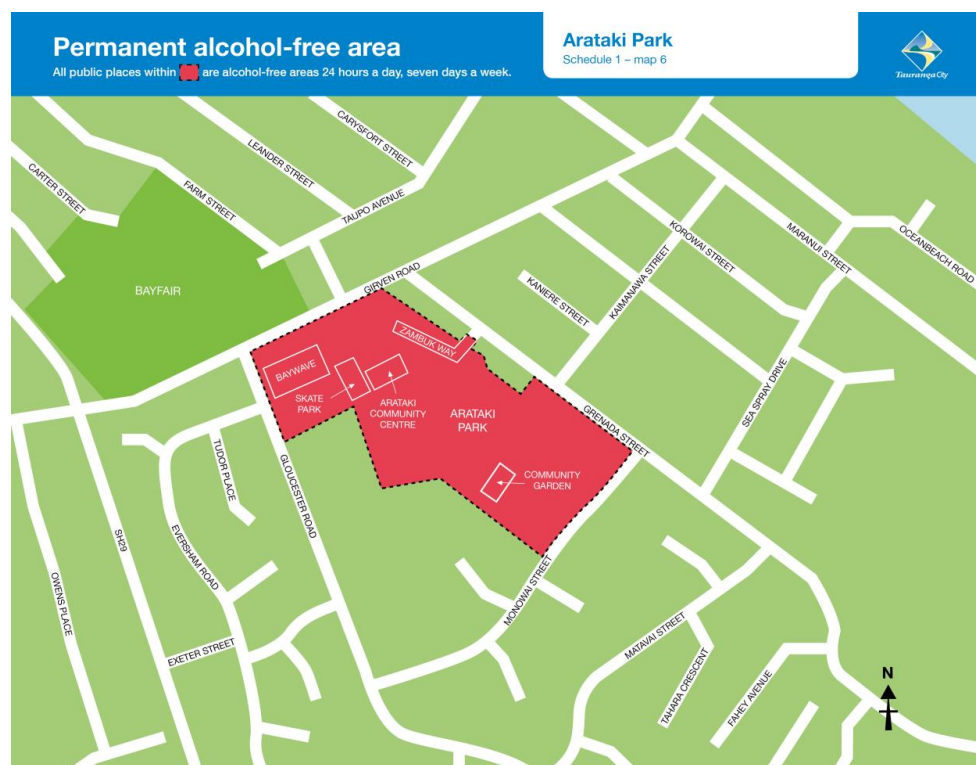
The following Public Places, as shown on **map 5**, are permanent alcohol-free areas 24 hours a day seven days a week.

- Waitaha Reserve which is bounded by Waitaha Road and Welcome Bay Road; and The Welcome Bay Hall site.



The following public places, as shown on **map 6**, are permanent alcohol-free area 24 hours a day seven days a week.

- Arataki Park which is bounded by Gloucester Road, Girven Road, Grenada Street and Monowai Street.



The following public places, as shown on **map 7**, are permanent alcohol-free areas 24 hours a day seven days a week.

- Cameron Road from and including its intersection with Pooles Road to and including its intersection with Cornwall Street.
- Pooles Road from Cameron Road to and including its intersection with Mansells Road.
- Mansells Road from Pooles Road to and including its intersection with Chadwick Road.
- Chadwick Road from Mansells Road to and including its intersection with Hayes Avenue.
- Hayes Avenue.
- Liston Park.
- Greerton Road from Pooles Road to and including its intersection with Cornwall Street.
- Emmett Street from Greerton Road to Mansells Road.
- Mitchell Street.
- Cornwall Street.
- Lincoln Terrace.
- Greerton Library grounds and the area known as the Greerton Village Green.
- All pedestrian and vehicle access ways within the areas identified above.

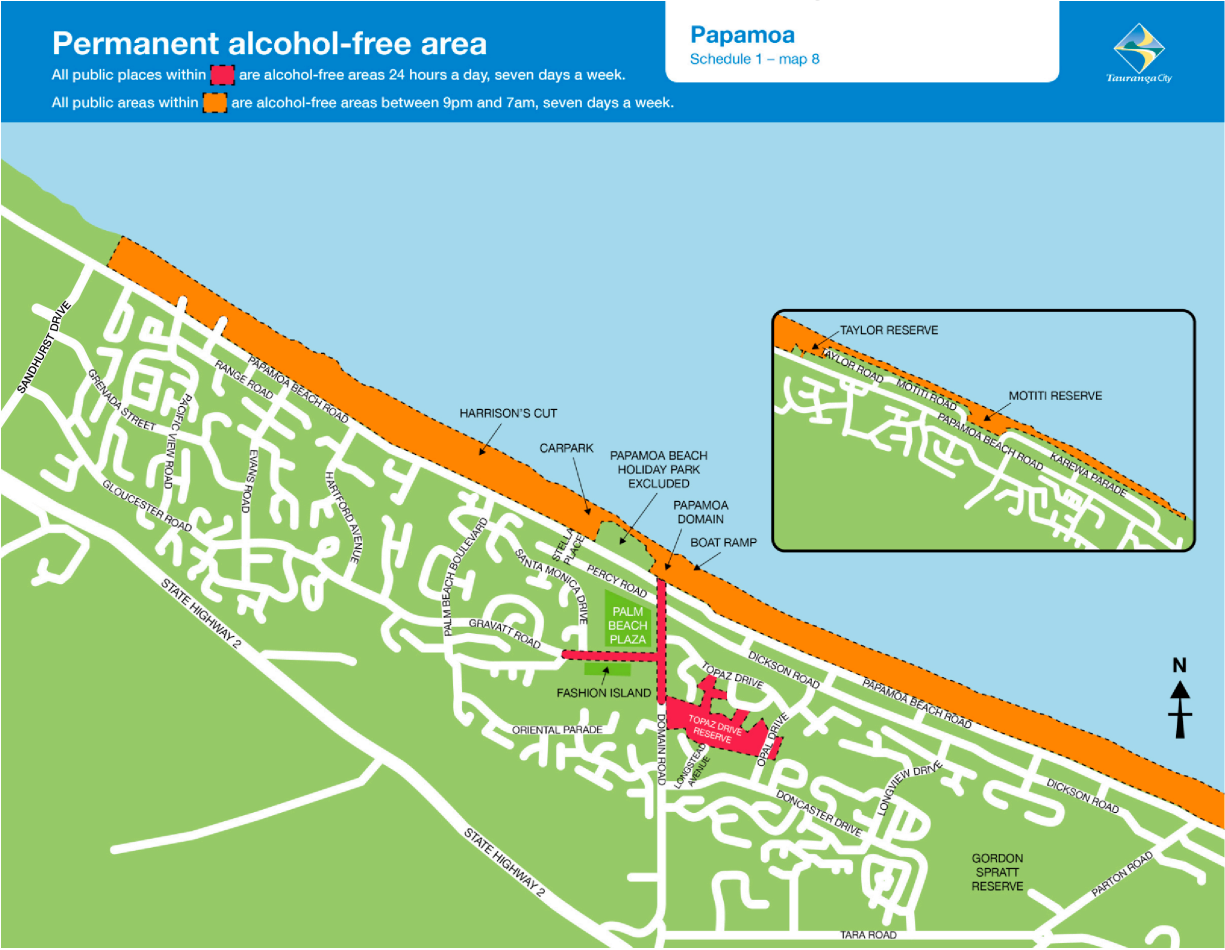


The following public places, as shown on **map 8**, are permanent Alcohol-free areas 24 hours a day seven days a week.

- Domain Road from and including its intersection with Papamoa Beach Road to the house number 39.
- Gravatt Road from Domain Road to and including its intersection with Beachwater Drive.
- Topaz Drive Reserve which is between Domain Road and either side of Opal Drive.

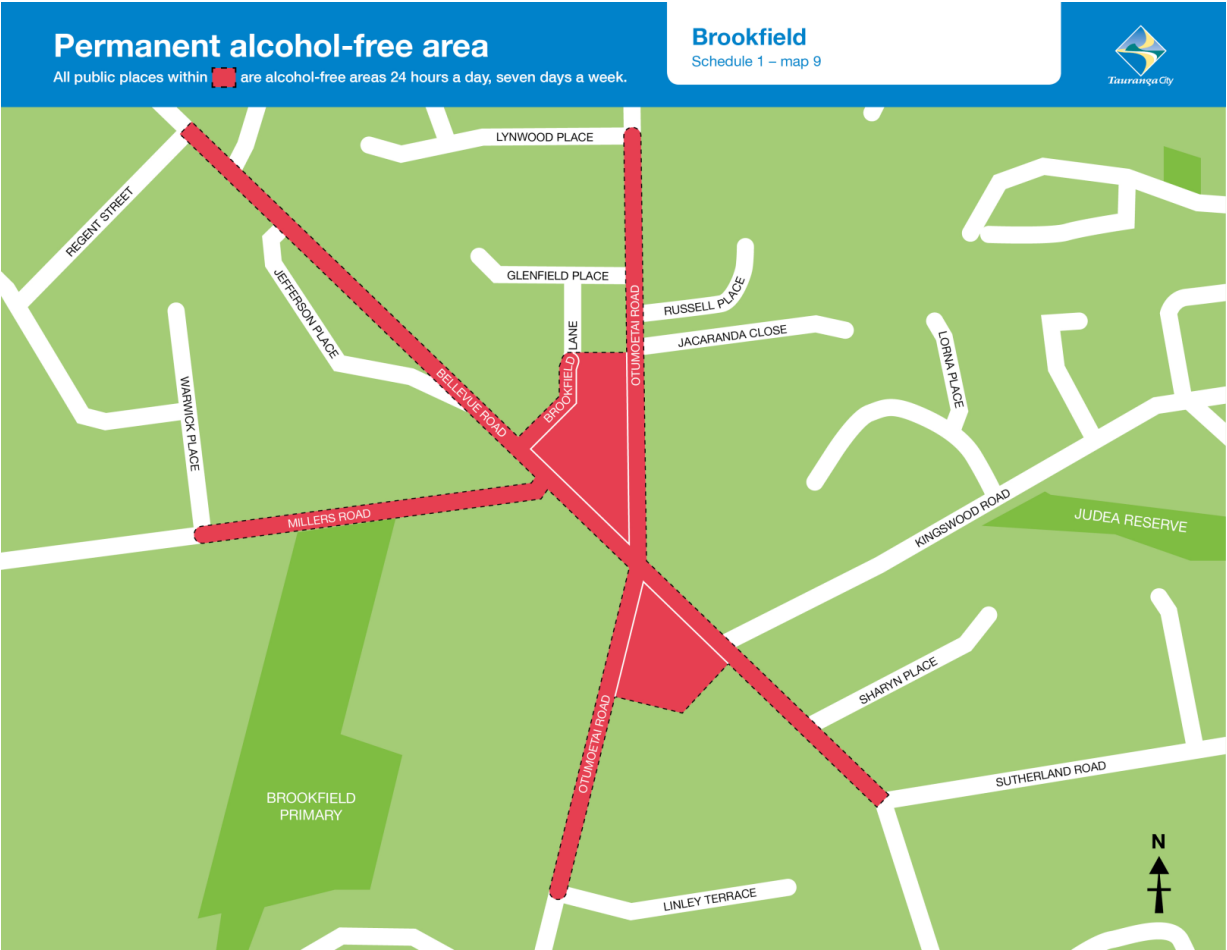
The following public places, as shown on **map 8**, are permanent alcohol-free areas between 9pm and 7am seven days a week:

- All beaches, reserves and public places on the seaward side of Papamoa Beach Road, Taylor Road, Motiti Road and Karewa Parade. For the avoidance of doubt, this includes but is not limited to:
 - Papamoa Domain, excluding the Papamoa Beach Holiday Park
 - the Harrison's Cut car park and access way off Papamoa Beach Road
 - the car park and access way off Papamoa Beach Road opposite Stella Place.
- Taylor Reserve which is off Taylor Road.
- Motiti Reserve which is off Motiti Road.



The following public places, as shown on **map 9**, are permanent alcohol-free areas 24 hours a day seven days a week.

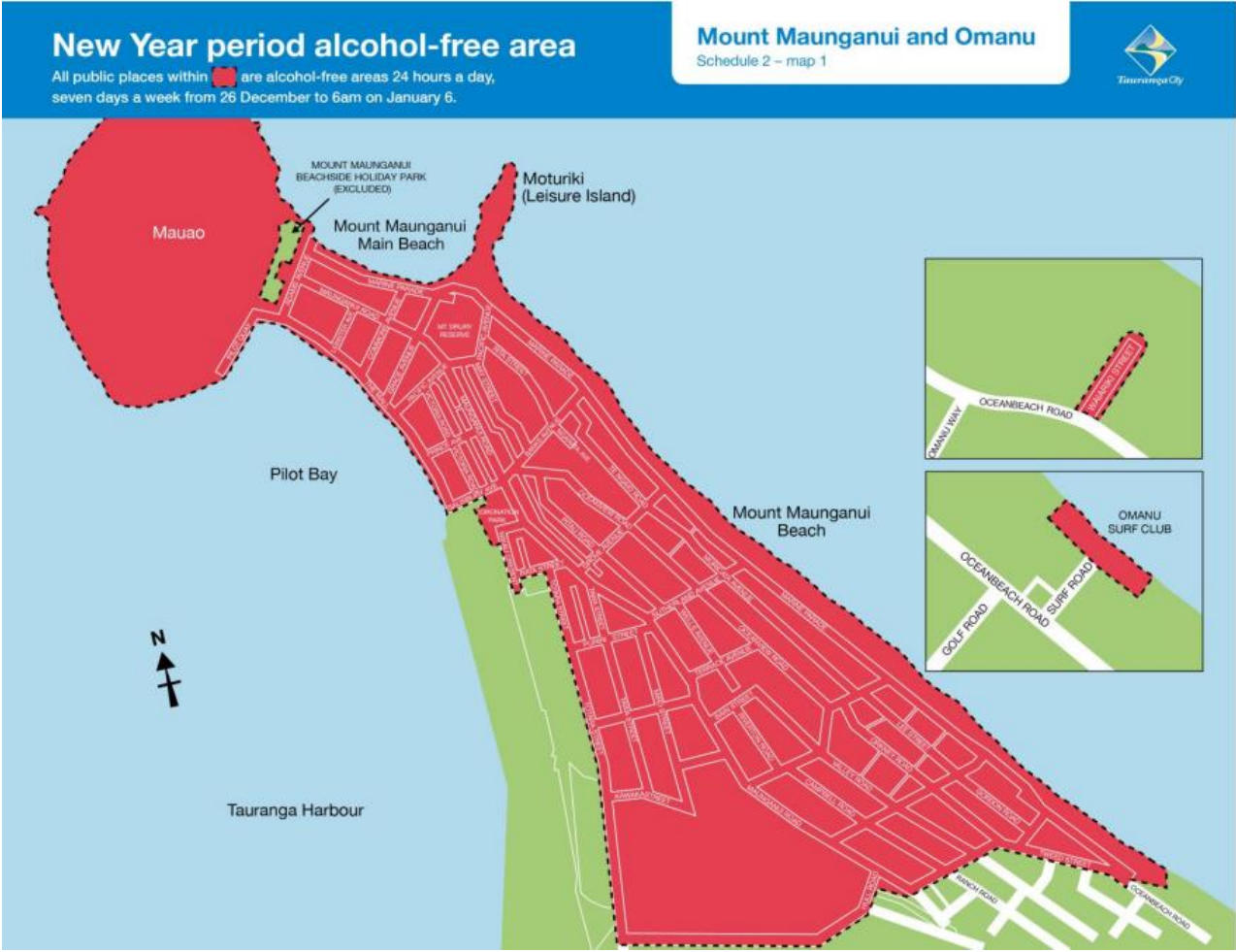
- Otumoetai Road from and including its intersection with Lynwood Place to and including its intersection with Linley Terrace.
- Bellevue Road from and including its intersection with Regent Street to and including its intersection with Sutherland Road.
- Millers Road from Bellevue Road to and including its intersection with Warwick Place.
- Brookfield Lane.
- Public Places in and around the area known as the Brookfield Shopping Centre.
- Lees Park which is off Otumoetai Road and Bellevue Road.



Schedule 2: New Year Period alcohol-free areas

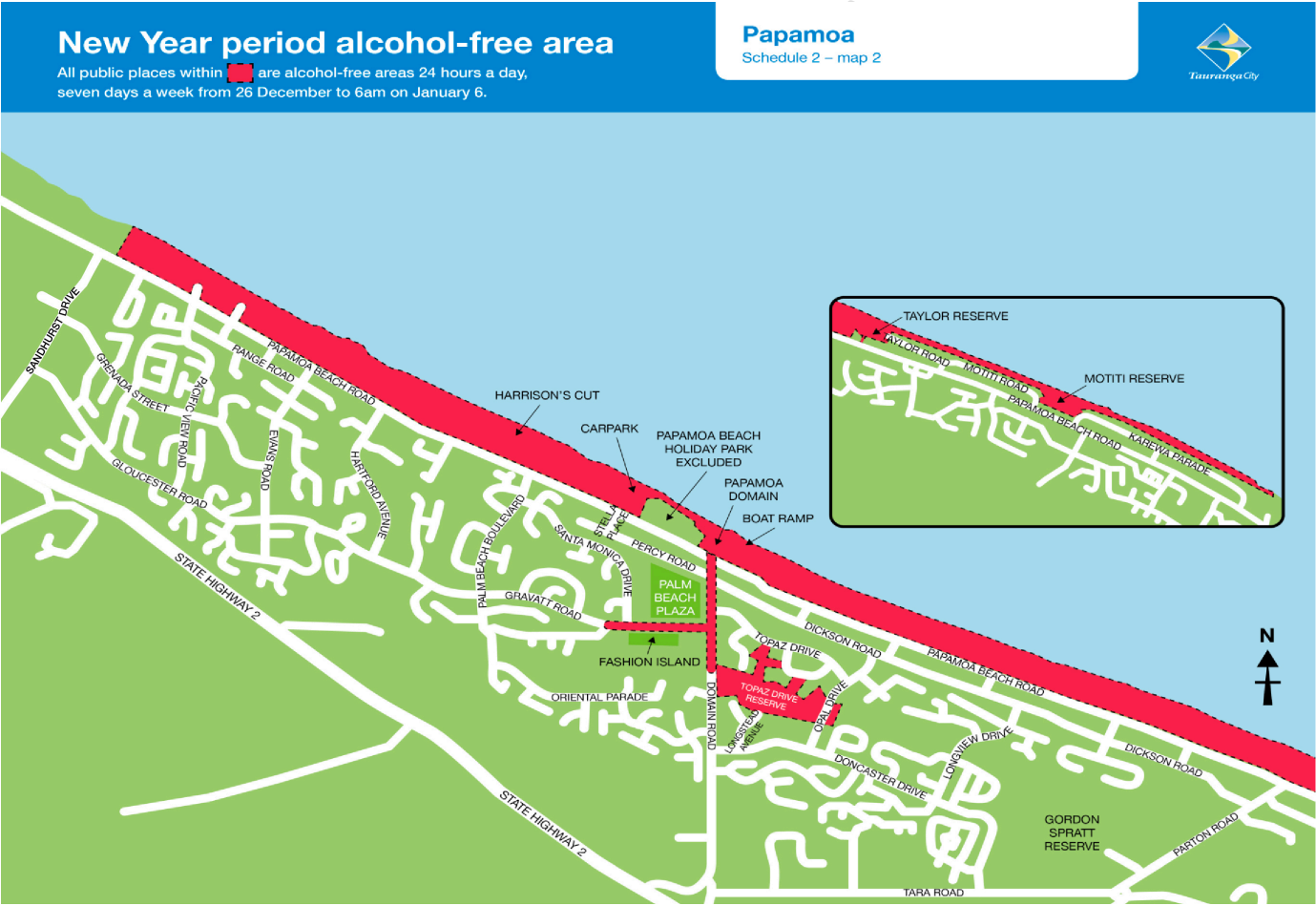
The following Public Places at Mount Maunganui and Omanu, as shown on **map 1**, are Alcohol-free areas 24 hours a day seven days a week over the New Year Period from **12am** 26 December to 6am on 6 January each year.

- Marine Parade, from its intersection with Adams Avenue to its intersection with Ocean beach Road and all reserves, beaches and Public Places on the seaward side.
- Grove Avenue and Rata Street and all Public Places in the Mount Maunganui peninsula north of these streets including Mauao and Moturiki Island and Coronation Park but excluding the area known as the Mount Maunganui Beachside Holiday Park.
- Hull Road to its intersection with Totara Street and Tweed Street and all Public Places north of these streets.
- The Mall and all reserves, beaches and Public Places on the seaward side.
- Waiariki Street.
- The environs surrounding the Omanu Surf Club and carpark incorporating an area 200 metres either side of the surf club and including the beach in front of the surf club for 200 metres either side.
- All pedestrian and vehicle access ways within the areas identified above.



The following Public Places at Papamoa, as shown on **map 2**, are Alcohol-free areas 24 hours a day seven days a week over the New Year Period from 26 December to 6am on 6 January each year.

- All beaches, reserves and Public Places on the seaward side of Papamoa Beach Road, Taylor Road, Motiti Road and Karewa Parade. For the avoidance of doubt, this includes but is not limited to:
 - Papamoa Domain, excluding the Papamoa Beach Holiday Park
 - Harrison's Cut car park and access way off Papamoa Beach Road
 - the car park and access way off Papamoa Beach Road opposite Stella Place.
- Domain Road from and including its intersection with Papamoa Beach Road to house number 39.
- Gravatt Road from Domain Road to and including its intersection with Beachwater Drive.
- Topaz Drive Reserve which is between Domain Road and either side of Opal Drive.



Schedule 3: Summer period alcohol-free areas

The following places, as shown on **map 3** are Alcohol-free areas between the hours of 9pm and 7am from 21 October to 7am on 6 April each year:

All reserves, Beaches and Public Places on and including the seaward side of;

- Marine Parade (eastwards from its intersection of Grove Avenue to its intersection of Tweed Street)
- Oceanbeach Road
- Maranui Street
- Omanu Way
- Yale Street
- Sunbrae Gove
- Surf Road

The following places, as shown on **map 3** are Alcohol-free areas 24 hours a day during the period from 26 December to 6am on 6 January each year:

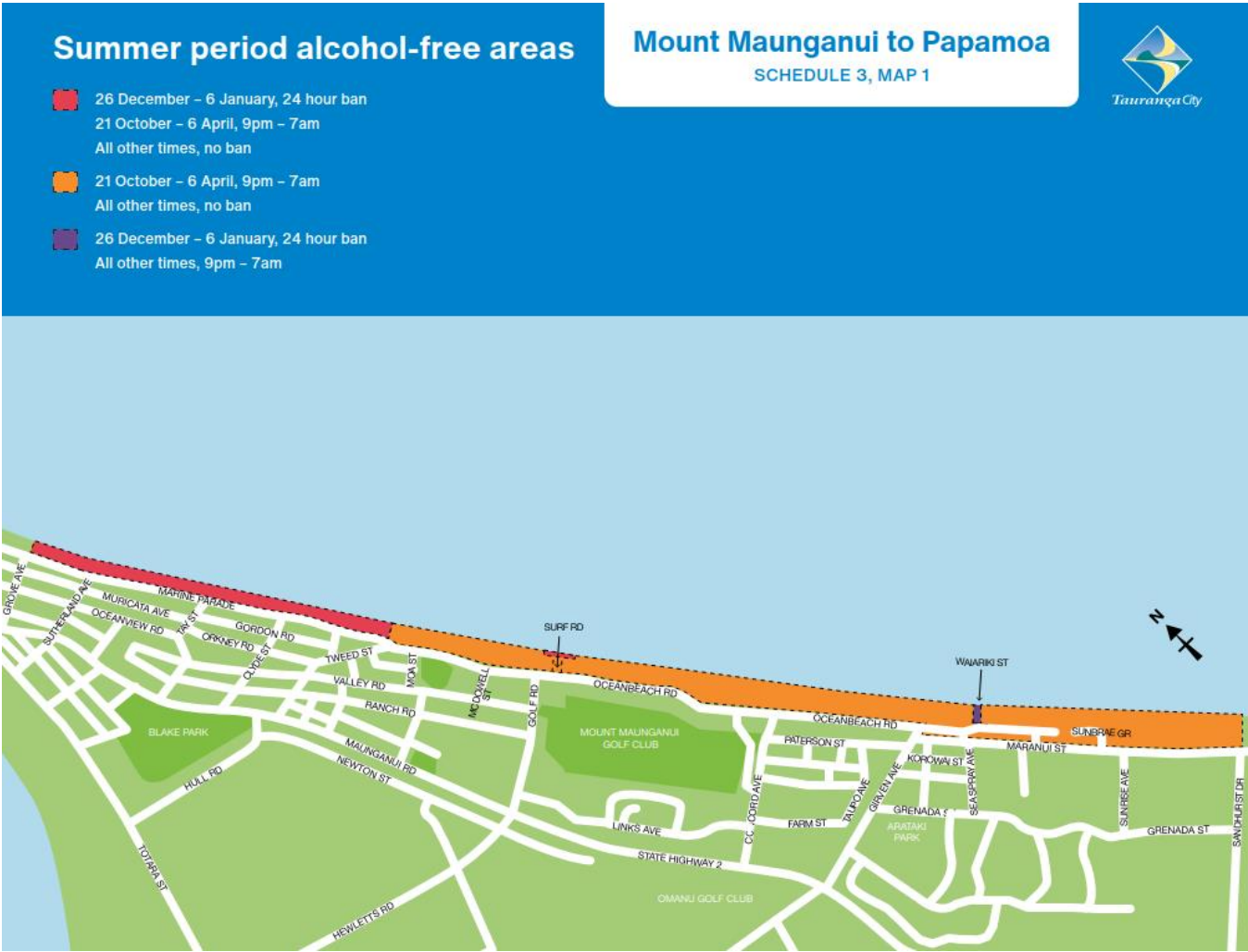
All reserves, Beaches and Public Places on and including the seaward side of;

- Marine Parade (eastwards from its intersection of Grove Avenue to its intersection of Tweed Street)
- Omanu Surf Club and car park area
- Waiariki Street

The following places, as shown on **map 3** are Alcohol-free areas between the hours of 9pm and 7am from 6 January to 25 December each year:

All reserves, Beaches and Public Places on and including the seaward side of;

- Waiariki Street



DRAFT

Page 26
Objective Number: A8733410



We're seeking community feedback on a proposed amendment to the Alcohol Control Bylaw that would formalise the temporary, summer-period alcohol-free area along Mount Maunganui's coastal strip.

This alcohol-free area runs from 21 October to 6 April, 9pm–7am, and has been put in place for the past six years.

We want to hear your thoughts. Share your feedback by Friday, 6 December 2024.



Harley Ranui
Should Put a MASSIVE littering fine

4w Like Reply Hide 6

Alex Mcs
Harley Ranui hard

2w Like Reply Hide

Reply to Alex Mcs



Annie Aspinall
Keep the Bylaw.

There's always going to be a few who spoil it for the rest and you'll have to reinstate it. There's always a few that break the Bylaw and spoil the peace and tranquility for others.

4w Like Reply Hide 2

Jenni NzTruther

Think of all the resorts aboard.. beach bars 🍹👓
NZ Doesn't feel like an holiday place.
Rules everywhere..
all we need is common sense!!
I don't even drink lol 🍷
People just sneakily drink now.

3w Like Reply Hide 3

Johnathan Tamati

Waste of time commenting, as you won't listen to the community, it's just another token gesture from this deaf **Tauranga City Council**

2w Like Reply Hide

Lindy Mason

At least we can still day drink on the beach 🍷

1w Like Reply Hide 1

Derek Smith

Another time wasting feel good effort.....what about banning child and domestic abuse.....

1w Like Reply Hide

Dylan Hewitson

What if I live on marine parade can I not drink in my front yard 🤔

2w Like Reply Hide

Elizabeth Smith

It only seems like yesterday when the local friendly boys in blue on the beat would stop and engage cheerful convo with those having a summer drink at a well known spot. And most of the young ones respected them for that. And the copper would say... Whos the sober driver lads? A hand would go up.. All was good. Now days its agro from both parties. Shame.

4w Like Reply Hide 1

Tauira Wikitoria Clay

Increase business for taxis and Uber

2w Like Reply Hide

Mark Cummins

Stop wasting money on surveys when you have already made your decisions

1w Like Reply Hide

Glenn Elizabeth Arenburg

Now peoples, do as your told because your nowhere mature enough to have a glass of wine on the beach with your picnic. The police are meant to take care of the law breakers but they are much too busy to bother law breakers today. Best ideas they come up with today is ban it.

3w Like Reply Hide 2

Bryan Dods

Can't be policed why bother

4w Like Reply Hide 2

Shannon Rowe

Bryan Dods, oh they will police that don't you worry, they won't worry about someone who robbed your house but they will definitely find someone with a beer after 9pm

3w Like Reply Hide 2

Reply to Bryan Dods



Lorraine Gordon

Leave the Alcohol Bylaw as it is .

4w Like Reply Hide 3

Lloyd Goodridge

9pm-7am is reasonable **enough**. No one is going to stop you from having a afternoon drink at the beach

Pete Jury

Soon you will need to buy a ticket to walk on the beach 🍷🍷

2w Like Reply Hide 1

Schedule of speakers to the draft Alcohol Control Bylaw amendment

Speaking time	Name of submitter	Submission number
TBC	Greg Stevenson	22
TBC	Celewin Vazey	31
TBC	Pat Workman	95
TBC	Mike Rickman	203
TBC	Carole Long – Forest and Bird Te Puke Branch	65
TBC	Kevin Davies	75
TBC	Kerry McCaffery	185
TBC	John Tawharu	192
TBC	Helen Mary Smith	207
TBC	Susan Hodgkinson	210
TBC	Andrew Galloway- Executive Director Alcohol Healthwatch	212

11.9 Submission on Resource Management (Consenting and Other System Changes) Amendment Bill 2024

File Number: A17438219

Author: Janine Speedy, Team Leader: City Planning

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

PURPOSE OF THE REPORT

1. The purpose of this report is to seek approval for Tauranga City Council (Council) to make a submission to the Select Committee regarding the Resource Management (Consenting and Other System Changes) Amendment Bill 2024.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Submission on Resource Management (Consenting and Other System Changes) Amendment Bill 2024".
- (b) Endorses the submission to the Select Committee on the Resource Management (Consenting and Other System Changes) Amendment Bill 2024 included as Attachment 1.

EXECUTIVE SUMMARY

2. On 9 December 2024, central government released the Resource Management (Consenting and Other System Changes) Amendment Bill 2024 (the Bill) that proposes amendments to the Resource Management Act 1991 (RMA).
3. The Bill amends the RMA to progress Government priorities, including making it easier to consent new infrastructure, including for renewable energy, building houses, and enhancing the primary sector; simplifying the planning system; encourage investment in renewable energy; facilitating the efficiency and development of ports; and making the Medium Density Residential Standards (MDRS) optional for councils.
4. Submissions on the Bill close at 11.59pm Monday 10 February 2025, and it is intended that the Bill is passed in the third quarter 2025.
5. Staff have prepared a proposed submission for consideration, which generally supports the proposed amendments, included as Attachment 1. However, the draft submission also sets out specific points to seek clarity on some matters, and proposes minor amendments to improve efficiency and effectiveness; as well as further amendments to sections of the RMA to remove City Plan implementation challenges.

BACKGROUND

6. The Government is taking a phased approach to reforming the resource management system as follows:

Phase 1	Repeal the Natural and Built and Environment Act and Spatial Planning Act	Complete
Phase 2	Introduce and pass the Fast-Track Approvals Bill	Complete

	Introduce and pass the Resource Management (Freshwater and Other Matters) Amendment Bill	Complete
	Introduce and pass the Resource Management (Consenting and Other System Changes) Amendment Bill	Underway
Phase 3	Repeal and replace the RMA 1991 based on the enjoyment of private property rights	Starting mid-2025

7. The Resource Management (Consenting and Other System Changes) Amendment Bill (the Bill) was released for consultation on 17 December 2024. Submissions are due by 11.59pm Monday 10 February 2025 and it is intended that the Bill be passed by the third quarter 2025.
8. The Bill makes amendments to the RMA under the following topics:
 - a. Infrastructure and energy;
 - b. Housing growth;
 - c. Farming and the primary sector;
 - d. Natural hazards and emergencies; and
 - e. System improvements.
9. The objective of the Bill is to amend the RMA to progress the following government priorities:
 - a. Make it easier to consent new infrastructure, including for renewable energy, building houses, and enhancing the primary sector.
 - b. Encourage investment in renewable energy.
 - c. Make the MDRS optional, with the need to ratify use of the MDRS.
 - d. Implement the Going For Housing Growth policy to unlock land for housing, build infrastructure, and allow communities to share the benefits of growth.
 - e. Facilitate the development and efficiency of ports, and strengthening international supply networks.
 - f. Simplifying the planning system.
10. Given the proposed amendments relate to matters that directly affect TCC such as resource consents, compliance, plan changes, designations, natural hazards and emergency responses, it is recommended that a submission is made on the Bill. Staff have considered all the proposed amendments and prepared a proposed submission for Council consideration, included as Attachment 1.
11. The submission supports the general intent of the Bill, in particular:
 - a. Making it easier to consent and designate new infrastructure;
 - b. Providing flexibility around the implementation of the medium density residential standards (MDRS) and enabling alterations to the MDRS using a streamlined planning process (SPP);
 - c. Enabling the ability to refuse land use consent or impose conditions when significant natural hazard risks are present;
 - d. Providing for immediate legal effect of rules in a proposed plan that relate to natural hazards;
 - e. Providing the ability to recover monitoring costs for permitted activities, increased penalties for non-compliance and greater ability to consider ongoing non-compliance;
 - f. Improvement to resource consent processes;
 - g. A new section that relates to emergency response regulations.
12. However, the submission does set out a number of specific submission points that seek to clarify the intent of the legislation or seek minor changes to improve efficiency and

effectiveness. Ensuring that the legislation is coherent, navigable and achieves its intended purpose is essential to ensuring successful implementation for Council.

13. While the majority of the submission points relate to improving the proposed amendments, there are two submission points that are likely to be of key interest to elected members, being:
 - a. Support to provide flexibility around the implementation of the MDRS (submission point 7.1.1.); and
 - b. Oppose removing the ability to appoint elected members to a SPP Panel (submission point 7.2.9).
14. Government is also undertaking a significant review of national direction (review and proposed new national policy statements and national environmental standards). Consultation on these is yet to be released, but anticipated in the first quarter of 2025. There are strong links between some amendments in the Bill and future national direction changes. Of particular concern is the inability to review the revised National Policy Statement on Urban Development alongside the Bill. The draft submission highlights the difficulty to provide a well-considered submission on the Bill when there is no visibility over other planning instruments that are yet to be released as part of the changes to national direction.
15. The submission also considers that the amendments being undertaken as part of Phase 2 provides an opportunity to address other challenges Council are facing when administering the Tauranga City Plan, particularly in the context of imminent changes to national direction and further resource management reform. More specifically the submission seeks to:
 - a. Enable Councils to initiate, without a direction from the Minister, a streamlined planning process for rezoning greenfield areas and undertaking any plan changes that are required to give effect to the upcoming changes to national direction;
 - b. Remove/defer the requirement to implement national planning standards; and
 - c. Remove/defer the requirement for councils to review district plans every 10 years.

STATUTORY CONTEXT

16. The Bill is part of Phase 2 of the resource management reforms. It is proposed that Council make a submission on the Bill to the Select Committee as the proposed amendments will impact and influence RMA processes that Council are responsible for.

STRATEGIC ALIGNMENT

17. 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	✓

18. The Bill proposes amendments to the RMA to provide for growth of the city through improved consenting, compliance and plan change processes. Proposed amendments also ensure natural hazards are well considered in planning for the city and management of an event.

FINANCIAL CONSIDERATIONS

19. There are no financial considerations associated with this report.

LEGAL IMPLICATIONS / RISKS

20. Legal advice has been obtained to assist staff understand the implications and opportunities of the proposed changes in the Bill. The legal advice has informed the draft submission.

TE AO MĀORI APPROACH

21. Due to the short timeframes to prepare the draft submission, TCC has not undertaken consultation with tangata whenua on the Bill. The Bill does not seek to amend any engagement with tangata whenua or cultural considerations that is required through resource consent or plan change processes.

CLIMATE IMPACT

22. The Bill proposes amendments that enable council's to better consider climate change effects, such as enabling council the ability to refuse land use consent or impose conditions when significant natural hazard risks are present. The draft submission supports proposed amendments which enable councils to better consider natural hazards in plan change and resource consent processes and the new section which relates to emergency response regulations.

CONSULTATION / ENGAGEMENT

23. In preparing the draft submission, staff have undertaken internal engagement with teams involved in resource consents, emergency management, compliance and infrastructure to seek input and feedback on the Bill. All feedback has been collated and included in the draft submission.
24. Some external engagement was undertaken with other councils on the Bill to identify submission points, which have also been considered as part of the preparation of the submission.

SIGNIFICANCE

25. 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.
26. 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.
27. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of low significance.

ENGAGEMENT

28. 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

29. Following endorsement of the submission included as Attachment 1, it will be lodged with the Select Committee. We will request the opportunity to speak to our submission.

30. Staff will report back to Council on the final Bill once enacted.

ATTACHMENTS

1. **Submission on the Resource Management (Consenting and Other System Changes) Amendment Bill - A17436364**  



**Submission to the
Select Committee**

**Resource Management (Consenting and
Other System Changes) Amendment Bill**

February 2025

1. Introduction

- 1.1 Tauranga City Council (TCC) welcomes the opportunity to submit on the Resource Management (Consenting and Other System Changes) Amendment Bill (Bill).
- 1.2 If there is an opportunity, TCC would like to be heard by the Committee.
- 1.3 We are available to discuss our submission further with you or provide additional information and evidence that would be of assistance. Enquires should be directed to:

Andrew Mead, Manager: City Planning & Growth

027 763 5762

andrew.mead@tauranga.govt.nz

2. Overview of TCC's submission on the Bill

- 2.1 TCC supports the general intent of the Bill, in particular:
 - a. Making it easier to consent and designate new infrastructure;
 - b. Providing flexibility around the implementation of the medium density residential standards (MDRS) and enabling alterations to the MDRS using a streamlined planning process (SPP);
 - c. The ability to refuse land use consent or impose conditions when significant natural hazard risks are present;
 - d. The immediate legal effect of rules in a proposed plan that relate to natural hazards;
 - e. The new section that relates to emergency response regulations;
 - f. Ability to recover monitoring costs for permitted activities, increased penalties for non-compliance and greater ability to consider ongoing non-compliance; and
 - g. Improvements to resource consent process such as the ability to return applications and review of draft conditions.
- 2.2 However, TCC has a number of specific submission points that seek to clarify the intent of the legislation or seek minor changes to improve efficiency and effectiveness. Ensuring that the legislation is coherent, navigable and achieves its intended purpose is essential in ensuring its successful implementation.
- 2.3 TCC also considers that the Bill provides an opportunity to address other challenges we are facing when administering the Tauranga City Plan (City Plan), particularly in the context of imminent changes to national direction and further resource management reform. More specifically:

1

Tauranga City Council – Submission Resource Management (Consenting and Other System Changes)
Amendment Bill

- a. Enable Councils to initiate, without a direction from the Minister, a streamlined planning process for rezoning greenfield areas and undertaking any plan changes that are required to give effect to the upcoming changes to national direction;
 - b. Remove or extend the timeframes to implement national planning standards; and
 - c. Amend the requirement for councils to review district plans every 10 years.
- 2.4 TCC would also like to note the difficulty with providing feedback on the Bill in the absence of further information on the amended national direction.

3. Context and background

Tauranga City Council is a high-growth Council and Faces Challenges with Growth Management.

- 3.1 Tauranga is the fourth smallest territorial authority by land area at 135km² and has experienced sustained levels of high growth driven by strong inward migration and to a lesser extent natural population increase. This strong growth is projected to continue in the future. At June 2022, the resident population of the city was estimated to be around 157,900 people and 56,150 occupied dwellings^[1]. The population is expected to continue to grow over the next thirty years to 212,700, an increase of 54,800. This requires a further 30,000 homes to be delivered on top of an existing housing shortage of around 5,000 homes.
- 3.2 TCC is a high-growth Council, and as such is a Tier 1 Council under the National Policy Statement on Urban Development (NPS-UD). Due to this, TCC was required to prepare an intensification planning instrument (Plan Change 33). This became operative in July 2024. Variation 1 to Plan Change 33 is currenting with the independent hearings panel to make their recommendations. We anticipate that Variation 1 will be operative by June 2025.

4. Overview of submission structure

- 4.1 This submission is structured in topics as follows:
- General.
 - Infrastructure (including energy).
 - Housing.
 - Emergencies and natural hazards.
 - System improvements.

5. General

5.1 General Comments

^[1] Stats NZ Estimated Resident Population (ERP) for Tauranga City as at 30 June 2022 is 157,900 people.

Timing of the release of this Bill in relation to the national direction package:

- 5.1.1 TCC generally supports the intent of the Bill, however it is difficult to provide well-considered submissions on the Bill when we do not have visibility over other planning instruments that are yet to be released as part of the changes to national direction. There are strong links between some amendments in the Bill and future national direction changes. Of particular concern is the inability to review the revised NPS-UD alongside the Bill. Several of the amendments put forward in the Bill can only be interpreted in the context of the revised NPS-UD. It would also be beneficial to understand the proposed changes to national direction for emergencies, natural hazards, infrastructure and energy as they closely link to the Bill.

5.2 Key matters to be considered for inclusion in the Bill:

Para #	Clause/Topic	Discussion	Relief sought
5.2.1	Streamlined planning process – Removing the requirement for a direction from the Minister in certain circumstances.	<p>While TCC generally supports the amendments to the SPP process, one key change is requested. It is considered that there is value in enabling Councils to initiate, without a direction from the Minister, a streamlined planning process for other planning instruments that are not listed planning instruments. There are two scenarios where this process would be particularly beneficial; rezoning greenfield areas and undertaking any plan changes that are required to give effect to the upcoming changes to national direction.</p> <p>The current processes for zoning residential and business land under Schedule 1 are slow and uncertain. There is an opportunity to improve Tauranga's current residential and business land shortfall situation relatively quickly in some locations if a more certain and faster zoning pathway is provided.</p> <p>In addition, if the upcoming changes to national direction are to be implemented through plan changes that are time bound (like the IPI was), then there are benefits in providing councils with an efficient pathway to utilise the SPP without the requirement for Ministerial approval under cl77 of Schedule 1. This will save both cost and time.</p> <p>We acknowledge that the RMA already provides a SPP, however councils are required to apply to use the SPP rather than give notice. However, TCC's experience is that getting approval to use the SPP is long and cumbersome. This is to the point where, in the past, TCC has made the decision to use the standard Schedule 1 process to start a plan change processes more quickly rather than pursue a SPP pathway.</p> <p>TCC found the Intensification Streamlined Planning Process (ISPP) for the Intensification Planning Instrument (IPI) extremely efficient and made Plan Change 33 – Enabling Housing Supply operative in July 2024, less than two years after notification.</p> <p>It appears that amendments enable councils to prepare more than one plan change to give effect to any non-compliance with a national policy statement. It is important that multiple plan changes are enabled. In the Tauranga context, more than one plan change will be required to meet the anticipated requirements in the NPS-UD to provide 30 years of development capacity.</p>	<p>The following relief is sought to enable a truly quick and simple process under the RMA:</p> <ol style="list-style-type: none"> Amending the SPP, by removing the need for Ministerial approval to utilise this process where a plan change relates to greenfield development or is giving effect to a specific requirement for a plan change under an (National Policy Statement) NPS <u>or</u> providing timely approval within specified timeframes; and Amending the SPP to expand it so that it clearly allows for greenfield development, including all relevant land uses such as residential, commercial centres and industrial areas and plan changes specifically required by an NPS.

Para #	Clause/Topic	Discussion	Relief sought
5.2.2	10-year review of district plans - amend the requirement for councils to review district plans every 10 years.	<p>TCC resolved to progress a full review of the district plan in 2020 to meet our legislative requirements for a 10-year review. In November 2021, TCC resolved to progress with priority plan changes in place of a district plan review. This was largely due to the resource management reforms by the previous government which would have made the outcomes of a full review redundant. These reforms were enacted and then subsequently repealed.</p> <p>Under the current government, direction has been provided that RMA Phase Three will be the long-term solution to replace the RMA and current district plan requirements.</p> <p>TCC is now in a position where it is non-compliant with the 10-year review requirement for its district plan but we consider that it is inefficient use of resources, time and budget to progress a full district plan review at this time and that there should be the ability to wait for the completion of Phase Three to understand the legislative requirement around district plans (or their replacement/equivalent under a new planning system).</p>	<p>Amendments are made to remove (or suspend) the requirements for councils to undertake a 10-year review of district plans. It is anticipated that Phase Three will provide the direction on the future of district plans and councils should in the meantime progress priority plan changes and/or focus on implementation requirements that will emerge out of the upcoming change in national direction in order to use limited resources efficiently and not impose significant unnecessary cost upon ratepayers.</p>
5.2.3	National Planning standards - remove the requirement to implement national planning standards.	<p>The National Planning Standards provide for consistency of format and definitions across district plans but have very limited impact on plan content and providing for community needs, including growth. Implementation is a major exercise requiring the reformatting of the whole City Plan document and the implementation of new definitions that will create a range of consequential challenges that will need to be addressed.</p> <p>TCC was required to implement the RMA National Planning Standards into its City Plan by May 2024. TCC have obtained legal advice that a plan change which is progressed after May 2024 is required to implement the national planning standards. It is impracticable to give effect to some of the standards as part of a proposed plan change. For example, if there are significant differences in structure, format and content between the national planning standards and the operative district plan. There is risk that through Council undertaking plan changes to give effect to national direction, the process becomes complex or requires rework where submissions are received to implement the National Planning Standards.</p> <p>Implementation of National Planning Standards in an ad hoc manner through plan changes is inefficient, time consuming and will lead to inconsistencies within the City Plan which will be confusing for plan users.</p>	<p>The following relief is sought:</p> <ol style="list-style-type: none"> Remove or extend the timeframes to implement national planning standards; and Consider introducing a requirement through Phase Three of the reforms to comply with national planning standards as part of the development of combined plans if these are retained in the new system.

Para #	Clause/Topic	Discussion	Relief sought
5.2.4	Section 25A(3) - Minister may direct preparation of plan, change, or variation	TCC considers that section 25A(3) is not required given that section 25A already exists. Section 25A (1) and (2) already provides the Minister with the ability to direct a council to prepare a plan change. This is considered unnecessary duplication.	Reconsider whether Section 25A(3) is required.

6. Infrastructure (including energy)

6.1 Specific comments

	RMA Provision	Submission	Discussion/Issue	Relief Sought
6.1.1	Section 2(1) – Interpretation - Electricity distribution network	Clarify	The Bill includes a proposed definition for <i>electricity distribution network</i> . The NPS-REG includes a definition for <i>distribution network</i> which is different from the proposed RMA definition. Keeping definitions consistent through the RMA hierarchy would provide for more efficient and effective processes.	Clarify if the definitions for <i>distribution network</i> will be aligned between the RMA and the NPS-REG.
6.1.2	Section 2(1) - Interpretation	Retain	The interpretation terms enhance clarity, consistency, and a shared understanding for applicants and consent authorities, and provides a common framework for interpreting and applying the provisions. The definitions are kept open-ended, enabling further refinement through future NPSs and National Environmental Standards (NESS).	Retain the following definitions as proposed: <ul style="list-style-type: none"> • electricity network. • national grid. • specified energy activity. • treaty settlement.
6.1.3	Section 2(1) – Interpretation - Long-lived infrastructure	Clarify and Amend	TCC is concerned that the proposed definition does not recognise three-waters. Clause (c) does not differentiate between renewable and non-renewable electricity generation. As New Zealand has committed to achieving net zero greenhouse gas emissions by 2050, TCC believes it important that this is limited to renewable electricity generation.	Add three-waters infrastructure to the definition of <i>long-lived infrastructure</i> ; And Amend clause (c) to limit to renewable electricity generation only.
6.1.4	Section 2(1) – Interpretation - Wood processing activity	Clarify	It is unclear what 'long-lived' means within clause (a) of the definition for <i>wood processing activity</i> , i.e. is there a time period that signifies this term.	Clarify meaning of 'long-lived' in the definition of <i>wood processing activity</i> .
6.1.5	Section 70 - Rules about discharges	Retain	Support proposed amendments relating to discharge consents as it allows more permitted activities as long as they are contributing to a betterment of the current situation.	Retain s70 as proposed.

7. Housing

7.1 Medium Density Residential Standards

	RMA Provision	Submission	Discussion/Issue	Relief Sought
7.1.1	Section 77FA(3) - Decision of specified territorial authority relating to MDRS	Amend	The requirement for council to make a decision on the retention, alteration or removal of the MDRS within 12 months of the commencement of the section is onerous given the amount of information that would be required to inform a decision. This would include a development capacity assessment required in accordance with the NPS-UD. In addition, it seems superfluous to require council to make a decision on the MDRS and this adds an unnecessary step. However, we support having the flexibility to alter or remove the MDRS at a time of our choosing as provided for in s77FB.	Amend s77FA(3) to increase the timeframe from 12 months to 24 months. OR Delete the requirement for council to make a decision on the retention, alteration or removal of the MDRS but retain flexibility so that council can alter or remove the MDRS at a time of its choosing.
7.1.2	Section 77FA(4)(b) - Decision of specified territorial authority relating to MDRS	Amend	Consistent communication from the government and the Regulatory Impact Statement indicates that MDRS is to be made optional if the local authority can demonstrate that 30 years of housing capacity growth is provided. However, the proposed clauses do not implement this intention as there is no specific mention of 'housing targets' or '30 years of housing capacity but rather reference the NPS-UD generally.	Amend s77FA(4)(b) to refer to 'housing development capacity targets in the NPS-UD' rather than the 'revised NPS-UD'.
7.1.3	Section 77FB - Later decisions of specified territorial authority on MDRS	Retain	TCC supports the flexibility for councils to alter or remove the MDRS in the future if the decision is made to retain the MDRS under section 77FA(3).	Retain s77FB as proposed.
7.1.4	Sections 77I – 77L and sections 77O-77R – existing sections on Intensification requirements in residential zones	Clarify/Amend	The Bill introduces flexibility over the implementation of the MDRS. If the MDRS is to be optional, then Qualifying Matters are not required to justify the amendment or removal of the MDRS. Qualifying Matters are also used to justify a modification to Policy 3 of the NPS-UD in relation to specific areas. The requirements for this are set out in both the RMA and the NPS-UD. As the City Plan is required to 'give effect' to the NPS-UD it is considered unnecessary to duplicate the qualifying matter requirements in the RMA. Therefore, ss77I-77L and ss77O-77R are duplicating the NPS-UD.	Clarify the purpose of ss77I – 77L in relation to the MDRS and Policy 3; OR Delete either: <ul style="list-style-type: none"> Any reference to MDRS in ss77I – 77L; OR Delete ss77I-77L and ss77O-77R.

	RMA Provision	Submission	Discussion/Issue	Relief Sought
7.1.5	80E(2)(h)-(j) – Meaning of intensification planning instrument	Retain	TCC supports the inclusion of natural hazards, business and commercial zones and matters related to increasing or reducing the ability to develop a site as a related provision in relation to a Housing Planning Instrument.	Retain s80E(2)(h), (i) and (j).

7.2 Streamlined Planning Process

	RMA Provision	Submission	Discussion/Issue	Relief Sought
7.2.1	Section 80CA - Notice to responsible Minister for direction relating to listed planning instrument	Clarify	Section 25A(4) states that the <i>Minister</i> may direct a local authority to prepare a plan change and the direction may include which process to use and the timeframe for completion. However, s80CA requires a local authority that has received a direction under the above section to notify the <i>responsible Minister</i> for a direction to proceed.	Clarify whether the Minister in s25A is the same Minister referred to in s80CA.
7.2.2	Schedule 1, clause 25(4A) - Local authority to consider request on private plan changes	Amend	In relation to a private plan change, clause 25(4A) states that "A specified territorial authority must not accept or adopt a request if it does not incorporate the MDRS as required by section 77G(1)." However, s77G(1) has changed 'must' to 'may'.	Amend to ensure consistency with s77(G)(1).
7.2.3	Schedule 1, clause 75A - Content of notice for direction relating to listed planning instrument	Amend	As proposed, Schedule 1, clause 75A does not require the local authority to notify the Minister of any relevant obligations set out in any iwi participation legislation or Mana Whakahono a Rohe. However, Schedule 1, clause 76(2)(c) requires the Minister to consider relevant obligations set out in any iwi participation legislation or Mana Whakahono a Rohe. It would be a more efficient to require the local authority to identify and notify the Minister of any relevant obligations to iwi participation legislation or Mana Whakahono a Rohe. This approach would eliminate the need for the Minister to seek this information at a later stage.	Amend Schedule 1, clause 75A(2) to include the following: (e) <u>any relevant obligations set out in any iwi participation legislation or Mana Whakahono a Rohe.</u>
7.2.4	Schedule 1, clause 75A(2)(b) - Content of notice for direction relating to listed planning instrument	Retain	TCC supports Schedule 1, clause 75A which relates to the content of notice for direction relating to a listed planning instrument. Subclause (2)(b) requires that the local authority describes the process they wish to use.	Retain Schedule 1, clause 75A(2)(b).

	RMA Provision	Submission	Discussion/Issue	Relief Sought
7.2.5	Schedule 1, clause 75A(2)(d) - Content of notice for direction relating to listed planning instrument	Amend	A local authority would be making an educated guess at the number of independent commissioners and the expertise required under s75A(2)(d). Understanding what and who is required for a hearing panel is not known until submissions are received and the key issues are identified.	Delete Schedule 1, clause 75A(2)(d) and consider its inclusion in the SPP process after submissions have been summarised.
7.2.6	Schedule 1, clause 75A(3) - Content of notice for direction relating to listed planning instrument	Amend	Schedule 1, clause 75A(3) is related to a housing planning instrument, with the notice for direction requiring information on the quantity and location of development capacity enabled to give effect to the revised NPS-UD. The NPS-UD requires development capacity for both housing and business land, therefore it is unclear as to whether the local authority is only providing information around housing development capacity.	Amend Schedule 1, clause 75A(3) as follows: (3) If the listed planning instrument is a housing planning instrument, the notice must also contain information on how the quantity and location of <u>housing</u> development capacity that is enabled by the instrument will give effect to the revised NPS-UD.
7.2.7	Schedule 1, clause 77 - Responsible Minister's decision	Amend	It is unclear whether a listed planning instrument is subject to the requirements of Schedule 1, clause 77. There is no exclusion within clause 77 for listed planning instruments, however sub-clause (1) references only an 'application'. It is not efficient or effective for the responsible Minister to be able to decline a local authority's application to request a SPP required under the RMA.	Amend Schedule 1, clause 77 to exclude listed planning instruments.
7.2.8	Schedule 1, clause 83(2) - Establishment of SPP panel	Amend	TCC considers that there is a sufficient process within Schedule 1, clause 96 the RMA for councils to make a decision on the appointment of the hearings panel to make recommendations. A council should be provided the opportunity to consider whether an accredited elected member is appointed to the hearings panel.	Delete Schedule 1, clause 83 and rely on Schedule 1, clause 96.
7.2.9	Schedule 1, clause 84(1) - Powers, functions, and duties of SPP panel	Amend	Schedule 1, clause 84(1) as proposed in the Bill, applies clauses 97 and 98 to the SPP Panel. However, clause 97 then references Schedule 1, clause 96(1)(a). Schedule 1, clause 96(1)(a) relates to establishing an IHP for an IPI rather than the SPP. TCC supports the process set out in Schedule 1, clause 96 rather than Schedule 1, clause 83(2), however we do not consider this was the intention in the drafting.	Amend Schedule 1, clause 84(1) to ensure all relevant clauses are identified to that require necessary modification as if a reference to an IHP were a reference to an SPP.

	RMA Provision	Submission	Discussion/Issue	Relief Sought
7.2.10	Schedule 1, clause 84(2) - Powers, functions, and duties of SPP panel	Amend	Schedule 1, clause 84(2) modifies references to 'specified territorial authority' to 'local authority' and modifies 'IPI' to 'planning instrument' in Schedule 1, clauses 99 and 100. However, this clause fails to amend reference to 'independent hearings panel' to 'SPP panel' as it has done in clause 84(1).	Amend Schedule 1, clause 84(2) to amend references to 'independent hearings panel' to 'SPP panel'; OR Amend Schedule 1, clause 84(1) to include clauses 99 and 100.
7.2.11	Schedule 1, clauses 85 and 86 Section 80B(2) - Local authority to consider recommendations and notify decisions on them	Clarify	TCC is unclear on the process to make 'alternative solutions' operative if there are no appeals to decisions. There does not seem to be an equivalent clause to make an 'alternative solution' operative given it is not clear if clause 17 of Schedule 1 is applicable to the SPP as outlined in s80B(2).	Amend section 80B(2) to ensure that clause 17 of Schedule 1 applies.
7.2.12	Schedule 1, clause 85(4) - Local authority to consider recommendations and notify decisions on them	Amend	It is unclear which process is to be used once a Council makes recommendation on a notice of requirement or heritage order.	Clarify the process that applies once a Council makes a recommendation on an notice of requirement or heritage order.
7.2.13	Schedule 1, clause 88(1) - Power to withdraw	Amend	Schedule 1, clause 84 which currently relates to the responsible Minister considering a proposed planning instrument is proposed to be deleted and replaced with a new clause 84 which sets out powers, functions and duties of the SPP panel. Schedule 1, clause 88(1) provides the power to withdraw at any time before the Minister's decision is made under clause 84. Therefore, clause 88(1) requires review.	Amend Schedule 1, clause 88 to reflect the proposed changes to the SPP.
7.2.14	Schedule 1, clause 91	Retain	TCC supports the removal of appeal rights for accepted recommendations.	Retain proposed amendments to Schedule 1, clause 91 as proposed.
7.2.15	Schedule 1, clause 93A	Retain	TCC supports providing limited appeal rights on alternative solutions to rejected recommendations.	Retain proposed Schedule 1, clause 93A as proposed.

	RMA Provision	Submission	Discussion/Issue	Relief Sought
7.2.16	Schedule 1, clauses 94(1) - Scope of appeal rights	Amend	Schedule 1, clause 94(1) identifies the process for a notice of appeal under clause 92 and 93. The proposed new clause 93A should also be referenced in clause 94(1).	Amend Schedule 1, clause 94 as follows: (1) A notice of appeal under clause 92, or 93 <u>or 93A</u> must—

8. Emergencies and natural hazards

8.1 Emergencies

	RMA Provision	Submission	Discussion/Issue	Relief Sought
8.1.1	Section 330 - Emergency works and power to take preventive or remedial action	Retain	The provisions allow a local or consent authority to leave a notice on the land if they enter to take immediate action but are unable to locate the occupier. A similar written notice must then be served to the ratepayer. The inclusion of this provision enables authorised persons to undertake emergency works and enter private property without the permission of the land occupier which is supported in an emergency event.	Retain as proposed.
8.1.2	Section 330A - Resource consents for emergency works	Retain	The provisions extend the period for applying for resource consent following emergency works from 20 to 30 days if there are continuing adverse effects from the activity conducted under s330. This extension does not remove the need to apply for resource consent but provides an additional 10 working days.	Retain as proposed.
8.1.3	331AA - Emergency response regulations	Retain	TCC supports the intent of this section.	Retain the intent of this section and consider the detailed amendments as set out below.
8.1.4	Section 331AA(2) - Emergency response regulations	Amend	This subsection should ensure the Minister is confident that any proposed recovery efforts (re-development) in an area affected by natural hazards will be resilient from anticipated climate change impacts now and in the future.	Recommend adding an additional subsection after (c) as follows: <u>(ca) Consider whether climate change impacts warrant restricting development</u>
8.1.5	Section 331AA(4) - Emergency response regulations	Amend	It is considered that 5 working days to provide meaningful feedback during an emergency will not be possible. All staff will be busy managing the emergency and as such there will not be sufficient resourcing to review, understand and provide feedback by those implementing any proposed regulations.	Amend the timeframe from "5 working days" to 10 working days.

	RMA Provision	Submission	Discussion/Issue	Relief Sought
8.1.6	Section 331AA(6) - Emergency response regulations	Amend	The suggested addition to s331AA(2) is supported, however we seek an amendment to ensure that the minister considers long-term environmental sustainability or recovery objectives outlined in council planning documents.	<p>Include new subclause (i) in s331AA(2) as follows:</p> <ul style="list-style-type: none"> (2) Before recommending emergency response regulations, the Minister must— (a) be satisfied that the proposed regulations are necessary or desirable for the purpose of this Act: (b) be satisfied that the proposed regulations are not broader than is reasonably necessary: (c) consider the effects on the environment that could occur as a result of the proposed regulations and whether any adverse effects can be avoided, remedied, or mitigated: (d) consult the Minister for Emergency Management and Recovery: (e) consult the Minister of Conservation if the regulations affect the coastal marine area: (f) consult any affected councils and relevant Māori entities, and invite them to provide written comments about the proposed regulations: (g) provide a draft of the proposed regulations to the committee of the House of Representatives that is responsible for the review of secondary legislation: (h) have regard to comments, if any, from the committee of the House of Representatives that is responsible for the review of secondary legislation. (i) <u>Ensure that any modifications or alterations to unitary, regional, and district plans do not undermine long-term environmental sustainability, resilience, or recovery objectives.</u>

8.2 Specific comments – Natural Hazards

	RMA Provision	Submission	Discussion/Issue	Relief Sought
8.2.1	Section 86B(3)(f) - When rules in proposed plans have legal effect	Retain	TCC supports the addition of this subsection which will mean that rules relating to natural hazards will have immediate legal effect on notification.	Retain s86B(3)(f) as proposed.
8.2.2	Section 86B(3)(e) - When rules in proposed plans have legal effect	Amend	There is a grammatical error in this section. Upon adding (3)(f), the full stop after (3)(e) should have been deleted and a semicolon and 'or' should have been added.	Amend as follows: (e) provides for or relates to aquaculture activities; <u>or</u>
8.2.3	Section 106A - Consent authority may refuse land use consent in certain circumstances	Retain	TCC supports the intent of this section.	Retain the intent of this section and consider the detailed amendments as set out below.
8.2.4	Section 106A - Consent authority may refuse land use consent in certain circumstances	Clarify	It is unclear in s106A whether the existing and significant risk is calculated on-site or also includes surrounding sites.	Clarify whether the risk discussed in s106A is contained to the proposed site or if it also includes the surrounding area/other properties.

	RMA Provision	Submission	Discussion/Issue	Relief Sought
8.2.5	Section 106A(1) - Consent authority may refuse land use consent in certain circumstances	Amend	<p>The terms 'existing risk' and 'significant risk' are not defined in the RMA.</p> <p>If these terms are not defined in the RMA, they will be defined through litigation, which will be a costly and resource intensive exercise for councils and property owners. Additionally, there is a risk that the intent of this section will not be achieved if either term, 'existing risk' or 'significant risk', is defined on a consent-by-consent basis, leading to inconsistent application.</p>	<p>The following amendments are sought:</p> <p>a. A definition of 'significant risk' is introduced through either the RMA or the upcoming Emergencies and Natural Hazards package.</p> <p>The definition for 'significant risk' needs to provide clear guidance on the event type, i.e.</p> <ul style="list-style-type: none"> (i) The AEP event - 1%, 2% or something else. (ii) The SSP/RCP scenario. The scenario should align with the Ministry for the Environment's Coastal hazards and climate change guidance¹. (iii) The timeframe for a natural hazard occurring should be consistent with the NZCPS, which requires a 100yr timeframe². <p>b. A definition of 'existing risk' is introduced through either the RMA or the upcoming Emergencies and Natural Hazards package.</p> <p>For example, Existing risk means the current, identifiable level of potential harm or danger from natural hazards based on established conditions or historical data before any changes are introduced from a proposed land-use activity.</p>

¹ <https://environment.govt.nz/publications/coastal-hazards-and-climate-change-guidance/>

² It is noted that the NZCPS only relates to coastal hazards and inland councils do not need to give effect to the NZCPS.

	RMA Provision	Submission	Discussion/Issue	Relief Sought
8.2.6	Section 106A(1) and (2) - Consent authority may refuse land use consent in certain circumstances	Clarify	<p>Section 106A requires the consenting authority to consider 'existing risk' and 'significant risk' of natural hazards and undertake an assessment of risk. As written, it is unclear how a property owner or a council is supposed to identify whether the risk on the subject site is 'significant' or not.</p> <p>This is particularly an issue in clause (1)(b) which requires the consent authority to determine if the existing risk has increased to significant risk. There is no threshold identified for existing or significant. In some circumstances it might be simple, for example, erosion will damage a dwelling when it previously did not. However, it will be more difficult to calculate whether existing risk is going to increase to significant risk for water-based hazards. For example, is 99mm water depth acceptable but 100mm considered a significant risk?</p> <p>Without clear direction, the significance of a natural hazard risk will be decided on a consent-by-consent basis and the approach will not be consistent across the country. As noted previously, this approach will be costly and resource intensive and is unlikely to achieve the intent of this section.</p>	<p>It is recommended that a standardised risk assessment is introduced through either the RMA or the upcoming Emergencies and Natural Hazards package. The risk assessment will need to clearly identify what 'significant risk' is, in the terms discussed above.</p> <p>The risk assessment should be linked, either through ss106 and 106A or a definition, to the RMA.</p>
8.2.7	Section 106A(1)(c) - Consent authority may refuse land use consent in certain circumstances	Amend	<p>Subsection (1)(c) states that a land use consent may be refused if existing significant risk is increased by the proposal. As drafted, this clause could lead to unreasonable outcomes. For example, a downstream property may have 1m existing flood depth. A development upstream could increase the flood depth on this affected property by 100mm. However, it is unclear under what circumstances the additional 100mm of water will increase the significant risk.</p>	<p>It is recommended that either subsection (1)(c) is amended, or the upcoming Emergencies and Natural Hazards package clarifies the extent of increase in risk to be considered, i.e. at what point does significant risk become more significant?</p> <p>For example, the clarification could consider whether there will be new or additional material damage to a habitable room and/or whether there will new or increased risk to life.</p>

	RMA Provision	Submission	Discussion/Issue	Relief Sought
8.2.8	Section 106A(2)(a) - Consent authority may refuse land use consent in certain circumstances	Clarify	<p>It is unclear what the term 'combination' means in this subsection. Should the assessment of risk identify and consider:</p> <p>Option A: the different natural hazards affecting an area, e.g. flooding from rainfall and harbour inundation and then using the highest top water level; OR</p> <p>Option B: the interaction of the natural hazards with each other, e.g. flooding from rainfall and harbour inundation can cause compound flooding, thus increasing the water depth. In some instances, the water depth may be deeper than the highest water level modelled for an individual hazard.</p> <p>If new buildings are built to manage individual natural hazards (Option A), then it is likely that some buildings will still be damaged by the cumulative effects of multiple natural hazards. For example, harbour inundation could be 1m deep and the compound flooding could be 1.5m deep. If the finished floor level of a building is set to 1.1m as per Option A (above the individual NH top water level), the building will still flood when the event occurs, because compound flooding has not been considered.</p>	Further direction is required on what 'combination' means in this instance.

	RMA Provision	Submission	Discussion/Issue	Relief Sought
8.2.9	Section 106A(2)(b)-(c) - Consent authority may refuse land use consent in certain circumstances	Amend	Section 106A(2)(b) and (c) are trying to manage a similar issue and can be combined for efficiency.	<p>Amend as follows:</p> <p>(2) For the purposes of subsection (1), an assessment of the risk from natural hazards requires a combined assessment of—</p> <p>(a) the likelihood of natural hazards occurring (whether individually or in combination); and</p> <p>(b) <u>whether the proposed use of land will accelerate, worsen or result in the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and...</u></p> <p>(c) whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b); and</p>

	RMA Provision	Submission	Discussion/Issue	Relief Sought
8.2.10	Section 106A(2) - Consent authority may refuse land use consent in certain circumstances	Amend	<p>The proposed addition of s106A broadens consent processing by requiring natural hazard risk assessments for all land-use consents, previously limited to subdivision under s106. The inclusion of subsection (2)(d) introduces new considerations of adverse effects on health and safety, further expanding the scope of evaluation. While beneficial for assessing potential risks to the environment and community, careful implementation is needed to balance these benefits with applicant obligations. Guidance from MfE and further clarification of the provisions are recommended.</p> <p>The proposed inclusion of s106A(2) (e) and (f) provisions aim to provide greater clarity regarding the hazard assessment required under subsection (1). The key objective is to account for cumulative effects when assessing land-use consents that involve multiple elements in respect of natural hazards, and to determine whether specialist input is necessary as part of this assessment. A number of land-use consents TCC assess do not typically require specialist engineering input in respect of natural hazards.</p>	<p>Add subsections (2)(e) and (f) as follows:</p> <p>(2) For the purposes of subsection (1), an assessment of the risk from natural hazards requires a combined assessment of—</p> <p>(a) the likelihood of natural hazards occurring (whether individually or in combination); and</p> <p>(b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and</p> <p>(c) whether the proposed use of the land would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b); and</p> <p>(d) whether the proposed use of the land would result in adverse effects on the safety or health of people;_</p> <p>(e) <u>whether the proposed use of land will create or increase the existing risks to natural hazards, including any cumulative effects; and</u></p> <p>(f) <u>the need for specialist input to assess the technical elements of the natural hazard risk.</u></p>

	RMA Provision	Submission	Discussion/Issue	Relief Sought
8.2.11	Section 106A(3)(a) - Consent authority may refuse land use consent in certain circumstances	Amend	Section 106A(3)(a) should be more directive. This subsection would provide clearer direction of expectation to the consent authorities and property owners, and thus be more efficient and effective, if it focused solely on avoiding or mitigating natural hazard risk.	Amend as follows: (3) Conditions imposed under subsection (1) must be— (a) for the purposes of avoiding or mitigating the effects of any significant risk from natural hazards; and (b) of a type that could be imposed under section 108.
8.2.12	Section 149N – When a rule has legal effect	Retain	The amendments to s149N to include natural hazards are supported.	Retain as proposed.

9. System improvements

9.1 Monitoring and Compliance

	RMA Provision	Submission	Discussion/Issue	Relief Sought
9.1.1	Section 36 Section 314A Section 339 – Charges, penalties and ability to revoke or suspend a resource consent	Retain	TCC support the ability for councils to recover costs for permitted activity monitoring and response to non-compliance. The amendments to enforcement are helpful, particularly the increase to penalties, the ability to decline applications due to previous non-compliance, and the option to apply to have consents revoked as a result of significant/ongoing non-compliance.	Retain as proposed.

9.2 Processing Resource Consents and designations

	RMA Provision	Submission	Discussion/Issue	Relief Sought
9.2.1.	Section 37 - Power of waiver and extension of time limits	Retain	This amendment ensures s88BA is upheld and not overridden by s37. Section 37 extensions remain applicable to other timeframes but are excluded from the one-year limit. This is unlikely to significantly affect daily resource consent processing.	Retain as proposed.
9.2.2	Section 88BA - Certain consents must be processed and decided no later than 1 year after lodgement	Consider	<p>This will have a minimal impact on day-to-day processing for the following reasons:</p> <ul style="list-style-type: none"> Major renewable energy projects are rare within our jurisdiction. Most applications are typically processed within a one-year timeframe. The one-year timeframe under s88BA does not fully account for interactions with other statutory timeframes, such as notification, decisions, hearings, and submissions. <p>However, statutory timeframes are expected to fit within the one-year limit, creating potential conflicts:</p> <ul style="list-style-type: none"> Complex applications needing significant expert input could face challenges meeting the timeframe. Processing suspensions requested by applicants (e.g., under s91 or s88E(3)) are not explicitly excluded from the one-year timeframe. Current provisions do not require applicants to agree to extend the timeframe to account for suspended periods, creating tension between statutory deadlines and applicant led delays. 	Consider aligning the one-year timeframe under s88BA with applicant initiated holds or suspensions to pause or suspend the timeframe during these periods.

	RMA Provision	Submission	Discussion/Issue	Relief Sought
9.2.3	Section 92(2B) - Further information, or agreement, may be requested	Consider	<p>The proposed section would appear to create very little difference from the status quo. It is already fairly normal for information to only be requested where it is required to assess the effects of the proposal, is proportionate to the nature and significance of the proposal, and where it relates to the purpose of s104(1)(b) or (c).</p> <p>Section 92(2B)(b) is also fairly subjective and may inadvertently result in a lot of back and forth with applicants and agents as to whether the information is required.</p> <p>Section 92(2B)(c) is subjective and again likely to be a source of debate that may add costs and delays.</p>	Consider whether this addition is required.
9.2.4	Section 92A(3) - Responses to information request	Consider	<p>The current wording 'must' helps to enforce adherence to strict timeframes. Changing this wording could undermine this, which could impact on consenting timeframes negatively. The current use of the word 'must' is an effective way of ensuring applicants seek to provide this information in as timely fashion as possible (and council already has discretion to extend this period, as does the applicant via s357)</p>	Retain as existing wording.
9.2.5	Section 92AA - Consequences of applicant's failure to respond to requests	Retain/Amend	<p>The ability to return 'on hold' applications after a certain period is a welcome addition from a consent processing perspective. Council currently has no mechanism for returning applications that are 'on hold' and not progressing – in some circumstances resource consents can remain 'on hold' for several years. Even when an applicant has absolutely no intention of progressing a lodged resource consent, it still cannot be returned, relying on the applicant to voluntarily withdraw it. The framework for returning applications also seems fair, logical and a workable way for managing applications on hold for long periods.</p> <p>A similar section could be easily added to s91 for applications that are on hold 'deferral pending application for additional consents'. This is another problem area where resource consents can go 'on hold' and essentially be abandoned.</p>	Retain s92AA as proposed, and also replicate this same (or similar) provision for s91.

	RMA Provision	Submission	Discussion/Issue	Relief Sought
9.2.6	Section 107G - Review of draft conditions of consent	Retain/Amend	<p>This is a welcome addition from a resource consent processing perspective. Whilst it has for some time been common practice to share conditions of consent with an applicant prior to consent being granted, this has been limited somewhat by tight timeframes and the lack of appropriate mechanism to place an application 'on hold' for this. This new provision should lead to less objections under s357 and less issues with compliance.</p> <p>However, there is no maximum period specified in the proposed s107G for which an application can be placed on hold. This could create a situation where an applicant could request that an application be placed 'on hold' and it remain on hold for a long period of time. This may occur if the applicant does not like the recommendation of a s42 report or finds a proposed condition particularly onerous. Whilst the current wording of the proposed s107G suggests that council should set a 'reasonable timeframe' there should ideally either be a specified maximum time, or state what happens when an applicant does not agree to conditions e.g. proceed to decision making, return the application.</p>	Retain the current wording and consider including a maximum period for suspension, and explanation around what happens once this period is exceeded.

	RMA Provision	Submission	Discussion/Issue	Relief Sought
9.2.7	Section 100 - Consent authority must not hold hearing unless it determines further information needed	Delete	<p>Section 100 already provides significant scope for consent authorities to not hold a hearing if it is considered appropriate (even if a submitter wishes to be heard). It is worth noting that s100(a) as it currently reads is a standalone clause (note the use of the word 'or' not 'and' from s100(b) that deals with situations where submitters do not need to be heard.)</p> <p>An increase in the number of decisions made for notified applications without a hearing where people do wish to be heard is likely to create issues around natural justice and undermine the fundamental public participation tenet that underpins the RMA.</p> <p>It may also lead to more objections and appeals. In terms of timeframes, it is also likely to on the whole increase timeframes where applicants seek to engage council in protracted debates around the merits of holding a hearing.</p> <p>The current s100 is an effective tool already in existence to reduce the need for holding a hearing.</p> <p>It is also worth noting that the actual holding of a hearing is a relatively small cost and delay within the scope of a notified resource consent application.</p> <p>It may be more effective to comprehensively review notification and submission processes in the RMA, that more reflect modern digital means of notification and public participation in the process.</p>	Delete proposed section 100.

	RMA Provision	Submission	Discussion/Issue	Relief Sought
9.2.8	Section 123B - Duration of consent for renewable energy and long-lived infrastructure	Retain	<p>The proposed s123B (Regulation 42) supports extended consent durations by extending the lapse period for resource consents for renewable energy activities. This overrides s125(1) for renewable energy activities, specifying the lapsing date is as stated in the consent, or if no date is specified, the consent lapses 10 years after commencement.</p> <p>This is expected to reduce re-consenting cycles and applications for timeframe extensions, provide greater certainty and stability for applicants and stakeholders, recognising the complexity and long lead times of large-scale renewable projects like wind farms and solar arrays.</p> <p>This is more relevant to regional-level consents due to the nature of activities. It is primarily an administrative change with minimal practical effect on day-to-day application processing.</p>	Retain as proposed.
9.2.9	Section 168(3A) (3B) and (3C) - Notice of requirement to territorial authority	Retain	<p>TCC welcomes this amendment from an Outline Plan Approval processing perspective. Many Designations lack conditions to guide an outline plan assessment, and this should assist with this. Also, there is currently very little scope to influence better outcomes through the outline plan process as council's are limited to suggested changes that do not have to be accepted.</p> <p>Applicants are generally aware of this, and often state comments such as 'all this detail has been decided at the Notice of Requirement stage'. Conversely, applicants also often state at the notice of requirements stage that 'all this detail will be provided at the Outline Plan Stage'. Hopefully a more structured designation assessment process will alleviate some of these issues and create certainty around when these issues are to be addressed.</p>	Retain as proposed.
9.2.10	Sections 168A and 171	Retain	<p>TCC supports providing a clearer pathway in relation to designations.</p> <p>From a high-level point of view, the proposed changes to the designations clauses are positive for transport infrastructure planning.</p>	Retain amendments as proposed.

	RMA Provision	Submission	Discussion/Issue	Relief Sought
9.2.11	Sections 184 - Notice of requirement by territorial authority and Section 184A - Lapsing of designations of territorial authority in its own district	Retain	TCC supports increasing the lapse period of designations. From a high-level point of view, the proposed changes to the designations clauses are positive for infrastructure planning.	Retain amendments as proposed.
9.2.12	Schedule 4 - Information required in application for resource consent and Section 88(2AA) and (2AB) – Making an application	Amend	Section 88(2AB) already reflects current practice, that councils exercise some discretion when accepting or returning an application. However, s88(2AA) appears to give the applicant the scope to determine what 'a level of detail that is proportionate to the nature and significance of the activity' is. The strength of the current Schedule 4 and s88 is that it lists the minimum information that must be provided in a clear and concise manner, that is not open to subjectivity. Allowing applicants the scope to decide what information should be provided would likely lead to a significant degradation of the quality of applications, the number of s88 returns and consequential objections, and lengthy debates on what information is required would likely increase timeframes and costs significantly. Previous RMA reforms have sought to strengthen councils' powers around Schedule 4 requirements and emphasised the strict use of s88 by councils to ensure that quality applications are received up front, thereby decreasing the likelihood of s92 delays. The introduction of s88(2AA) would seem to undermine this approach.	Retain s88(2AB) And Delete s88(2AA).

10. Conclusion

- 10.1 TCC welcomes the opportunity to submit on the Bill and generally supports the proposed amendments. Our submission sets out the specific changes to provide clarity, efficient and effective implementation of the RMA.

12 DISCUSSION OF LATE ITEMS

13 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

RECOMMENDATIONS

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.1 - Matua Hori Ahomiro - Asset Realisation Reserve	s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.2 - Spencer Webster, CEO Nga Potiki a Tamapahore Trust - Asset Realisation Reserve	s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.3 - Public Excluded Minutes of the Extraordinary Council meeting held on 25 November 2024	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.4 - Public Excluded Minutes of the Council meeting held on 9 December 2024	s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.5 - Disposal of Properties under Asset Realisation Reserve	s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting

	or disadvantage, commercial activities	would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.6 - Asset Realisation Reserve - 376 No.1 Road, Te Puke (Orchard Block) Divestment Objectives and Disposal Classification	s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.7 - Asset Realisation Reserve - Kairua Road - Divestment Objectives and Disposal Classification	s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.8 - Te Maunga Bioreactor 2 - Contractor Negotiations Update	s6(b) - The making available of the information would be likely to endanger the safety of any person s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.9 - Sale of Marine Precinct - Legal Update	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.10 - Western Bay of Plenty Sub-Regional Deal Proposal	s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for

		withholding would exist under section 6 or section 7
Confidential Attachment 1 - 11.5 - Background Information - Marine Park Reclassification	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege	s48(1)(a) the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
Confidential Attachment 2 - 11.5 - Background Information - Marine Park Reclassification	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege	s48(1)(a) the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

14 CLOSING KARAKIA