



AGENDA

City Future Committee meeting Monday, 31 March 2025

I hereby give notice that a City Future Committee meeting will be held on:

Date: Monday, 31 March 2025

Time: 9.30am

Location: Bay of Plenty Regional Council Chambers
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 – City Future Committee

Common responsibility and delegations

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

Responsibilities of standing committees

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

Delegations to standing committees

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

Terms of reference – City Future Committee

Membership

Chairperson	Cr Marten Rozeboom
Deputy chairperson	Cr Rod Taylor
Members	Deputy Mayor Jen Scoular Cr Hautapu Baker Cr Glen Crowther Cr Rick Curach Cr Steve Morris Cr Kevin Schuler <i>Mayor Mahé Drysdale (ex officio)</i> <i>Tangata Whenua Representative (TBC)</i>
Non-voting members	(if any)
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	Six weekly

Role

The role of the City Future Committee is:

- To consider strategic issues and opportunities facing the city and develop a pathway for the future.
- To consider Tauranga's strategic responses at a sub-regional, regional, and national level as appropriate.
- To ensure there is sufficient land supply for housing and for commercial and industrial purposes.
- To ensure there is sufficient and appropriate housing supply and choice in existing and new urban areas to meet current and future needs.
- To ensure that Tauranga's urban form and transport system enables, supports and shapes current and future sustainable, vibrant and connected communities.
- To ensure there is a clear and agreed approach to achieve measurable improvement in transport outcomes in the medium to long-term including transport system safety, predictability of travel times, accessibility, travel choice, mode shift and improved environmental outcomes.
- To enable Tauranga's urban centres to thrive and provide a sense of place.
- To ensure that council and partner investments in Tauranga's build environment are economically and environmentally resilient.

- To work with all key partners to enhance, protect and restore (where necessary) the wellbeing of our natural environment and harbour to ensure the people of Tauranga can thrive and enjoy the lifestyle this city provides.
- To review and determine the policy framework that will assist in achieving the desired strategic and operational priorities and outcomes for the city.

Scope

- Development and ongoing monitoring and update of the Western Bay of Plenty Transport System Plan and associated programmes and network operating plans.
- Development and ongoing monitoring and update of the Future Development Strategy and urban settlement patterns, including structure plans as required.
- Development and oversight of urban centres strategies, neighbourhood plans and master-plans.
- Development and oversight of the Compact City programme in support of higher development densities and the provision of a greater range of housing options.
- Development of City Plan changes and related matters for adoption by Council.
- Contribution to matters related to the SmartGrowth Strategy and input to the SmartGrowth Leadership Group.
- Regular monitoring of strategic growth-related projects and strategic transport projects.
- Development of strategies, policies, plans and programmes for the medium to long term delivery of social, environmental, economic, cultural and resilience outcomes.
- Ensuring that social, environmental, economic and cultural wellbeing's are promoted through all strategic work considered by the Committee.
- Consideration of significant natural hazards risks across the city, as they apply to current and future land-form and built environment.
- Develop, review and approve policies, including as appropriate the development of community consultation material, the undertaking of community consultation, and the hearing of and deliberating on community submissions.

Power to Act

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

Power to Recommend

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

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.

Order of Business

1	Opening karakia	9
2	Apologies	9
3	Public forum	10
3.1	Vicky Williamson - Urban Task Force.....	10
3.2	Te Waipua Darlene Dinsdale - Te Runanga o Nagti Whakaue ki Maketu	10
3.3	Matire Duncan - Chair - Te Rangapū Mana Whenua o Tauranga Moana.....	10
4	Acceptance of late items	11
5	Confidential business to be transferred into the open	11
6	Change to order of business	11
7	Confirmation of minutes	12
7.1	Minutes of the City Future Committee meeting held on 17 February 2025	12
8	Declaration of conflicts of interest	27
9	Business	28
9.1	Engaging with Tangata Whenua on Resource Consent Applications Policy Review: Hearings and Deliberations.....	28
9.2	Western Corridor (Tauriko) State Highway Transport Update - NZTA	91
9.3	Connecting Mount Maunganui - Project Update and Next Steps	99
9.4	Major Transport Projects Update.....	111
9.5	Waters Planning Update	118
9.6	Water Takes Reconsenting Project Update.....	126
9.7	Deliberations Report - Support and Sponsorship of Tauranga Community Facilities and Activities Policy.....	132
9.8	Draft Amended Dangerous, Affected and Insanitary Buildings Policy: Hearings and Deliberations	156
9.9	City Future Committee Work Programme - April 2025 to March 2026	182
10	Discussion of late items	191
11	Closing karakia	191

1 OPENING KARAKIA

2 APOLOGIES

3 PUBLIC FORUM

3.1 Vicky Williamson - Urban Task Force

ATTACHMENTS

Nil

3.2 Te Waipuia Darlene Dinsdale - Te Runanga o Nagti Whakaue ki Maketu

ATTACHMENTS

Nil

3.3 Matire Duncan - Chair - Te Rangapū Mana Whenua o Tauranga Moana

ATTACHMENTS

Nil

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

7 CONFIRMATION OF MINUTES

7.1 Minutes of the City Future Committee meeting held on 17 February 2025

File Number: A17759407

Author: Anahera Dinsdale, Acting Team Leader: Governance Services

Authoriser: Anahera Dinsdale, Acting Team Leader: Governance Services

RECOMMENDATIONS

That the Minutes of the City Future Committee meeting held on 17 February 2025 be confirmed as a true and correct record.

ATTACHMENTS

1. Minutes of the City Future Committee meeting held on 17 February 2025



MINUTES

**City Future Committee meeting
Monday, 17 February 2025**

UNCONFIRMED

Order of Business

1	Opening karakia	3
2	Apologies	3
3	Public forum	3
4	Acceptance of late items	3
5	Confidential business to be transferred into the open	3
6	Change to order of business	4
7	Declaration of conflicts of interest	4
8	Business	4
8.1	Fifteenth Avenue to Welcome Bay Upgrade - Procurement Strategy	4
8.2	Cameron Road Stage 2 - Project Progression Options.....	6
8.3	Major Transport Projects Update.....	7
8.4	Quarterly Update - Growth, Land Use Planning and Transport Strategy Projects - February 2025.....	8
8.5	Residential Development Feasibility Assessment (Intensification & Greenfields)	9
8.7	Psychoactive Substances (Local Approved Products) Policy 2018 review	9
8.8	Tauranga Wayfinding & Interpretation Signage Strategy for Parks and Reserves.....	10
8.6	2025/26 Development Contributions Policy - Growth Funding Opportunities.....	11
9	Discussion of late items	12
10	Public excluded session	12
	Confidential Attachment 2 8.1 - Fifteenth Avenue to Welcome Bay Upgrade - Procurement Strategy	13
	Confidential Attachment 3 8.4 - Quarterly Update - Growth, Land Use Planning and Transport Strategy Projects - February 2025.....	13
11	Closing karakia	13

**MINUTES OF TAURANGA CITY COUNCIL
CITY FUTURE COMMITTEE MEETING
HELD AT THE BAY OF PLENTY REGIONAL COUNCIL CHAMBERS,
1 ELIZABETH STREET, TAURANGA
ON MONDAY, 17 FEBRUARY 2025 AT 9.30AM**

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

IN ATTENDANCE: Marty Grenfell (Chief Executive), Barbara Dempsey (General Manager: Community Services), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy, Growth & Governance), Sarah Omundsen (General Manager: Regulatory & Compliance), Wally Potts (Director: Waters), Chris Farnsworth (Senior Project Manager: Major Projects), Chris Barton (Programme Director: Major Projects), Jason Spencer (Transport Programme Manager – Major Projects), Richard O’Kane (Senior Project Manager), Andy Mead (Manager: City Planning & Growth), Stacey Mareroa-Roberts (Manager: Strategic Engagement), Claudia Hellberg (Team Leader: Strategy, Growth & Governance), Ben Corbett (Team Leader: Growth Funding), Sandy Lee (Policy Analyst), Ana Hancock (Senior Project Manager), Coral Hair (Manager: Democracy & Governance Services), Anahera Dinsdale (Governance Advisor)

EXTERNAL: Veros – Michael Kemeys and Morgan Jones

Timestamps are included beside each of the items and relate to the recording of the meeting held on 17 February 2025 at [City Future Committee Meeting 31 March 2025](#)

1 OPENING KARAKIA

Cr Baker opened the meeting with a karakia.

2 APOLOGIES

Nil

3 PUBLIC FORUM

Nil

4 ACCEPTANCE OF LATE ITEMS

Nil

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Cr Curach queried the rationale of the Confidential Attachment to Item 8.1 – Fifteenth Avenue to Welcome Bay Upgrade – Procurement Strategy to which General Manager: Infrastructure responded that the Strategy included commercial information that could compromise Council’s position. He noted that he would review the attachment to see if it could be released to the public

with or without redactions. It was further discussed in the meeting during the Item and a resolution was included to reflect that.

6 CHANGE TO ORDER OF BUSINESS

The chair noted that there was an external presenter attending at 1pm to speak to Item 8.5. If required, the agenda will be moved to suit.

7 DECLARATION OF CONFLICTS OF INTEREST

Nil

8 BUSINESS

8.1 Fifteenth Avenue to Welcome Bay Upgrade - Procurement Strategy

Staff Nic Johansson, General Manager: Infrastructure
Chris Farnsworth, Senior Project Manager: Major Projects
Chris Barton, Programme Director: Major Projects

Timestamp: 6 minutes 04 seconds

- A resolution was included to reflect discussion about potentially releasing into public Attachment 2 with or without redactions. It was currently in public excluded due to commercial sensitivity.
- A further resolution was added relating to the Chief Executive's accountability for the project.

Requests from Councillors

- A resolution was included to request a workshop be held to discuss the Fifteenth Avenue to Welcome Bay Upgrade Project..

COMMITTEE RECOMMENDATION

Moved: Cr Marten Rozeboom

Seconded: Cr Hautapu Baker

That the City Futures Committee:

- (a) Receives the report "Fifteenth Avenue to Welcome Bay Upgrade - Procurement Strategy".
- (b) Endorses the Early Contractor Involvement (ECI) procurement model approach.
- (c) Delegates authority to the Chief Executive to approve award of an ECI contract following a competitive public procurement process, noting updates will be provided to the Committee at key design and contract gateway points.
- (d) **Attachment 2** can be transferred into the open following a review by the General Manager: Infrastructure with potential redactions to ensure the commercial negotiation process is not compromised.

AN AMENDMENT WAS PROPOSED:

Moved: Cr Rick Curach

Seconded: Cr Glen Crowther

- (f) Agrees to hold a workshop on the Fifteenth Avenue to Welcome Bay Upgrade - Procurement Strategy.

For: Cr Glen Crowther, Cr Rick Curach, Cr Steve Morris.

Against: Mayor Mahé Drysdale, Deputy Mayor Jen Scoular, , Cr Hautapu Baker, Cr Marten Rozeboom Cr Schuler, Cr Taylor.

THE AMENDMENT WAS PUT AND LOST.

AN AMENDMENT WAS PROPOSED:

Moved: Mayor Mahé Drysdale

Seconded: Deputy Mayor Jen Scoular

- (f) Agrees to hold a workshop on the Fifteenth Avenue to Welcome Bay Upgrade Project

THE AMENDMENT WAS PUT AND CARRIED UNANIMOUSLY.

•

A FURTHER AMENDMENT WAS PROPOSED:

Moved by: Deputy Mayor Jen Scoular

Seconded by: Mayor Mahé Drysdale

- (d) Confirms accountability of the Chief Executive for effective delivery of the Early Contractor Involvement contract for the Fifteenth Avenue to Welcome Bay Upgrade project.

Reason for amendment:

A new resolution (d) was included to reflect discussion about accountability for the effective

delivery of the contract which rested with the Chief Executive.

THE AMENDMENT WAS PUT AND CARRIED UNANIMOUSLY.

COMMITTEE RESOLUTION CFC/25/1/1

Moved: Cr Marten Rozeboom

Seconded: Cr Hautapu Baker

That the City Futures Committee:

- (a) Receives the report "Fifteenth Avenue to Welcome Bay Upgrade - Procurement Strategy".
- (b) Endorses the Early Contractor Involvement (ECI) procurement model approach.
- (c) Delegates authority to the Chief Executive to approve award of an ECI contract following a competitive public procurement process, noting updates will be provided to the Committee at key design and contract gateway points.
- (d) Confirms accountability of the Chief Executive for effective delivery of the Early Contractor Involvement contract for the Fifteenth Avenue to Welcome Bay Upgrade project.
- (e) **Attachment 2** can be transferred into the open following a review by the General Manager: Infrastructure with potential redactions to ensure the commercial negotiation process is not compromised.
- (f) Agrees to hold a workshop on the "Fifteenth Avenue to Welcome Bay Upgrade Project"

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

Abstain: Cr Clen Crowther

CARRIED

8.2 Cameron Road Stage 2 - Project Progression Options

Staff Nic Johansson, General Manager: Infrastructure
Richard O Kane, Senior Project Manager
Chris Barton, Programme Director: Major Projects

Timestamp: 1 hour 0 minutes 35 seconds

The staff report recommended the Committee confirm that the Cameron Road Stage 2 project be placed on hold, subject to further prioritisation and funding considerations in future Annual Plan, Long Term Plan and National Land Transport Programme processes.

The Committee considered that the logic for proceeding with the project was sound and had not changed and requested a report on continuing with Cameron Road Stage 2.

COMMITTEE RESOLUTION CFC/25/1/2

Moved: Mayor Mahé Drysdale

Seconded: Cr Rod Taylor

That the City Futures Committee:

- (a) Receives the report "Cameron Road Stage 2 - Project Progression Options";
- (b) Asks for a report on continuing with Cameron Road stage 2, delivering a project within the envelope of IAF, IFF and DCs that delivers the outcome of value for money with priority on enabling Housing intensity and roading throughput.
- (c) Explores opportunities to reallocate planned project IAF and IFF funding to alternative eligible Council projects.

Reason for decision:

The Committee considered a further report was needed before a decision could be made to place the Cameron Road Stage 2 project on hold as it believed the logic for proceeding with the project (to enable intensification in Te Papa and roading throughput) had not changed.

CARRIED

At 10:55am the meeting adjourned.

At 11.05am the meeting reconvened.

8.3 Major Transport Projects Update

Staff Nic Johansson, General Manager: Infrastructure
Chris Barton, Programme Director: Major Projects
Jason Spencer, Transport Programme Manager – Major Projects

Timestamp: 1 hour 38 minutes 21 seconds

Requests from the Committee:

Mayor Mahé Drysdale was requested to write a letter to the Minister of Transport and New Zealand Transport Agency in support of staff who had been requesting the Pāpāmoa East Interchange on and off ramps from the eastbound lanes be opened earlier than originally scheduled in the second half of 2025.

Staff to provide final costs for the Cameron Road Stage 1 project following the end of the defects liability period for the project, including details for each component of the project (transport and waters).

COMMITTEE RESOLUTION CFC/25/1/3

Moved: Cr Rod Taylor
Seconded: Mayor Mahé Drysdale
That the City Future Committee:

- (a) Receives the report "Major Transport Projects Update".

CARRIED

8.4 Quarterly Update - Growth, Land Use Planning and Transport Strategy Projects - February 2025

Staff Christine Jones, General Manager: Strategy, Growth & Governance
Andy Mead, Manager: City Planning & Growth

Timestamp: 1 hour 50 minutes 10 seconds

Requests from the Committee:

Staff to provide information on the following:

- (a) infrastructure costs for Māori development.
- (b) risks associated with deferring the collection of development contributions to the code of compliance stage

COMMITTEE RESOLUTION CFC/25/1/4

Moved: Cr Steve Morris
Seconded: Cr Hautapu Baker

That the City Futures Committee:

- (a) Receives the report "Quarterly Update - Growth, Land Use Planning and Transport Strategy Projects - February 2025".
- (b) **Attachment 3** can be transferred into the open when development proposal is public and financial arrangements have been agreed between developer, Western Bay of Plenty District Council and Tauranga City Council.

CARRIED

At 12.17pm the meeting adjourned.

At 1pm the meeting reconvened.

8.5 Residential Development Feasibility Assessment (Intensification & Greenfields)

Staff Christine Jones, General Manager: Strategy, Growth & Governance
Andy Mead, Manager: City Planning & Growth
Claudia Hellberg, Team Leader: Strategy, Growth & Governance
Wally Potts, Director: Waters

External Michael Kemeys, Director, Veros
Morgan Jones, Managing Director, Veros

Timestamp: 3 hours 32 minutes 30 seconds

Michael Kemeys and Morgan Jones, through a powerpoint presentation outlined the feasibility for residential developments in Tauranga City. They advised that neighbourhood amenity was important for the liveability and saleability of intensified housing development.

COMMITTEE RESOLUTION CFC/25/1/5

Moved: Cr Steve Morris

Seconded: Cr Hautapu Baker

That the City Futures Committee:

- (a) Receives the report "Residential Development Feasibility Assessment (Intensification & Greenfields)".

CARRIED

Attachments

- 1 Presentation for item 8.5 - Development Feasibility pdf

At 3.06pm the meeting adjourned.

At 3.19pm the meeting reconvened.

At 3.19pm, Mayor Mahé Drysdale withdrew from the meeting.

The Chair noted there would be a change to the order of business due to time restraints so the next item of business was Item 8.7 followed by Item 8.8. with Item 8.6 taken last.

8.7 Psychoactive Substances (Local Approved Products) Policy 2018 review

Staff Sarah Omundsen, General Manager: Regulatory and Compliance

Timestamp: 5 hours 51 minutes 51 seconds

Correction;

- Staff noted that the Attachment noted in the recommendation was incorrect. It should refer to Attachment 3 not Attachment 4. This was corrected in the resolution.

COMMITTEE RESOLUTION CFC/25/1/6

Moved: Cr Rick Curach

Seconded: Cr Rod Taylor

That the City Future Committee:

- (a) Receives the report "Psychoactive Substances (Local Approved Products) Policy 2018 review".
- (b) Adopts a draft updated Psychoactive Substances (Local Approved Products) Policy but waits until a psychoactive product is approved by the Regulatory Authority before formally considering when to commence public consultation on it.
- (c) Approves the following proposed changes to the draft updated policy:
 - (i) Edit the definition of 'sensitive sites' with broad categories of sites and include medical facilities, social welfare facilities, and places of cultural significance as types of sensitive sites. See 'sensitive site' definition on page 2 of the updated policy and the updated map in Attachment 3.
 - (ii) Update the mapped locations of sensitive sites, removing those that are no longer there and adding those that are newly developed, or developing. See the updated map in Attachment 3.
 - (iii) Remove the map in Schedule One of the policy and provide the information on the council website instead.
 - (iv) Maintain the current 75m minimum distance of retail premises from sensitive sites and 50m minimum between retail premises. See Attachment 3 for updated map showing 75m buffer for all sensitive sites.
- (d) Delegates to the General Manager: Regulatory Services the authority to make minor editorial or presentation changes to the draft updated policy for correction or clarity prior to the information going onto the council website.

CARRIED

8.8 Tauranga Wayfinding & Interpretation Signage Strategy for Parks and Reserves

Staff Barbara Dempsey, General Manager: Community Services
Ana Hancock, Senior Project Manager

Timestamp: 5 hours 56minutes 30 seconds

Requests from Committee

- That the costings and signage replacement information be sent to Elected Members.

COMMITTEE RESOLUTION CFC/25/1/7

Moved: Cr Kevin Schuler

Seconded: Cr Glen Crowther

That the City Future Committee:

- (a) Receives the report "Tauranga Wayfinding & Interpretation Signage Strategy for Parks and Reserves".
- (b) Adopts "Option 1: Adopt the Signage and Interpretation Strategy"

CARRIED

8.6 2025/26 Development Contributions Policy - Growth Funding Opportunities

Staff Christine Jones, General Manager: Strategy, Growth & Governance
Andy Mead, Manager: City Planning & Growth
Ben Corbett, Team Leader: Growth Funding

Timestamp: 6 hours 15 minutes 26 seconds

Requests from Committee

- That a workshop be held once Central Government provides direction on the funding and financing tools.

At 4:17pm, Cr Hautapu Baker withdrew from the meeting.

COMMITTEE RESOLUTION CFC/25/1/8

Moved: Cr Rick Curach

Seconded: Cr Marten Rozeboom

That the City Future Committee:

- (a) Receives the report "2025/26 Development Contributions Policy - Growth Funding Opportunities".
- (b) Approves the inclusion of new local development contributions catchments for Tauriko Business Estate Stage 4, Tauriko West and Upper Ohauti.
- (c) Notes that further work is underway on the benefit / potential need to utilise development contributions for the funding of internal infrastructure within Tauriko West, and this will be reported for decision-making alongside the draft Development Contributions Policy at an upcoming Council meeting.
- (d) Approves including growth funding for two components of the Te Maunga Wastewater Treatment Plan upgrade and the Cambridge Road Reservoir upgrade in the draft Development Contributions Policy 2025/26.
- (e) Approves including updated growth funding allocations for the Memorial Park Aquatic Centre and the Central Library in the draft Development Contributions Policy 2025/26 to align funding decisions with assumptions made in the draft Annual Plan 2025/26.
- (f) Notes that this Development Contribution Policy is a mechanism to provide for growth to pay for growth.
- (g) Notes that staff will report the 2025/26 draft Development Contributions Policy to Council in March 2025 incorporating the outcome of upcoming Council decisions relating to the draft Annual Plan 2025/26.

CARRIED

9 DISCUSSION OF LATE ITEMS

Nil

10 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

COMMITTEE RESOLUTION CFC/25/1/9

Moved: Cr Marten Rozeboom

Seconded: Deputy Mayor Jen Scoular

Timestamp: 6 hours 48 minutes 48 seconds

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
Confidential Attachment 2 - 8.1 - Fifteenth Avenue to Welcome Bay Upgrade - Procurement Strategy	<p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	s48(1)(a) the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
Confidential Attachment 3 - 8.4 - Quarterly Update - Growth, Land Use Planning and Transport Strategy Projects - February 2025	<p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including 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

CARRIED**11 CLOSING KARAKIA**

Cr Morris closed the meeting with a karakia.

The meeting closed at 4:29pm.

The minutes of this meeting were confirmed as a true and correct record at the City Future Committee meeting held on 31 March 2025.

.....
Cr Marten Rozeboom
CHAIRPERSON

UNCONFIRMED

8 DECLARATION OF CONFLICTS OF INTEREST

9 BUSINESS

9.1 Engaging with Tangata Whenua on Resource Consent Applications Policy Review: Hearings and Deliberations

File Number: A17521168

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

Authoriser: Sarah Omundsen, General Manager: Regulatory and Compliance

PURPOSE OF THE REPORT

1. To receive the submissions on the draft revised Engaging with Tangata Whenua on Resource Consent Applications Policy, consider the issues raised and adopt the final revised policy.

RECOMMENDATIONS

That the City Future Committee:

- (a) Receives the report "Engaging with Tangata Whenua on Resource Consent Applications Policy Review: Hearings and Deliberations".
- (b) Receives the submissions to the draft revised Engaging with Tangata Whenua on Resource Consent Applications Policy (**Attachment 1**).
- (c) Agrees to:
 - (i) Include an amendment to the purpose section of the policy, to clarify that the policy is intended as guidance on best practice engagement. See the edited clause 1.1 of the draft revised policy.
 - (ii) Remove "adversely" from clause 2.1 of the draft revised policy, to enable any potential affect to be considered appropriate for engagement.
 - (iii) Exclude unit title subdivisions from the suggested engagement on subdivisions of any application site greater than 2000sqm, but do not specify only rural or undeveloped sites. See the amendment to clause 2.3 of the draft revised policy.
 - (iv) Keep the timeframes undefined as per the draft revised policy. See clauses 6.1.3, 6.2.3.1 and 6.2.4.2.
 - (v) Keep the fees for tangata whenua engagement undefined as per the draft revised policy. See clauses 6.2.3.1 and 6.2.4.2.
 - (vi) Continue to reference current Settlement Acts only and keep them under the References and Relevant Legislation (section 8) as per the draft revised policy.
 - (vii) Keep the information regarding council's responsibilities as a consent authority in a separate operational procedure for staff as per the draft revised policy.
- (d) Adopts the updated Engaging with Tangata Whenua on Resource Consent Applications Policy (**Attachment 2**).
- (e) Delegates to the General Manager Regulatory Services the authority to make minor editorial or presentation changes to the updated policy for correction or clarity prior to the policy going onto the council website.

EXECUTIVE SUMMARY

2. On 18 November 2024 the former Community, Transparency and Engagement (CTE) Committee approved the draft revised Engaging with Tangata Whenua on Resource Consent Applications Policy (the policy) for targeted consultation¹.
3. The draft is an update of the 2006 policy. It provides guidance for applicants, tangata whenua and council staff on effective, efficient and meaningful engagement, within the context of resource consent applications under sections 6, 7(a) and 8 of the Resource Management Act (RMA).
4. Targeted consultation took place between mid-December 2024 and mid-February 2025 with three key stakeholder groups 1) professional consultants, including planners and developers, 2) resource management representatives for each iwi/hapū, and 3) Te Rangapū Mana Whenua o Tauranga Moana.
5. Four key notable changes were proposed to the policy and submitters were asked specifically whether they agreed with²:
 - the simplified and updated policy principles
 - the clarification of what the recommended engagement entails
 - the clarification of what the council can do regarding consultation under the RMA, and
 - the additional responsibilities and initiatives for council staff to support the recommended engagement with tangata whenua.
6. They were also asked to provide any other general feedback on the revised policy.
7. Ten submissions were received from the targeted groups with three wishing to speak to their submission. These submitters were generally supportive of the four key changes, except one who disagreed with the proposed clarification of the council's legislated powers regarding consultation. The targeted groups however did raise several other issues regarding the draft revised policy.
8. Additionally, four submissions were received from three individual members of the community via the online survey which was accessible on the council's consultation page³. These submitters were strongly opposed to the subject matter of the policy in general and do not wish to verbally present their submissions.
9. The committee is asked to hear the submissions, consider the issues raised and adopt the revised Engaging with Tangata Whenua on Resource Consent Applications Policy.

BACKGROUND

10. Council's Consultation with Tangata Whenua on Resource Consent Applications Policy 2006 outlines best practice for Tauranga City Council, applicants and tangata whenua regarding resource consent applications under the Resource Management Act 1991 (RMA). Specifically, the policy provides guidance on how and when to engage with tangata whenua on proposed developments, so that cultural impacts can be identified and negative effects mitigated.
11. The review of the policy recommenced in mid-2023 following several interruptions to the work since it began in 2013. Over the years, feedback has been received from key stakeholders, including tangata whenua, property developers, and relevant council staff to understand how the policy is working and how it can be improved.

¹ See item 10.5 of the CTE meeting agenda for the report and draft revised policy that was consulted on: [Agenda of Community, Transparency & Engagement Committee meeting - Monday, November 18, 2024](#)

² Formatting and drafting updates were also made to align with the current policy template but these were not directly consulted on.

³ One individual made two separate submissions.

TARGETED CONSULTATION SUBMISSIONS

12. Consultation was targeted to those who use and are directly involved in implementing the policy.
13. An email was sent to the iwi/hapū resource management representatives on 19 December 2024 with a brief description of the policy review and a link to the consultation page for their feedback. Follow-up emails and phone calls were made in the new year reminding them of the consultation.
14. Professional consultants were informed of the consultation through the Planning Pānui – the council’s online Environmental Planning newsletter update on 19 December. The update gave a brief description of the policy review and a link to the consultation page for their feedback. A follow-up email was sent in the new year reminding them of the consultation.
15. A workshop was held with Te Rangapū on 27 February 2025 to recap the key changes proposed and gather their submission on the draft policy⁴.
16. Fourteen submissions were received (Attachment 1). The three submitters below wish to present their submissions to the committee.

Submission number	Submitter name or organisation
07	Te Waipuia Darlene Dinsdale, Te Runanga o Ngati Whakaue ki Maketu (Te Hononga)
11	Vicky Williamson, Urban Task Force
14	Matire Duncan, Te Rangapū Mana Whenua o Tauranga Moana

Summary of submissions

17. Of the ten submissions from the targeted groups, three were from professional consultants, six from iwi/hapū resource management representatives, and one submission from Te Rangapū. All of them were generally supportive of the four key changes with no specific opposition expressed⁵. However, one hapū (6) ‘very strongly disagreed’ with the proposal to clarify what council can do regarding consultation under the RMA, preferring instead to leave the current terms. A similar sentiment was expressed by Te Rangapū who acknowledged the legal constraints but also insisted that council strongly encourage and facilitate engagement⁶.
18. The submissions from targeted groups raised concerns about other aspects of the draft revised policy. This included issues in relation to the purpose of the policy, ‘reasonable’ timeframes, what is considered ‘reasonable’ costs and fees for engaging with tangata whenua, references to Settlement Acts, and council’s obligations as a consent authority (see Options Analysis below).
19. The three individuals from the community who made submissions all ‘very strongly disagreed’ with the proposed changes and the policy in general, viewing the policy to be ‘divisive’, ‘unfair’, and an unnecessary cost to the rate payer⁷.

⁴ Te Rangapū were presented with the draft revised policy, including the key proposed changes, in October 2024.

⁵ The three submissions via the survey (submissions 4, 6, 7) indicated ‘very strongly agree’, ‘strongly agree’ and ‘agree’, while the seven submissions received by email (submissions 8 – 14) did not include any specific objections to them.

⁶ Te Rangapū provided suggestions on how the council can encourage and facilitate consultation as standard practice, which are already covered in the drafted revised policy. For example, clear guidelines and conditions are the general intentions for the policy, a smoother resource consenting process incentivises engagement (see clause 6.1.2) and advocating the policy through consultant forums and ensuring staff are appropriately trained (clause 6.2.2.1) help educate applicants and ensure culturally responsive processes.

⁷ See submissions 1, 2, 3 and 5 in the summary of submissions (Attachment 1).

STATUTORY CONTEXT

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

STRATEGIC ALIGNMENT

21. This contributes to the promotion or achievement of the following strategic community outcomes:

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

22. The proposed changes to the policy will better encourage and enable best practice engagement with tangata whenua on resource consent applications. By increasing the participation of iwi/hapū in the process and working more in a partnership manner, the policy supports the following strategic outcomes:
- (a) an inclusive city (Tauranga Mataraunui – Inclusive City Strategy 2023-33)
 - (b) to value, protect and enhance the environment (Tauranga Taurikura – Environment Strategy, 2023-33; Mahere Haupū me Mahi Taiao, Kanorau Koiora hoki, Nature and Biodiversity Action & Investment Plan, 2023-33).

OPTIONS ANALYSIS

Issue 1: Purpose of the policy

23. Five submitters (4, 9, 11, 12, 13) raised issues in relation to the scope of the policy and when and how engagement should occur. In general, there were opposing views expressed by iwi/hapū resource management representatives and professional consultants.
24. Iwi/hapū (12, 13) wanted a broader scope, enabling them to provide input on more development applications. One submitter (12) wanted mandatory engagement for all significant projects and for cultural impact assessments to be required for all projects that may affect their interests, and the other submitter (13) wanted the policy to allow them to contribute to all developments in culturally significant areas, not just those with potential adverse effects. These two submitters also insisted council monitor engagement and enforce compliance with the policy.
25. In contrast, professional consultants (4, 9, 11) expressed the need for greater clarity in terms of when engagement is or is not expected and wanted the policy scope to be narrower. Concerns were raised about how the policy relates to provisions in the City Plan with perceptions that it goes beyond what the Plan requires of applicants. Specific issues were also raised about engagement on subdivisions of any site greater than 2000sqm (section 2.3 of the policy), with one submitter (9) querying whether this should just be rural or undeveloped sites and another submitter (11) insisting the arbitrary 2000sqm subdivision policy be removed entirely.
26. The feedback highlights a need to better clarify the purpose of the policy and how it is intended to be used. Unlike the City Plan and other documents recognised under the RMA, Council's policy provides guidance on best practice engagement to build and strengthen the relationship between tangata whenua and resource consent applicants. As such, the policy

encourages engagement beyond the minimum enabled in the City Plan but does not – and cannot – mandate or require it.

Table 1: Options for clarifying the purpose of the policy

	Options	Advantages	Disadvantages
1a.	<p>Include an amendment to the purpose section of the policy to clarify that the policy is intended as guidance on best practice engagement. See the edited clause 1.1 of the draft revised policy.</p> <p>Recommended.</p> <p>(see recommended resolution (c)(i))</p>	<ul style="list-style-type: none"> Helps to mitigate any further confusion/ misunderstanding of how this policy is meant to be used and how it relates to the City Plan. States explicitly at the outset what the policy intent is. 	<ul style="list-style-type: none"> May not be effective in encouraging more engagement in practice.
1b.	<p>Remove “adversely” from clause 2.1 of the draft revised policy to enable <u>any</u> potential affect to be considered appropriate for engagement.</p> <p>Recommended.</p> <p>(see recommended resolution (c)(ii))</p>	<ul style="list-style-type: none"> Aligns with the general purpose of the policy to encourage applicants and tangata whenua working together to build relationships. Potential for tangata whenua to identify opportunities for positive impact on sites of cultural significance (as per feedback from a submitter). 	<ul style="list-style-type: none"> Applicants may not understand the purpose and consider engagement unnecessary.
1c.	<p>Exclude unit title subdivisions from the suggested engagement on subdivisions of any application site greater than 2000sqm but do not specify only rural or undeveloped sites. See the amendment to clause 2.3 of the draft revised policy.</p> <p>Recommended.</p> <p>(see recommended resolution (c)(iii))</p>	<ul style="list-style-type: none"> Avoids suggesting engagement on unit title subdivisions which do not involve land fragmentation that are likely to have cultural impacts. Leaves it relatively open to encourage engagement beyond the minimum enabled in the City Plan, which is consistent with the policy intent (per 1a. above). In addition with recommendation 1a, it helps to address the uncertainty raised by submitters. 	<ul style="list-style-type: none"> May still not provide the certainty regarding when to engage with tangata whenua that applicants want.
1d.	<p>Amend the scope section to be narrower and more specific as to when engagement is</p>	<ul style="list-style-type: none"> Makes it clearer for applicants when the policy applies and 	<ul style="list-style-type: none"> Limits the potential of applicants engaging with tangata whenua

	recommended.	<p>when they should engage with tangata whenua.</p> <ul style="list-style-type: none"> Reduces uncertainty in interpretation by different parties. 	<p>on a broader range of application sites where there may be impacts to sites of cultural significance.</p> <ul style="list-style-type: none"> Less consistent with the purpose of building relationships between applicant and tangata whenua.
1e.	Rescind the policy and provide online guidance on best practice engagement with tangata whenua on resource consent applications instead.	<ul style="list-style-type: none"> Mitigates any further confusion about what the purpose of the policy is and what it can/cannot do. Aligns with the approach taken by the Bay of Plenty Regional Council. Few other councils have a formalised policy on engaging with tangata whenua on resource consent applications. Acknowledges the opposition to the policy from the three individual members of the community. 	<ul style="list-style-type: none"> Te Rangapū and previous tangata whenua committees have expressed their preference for a policy on the matter. Contrary to the general support expressed in most of the submissions from the targeted stakeholder groups.
1f.	Status quo. Keep the policy scope and the purpose sections as they are in the draft revised policy.	<ul style="list-style-type: none"> May be okay for others who use the policy. 	<ul style="list-style-type: none"> Does not address the issues raised in submissions on the draft revised policy.

Issue 2: Reasonable timeframes

27. Two submissions (11, 13) identified issues in relation to what is considered a “reasonable timeframe” for engagement. One submission (13) suggested being more explicit in defining a timeframe that strikes a balance between the urgency of the application and the capacity of tangata whenua to engage, particularly as it relates to what a “timely manner” may be for tangata whenua to respond to requests (as stated in 6.1.3 of the draft revised policy).

Table 2: Options for clarifying reasonable timeframes

	Options	Advantages	Disadvantages
2a.	Provide an indication of what a “reasonable timeframe” (under 6.2.3.1 and 6.2.4.2) and a “timely manner” (clause 6.1.3) would be in the draft revised policy.	<ul style="list-style-type: none"> Removes any ambiguity and potential for differing interpretations by applicant and tangata whenua. Provides more 	<ul style="list-style-type: none"> Does not encourage applicant and tangata whenua to work together to come to an agreed timeframe on a case-by-case basis.

		<p>certainty for applicants.</p>	<ul style="list-style-type: none"> • Inconsistent with the purpose of the policy to build relationships. • Inappropriate for the council to prescribe the timeframe as it is a matter for the applicant and tangata whenua. • Applicants may interpret the lack of response from tangata whenua within the specified timeframe as an indication of the absence of any cultural impact from the proposed development.
<p>2b.</p>	<p>Status quo. Keep the timeframes undefined as per the draft revised policy. See clauses 6.1.3, 6.2.3.1 and 6.2.4.2.</p> <p>Recommended.</p> <p>(see recommended resolution (c)(iv))</p>	<ul style="list-style-type: none"> • Encourages tangata whenua and applicants to work together to come to an agreed timeframe which is consistent with building and strengthening their relationship. • Avoids potential misinterpretation from applicants as to what failure to meet the prescribed timeframe means in terms of whether there are any cultural impacts from the proposed development. • Clarifying the policy purpose (per recommendation 1a. above) may already address this issue. 	<ul style="list-style-type: none"> • Does not directly address the issue raised in the two submissions.

Issue 3: Fees for Tangata Whenua engagement

28. Three of the submissions (10, 12, 13) from iwi/hapū indicated the need for funding and support to enable tangata whenua to engage effectively in the resource consent process. Currently, how tangata whenua are remunerated for their specialist knowledge depends on who the applicant is. For council projects, fees are set out in council’s Tangata Whenua

Remuneration Policy⁸, while non-council project applicants currently negotiate fees with the specific iwi/hapū (6.2.3 and 6.2.4 of the draft revised policy). However, a submission from a professional consultancy group (11), commented on the “issue of reasonable costs” indicating there may be differences in what fee is considered appropriate.

Table 3: Options for fees for Tangata Whenua engagement

	Options	Advantages	Disadvantages
3a.	Specify rates/fees for tangata whenua expertise on non-council development project applications.	<ul style="list-style-type: none"> • Certainty and clarity for applicants on costs. • Enables some consistency across different projects and iwi/hapū. 	<ul style="list-style-type: none"> • Does not encourage applicant and tangata whenua to work together to agree a fee, which is inconsistent with the policy purpose of building relationships. • Does not allow for flexibility and consideration of the proposed development projects on a case-by-case basis. • Inappropriate for Council to be determining the fees as it is a matter between the applicant and tangata whenua.
3b.	Status quo. Keep the fees for tangata whenua engagement undefined as per the draft revised policy. See clause 6.2.3.1 and 6.2.4.2. Recommended. (see recommended resolution (c)(v))	<ul style="list-style-type: none"> • Supports the policy intent of encouraging applicants and tangata whenua to work together to come to an agreement. • Enables flexibility and for the specificities of each project to be taken in consideration when determining fees. 	<ul style="list-style-type: none"> • Does not address the concern raised in one submission about ‘reasonable costs’.

Issue 4: Referencing Settlement Acts

29. Two iwi/hapū submissions (12, 13) suggested including specific references to their respective Settlement Acts, in particular sections of the policy, to acknowledge the obligations under those Acts.

⁸ Policy is available on the council’s website here:

<https://www.tauranga.govt.nz/Portals/0/data/council/policies/files/tangata-whenua-remuneration-policy.pdf>

Table 4: Options for referencing Settlement Acts

	Options	Advantages	Disadvantages
4a.	Include reference to the Tapuika Settlement Act 2014 and obligations under the Act in the Background and Principles section of the draft revised policy.	<ul style="list-style-type: none"> Responds to the feedback by the iwi. 	<ul style="list-style-type: none"> The policy is not specific to engagement with this particular iwi and would appear to prioritise them over other iwi/hapū.
4b.	Include Ngāi Te Rangi Deed of Settlement under the References (section 8) in anticipation of the Bill being passed in the future.	<ul style="list-style-type: none"> Responds to the feedback by the iwi. 	<ul style="list-style-type: none"> Inconsistent with other council policies where only current legislation is referenced.
4c.	Status quo. Continue to reference current Settlement Acts only and keep them under the References and Relevant Legislation (section 8) as per the draft revised policy. Recommended. (see recommended resolution (c)(vi))	<ul style="list-style-type: none"> Appropriate for the tangata whenua engagement policy. Consistent with the approach to referencing only current legislation in other council policies. 	<ul style="list-style-type: none"> Does not align with the feedback from the respective iwi/hapū.

Issue 5: Council's responsibilities as a consent authority

30. One submission from professional consultants (11) noted the absence of the council's obligations as a consent authority in relation to sections 6, 7 and 8 of the RMA and insisted the policy be reframed to reflect these as well.
31. In reviewing the policy, however, the details of the council's responsibilities as a consent authority (decision maker) in section 5.1.1 of the existing 2006 policy⁹ were considered operational information and have therefore been moved into an associated procedure document along with other procedural information.

Table 5: Options for Council's responsibilities as a consent authority

	Options	Advantages	Disadvantages
5a.	Keep details of the council's responsibilities as a consent authority (decision-maker) as per section 5.1.1. of the existing 2006 policy.	<ul style="list-style-type: none"> Acknowledges the feedback in the particular submission. 	<ul style="list-style-type: none"> Council's responsibilities as a consent authority are related to the processing of applications which are more appropriate in a procedure document. Inconsistent with how other procedural information has been removed as part of the review of the

⁹ The existing policy distinguishes between Council's role as an 'enabler' and a 'decision-maker' in the resource consent process.

			policy.
5b.	<p>Status quo. Keep the information regarding the council's responsibilities as a consent authority in a separate operational procedure for staff as per the draft revised policy.</p> <p>Recommended.</p> <p>(see recommended resolution (c)(vii))</p>	<ul style="list-style-type: none"> • Consistent with Council's approach to distinguishing between policy and procedure. • Ensures the policy is about engagement and what the council's role is in supporting engagement, rather than including information about processing resource consent applications. 	<ul style="list-style-type: none"> • Does not align with the feedback from the submission by the professional consultancy.

FINANCIAL CONSIDERATIONS

32. All costs associated with the processing of resource consent applications are set through Council's Fees and Charges (Planning Fees) and are covered by the applicant. Any costs incurred from engagement with tangata whenua are also covered by the applicant as per the policy.
33. The additional RMA training for new iwi/hapū resource management representatives will be provided by staff.

LEGAL IMPLICATIONS / RISKS

34. The RMA does not allow council to require consultation with tangata whenua on resource consent applications. The council can only ensure that there is adequate consideration of the cultural impacts of a proposed development, and this necessitates engagement with the appropriate mandated tangata whenua.
35. However, under the City Plan, the council can only require an applicant to consider and include measures to mitigate any negative cultural impact of their proposed development if the activity status allows these considerations as a condition on a resource consent decision.
36. The recommendations in this report are consistent with what the council can and cannot do under the RMA and City Plan.

TE AO MĀORI APPROACH

37. Receiving and hearing submissions on the proposed policy changes that encourage greater engagement with tangata whenua on resource consent applications support two key principles in Council's Te Ao Māori approach, namely:
 - (a) Kaitiakitanga – stewardship of the natural environment.
 - (b) Manaakitanga – ahurutanga/haumarutanga – a strong duty of care and safety for our people.

CLIMATE IMPACT

38. The recommendations in this report which encourage greater and more consistent involvement of tangata whenua in the resource consent applications process, help to support Tauranga's ability to enhance nature and biodiversity by:

- (a) Informing better decision-making on resource consent applications with the interests of tangata whenua in protecting the natural environment.
- (b) Building and strengthening the relationship with tangata whenua and developing a meaningful partnership that enables Council and tangata whenua to work together on other nature and biodiversity actions in Tauranga.

CONSULTATION / ENGAGEMENT

39. Targeted consultation has taken place with three key stakeholder groups – professional consultants (including planners and developers), iwi/hapū resource management representatives, and Te Rangapū.

SIGNIFICANCE

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

ENGAGEMENT

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

NEXT STEPS

44. Following the decision, any minor changes to the policy will be made, if required, then the website will be updated, and the key stakeholder groups will be notified. Staff will also finalise the internal operational procedure for resource consenting staff.

ATTACHMENTS

1. **Submissions - A17681447**  
2. **Draft Engaging with Tangata Whenua on Resource Consent Applications Policy - Amendments March 2025 - A17698121**  
3. **CTE 18 Nov 2024 report - A17715904**  

Submissions on the draft revised Engaging with Tangata Whenua on Resource Consent Applications Policy (16 Dec 2024 – 10 Feb 2025)

Sub #	First name	Surname	On behalf of	Policy principles	Clarification of recommended engagement		
				We are proposing to update the policy principles to seven statements defined by the following key terms: early, good faith, open mind, ongoing, genuine, respectful, and active protection. These principles are the values and beliefs that underpin best practice engagement with tangata whenua on resource consent applications. See section 4.0 of the draft revised policy for the full principle statements.	We are proposing several amendments to help clarify engagement in the policy, including adding a definition of engagement, outlining the different forms of engagement and the purpose of each, and changing 'consultation' to 'engagement' throughout the policy. See section 3.0, clause 6.1.3, and schedule 1 of the draft revised policy.		
				Q1. Do you agree with the proposed policy principles?	What is the reason for your response?	Q2. Do you agree with the proposed clarifications to engagement in the policy?	What is the reason for your response?
01	Robyn	Clifford	Personal submission from community member	Very strongly disagree	The council must remember they are paid by our rates, our rates want the council to spend wisely, that us why we the public have elected you By giving so much power to the unelected and paid Maori representatives is totally against all I have voted for. I can see these unelected persons will cause enormous delays by using their unelected say to stale progress until they get what they want. And the public has no say and keep paying more rates.	Very strongly disagree	As previously said.
02	Monica	Walker	Personal submission from community member	Very strongly disagree	Tangata whenua already have too much power considering how few they are!	Very strongly disagree	See previous reply. Leave as is.
03	James	Clark	Personal submission from community member	Very strongly disagree	Enough is enough!!! Time to stop all this BS!	Very strongly disagree	Same reason....
04	Terry	Calmeier	Professional consultant	Very strongly agree		Very strongly agree	
05	Monica	Walker	Personal submission from community member	Very strongly disagree	STOP these divisive racial actions NOW!! We don't need MORE bureaucracy and more tangata whenua involvement than we already have! One person, one vote regardless of race! We need to have general referendums on big projects that council is actually listening to and acting upon!	Very strongly disagree	STOP these divisive racial actions NOW!! We don't need MORE bureaucracy and more tangata whenua involvement than we already have! One person, one vote regardless of race! We need to have general referendums on big projects that council is actually listening to and acting upon
06	Anthony	Ririnui	Ngāti Hē	Strongly agree	The extra enhancements seek to further protect hapu interests with key terms that I support.	Strongly agree	It provided more Clarity for 3rd parties.
07	Darlene	Dinsdale	Te Runanga o Ngāti Whakaue ki Maketu (Te Hononga)	Agree	the policy changes allow for inclusiveness in regards to decision making processes. The engagement section but should not limit the ability of tangata whenua when projects or activities affect and impact their relationships with the taonga tuku iho. It is clear that the relationships with hapu and iwi are strategically aligned in terms of Council policy and processes.	Agree	the changes allow for effective consultation with hapu and iwi. The relationship documents are critical in terms of the strategic relationships required for in terms of Council. the purpose of the Policy changes is to encourage efficient and meaningful engagement with hapu and iwi in the context of resource consent applications under section 6, 7(a) and 8 of the RMA.

Sub #	First name	Surname	On behalf of	Clarifying what Council can do in regard to consultation under the RMA		Additional responsibilities for Council to support engagement with tangata whenua	
				Q3. Do you agree with these proposed amendments to the policy?	What is the reason for your response?	Q4. Do you agree with the additional responsibilities for Council staff?	What is the reason for your response?
				<p>We are proposing to remove any reference to “requiring” or “ensuring” consultation in the policy to instead clarify that Council will ensure that the cultural effects of proposed developments are adequately assessed, which more accurately portrays what Council can do under the RMA. See clause 6.1.9 of the draft revised policy.</p>		<p>We are proposing to articulate some additional ways that Council staff can support engagement with tangata whenua in line with the policy, including providing training for new iwi/hapū RMU representatives and advocating the purpose of the policy through appropriate forums. See clause 6.1.4 and 6.2.2.1 in the draft revised policy.</p>	
01	Robyn	Clifford	Personal submission from community member	Very strongly disagree	As previously said.	Very strongly disagree	Come on more of our rates to train people unessessarily. As above.
02	Monica	Walker	Personal submission from community member	Very strongly disagree	One again, leave as it is, they already have too much power.	Very strongly disagree	They already have too much power.
03	James	Clark	Personal submission from community member	Very strongly disagree	Same comments	Very strongly disagree	Same comments
04	Terry	Calmeyer	Professional consultant	Agree		Agree	
05	Monica	Walker	Personal submission from community member	Very strongly disagree	STOP these divisive racial actions NOW!! We don't need MORE bureaucracy and more tangata whenua involvement than we already have! One person, one vote regardless of race! We need to have general referendums on big projects that council is actually listening to and acting upon	Very strongly disagree	STOP these divisive racial actions NOW!! We don't need MORE bureaucracy and more tangata whenua involvement than we already have! One person, one vote regardless of race! We need to have general referendums on big projects that council is actually listening to and acting upon!
06	Anthony	Ririnui	Ngāti Hē	Very strongly disagree	I would rather leave the current terms.	Agree	Supported
07	Darlene	Dinsdale	Te Runanga o Ngāti Whakaue ki Maketu (Te Hononga)	Agree	As a matter of best practice, engagement with hapu and Iwi should occur where a proposal shall affect the relationship of tangata whenua and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga and their ability to exercise kaitiakitanga. Without such engagement, the council may be unable to make a fully informed decision on an application for resource consent. It is imperative that Council ensure that they have engaged and consulted with the correct tangata whenua grouping in the first instance.	Agree	

Sub #	First name	Surname	On behalf of	Other comments Please let us know if you have any other comments regarding Council's Engaging with Tangata Whenua on Resource Consent Applications Policy and the proposed changes.
01	Robyn	Clifford	Personal submission from community member	
02	Monica	Walker	Personal submission from community member	This whole Tangata whenua race division policies and privileges has to stop, it's unfair and costing everybody else too much!
03	James	Clark	Personal submission from community member	Time for all this to STOP. We are One People - why should a small % have so much say. It should always be what is best for us all.
04	Terry	Calmeyer	Professional consultant	Applicants and planners should be thinking about engagement with tangata whenua at the very start of the process, but we only know the scale of the effects after the assessments have been undertaken. As an applicant or planner, it would be useful if, for resource consent applications for smaller proposals that we initially believe will turn out to have less than minor effects, we could know when engagement with TW is expected and when it is reasonable to not take place. Maybe include a checklist to assist with this decision?
05	Monica	Walker	Personal submission from community member	We don't need more bureaucracy and changes that will add more cost to us rate payers, we're already on our knees with the insane rates! Not to talk about the rates hikes that are coming in the next few years, we just can't do it! Please please STOP NOW!!
06	Anthony	Ririnui	Ngāti Hē	It is important that a communication line remains with hapū.
07	Darlene	Dinsdale	Te Runanga o Ngāti Whakaue ki Maketu (Te Hononga)	RMA and RMU Iwi and hapu representatives have a responsibility when exercising their functions in regard to managing the use, development and protection of natural, physical resources. It is our duty to uphold and protect: - 1. Te Tiriti o Waitangi 2. Principles of RMA 3. LGA 2022 4. Improve opportunities for hapu and iwi at local government decision making processes. The principles of early engagement, act in good faith, to be open minded, ongoing, genuine, respectful are key components of active protection of our statutory obligations.

Sub #	First name	Surname	On behalf of	Submitted feedback on the draft revised Engaging with Tangata Whenua on Resource Consent Applications Policy
08	Buddy	Mikaere	Ngai Tamarawaho and Ngati Pukenga	Ngai Tamarawaho and Ngati Pukenga, both of whom I represent in this space, are entirely happy with what is proposed in the policy changes and we support the amended document and contents whole-heartedly.
09	Planning consultants		Hayson Knell Limited	<p>Thank you for the opportunity to provide comment on the Draft Engaging with Tangata Whenua on Resource Consent Applications Policy.</p> <p>The Planning Consultants at Hayson Knell Limited have the following feedback;</p> <p>Section 2 Scope:</p> <p>This policy is problematic. Although valid from a Part 2 RMA perspective:</p> <p>2.1 is very broad and doesn't provide clear guidance on what sites would trigger this policy. This section needs to be clearly linked to section 6.1.9 and Cultural planning overlays in the City Plan.</p> <p>2.2 also needs to be clarified. For example, an application within a viewshaft may not infringe matters relating to the purpose of the viewshaft (i.e. height).</p> <p>2.3 as written this policy could include unit titles and subdivision around existing industrial activities (as examples). Presumably the issue is subdivision of rural or undeveloped sites?</p> <p>The scope of the policy needs to be clarified as above, and also in relation to activity status of applications. E.g. if an application is a controlled activity and the matters of control don't include cultural effects, then surely the policy wouldn't apply?</p> <p>Section 6.1.9 General:</p> <p>Please clarify how this applies in relation to activity status and matters of control or discretion. For example, the policy would apply for discretionary and non-complying activities. The policy would not apply to RDA or controlled activities where cultural effects are not specifically listed in the matters of discretion/control.</p>
10	Tatai	Allen	Ngāti Hangarau Resource Unit	Acknowledge review of Consultation with Tangata Whenua on RC applications has been completed. No amendments identified. Awesome that training is identified and we look forward to this being implemented.
11	Vicky	Williamson	Urban Task Force	See attachment.
12	Helen	Biel	Tapuika Iwi	See attachment.
13	Riri	Ellis	Ngai Tukairangi Hapū	<p>TCC's draft Engaging with Tangata Whenua on Resource Consent Applications Policy</p> <ol style="list-style-type: none"> 1. Resourcing for Tangata Whenua Participation: <ul style="list-style-type: none"> o The policy acknowledges the limited resources of tangata whenua, though it places significant reliance on tangata whenua to provide "timely" engagement and accurate information/resources. o A "negotiating a fee" is only discussed in relation to tangata whenua & applicant, not tangata whenua and council too. 2. Timelines for Engagement: <ul style="list-style-type: none"> o The policy emphasises early engagement but leaves ambiguity around "reasonable timeframes" for tangata whenua to respond. o Suggestion: Define explicit timeframes that balance the urgency of applications with the capacity of tangata whenua to engage meaningfully. Especially in regard to point 6.1.3 in reference to applicants being able to finalise their applications if tangata whenua do not engage within a "timely manner". o Engagement is also stated to typically be "two-way communication", though the "inform" definition on the IAP2 spectrum as a minimum, is still one way. 3. Monitoring and Accountability: <ul style="list-style-type: none"> o There is limited mention of how the effectiveness of engagement will be monitored or how the council will be held accountable for its obligations. o Add provisions for regular review of engagement outcomes and reporting on the council's compliance with its Treaty and RMA obligations. 4. Scope Limitation: <ul style="list-style-type: none"> o The policy focuses on applications with "potential adverse effects" on cultural resources but may miss opportunities for tangata whenua input on neutral or positive developments that could benefit their interests. o Broaden the scope to include all developments in culturally significant areas, regardless of perceived impact. <p>Additional points:</p> <ul style="list-style-type: none"> • Although we haven't settled, given that Tapuika, Waitaha, and Ngāti Pūkenga Claims Settlements Act are listed as references. Perhaps there should also be reference to the Ngāi Te Rangi Deed of Settlement in anticipation for it to come to life in the future.
14	Matire	Duncan	Te Rangapū Mana Whenua o Tauranga Moana	See attachment.



10 February 2025

Marty Greenfell
Chief Executive Officer
Tauranga City Council
Private Bag
Tauranga

Email policy@tauranga.govt.nz

Dear Marty

Tauranga City Council - Draft Engaging with Tangata Whenua on Resource Consent Applications Policy.

The Urban Taskforce for Tauranga (Urban Taskforce) appreciates the opportunity to provide this feedback to Tauranga City Council on the proposed changes to the Councils Engaging with Tangata Whenua on Resource Consent Applications Policy.

The Urban Taskforce has been incorporated as a society with its purpose being to represent its members who are property professionals and funders, developers, iwi and hapu, and owners and managers of property in Tauranga City and the Western Bay of Plenty District.

The Urban Taskforce seeks to provide strong and informed leadership to central, regional, and local authorities, promotes and fosters productive local networks around property and related issues, and is an advocate for our industry by making submissions to both central and local government.

Tauranga is a growing city. Our community is facing unprecedented challenges because growth has been seen as a problem rather than an opportunity. The intent of the UTF is to focus on the opportunities presented by growth and to unlock these opportunities by working collaboratively and innovatively across government, local government and the private sector. Part of the Urban Taskforce's role is to advocate for sound policies and processes that will assist in resolving some of the existing challenges to growth. Of particular concern to the Urban Taskforce is the development of policies which create unnecessary cost, delay and process in relation to the delivery of housing and employment opportunities in the city. This is particularly so in light of the current housing supply crisis in the sub region, and Tauranga's continued underperformance in providing land for housing and employment.

Overall, UTF do not support the Councils draft changes in their current form. Our members have used the existing consultation policy extensively and it is unclear to us what the purpose of many of

the changes to the existing policy are. There is very little in the way of analysis provided in relation to the effectiveness or otherwise of the provisions in the existing policy. The effectiveness of the existing policy must be assessed and considered as part of any sound policy change process.

In our view the policy repeats unnecessary matters and needs to be simplified with a much clearer purpose (the proposed policy is now 9 pages long).

In addition to the above, The Urban Taskforce's further and more specific feedback on the proposed changes are as follows:

1. The issue of reasonable costs and timeframes is not addressed in the policy and is a significant concern for the Urban Taskforce and its members who are developers.
2. The purpose of the policy should be clear. The policy should set out when consultation is required, for what purpose, and by whom.
3. The Urban Taskforce's view is that consultation should be based on the effects of an activity in relation to a significant cultural site or feature identified in the City Plan. As part of the City Plan process significant work was completed on the identification, mapping and inclusion of significant features and sites. Significant involvement from Iwi/Hapu and the development community occurred through this process (including through Environment Court appeals). The approach of reconsidering such matters through a resource consent process is reactionary planning which will lead to further costs and delays in the consent process. The City Plans scheduled sites (including cultural viewshafts) must be the guide/trigger for consultation and engagement where these sites are impacted by development. The reference to "adjoining" in the policy should be deleted. An activity either affects a site as a matter of fact, and this is controlled by existing City Plan provisions. If the City plan is not the trigger, then this undermines the value of scheduled sites, SMA's, Cultural viewshafts, etc.
4. One of the frustrations in relation to the process of consultation experienced by applicants (and Iwi/Hapu) is the inconsistency between the Regional Council and Tauranga City Councils consultation policy. For example, a large development that triggers both district and regional consents requires consultation with entirely different Iwi/Hapu. There needs to be a consistent policy developed between the Bay of Plenty Regional Council and Tauranga City Council. This matter was previously raised through the developers working group and the Smartgrowth programme undertook to review this to ensure consistency around consultation. The Urban Taskforce understands that this matter remains unresolved.
5. The use of a subdivision of "any site" of 2000m² as a trigger should be removed. There are many subdivision consents which occur within sites which create superlots, or where earthworks and the installation of services are completed which would trigger a need for consultation under this requirement. Our members are often asked the question by Iwi/Hapu as to why they are seeking to consult under this 2,000m² policy when there are no sites or cultural issues present or where development is already complete. Business zones also trigger this requirement. The trigger should be a "land use/subdivision" trigger (under the City Plans rules and identified/scheduled features) which creates the potential for section 6,7,8 matters to be raised (not an arbitrary 2,000m² subdivision).
6. Section 36A of the RMA sets out that there is no duty on an applicant to consult with any person. Consideration of sections 6,7, & 8 matters under the RMA rightly apply to the

Council as a consent authority. The manner in which the consultation policy has been drafted focuses entirely on the obligation of an applicant to consult and not the Council as a consent authority. The policy needs to be reframed to reflect the council's obligations as a consent authority in the context of sections 6, 7, & 8 of the RMA.

The Urban Taskforce wishes to be heard in support of its submission and intends to expand further on the matters raised above.

Yours Faithfully



CHAIRMAN
Urban Taskforce for Tauranga (UTF)

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Response from Tapuika Iwi Authority

Subject: Feedback on the Consultation with Tangata Whenua on Resource Consent Applications Policy Review

Date: 14 February 2025

To: Tauranga City Council Policy Team

The Tapuika Iwi Authority appreciates the opportunity to provide feedback on the proposed changes to the Consultation with Tangata Whenua on Resource Consent Applications Policy. We acknowledge the efforts made to update the policy to ensure it is fit for purpose and aligns with the principles of the Resource Management Act 1991 (RMA).

In reviewing the draft policy, we would like to highlight several areas where the policy could be further strengthened to better reflect the rights and interests of Māori, particularly in light of the Tapuika Claims Settlement Act 2014.

1. Recognition of Tapuika Settlement Act 2014

The policy should explicitly acknowledge the Tapuika Claims Settlement Act 2014, which provides for the recognition of Tapuika's historical claims and establishes specific rights and responsibilities. This acknowledgment should be included in the **Background** section of the policy to ensure that all parties are aware of the legal framework governing Tapuika's interests.

2. Strengthening Active Protection

While we appreciate the inclusion of the principle of **Active Protection**, we recommend that this principle be expanded to explicitly reference the obligations under the Tapuika Settlement Act. This would ensure that engagement processes not only recognize but actively support Tapuika's role as kaitiaki (guardians) of their ancestral lands, waters, and taonga (treasures).

3. Enhanced Engagement Processes

The policy should provide clearer guidelines on the types of engagement required for different levels of resource consent applications. For significant projects, there should be a mandatory requirement for early and ongoing engagement with Tapuika, including the provision of resources to support meaningful participation. This could include funding for independent technical advice and capacity building for Tapuika representatives.

4. Cultural Impact Assessments

We recommend that the policy mandate the inclusion of Cultural Impact Assessments (CIAs) for all resource consent applications that may affect Tapuika's interests. CIAs should be conducted by or in collaboration with Tapuika to ensure that cultural values and impacts are accurately identified and addressed.

5. Monitoring and Enforcement

The policy should outline clear mechanisms for monitoring and enforcing compliance with the engagement requirements. This could include regular reporting to Tapuika on the outcomes of engagement processes and the implementation of agreed mitigation measures.

6. Capacity Building and Support

To facilitate effective engagement, the policy should include provisions for capacity building and support for Tapuika representatives. This could involve training on the resource consent process, funding for participation in engagement activities, and access to technical expertise.

In conclusion, the Tapuika Iwi Authority supports the proposed changes to the policy but believes that further strengthening is needed to fully recognize and protect Māori rights and interests. We look forward to working collaboratively with Tauranga City Council to ensure that the policy effectively supports the aspirations and responsibilities of Tapuika as kaitiaki.

Ngā mihi

Helen Biel
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Te Rangapū Mana Whenua o Tauranga Moana Submission on draft revised Engaging with Tangata Whenua on Resource Consent Applications Policy

1. *Do you agree with the clarification that council can ensure adequate assessment of cultural effects where enabled by City Plan, but can't ensure/require consultation?*

Would like the policy to be able to do more, to be empowering for tangata whenua to be involved, but accept that the changes proposed are all that council can do. The changes have pushed the policy as much as possible to encourage engagement with tangata whenua from applicants. Understand that the policy can't force applicants to consult.

What it really comes down to is the balance between legislative constraints and best practice for engagement with tangata whenua. Here are some key aspects to reflect on in our feedback:

1. **Legal Constraints vs. Best Practice** – The Resource Management Act (RMA) and case law establish that consultation with tangata whenua is not mandatory unless explicitly required by legislation or planning instruments like the City Plan. However, best practice, Te Tiriti o Waitangi obligations, and the principles of natural justice strongly support early and meaningful engagement.
2. **City Plan as an Enabler** – If the City Plan includes provisions that require an assessment of cultural effects, that gives council a mechanism to ensure these are considered. However, if the plan does not explicitly require consultation, council may not have the ability to enforce it. This highlights the importance of strengthening provisions in the City Plan itself.
3. **Encouraging Consultation as a Standard Practice** – Even if council cannot require consultation, it should still be strongly encouraged. This could be achieved through clear guidelines, standard conditions, or incentives for applicants to engage meaningfully with tangata whenua. Council also has a role in educating applicants about the value of early engagement.
4. **Partnership Approach** – While council may not be able to require consultation, it should still take an active role in facilitating relationships and ensuring tangata whenua voices are heard. This could include supporting tangata whenua to develop engagement protocols or ensuring resource consent processes are culturally responsive.

2. *Do you agree with clarifications to engagement in the policy?*

Yes, agree.

3. *Do you agree with the additional responsibilities proposed for council to support engagement with tangata whenua?*

Definitely agree.

4. *Do you agree with the proposed policy principles?*

Yes, agree.

Tangata whenua, iwi, and hapū should **determine** the nature of engagement, but they should not have to "dictate" it—because true partnership means co-designing the process rather than imposing it unilaterally. The distinction is important:

1. **Mana Motuhake & Self-Determination** – As Treaty partners and kaitiaki, tangata whenua have the right to define what meaningful engagement looks like. This includes who should

be consulted, when, and how. This aligns with Te Tiriti o Waitangi principles, particularly **partnership, active protection, and participation**.

2. **Council's Role in Supporting Engagement** – While tangata whenua should set the parameters for engagement, council has a role in facilitating it, ensuring their processes and policies enable genuine participation rather than just ticking a box.
3. **Consistency & Certainty for Applicants** – From a practical perspective, applicants (developers, businesses, etc.) benefit from clear expectations. If tangata whenua define their own engagement protocols upfront—such as through iwi/hapū management plans or cultural engagement frameworks—this provides certainty while respecting tino rangatiratanga.
4. **Co-Governance & Co-Management Models** – Where there are formal structures in place (e.g., joint management agreements or Māori decision-making bodies), engagement should be **structured and enduring**, rather than ad hoc or dependent on an applicant's willingness.

Te Rangapu would support strengthening tangata whenua-led engagement frameworks within the policy? That could be one way to ensure their role in determining engagement is recognised.

Āe, iwi management plans (IMPs) can and should be **empowered more**, given their legal status under the Resource Management Act (RMA) and their role in ensuring tangata whenua values and aspirations are recognised in resource management decisions. The issue of **inconsistent application** is a significant one, and there are several ways to strengthen their impacts.

DRAFT ENGAGING WITH TANGATA WHENUA ON RESOURCE CONSENT APPLICATIONS POLICY



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

1. PURPOSE

- 1.1. To provide guidance on best practice engagement which exceeds the minimum enabled by the City Plan to help build and strengthen relationships between tangata whenua and resource consent applicants.
- 1.2. To clarify the roles and responsibilities of Tauranga City Council, tangata whenua of Tauranga Moana, and applicants in respect of resource consent applications under the Resource Management Act 1991 (RMA) and provide consistency and certainty within the resource consent application process.
- 1.3. To encourage effective, efficient and meaningful engagement with tangata whenua in the context of resource consent applications under sections 6, 7(a) and 8 of the RMA.

2. SCOPE

This policy applies to:

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

3. DEFINITIONS

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

Term	Definition
Applicant	The party lodging the resource consent application.
Application site	As it is referred to in this policy means the land which is the subject of the application for resource consent.

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

Resource consent	Has the meaning set out in section 87 of the RMA; and includes all conditions to which the consent is subject.
Tangata whenua	As defined under the RMA, “in relation to a particular area, means the iwi, hapū or whanau that holds mana whenua over that area.”
Taonga	All things prized or treasured by Māori, both tangible and intangible. Examples include water bodies, trees, special landmarks and te reo.
Tauranga City Council boundaries	The whole of the Local Government Territorial Authority of the City of Tauranga as shown in the Plan Maps (Part B) of the City Plan.
Viewshaft	A visual connection between two physical locations. Refer to Smartgrowth: Marae Sitelines Report which identifies the specific viewshafts of 36 marae throughout the western Bay of Plenty.
Waahi tapu (or wāhi tapu)	A place or item sacred to Māori in the traditional, spiritual, religious, historical, or mythological sense. Those places defined as “waahi tapu” vary from hapū to hapū but typically include burial grounds and battle sites.

4. PRINCIPLES

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

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

5. BACKGROUND

5.1 The Council’s fundamental statutory obligations to tangata whenua are predominantly provided for in the RMA and Local Government Act 2002 (LGA).

- 5.2 Under the RMA, Council has certain responsibilities when exercising its functions and powers as a consent authority in regard to managing the use, development, and protection of natural and physical resources, including:
- to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga (section 6)
 - to have particular regard to kaitiakitanga (as exercised by tangata whenua within their rohe) (section 7(a))
 - to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (section 8).
- 5.3 Council also has obligations under the LGA to maintain and improve opportunities for Māori to contribute to local government decision-making processes.
- 5.4 Council recognises that engaging with tangata whenua in the resource consent application process where any decision is likely to involve the matters identified in sections 6, 7 and 8 of the RMA will be important in ensuring Council is well equipped to make informed decisions and to give effect to its obligations under the RMA.

6. POLICY STATEMENT

6.1 General

- 6.1.1 Council acknowledges that only tangata whenua can determine their relationship, and the relationship of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga and kaitiakitanga.
- 6.1.2 As a matter of recognised best practice, engagement with tangata whenua should occur where a proposal may affect the relationship of tangata whenua and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga and their ability to exercise kaitiakitanga. Without such engagement, the council may be unable to make a fully informed decision on an application for resource consent.
- 6.1.3 Engagement typically requires two-way communication between the applicant and the appropriate tangata whenua groups. Requests for feedback without a response in writing from tangata whenua does not constitute engagement for the purposes of determining cultural impact. Applicants may proceed with finalising their application if all reasonable steps have been taken to engage but a response is not received or tangata whenua do not engage in a timely manner.
- 6.1.4 Council recognises that tangata whenua have limited resources, capacity and capability to participate effectively in the resource consent process and will provide training support where appropriate and necessary.
- 6.1.5 Iwi/hapū management plans lodged with the council and iwi/hapū relationship protocols endorsed by the council should be taken into account within the resource consent application process.
- 6.1.6 Engagement in accordance with this policy must involve working with the appropriate tangata whenua (this may be more than one iwi/hapū) which are the mandated representatives for the particular geographic boundary. Council officers can assist in providing information held by the council about iwi authorities, groups representing hapū, and areas where those groups exercise kaitiakitanga.

- 6.1.7 Effective engagement with tangata whenua that occurs at the beginning of the resource consent application process, particularly during the development of the proposal and before an application is lodged, will be more efficient and may avoid lengthy and costly litigation.
- 6.1.8 Council recognises that a proposal may affect specific tangata whenua at a local level but may also impact and affect other tangata whenua groups at a sub-regional level.
- 6.1.9 Council will ensure that the cultural effects of a proposed development are adequately assessed where this is enabled by the activity status in the City Plan.

6.2 Roles and Responsibilities

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

6.2.2 Council

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

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

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

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

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

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

6.2.3 Applicant

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

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

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

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

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

6.2.4 Tangata Whenua

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

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

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

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

7. DELEGATIONS

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

8. REFERENCES AND RELEVANT LEGISLATION

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

9. ASSOCIATED POLICIES/PROCEDURES

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

10. SCHEDULES

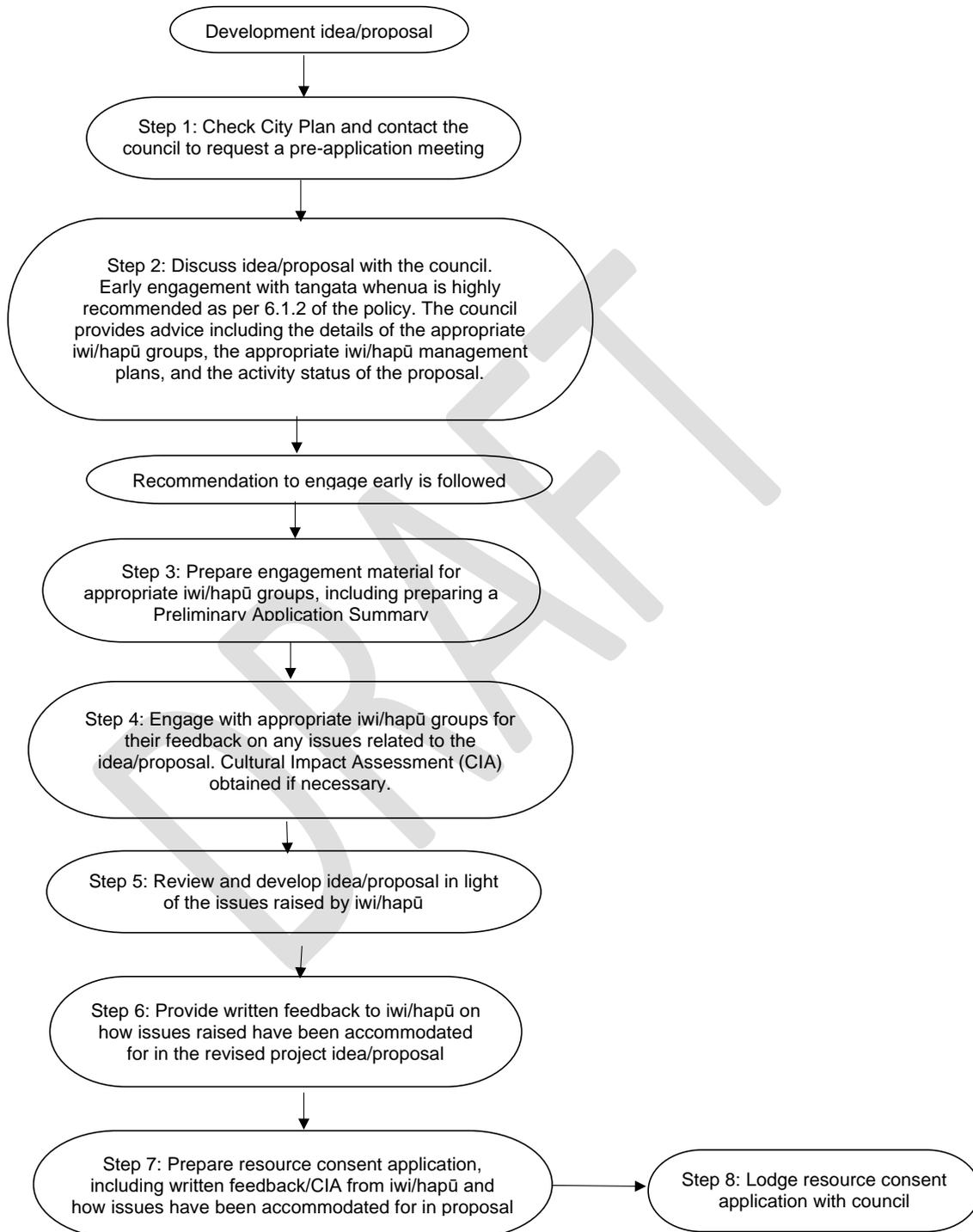
- Schedule 1: Table of the different levels of engagement
- Schedule 2: Flow chart of best practice engagement with tangata whenua on resource consent applications (for applicants)

Schedule 1: Table of the different levels of engagement*

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

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

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



10.5 Consultation with Tangata Whenua on Resource Consent Applications Policy Review

File Number: A16476203

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Authoriser: Sarah Omundsen, General Manager: Regulatory and Compliance

PURPOSE OF THE REPORT

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

RECOMMENDATIONS

That the Community, Transparency & Engagement Committee:

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

EXECUTIVE SUMMARY

2. Council's Consultation with Tangata Whenua on Resource Consent Applications Policy 2006 (included as Attachment One) was developed to try to meet the council's responsibilities under the Resource Management Act (RMA) to recognise and provide for:
 - (a) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu¹, and other taonga² (section 6(e), RMA).
 - (b) The protection of historic heritage from inappropriate subdivision, use, and development (section 6(f), RMA).

And to:

 - (c) Take into account the principles of the Te Tiriti o Waitangi (Treaty of Waitangi) when managing the use, development, and protection of natural and physical resources (section 8, RMA).
3. The policy encourages applicants for a resource consent to engage early with tangata whenua in the process of developing their resource consent application.
4. The policy is overdue for a review as there have been several interruptions to review work which started 10 years ago. Those who are and will be directly affected by the policy have been engaged with over the years to understand how they think the policy is working and how it can be improved. Engagement has included various workshops and discussions with tangata whenua, property developers, and relevant council staff.
5. Feedback from the engagement highlighted a need to better clarify several key areas of the policy, including what the principles are, what the recommended engagement for resource consent applications means and/or entails, and what the council's legislated powers are in regard to enforcing consultation. Feedback also highlighted opportunities to enhance the council's roles and responsibilities to support the engagement that is recommended, as well as the need to address a range of operational matters³.
6. Staff have drafted a revised policy informed by the feedback, and refreshed and updated the policy document⁴, and are seeking approval of the draft for targeted consultation.

BACKGROUND**Review of the policy**

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

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

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

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

⁴ Several changes have been made to the policy, including:

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

including BOPRDC and WBOPDC withdrawing from the joint consultation policy⁵. No revised policy has therefore been presented to elected members for consideration until now.

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

STATUTORY CONTEXT

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

STRATEGIC ALIGNMENT

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

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

11. Encouraging early engagement with tangata whenua on resource consent applications supports Council's strategic outcome of an inclusive city by increasing the participation of iwi/hapū in the process and working more in a partnership manner. These contribute to supporting the following strategic goals and objectives, in particular:

- (a) Tauranga Matarauui – Inclusive City Strategy 2023-33 – inclusion and diversity.
 (b) Mahere Haupū me Mahi Tuku Iho, Ahurea, Toi hoki, Arts, Culture and Heritage Action & Investment Plan 2023-33 – the promotion and protection of built, natural and cultural heritage in the city.

12. Encouraging early engagement with tangata whenua on resource consent applications also supports Council's strategic outcome to value, protect and enhance the environment as it facilitates greater contribution of knowledge and insight held by tangata whenua as kaitiaki⁶ of their rohe⁷. Involving tangata whenua where appropriate and working together more often also helps to build and strengthen the relationship. These contribute to supporting the following strategic goals and aspirations, in particular:

- (a) Tauranga Taurikura – Environment Strategy, 2023-33 – 1) Thriving nature and biodiversity at the heart of our communities, 2) Tauranga values resources in a circular

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

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

⁶ Means guardian, steward, custodian.

⁷ Means a Māori tribal boundary or territorial area.

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

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

OPTIONS ANALYSIS

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

Issue 1: Policy principles

14. It is unclear in the existing policy what principles underpin Council's approach to consultation with tangata whenua on resource consent applications in the policy. The 'Principles' (section 2) currently contains considerable detail about the council's responsibilities under the RMA as well as paragraphs encouraging consultation at the beginning of the process, prior to lodging an application. Early consultation is also re-emphasised in section 5.1.3 where applicants are encouraged to consult at the preliminary concept stage.
15. In section 5.6 'Principles of Consultation' there are also six statements describing how the parties should act when engaging in consultation. Many of these overlap with the good consultation principles set out by the Ministry for the Environment⁸ and could be incorporated into the main principles of the draft policy.
16. Te Rangapū insisted that rangatiratanga⁹ be a separate principle in the policy. However, rangatiratanga is taken from the articles of Te Tiriti o Waitangi and is a rights-based concept generally considered to be a matter between the Crown and tangata whenua. There are currently no obligations under the RMA to uphold Māori rights to resources, but councils are obligated to take into account the principles of Te Tiriti o Waitangi in decision-making. Active protection is generally considered a principle under Te Tiriti and could be included in the draft policy.

Table 1: Options for clarifying policy principles

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

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

⁹ Means chieftainship, right to exercise authority, autonomy, sovereignty, self-determination.

Community, Transparency & Engagement Committee meeting agenda

18 November 2024

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

Issue 2: Clarifying the recommended engagement with tangata whenua

17. Te Rangapū have stressed the importance of applicants engaging early with the appropriate iwi/hapū groups on resource consent applications and being able to work more collaboratively. However, applicants do not always engage with tangata whenua even when it is considered appropriate under the policy. Consents staff also highlighted that some applicants consider engagement to have taken place when they send information to iwi/hapū for feedback even though they may not have received any response.
18. The Council acknowledges that it is only appropriate for Māori to determine their relationship, and the relationship of their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and kaitiakitanga¹⁰, and this acknowledgement is reflected in the policy. As such, the involvement of tangata whenua in the resource consent application process is important to mitigate any potential negative cultural impacts of a proposal.
19. Engaging with tangata whenua in line with this policy therefore entails not simply one-off consultation to get feedback on an application. Engagement can take various forms¹¹ and may be undertaken at various stages for different purposes through the resource consent application process. The policy could be improved to clearly communicate and emphasise the wide-range of engagement possible.

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

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

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

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

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

Issue 3: Clarifying council’s legislated powers regarding consultation.

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

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

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

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

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

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

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

FINANCIAL CONSIDERATIONS

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

LEGAL IMPLICATIONS / RISKS

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

TE AO MĀORI APPROACH

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

CLIMATE IMPACT

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

CONSULTATION / ENGAGEMENT

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

SIGNIFICANCE

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

ENGAGEMENT

34. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that targeted consultation with affected groups is suggested¹².
35. It is proposed that targeted consultation is undertaken with affected groups, including professional consultants (planners and developers), Te Rangapū and the resource management representatives for each of the iwi/hapū in Tauranga Moana to get feedback on the draft revised policy.
36. It is proposed that the consultation takes place online and/or in-person for each group and is between November 2024 and February 2025. Members of each group will be provided a summary of the key changes to the policy and invited to provide written feedback on the draft policy through a questionnaire prompting specific responses as well as more general comments.
37. It is proposed that the consultation be promoted to the consultant groups through the council's existing channels including the Planning Pānui and relevant mailing lists.
38. It is proposed that consultation with the Te Rangapū subcommittee takes place in late November 2024, followed by the resource management representatives for each iwi/hapū over December and January, and then with Te Rangapū in February 2025.

NEXT STEPS

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

ATTACHMENTS

1. **Consultation with Tangata Whenua on Resource Consents Policy 2006 - A15686135**
2. **Draft Engagement with Tangata Whenua on Resource Consent Applications Policy - Sept 2024 - A15645698**

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



COUNCIL LEAD POLICY

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

1. POLICY OBJECTIVES

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

2. PRINCIPLES

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

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

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

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

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

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

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

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

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

3. DEFINITIONS

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

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

Applicant is the party lodging the resource consent application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Working Day means any day except -

(a) a Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, Waitangi Day, and

(b) a day in the period beginning on 20 December in any year and ending with 10 January in the following year.

4. BACKGROUND

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

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

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

5. POLICY STATEMENT

5.1 Roles and Responsibilities

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

5.1.1 Council's Roles in the Application Process

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

As an enabler Council will:

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

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

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

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

5.1.2 Council as an Applicant for a Resource Consent

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

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

5.1.3 Applicant (other than Council)

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

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

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

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

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

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

5.1.4 Tangata Whenua

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

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

5.2 Preliminary Application Summary

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

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

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

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

5.3 Consultation with Tangata Whenua under the Tauranga District Plan

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

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

- An application site that includes, is within or directly adjoins a landscape feature, view shaft, site or item known by Council to be of cultural or spiritual significance to Māori; or
- A subdivision of any application site that is greater than 2000 m² in size.

5.4 When Consultation with Tangata Whenua is not Required

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

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

5.5 Who to Consult With

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

To assist consultation in accordance with this policy Council will:

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

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

5.6 Principles of Consultation

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

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

5.7 Process Timeframes

5.7.1 Legislative Timeframes

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

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

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

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

5.7.2 Pre-application Consultation Timelines

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

5.8 Application Processing by Council

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

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

5.8.1 Step 1 - Assessment of Whether Consultation is Required

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

5.8.2 Step 2 - Assess Whether Consultation has Occurred

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

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

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

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

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

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

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

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

5.8.4 Step 3 - Provision of Lodged Application to Tangata Whenua

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

5.8.5 Step 4 - Assess Adequacy of Consultation that has Occurred

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

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

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

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

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

5.8.6 Cultural Assessment

The objective of the Cultural Assessment is to:

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

5.9 Impact of Consultation on Council Decision Making

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

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

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

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

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

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

5.10 Appropriate Tangata Whenua Advised of the Application Decision

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

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

5.11 Determination and Payment of Costs Associated with Resource Consent Application

5.11.1 Processing of Applications

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

5.11.2 Associated Costs of Consultation with Tangata Whenua

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

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

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

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

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

5.12 Objections to Consent Condition

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

5.13 Appeals to Resource Consents

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

5.14 Minor Policy Amendments

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

6 RELEVANT DELEGATIONS

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

7 REFERENCES AND RELEVANT LEGISLATION

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

DRAFT ENGAGING WITH TANGATA WHENUA ON RESOURCE CONSENT APPLICATIONS POLICY



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

1. PURPOSE

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

2. SCOPE

This policy applies to:

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

3. DEFINITIONS

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

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

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

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

4. PRINCIPLES

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

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

5. BACKGROUND

5.1 The Council’s fundamental statutory obligations to tangata whenua are predominantly provided for in the RMA and Local Government Act 2002 (LGA).

5.2 Under the RMA, Council has certain responsibilities when exercising its functions and powers as a consent authority in regard to managing the use, development, and protection of natural and physical resources, including:

- to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga (section 6)
 - to have particular regard to kaitiakitanga (as exercised by tangata whenua within their rohe) (section 7(a))
 - to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (section 8).
- 5.3 Council also has obligations under the LGA to maintain and improve opportunities for Māori to contribute to local government decision-making processes.
- 5.4 Council recognises that engaging with tangata whenua in the resource consent application process where any decision is likely to involve the matters identified in sections 6, 7 and 8 of the RMA will be important in ensuring Council is well equipped to make informed decisions and to give effect to its obligations under the RMA.

6. POLICY STATEMENT

6.1 General

- 6.1.1 Council acknowledges that only tangata whenua can determine their relationship, and the relationship of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga and kaitiakitanga.
- 6.1.2 As a matter of recognised best practice, engagement with tangata whenua should occur where a proposal may affect the relationship of tangata whenua and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga and their ability to exercise kaitiakitanga. Without such engagement, the council may be unable to make a fully informed decision on an application for resource consent.
- 6.1.3 Engagement typically requires two-way communication between the applicant and the appropriate tangata whenua groups. Requests for feedback without a response in writing from tangata whenua does not constitute engagement for the purposes of determining cultural impact. Applicants may proceed with finalising their application if all reasonable steps have been taken to engage but a response is not received or tangata whenua do not engage in a timely manner.
- 6.1.4 Council recognises that tangata whenua have limited resources, capacity and capability to participate effectively in the resource consent process and will provide training support where appropriate and necessary.
- 6.1.5 Iwi/hapū management plans lodged with the council and iwi/hapū relationship protocols endorsed by the council should be taken into account within the resource consent application process.
- 6.1.6 Engagement in accordance with this policy must involve working with the appropriate tangata whenua (this may be more than one iwi/hapū) which are the mandated representatives for the particular geographic boundary. Council officers can assist in providing information held by the council about iwi authorities, groups representing hapū, and areas where those groups exercise kaitiakitanga.
- 6.1.7 Effective engagement with tangata whenua that occurs at the beginning of the resource consent application process, particularly during the development of the proposal and before an application is lodged, will be more efficient and may avoid lengthy and costly litigation.

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

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

6.2 Roles and Responsibilities

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

6.2.2 Council

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

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

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

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

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

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

6.2.3 Applicant

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

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

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

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

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

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

6.2.4 Tangata Whenua

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

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

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

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

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

7. DELEGATIONS

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

8. REFERENCES AND RELEVANT LEGISLATION

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

9. ASSOCIATED POLICIES/PROCEDURES

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

10. SCHEDULES

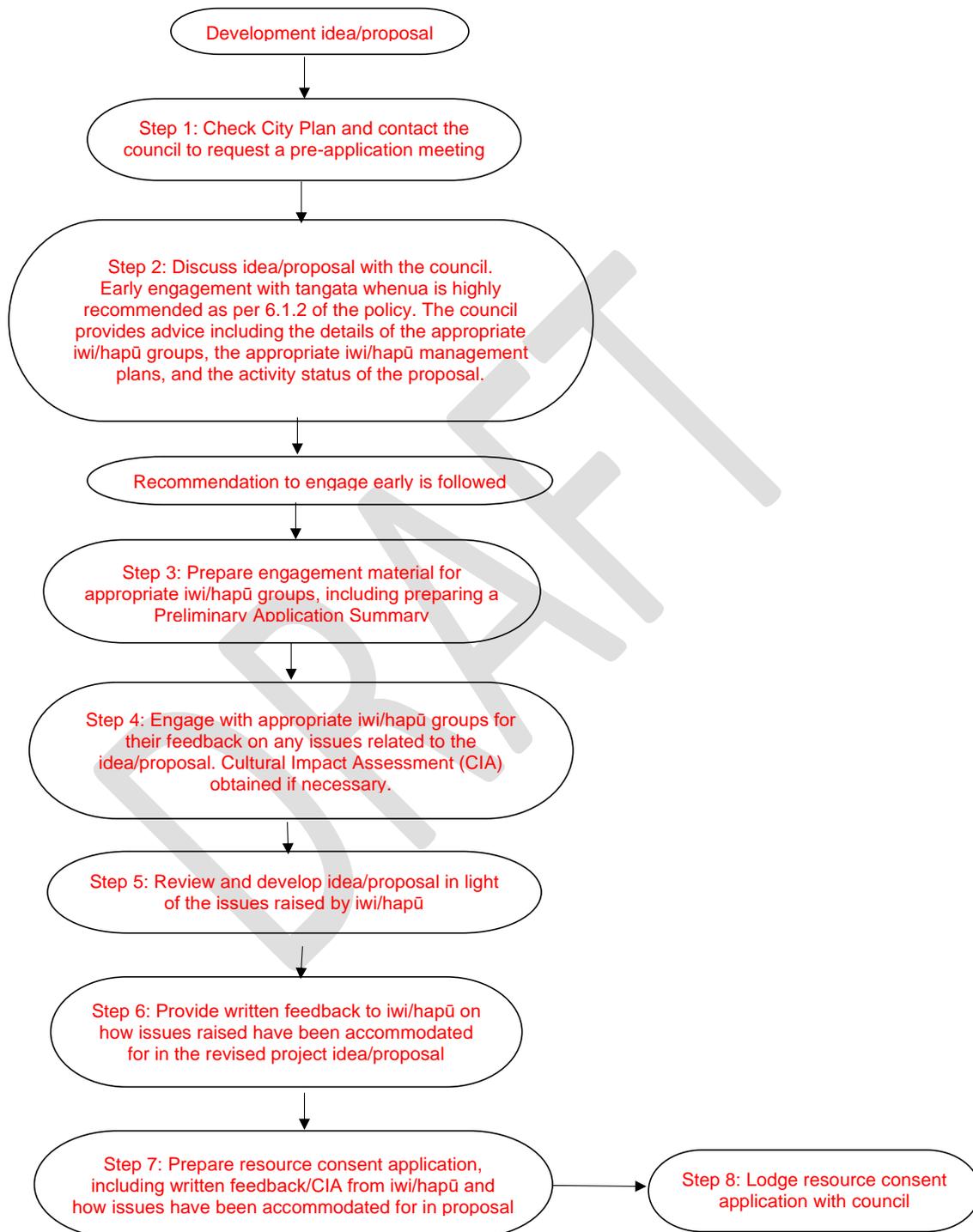
- **Schedule 1: Table of the different levels of engagement**
- **Schedule 2: Flow chart of best practice engagement with tangata whenua on resource consent applications (for applicants)**

Schedule 1: Table of the different levels of engagement*

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

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

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



9.2 Western Corridor (Tauriko) State Highway Transport Update - NZTA

File Number: A17397941

Author: Chris Barton, Programme Director: Major Projects

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. For NZ Transport Agency Waka Kotahi (NZTA) to provide an update to the Committee on current and planned upcoming transport works in the Tauriko area including the Ōmanawa Bridge replacement and the Tauriko State Highway Road of National Significance (RoNS) project.

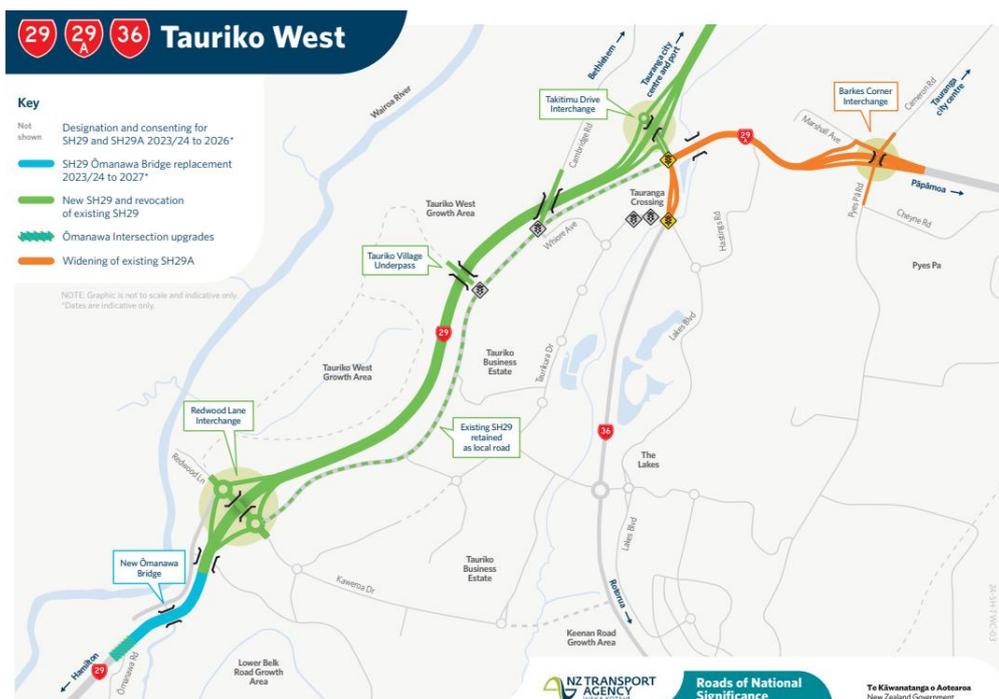
RECOMMENDATIONS

That the City Future Committee:

- (a) Receives the report "Western Corridor (Tauriko) State Highway Transport Update - NZTA".

DISCUSSION

2. In the Tauriko area significant changes to both the local and State Highway transport networks are required to support and enable planned growth of the Western Corridor, the city and the region.
3. The SH29 Tauriko Enabling Works project is currently in construction. This project is financed by TCC (with co-funding from multiple parties), with progress reported as part of the regular Major Projects Update report to this Committee. The Enabling Works project provides infrastructure connections to the Tauriko West development area enabling land development.
4. NZTA are additionally leading projects to upgrade SH29, SH29A and SH36 through the Tauriko area between Omanawa Road and Cameron Road / Barks Corner.



5. NZTA will further present a verbal update to the Committee on the current Tauriko West programme (refer Attachment 1).

NEXT STEPS

6. Further updates will be provided to Committee at key milestones of development of the Tauriko West RoNS project.

ATTACHMENTS

1. **Tauriko West Programme Update - A17701545** [↓](#) 

Tauriko West Programme Update

Andrew Wharekawa Smith – Project Director



Te Kāwanatanga o Aotearoa
New Zealand Government

WHY ARE WE INVESTING



SH29 travel time can vary between 8 to 27 minutes during AM and 12 to 48 minutes during PM peak



Growth in Western Corridor is forecast to generate up to 38,000 SH29 & 45,000 SH29A vehicles per day by 2048+ (more than 45% increase)



Port of Tauranga largest NZ port by export volume; Port activity contributing 9% of NZ GDP



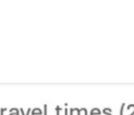
Freight movements on SH29 are forecast to increase between 56% and 64% by 2043



40% of road freight trips to Port of Tauranga use SH29

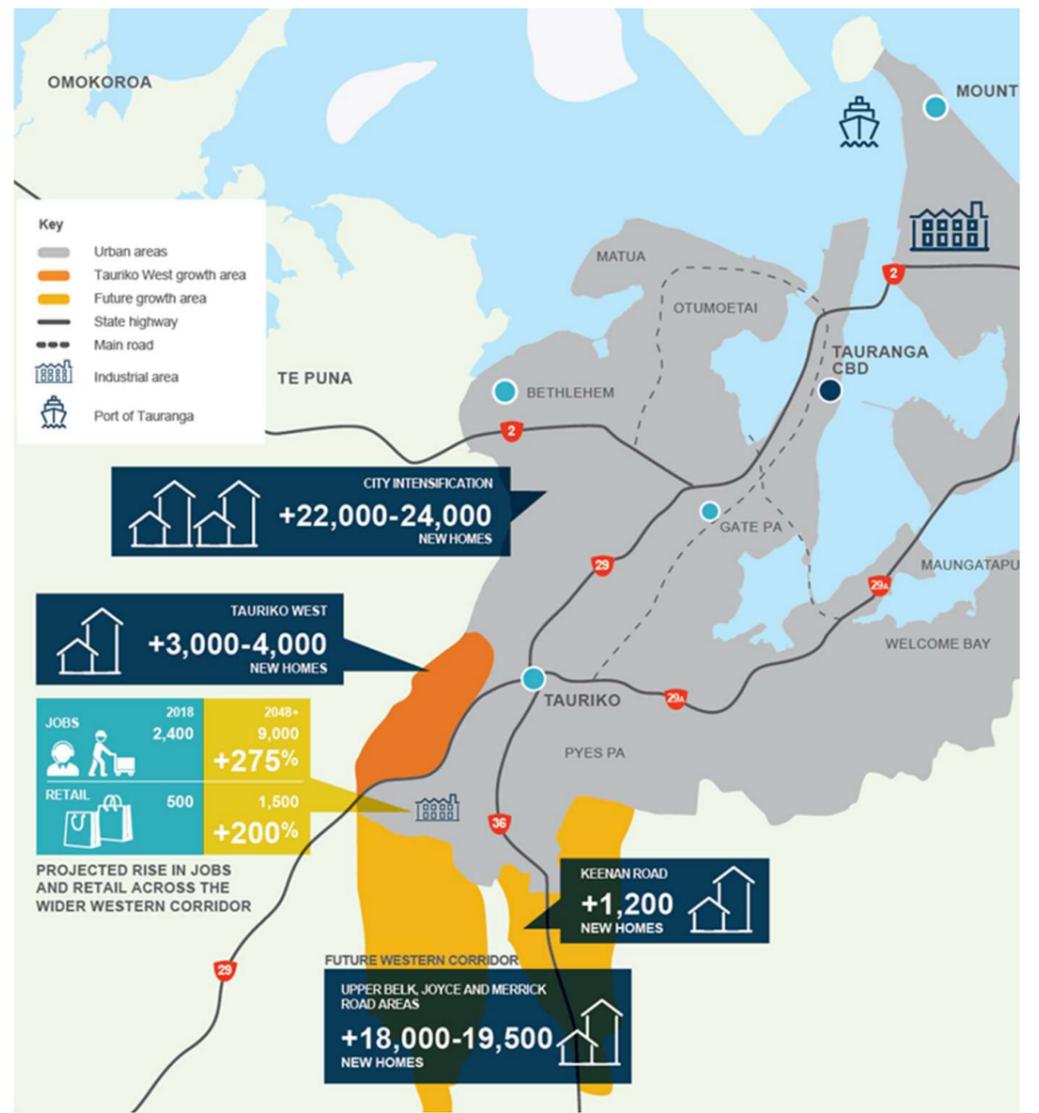
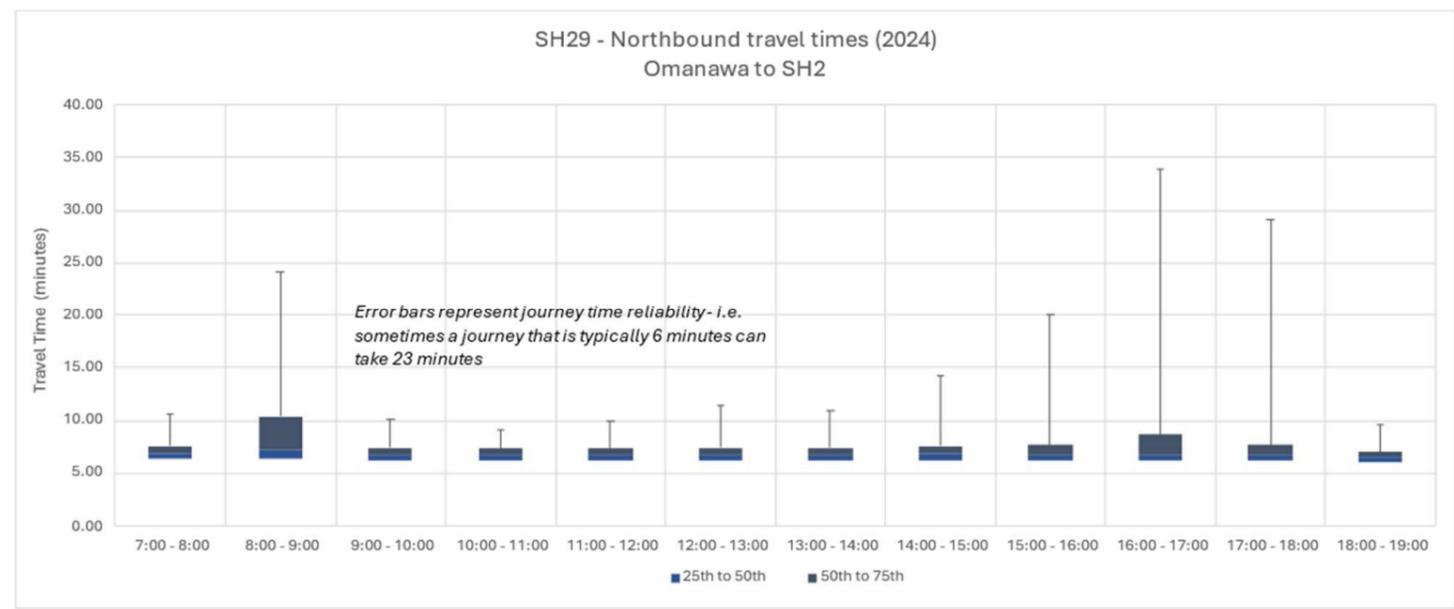


10,500 dwellings and 11,500 jobs in the Western Corridor by 2048



80 crashes on SH29 between 2019-2024, with 3 DSIs

55% of crashes on Tauriko Network (2019-2024) occurred at intersections



Rapid population and job growth is forecast in the Western Corridor Area (TTSM 2023)

Future years	Population	Dwelling	Employment
2023*	15,500	5,500	8,900
2035	20,700	7,400	9,200
2048	28,400	10,500	11,500
2063	71,300	30,000	15,300

NZ Transport Agency

TAURIKO WEST ENABLING WORKS

Scope of works

The scope of works includes:

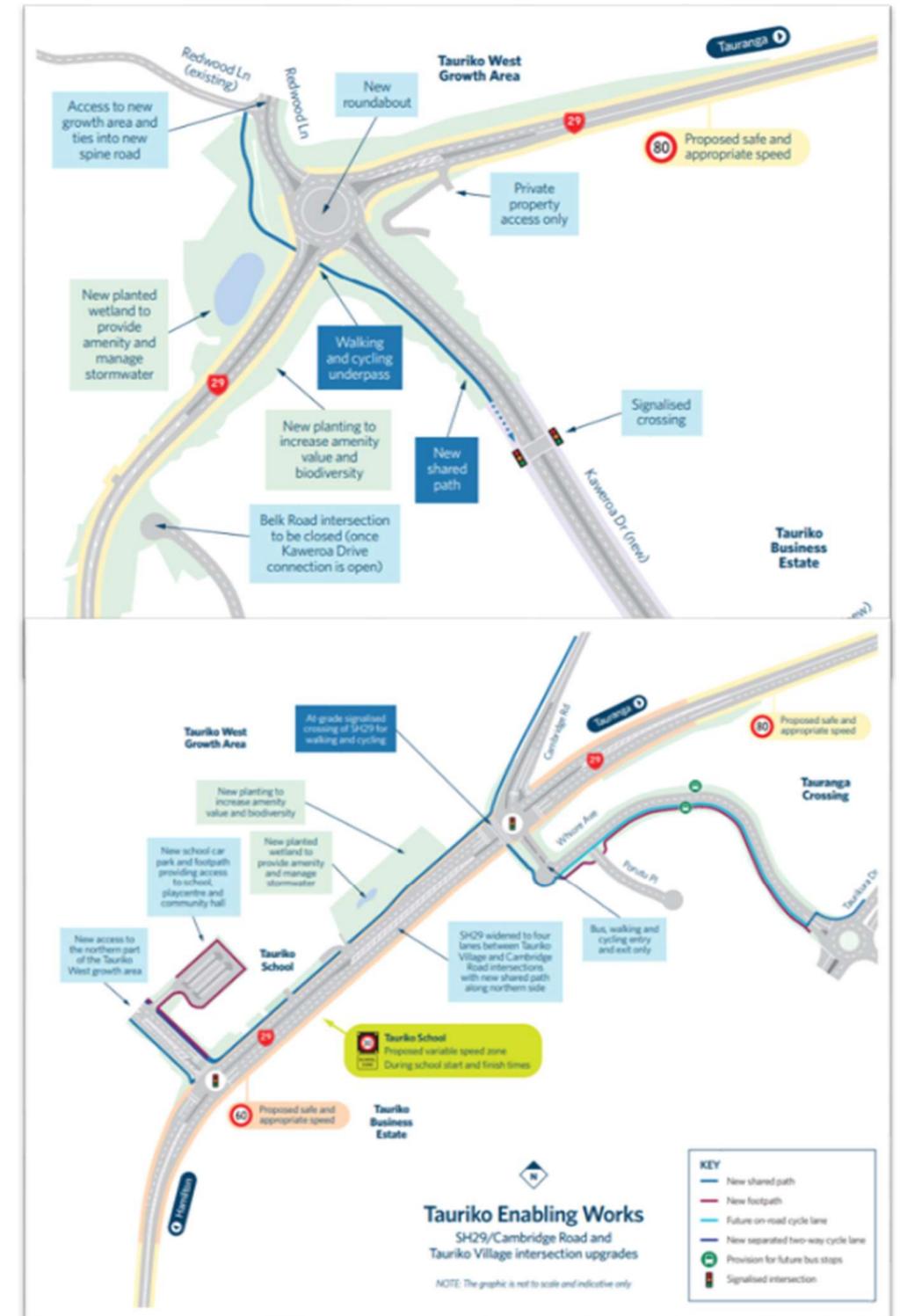
- Roundabout at Redwood Lane and SH29 intersection and new connection into Kaweroa Drive
- Closure of SH29/Belk Road intersection
- 2 connections into the UGA
- New service provisions for UGA
- Signalisation of SH29/Cambridge Road intersection
- Widening through Tauriko Village incorporating walking and cycling
- Bus, walking and cycling only connection to Whiore Ave

Progress

- Redwood Lane due for completion: Early 2026
- Tauriko Village due for completion: Early 2027

What will we get for this – project outcomes 2027

- **Economic benefits** – enabling growth of 2400 houses in the Tauriko West UGA & contributes circa \$160m to local economy
- **Resilience** – improved network resilience through the corridor
- **Safety** – signalisation of the Cambridge Road/SH29 intersection, closure of Belk Road and SH29, walking and cycling improvements and speed limit reduction reducing the likelihood of death and serious injury incidents



NZ Transport Agency



Scope of works

The scope of works includes:

- Ōmanawa Bridge replaced using the RoNS standards – 2 lanes
- Involves realigning SH29 around the bridge and minor safety improvements to Ōmanawa Road and SH29 intersection
- Positioned on long-term alignment
- Lessons learnt from SH25A Coromandel bridge brought forward

Progress

- Consents lodged January 2025
- Designer engaged, 2 contractors involved in an early contractor involvement process
- Construction expected to start late 2025, pending designation and consenting. Target bridge opening in 2027.

What will we get for this – project outcomes

- **Resilience** – end of life structure replaced on strategic freight route
- **Safety** – new bridge design to RoNS standards, interim improvements to the Ōmanawa Road/SH29 intersection



NZ Transport Agency

NZ TRANSPORT
AGENCY
WAKA KOTAHI

Tauriko West

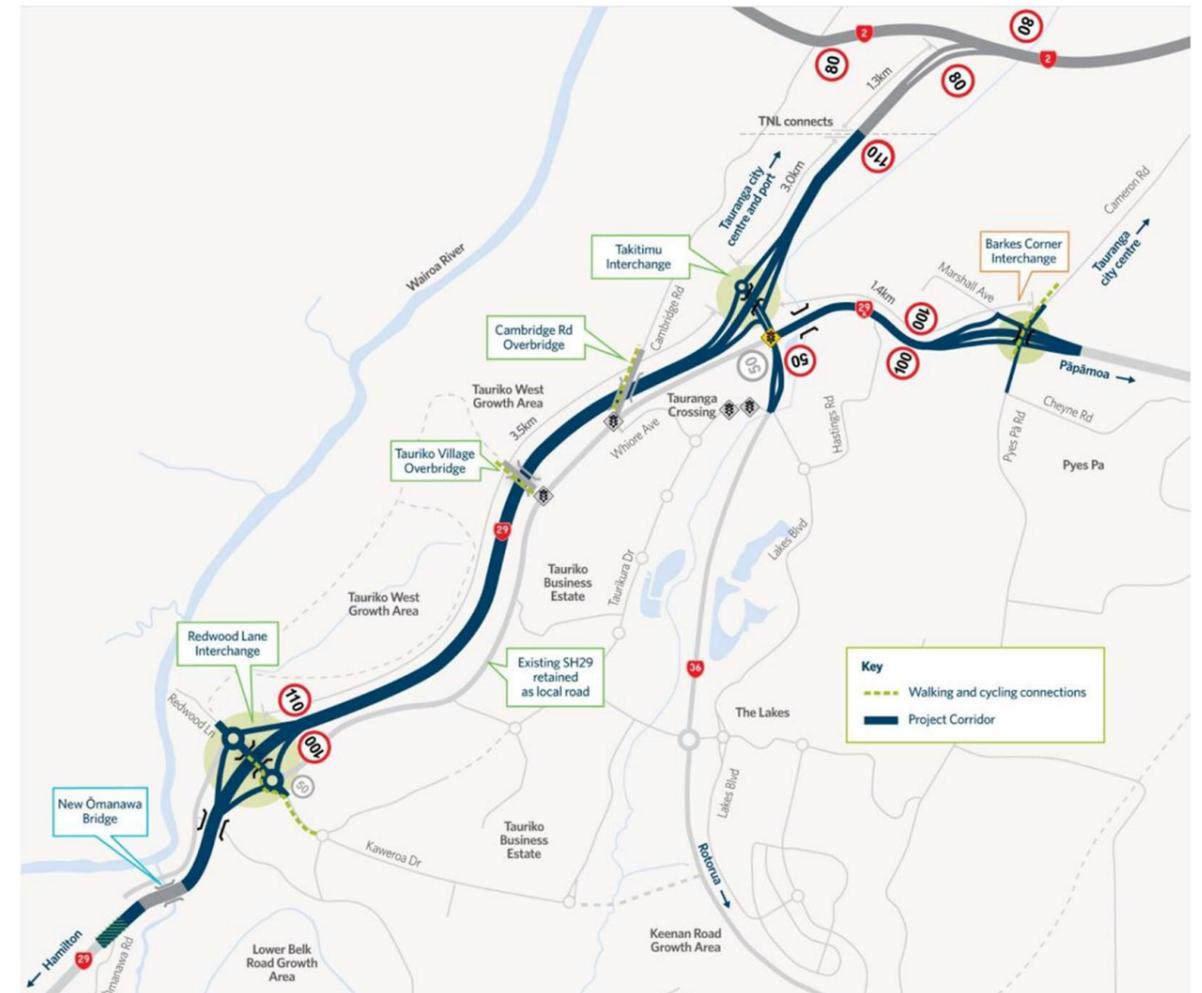
Roads of
National
Significance

The Tauriko West RoNS includes:

- A new offline 4-lane SH29 corridor between Redwood Lane and Takitimu North Link with a design speed to allow for 110km/h (tolled or untolled). Includes widening of Takitimu Drive Toll Road to 4 lanes.
- Upgraded SH29A with a design speed to allow for 100km/h and 4 lanes for general traffic with additional space route protected to provide for future corridor productivity (throughput) and greater priority for high value trips.
- Seven intersection improvements, including 3 grade separated interchanges at Redwood Lane, Takitimu Drive and Barkes Corner.
- Other intersection upgrades at Tauriko Village, Cambridge Road and SH29A/SH36 Takitimu Drive Toll Road roundabout upgraded to an at-grade signalised intersection.
- Replacement of grade-separated walking and cycling crossing at Barkes Corner to provide safe access across SH29A.
- Walking and cycling connections replaced ‘like-for-like’ at Redwood Lane, Cambridge Road and Barkes Corner.
- SH29 revocation – agreed future Urban Connector function on day of handover reflects a higher place function and a reduced movement function.
- Route protection on SH29A and SH36 to accommodate future growth.

What will we get for this – project outcomes

- **Economic benefits** – improved travel time reliability, allows growth both housing and industrial in the western corridor
- **Resilience** – significant improvements to the resilience of the highway through increasing lanes and safety interventions along and availability of alternative routes through the existing highway and SH36 links
- **Safety** – significantly improved through the introduction of safe system infrastructure which include roadside and central barriers, grade separated interchanges



Hei konā mai

Goodbye for now

NZ Transport Agency

9.3 Connecting Mount Maunganui - Project Update and Next Steps

File Number: A17397943

Author: Chris Barton, Programme Director: Major Projects

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. To seek direction on whether the Connecting Mount Maunganui project should further progress or be placed on-hold.

RECOMMENDATIONS

That the City Future Committee:

- (a) Receives the report "Connecting Mount Maunganui - Project Update and Next Steps".
- (b) Confirms the Connecting Mount Maunganui project is to be placed 'on hold' subject to subsequent prioritisation and funding considerations in future Annual Plan, Long Term Plan and National Land Transport Programme processes;
- (c) Endorse further exploring external project funding prioritisation opportunities to advance next phases of project delivery; and
- (d) Notes that the Connecting Mount Maunganui project is included as a priority project in the City/Regional deal proposal to Central Government.

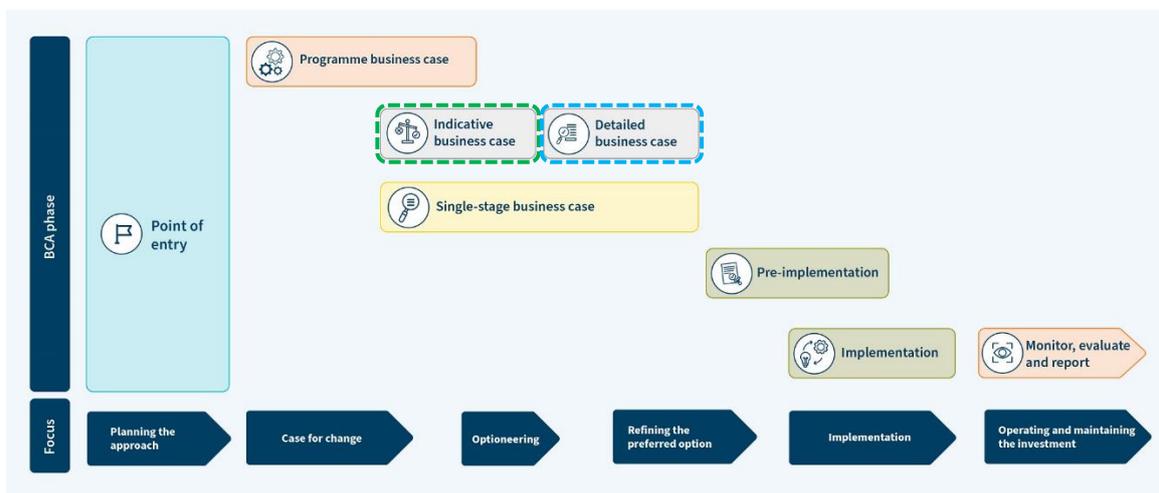
EXECUTIVE SUMMARY

2. Connecting Mount Maunganui is a project being jointly progressed by NZ Transport Agency Waka Kotahi (NZTA) and Tauranga City Council (TCC) seeking to increase the efficient and reliable movement of people and goods through the Mount Maunganui sub-area of Hewletts Road (SH2), Tōtara Street and Maunganui Road. Addressing transport network issues in this area has been identified as a top priority in the Transport System Plan (TSP), the Urban Form and Transport Initiative (UFTI) and the Connected Centres programme to support continued growth and economic productivity in the region.
3. The first phase of the project has involved development of an Indicative Business Case (IBC) which has identified a recommended programme of network interventions. The IBC was endorsed by TCC at the Vision, Planning, Growth & Environment Committee on 11 November 2024 and by the NZTA Board in February 2025.
4. The estimated uninflated total capital cost to deliver the recommended option is between \$278m (P50 estimate) and \$375m (P95 estimate), with costs indicatively anticipated to be shared by NZTA (75.5%) and Tauranga City Council (24.5%).
5. The next phase of the project would involve progressing a Detailed Business Case (DBC) which would further refine the project scope and progress a more detailed analysis of the project costs, risks, and benefits. The DBC phase was estimated in the IBC to be delivered over a 12-18 month period at a cost of approximately \$5m, however opportunities to optimise this phase to reduce the time and cost would be further explored prior to commencement.
6. NZTA has not prioritised funding in the 2024-27 National Land Transport Programme (NLTP) to progress the project beyond the IBC phase.
7. Options available to Council are to:

- place the project on-hold in alignment with NZTA funding decisions, with funding for future project phases subject to project prioritisation in the 2027-30 NLTP and 2027-37 LTP;
 - to self-fund the next phase of project concept development – which would indicatively be the DBC phase; or
 - to self-fund and progress design and construction of early stage local road connections in advance of a DBC – for example connecting Te Maire Street to Newton Street.
8. There are potential opportunities to seek further external funding approvals or reprioritisation.
 9. CMM is included as a priority project in the recent City/Regional deal proposal to Central Government, and a submission is also currently being prepared for the project to be included on the NZ Infrastructure Commissions Infrastructure Priorities Programme (IPP) and National Infrastructure Plan.

BACKGROUND

10. SH2/Hewletts Road and the surrounding area is the crucial ‘last mile’ connection between the Upper North Island freight network and the Port of Tauranga for transportation of goods – which is regionally and nationally significant regarding economic growth and productivity.
11. Performance of this critical section of the strategic transport network is locally, regionally, and nationally significant, providing access to many key local and inter-regional destinations. It connects the Port of Tauranga, Mount Maunganui town centre, numerous residential and employment areas, and is a major thoroughfare for people crossing the Tauranga Harbour. Addressing issues with journey time reliability and delays through this corridor are a key enabler to ongoing economic growth and productivity of the city and sub-region.
12. The project is planned to be co-funded by NZTA and TCC. NZTA use the Business Case Approach to guide planning and investment decisions. A summary of project phases through business case, pre-implementation and implementation through to completion is outlined below.



13. NZTA has led the development of the Connecting Mount Maunganui project IBC with TCC support.
14. The CMM IBC was endorsed by TCC at the Vision, Planning, Growth & Environment Committee on 11 November 2024. Subsequently the IBC has been endorsed by the NZTA Board in February 2025.
15. Whilst endorsement of the IBC by the NZTA board is a significant milestone and positive step for the project, it is noted that there remains no NZTA funding prioritised or budgeted to progress the next phases of the overall CMM project within this 2024-27 NLTP period.
16. The IBC has identified a recommended programme of interventions including:

- partial grade separation at the Hewletts Road /Tōtara Street intersection with a flyover;
- 4-laning Tōtara Street between Hewletts Road and Hull Road;
- converting current Hewletts Road bus lanes into High Occupancy Vehicle lanes (T3); and
- creating new local road and cycleway connections between Tōtara Street and Newton Street / Maunganui Road through the current Mount Maunganui industrial area.



- The recommended option has been economically assessed with a benefit cost ratio (BCR) of 1.3, reflecting significant project benefits particularly in travel time savings, congestion relief, vehicle operating costs, improved public transport facilities and cycle network improvements (valued at over \$370m in accordance with NZTA economic evaluation procedures) that exceed the estimated project costs.
- Development of the IBC has included engagement with the community and project stakeholders.
- The next planned project phase is the Detailed Business Case phase, which will further refine the preferred option as outlined in the IBC. Noting the concept and scope of some recommended interventions have not yet been fully detailed as part of the IBC process – the DBC phase will include further analysis and detail regarding recommended local road connections and improvements and more detailed cost estimation.
- The DBC builds on the detail completed in the IBC. In developing the commercial, financial and management cases, the DBC will also continue to develop and confirm the strategic and economic cases (for example confirming costs, contextual evidence, benefit achievement etc). The DBC involves a detailed analysis of the costs, risks and benefits of the preferred option. It is aimed at building an agreed scope and scope parameters, and complete understanding of the acceptable risks, uncertainties and benefits associated with the investment, so that a final decision can be made whether to implement it.

Strategic case What is the compelling case for change?	Economic case Does the preferred option optimise value for money?	Commercial case Is the proposed deal commercially viable?	Financial case Is the investment proposal affordable?	Management case How can the proposal be delivered successfully?
				
Refine and confirm	Refine and confirm	Refine and confirm	Refine and confirm	Refine and confirm

21. The DBC phase will need to be completed prior to securing any funding to progress to detailed design or construction.
22. There is a potential option for the DBC phase to be separated relevant to staged interventions, for example a local road improvements DBC and a separate DBC for proposed interventions at the Hewletts/Tōtara intersection and along Tōtara Street. Staff do not recommend this approach. Splitting the DBC phase introduces two key risks:
 - by splitting the DBC phase recommended solutions may not best align or be optimally prioritised to deliver against the overall project investment objectives, with less ability to rationalise and prioritise the scope and deliverables between separate business cases; and
 - splitting costs and benefits of the overall solution to individual DBC’s increases the risk of unfavourable economic evaluation, particularly regarding allocation of economic benefits against various interventions.
23. NZTA have signalled a review to the Business Case approach to optimise investment decision making – with a particular focus on reducing the time and cost associated with business case development and review. Subject to outcomes of the review this this may present an alternative project development pathway to the currently anticipated DBC approach.
24. NZTA have indicated that they do intend to progress pre-implementation and implementation of SH2 Hewletts Road High Occupancy Vehicle (HOV) lanes in this NLTP period – noting this would be a State Highway Improvement (funded 100% NZTA). A proposal to change the current bus lanes to T3 managed lane has been assessed to provide significant travel time and congestion benefits to traffic using Hewletts Road, with an assessed Benefit Cost Ratio of 7.7 across a 10 year period. A decision on implementation of this is anticipated in mid 2025 subject to NZTA funding availability and investment prioritisation.
25. Funding for the next phases of the CMM project other than the Hewletts Road managed lanes are not included in the 2024-27 National Land Transport Programme (NLTP). The NLTP includes all activities prioritised for funding from the National Land Transport Fund (NLTF) between 1 July 2024 and 30 June 2027. NZTA have advised that there is no available NLTP funding to progress any other components of the CMM project beyond the IBC in this NLTP period. Funding requests for all further stages are to be reconsidered as part of the 2027-30 NLTP.

DISCUSSION AND OPTIONS

26. Noting that anticipated NZTA co-funding for next phases of project development have not been prioritised in the 2024-27 NLTP, current viable options are:
 - Option 1 – pause the project with funding for future project phases subject to project prioritisation in the 2027-30 NLTP and 2027-37 LTP (or other funding opportunities);

- Option 2 – for TCC to self-fund the next phase of project concept and design development (DBC at a currently estimated cost of \$5m) without NZTA co-funding; or
 - Option 3 – for TCC to self-fund and progress design and construction of early stage proposed local road connections in advance of a DBC – for example connecting Te Maire Street to Newton Street.
27. Option 1 would align with current Annual Plan funding which anticipates delaying future stages of project delivery – however would likely result in a significant delay to progressing next phases of the project and no short-term progress towards addressing current and growing issues on the corridor.
28. Option 2 is provided indicatively for consideration, noting that if Council would like to further pursue this option further discussions would be required with NZTA to confirm support of the approach and a subsequent report would be provided including a more detailed assessment of financial viability and consequences. It is noted that if TCC do look to fund the DBC phase, close alignment with NZTA would be required throughout DBC development to ensure the DBC is aligned with NZTA's expectations and maximises opportunities for future NZTA funding prioritisation.
29. Option 3 could look at progressing physical works to look to start addressing network issues. As identified in the indicative staging of the IBC, a first stage delivery option could be to connect Te Maire Street to Newton Street – which would provide an alternative access/egress route for businesses on Maru Street, Macrae Ave and Te Maire Street and ease pressure on Hewletts Road. Council already own the land required for this connection – with costs for delivery estimated in the IBC at \$2.5m. Progressing this in advance of the DBC phase would mean NZTA co-funding would likely not be available to support delivery, and there is a risk that the design or the road and intersection with Newton Street may be misaligned with the final preferred concept – subject to the final form of the local road connections component of the overall CMM project which will be further refined through the DBC phase.
30. It is also noted that if the DBC is progressed in this 2024-27 period, funding availability for subsequent pre-implementation and construction phases would still be subject to funding availability and prioritisation in the NZTA 2027-30 NLTP and TCC 2027-37 LTP.
31. Indicative timeframes and associated indicative TCC funding profiles for the options are outlined in Attachment 1.

FINANCIAL CONSIDERATIONS

32. Total costs for the IBC development have been shared between NZTA (50%) and TCC (50%) – noting the TCC component is also NZTA co-funded at a 51% Financial Assistance Rate (FAR). This results in a cost share to TCC of circa 24.5% of the total project cost.
33. Future phases of delivery are anticipated to be co-funded by NZTA and TCC consistent with the approach through the IBC phase.
34. A summary of the indicative funding split of the total IBC project cost estimate and a summary of estimated project costs for phases (business case, design, property and implementation) is outlined in Attachment 1.
35. Funding has been allocated in the 2024-34 Long Term Plan (LTP) to progress the project, noting this is budgeted assuming NZTA co-funding at 51% FAR. As part of development of the 2025/26 Annual Plan project funding has been deferred from the 2025/26 financial year in acknowledgement that anticipated NZTA co-funding has not been prioritised. Current LTP budgets as per the draft 2025/26 Annual Plan (AP) are included in Attachment 1.
36. In the current 2024-34 LTP and draft 2025-26 AP the majority of funds for implementation and construction of the CMM project are not currently budgeted within the 2024-34 LTP period.

37. If TCC did elect to progress with fully funding the DBC phase it is noted that any works associated with State Highway assets would need to be funded as operational rather than capital expenditure, as costs would not be attributable to an asset which would ultimately be owned/capitalised by TCC.
38. Staff are exploring a potential opportunity for reallocation of Infrastructure Acceleration Fund (IAF) Crown Grant funding which has been approved for the Cameron Road Stage 2 project to a value of \$56.6m to CMM in the event Cameron Rd Stage 2 does not proceed. This funding reprioritisation opportunity would be subject to decisions on the Cameron Road Stage 2 project and subject to decisions from the fund administrators including Kainga Ora and Minister of Housing Hon. Chris Bishop. Kainga Ora has advised this is not a decision that can be made at a staff level and would require Ministerial approval. Informally, their view is a reallocation would be unusual and they consider it unlikely based on their experience to date. However, they are happy to discuss the matter further and report the issue to the Minister for decision making at the appropriate time. The regional and city deals process may provide an opportunity to further discuss funding reprioritisation opportunities with central government.
39. TCC have submitted an application for central government funding via the Crown Resilience Programme (being administered by NZTA) including construction of the Te Marie/Newton Street link as identified in Option 3 – which if approved would provide 51% external co-funding (for costs of up to \$2m) to support delivery of this work package.
40. TCC project costs to deliver CMM may be eligible to be funded from the Infrastructure Funding and Financing (IFF) levy if there is sufficient headroom.
41. One of the conditions imposed on Tauranga City Council as part of our recent successful application for a bespoke net debt to revenue covenant is the requirement to not undertake any new roading projects that are not funded by NZTA without prior notification to LGFA. If the decision was made to bring phases of the project forward without approved NZTA funding, notification to LGFA would be required. For example, progressing Option 2 would have dual negative impacts on our debt to revenue ratios as currently set out in our 10-year modelling by reducing our capital subsidy revenue and increasing our debt levels.
42. Delivery option estimates as shown on Attachment 1 are less than the budget - as when the LTP was developed the emerging scope and cost estimate in the draft Business Case for the overall CMM project was higher than the final IBC scope and cost estimate. Option estimates are based on P95 estimates from the IBC.

STRATEGIC ALIGNMENT

43. This project primarily contributes to the promotion or achievement of the following strategic community outcomes:

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

44. The CMM project is a top priority project to address transport congestion in the city and enable ongoing growth and development.

LEGAL IMPLICATIONS / RISKS

45. There are no identified legal implications associated with this matter.

TE AO MĀORI APPROACH

46. As outlined in previous project reports there has been extensive engagement throughout development of the IBC with Ngai Tukairangi and Ngati Kuku hapu.
47. Ngai Tukairangi support the recommended option.
48. Ngati Kuku elected through the IBC process to withdraw from the project as a partner due to their objection with the proposed flyover at the Totara/Hewletts intersection – particularly concerning the potential obstruction of views from the Whareroa Marae to Mount Maunganui. Alternative options have been explored by the project team, however no feasible alternatives to the proposed grade separated interchange are viable without significant compromises to overall project benefits.
49. Through next phases of the project (anticipated to be the Detailed Business Case phase) it is recommended the Māori Artists Collective is funded/resourced as part of the DBC to ensure tangata whenua history and cultural narratives are embedded across the CMM area. This should be incorporated through the design and construction of roading infrastructure, landscaping, water sensitive design (wetlands/waterways restoration and enhancement), public spaces and areas developed as part of the DBC. Opportunities for employment and long-term training/skills programs for rangatahi are also recommended for future project phases. It is noted that NLTP funding for these components will be subject to alignment with the GPS.

CLIMATE IMPACT

50. Reducing and addressing congestion through this part of the transport network would result in reduced transport emissions through reduced travel time and queuing – though it is noted that modelling as part of the IBC has indicated emission reductions will be minimal.
51. The project is also supporting transport choice and mode shift, with the recommended programme including improved customer facilities for public transport users and improvements for active modes including new and improved cycle facilities.
52. Further assessment of enhanced infrastructure sustainability opportunities would be undertaken through the next phase of project development including low embodied carbon construction options.

CONSULTATION / ENGAGEMENT

53. Community engagement has shaped the Connecting Mount Maunganui project. Throughout the IBC phase views of project stakeholders including businesses and organisations and the general public have been considered. This process has included leveraging from TCC's engagement process on the Mount to Arataki Spatial Plan and undertaking community surveys.
54. Overall, feedback has been positive and people agree there is need to improve transport in the area. There is broad support for improving road safety and reliability, as well as improving public transport and facilities for people walking and cycling.
55. Further extensive engagement will take place through future project phases.

SIGNIFICANCE

56. 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.
57. 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.
58. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of high significance, however the decision proposed in this report is of medium significance.

ENGAGEMENT

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

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

NEXT STEPS

60. If the decision of the Committee is to pause the CMM project, staff will place the project on-hold but will continue to explore any potential opportunities for project funding. Opportunities could include any NZTA funding reprioritisation, outcomes from a potential City/Regional deal, reallocation of existing IFF or other TCC funding, or any other central government / private sector funding opportunities which may emerge.
61. To best position the project for future co-funding opportunities, staff will also submit the project to the NZ Infrastructure Commissions Infrastructure Priorities Programme (IPP). Proposals and projects assessed as meeting the criteria under the IPP will be published and included within the National Infrastructure Plan, sending a strong signal to decision-makers that the project is a key infrastructure priorities for both the region and nation.
62. If the Committee would like to further explore opportunities for TCC to self-fund next stages of project development to keep delivery momentum and mitigate delays to project implementation, a subsequent report would be provided to Committee further outlining funding and delivery considerations.

ATTACHMENTS

1. **Connecting Mount Maunganui - Project Delivery Options and Scenarios - A17718574** [↓](#)

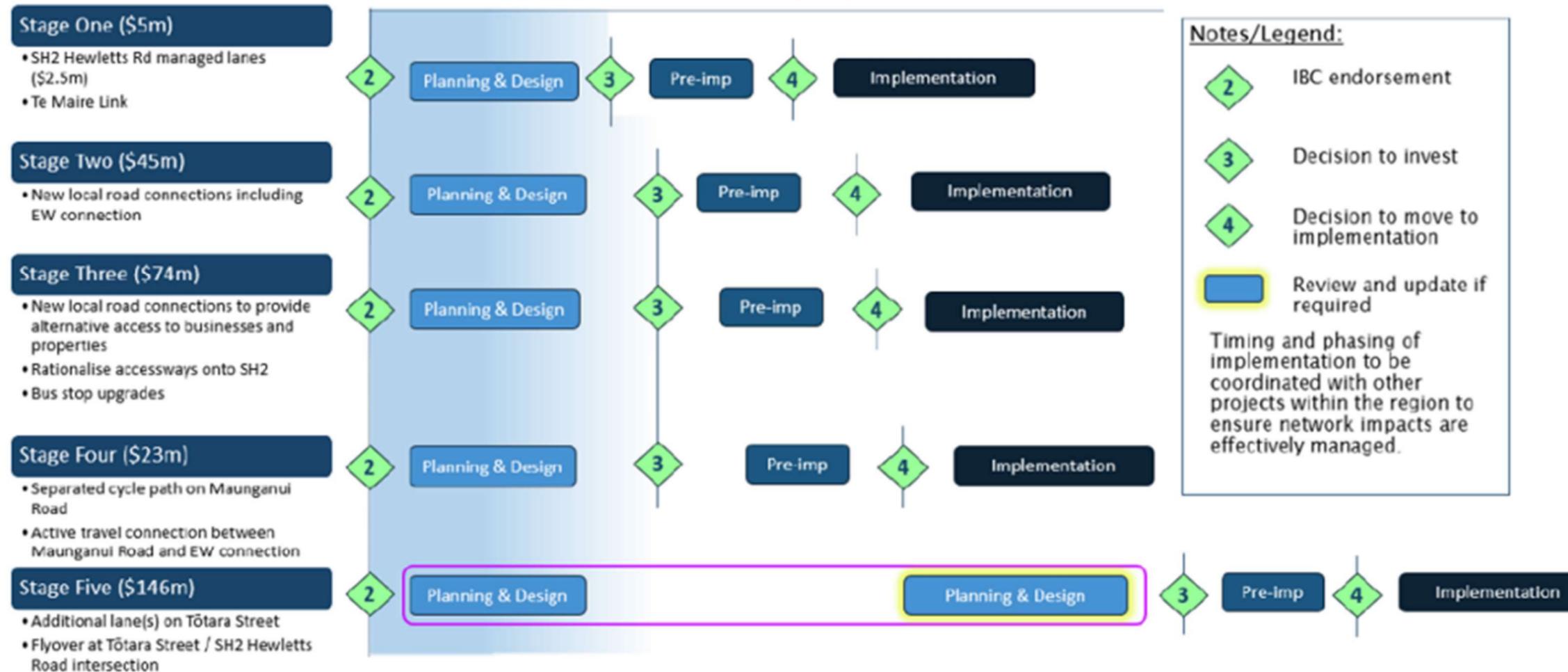



Connecting Mount Maunganui

Next Phase Delivery Options and Scenarios – March 2025



Indicative Delivery Staging



Connecting Mount Maunganui

Tauranga City Council

Total Funding

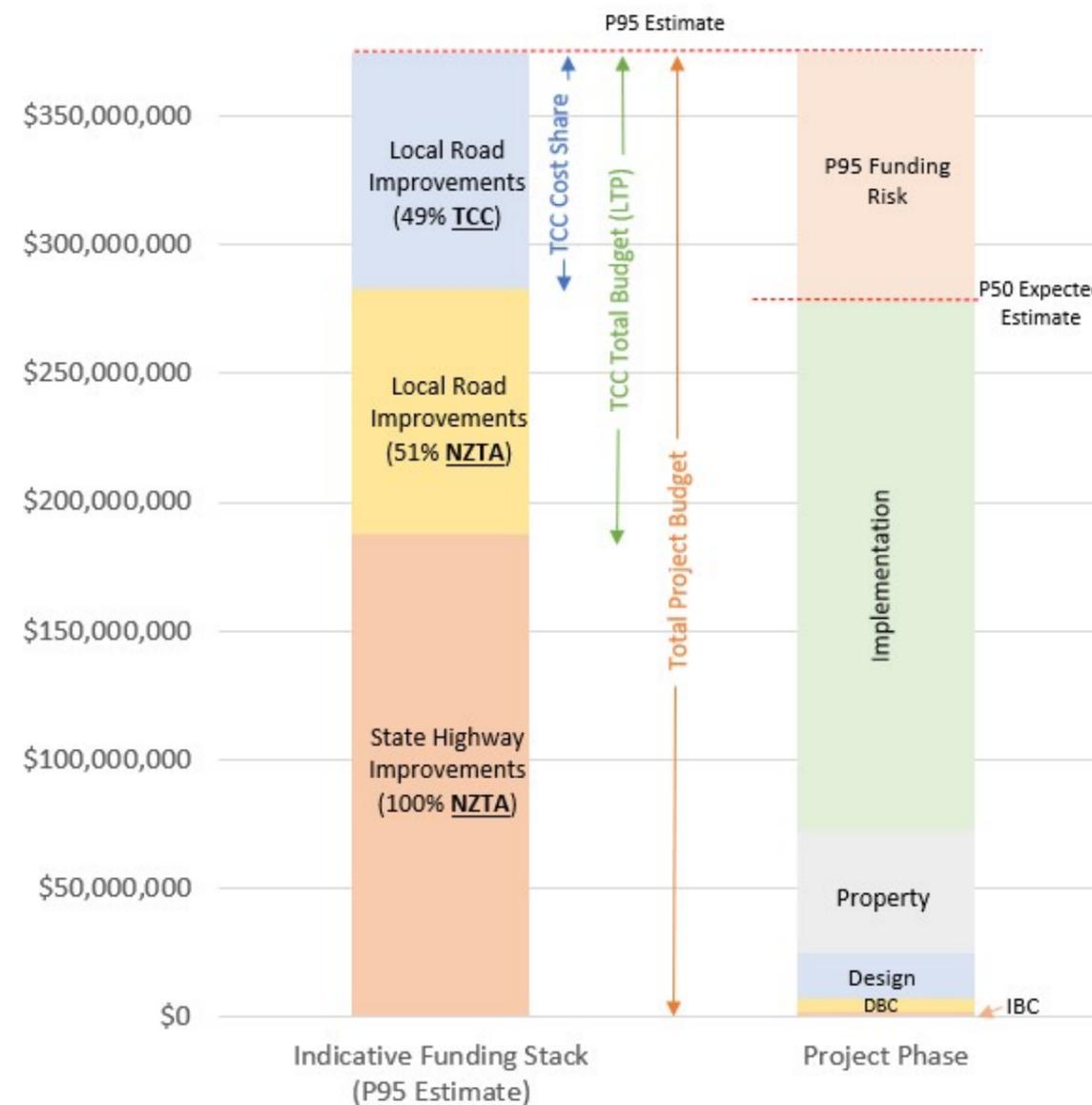
Total project cost estimate \$278m (P50) to \$375m (P95)

Based on P95 Estimates – indicative cost split is:

- \$187.3m NZTA SH Improvements (50%)
- \$95.5m NZTA Local Road Improvements (25.5%)
- \$91.8m TCC Local Road Improvements (24.5%)

TCC’s LTP budgets are for the Local Road Improvements component (assuming NZTA 51% FAR)

*Cost estimates are uninflated



Delivery Scenarios and Options

Budget - Current Baseline Budget as per draft 2025/26 Annual Plan.

Budgets are base / unescalated. Reflects anticipated local road improvements component (50% of total CMM project cost), anticipating 51% to be co-funded by NZTA.

Previous FY's	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	Total
\$912,166	\$627,832		\$500,000	\$5,487,200	\$6,952,849	\$4,714,872	\$0	\$0	\$0	\$8,611,640	\$8,506,620	\$30,246,553	\$50,630,462	\$36,490,306	\$60,036,431	\$213,716,931

Option 1 - DBC delayed to next NLTP.

Cost estimate is base / unescalated P95 estimate for local road improvements (50% of total CMM project cost as per IBC), anticipating 51% to be co-funded by NZTA. Subsequent delivery programme shown indicatively - subject to prioritisation in future NLTP / LTP.

Phase	TCC Cost	Previous FY's	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	Total*
IBC	\$1.2m	\$912,166	\$287,834			\$1,500,000	\$3,500,000	\$7,500,000	\$8,000,000	\$8,500,000	\$7,500,000	\$9,000,000	\$25,000,000	\$30,000,000	\$35,000,000	\$35,000,000	\$15,585,000	\$187,285,000
DBC	\$2.5m																	
Design	\$7.5m																	
Property	\$24m																	
Construction	\$152.1m									S1 - Te Maire		Stages 2-4 - Local Road Connections			Stage 5 - Flyover & Totara			

Option 2 - DBC progressed from 2025 at full TCC cost.

Subsequent delivery programme shown indicatively - subject to prioritisation in future NLTP / LTP. Cost estimate is base / unescalated P95 estimate. Anticipating 51% to be co-funded by NZTA except for DBC phase.

Phase	TCC Cost	Previous FY's	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	Total*
IBC	\$1.2m	\$912,166	\$387,834	\$3,400,000	\$1,500,000	\$7,500,000	\$12,500,000	\$25,900,000	\$30,000,000	\$38,000,000	\$38,000,000	\$31,685,000						\$189,785,000
DBC (full cost)	\$5m																	
Design	\$7.5m																	
Property	\$24m																	
Construction	\$152.1m									S1 - Te Maire	Stages 2-4 - Local Road Connections	Stage 5 - Flyover & Totara						

Option 3 - Stage 1 local road connections design and construction from 2025 at full TCC cost.

Subsequent indicative delivery programme subject to prioritisation in future NLTP / LTP. Cost estimate is base / unescalated P95 estimate. Anticipate future stages to be 51% co-funded by NZTA.

Phase	TCC Cost	Previous FY's	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	Total*
IBC	\$1.2m	\$912,166	\$387,834	\$2,000,000	\$400,000	\$1,500,000	\$3,300,000	\$7,500,000	\$7,700,000	\$6,500,000	\$7,500,000	\$9,000,000	\$25,000,000	\$30,000,000	\$35,000,000	\$35,000,000	\$15,585,000	\$187,285,000
DBC	\$2.5m																	
Design	\$7.5m																	
Property	\$24m																	
Construction	\$152.1m									S1 - Te Maire			Stages 2-4 - Local Road Connections		Stage 5 - Flyover & Totara			

2027-30 NLTP & 2027-37 LTP Update

Current 2024-34 LTP period ends

*Total Local Road Improvement component based on the IBC P95 Estimate, assuming a 50% cost split of the overall CMM project between State Highway Improvements and Local Road Improvements. Anticipate 51% co-funding from NZTA. All costs are base (no escalation or inflation applied).

9.4 Major Transport Projects Update

File Number: A17397945

Author: Chris Barton, Programme Director: Major Projects

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

- To provide an update to Committee on the Transport Major Projects including Pāpāmoa East Interchange, SH29 Tauriko Enabling Works, Fifteenth Avenue to Welcome Bay, Cameron Road Stage 2 and Connecting Mount Maunganui.

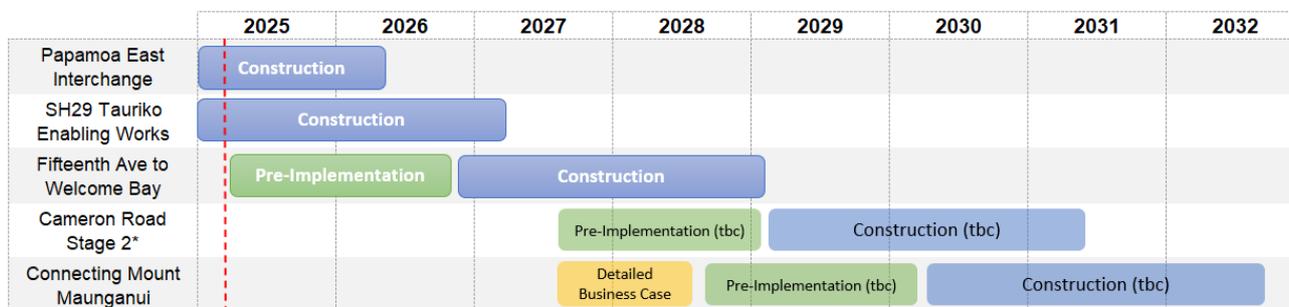
RECOMMENDATIONS

That the City Future Committee:

- Receives the report "Major Transport Projects Update".

EXECUTIVE SUMMARY

- This is a regular update report on the status and progress on the five major transport projects in the 2024-34 Long Term Plan.
- A separate report is being provided to this Committee meeting on the Connecting Mount Maunganui project, and NZ Transport Agency Waka Kotahi (NZTA) will be presenting to Committee on current and planned upcoming State Highway network projects in Tauriko.
- Overview timeframes for delivery of the five projects are outlined below:



* Indicative timeframe as outlined in the 2025/26 AP

- Overall the construction of the Pāpāmoa East Interchange and SH29 Tauriko Enabling Works projects are progressing well, and are currently being delivered on time, on budget and safely.
- Following NZTA funding approvals for the pre-implementation phase of the Fifteenth Avenue to Welcome Bay project works are now progressing to advance next stages of design development.
- Funding to progress the next stages of the Cameron Road Stage 2 and Connecting Mount Maunganui projects remains an issue following confirmation that NZTA co-funding for these projects has not been prioritised in the 2024-27 National Land transport Programme (NLTP).

PĀPĀMOA EAST INTERCHANGE

- 8. The Pāpāmoa East Interchange is a key roading connection to improve network connectivity for existing residents and also enable ongoing growth and continued residential & commercial development.
- 9. Construction is progressing well with works currently ahead of programme and costs forecast to be within budget.
- 10. Through the design development, procurement and delivery phases staff have optimised scope, procured smartly and worked collaboratively with the Contractor to mitigate and avoid realisation of risks, which has resulted in very little of the budgeted project contingency being drawn down to date.
- 11. With construction now well advanced and the residual project risk profile also reducing – staff are highly confident at this stage that at least \$5m of budgeted project funding will be realised as savings – with a high likelihood of additional savings being realised subject to forward construction progress.
- 12. An overview of the project status is as below:

	Status	Comments
Cost		LTP Budget \$79.3m. Current estimate \$65m-\$74m
Time		Ahead of programme. On track for completion in first half of 2026.
Safety		Appropriate safety management with regular audits. Over 80,000 worker hours on site to date without any serious harm incidents.
Scope		Scope confirmed with no substantive changes
Stakeholders		No major disruption or complaints
Risk		Active management of live risks. Contingencies in place

- 13. Bridge foundation ground improvement works were completed in late 2024 which has enabled works to progress with construction of the new overbridge abutments on both the northern and southern sides of the overbridge.



- 14. Works are currently on track for the new interchange overbridge deck beams to be installed in July 2025.

15. The overall interchange is on track for completion by mid 2026. As resolved in the Committee meeting on 17 February, a letter has been sent from the Mayor to NZTA and the Minister of Transport to support and encourage early opening or ramp connections between the Pāpāmoa East area and the Tauranga Eastern Link (TEL) eastbound lanes. Staff are actively engaging with our Contractor and NZTA regarding opportunities for early opening of the exit or entry ramps, with a target of partial interchange opening in the second half of this year.



SH29 TAURIKO ENABLING WORKS

16. The Tauriko West Enabling Works project supports both residential and industrial growth - it will directly enable initial development of up to 2,400 new homes in the Tauriko West development area and enable ongoing development of over 100 hectares of industrial land in the Tauriko Business Estate, which is anticipated to provide up to 6,000 additional jobs within the city.
17. The infrastructure development is well aligned with the recent confirmation of the Tauriko West plan change, with both components working together to enable land development activities to commence.
18. Construction is progressing well with works underway at both the Redwood Lane and Tauriko Village / Cambridge Road sites.
19. An overview of the project status is as below:

	Status	Comments
Cost	Yellow	LTP Budget \$240.8m. Current estimate \$215m-\$240m which is within budget, however significant risks remain.
Time	Green	Construction progressing on programme, with works scheduled to be complete in early 2027.
Safety	Green	Over 120,000 worker hours to date without any serious harm incidents
Scope	Green	Scope confirmed with no substantive changes
Stakeholders	Yellow	Actively working with project neighbours and travelling public, but anticipate ongoing traffic disruption during construction
Risk	Yellow	Active management of live risks and contingencies in place,

	<p>however this remains a high risk project with significant residual risks.</p> <p>Managing traffic throughout construction to minimise disruption remains a key challenge and risk.</p>
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20. Key upcoming milestones for the project include:

- late April 2025 – Planned opening of new northern access road and Tauriko School / Playcentre carpark. This link will provide the northern access to the Tauriko West development area.



- Early 2026 – Complete new SH29 / Kaweroa Drive / Redwood Lane roundabout. This link will provide southern access to the Tauriko West development area.



21. NZ Transport Agency Waka Kotahi (NZTA) will present an update to Committee on planned and upcoming State Highway works in the Western Corridor which includes planned

upgrades to State Highway 29, State Highway 29A and State Highway 36 between the Omanawa Bridge and Barkes Corner.

FIFTEENTH AVENUE TO WELCOME BAY UPGRADE

- 22. This project seeks to address current and growing issues with peak hour congestion, poor level of service, access and safety problems, and walking and cycling deficiencies on the key city arterial transport corridor of Fifteenth Avenue to Welcome Bay including the Hairini Bridge.
- 23. As previously reported to the Committee on 17 February 2025, staff are currently preparing documentation to procure and engage project designers and construction contractors in accordance with the endorsed Early Contractor Involvement (ECI) approach.
- 24. An overview of the project status is as below:

	Status	Comments
Cost		LTP Budget \$170.2m. Current estimate \$149.7m-\$170.2m. NZTA co-funding approved for pre-implementation phase. As the project progresses to pre-implementation further assessment will be undertaken in regard optimising the scope and delivering value for money outcomes.
Time		With NZTA funding decisions now confirmed for the pre-implementation phase a reset of project delivery baseline timeframes is currently underway.
Safety		No current issues.
Scope		Some scope elements to be further refined through the pre-implementation phase.
Stakeholders		Extensive further engagement is planned through design phase in advance of construction. Noting plans are currently being refined, it is anticipated further stakeholder communication and engagement will be completed at 30-50% and 85% design stages, which will be indicatively late 2025 and mid 2026.
Risk		Some key risks remain which will be further addressed through the pre-implementation phase. It is noted that a key project hold point remains confirmation of the Hairini Bridge structural capacity.

- 25. Staff and the Transport Oversight Group (OSG) have further assessed options of progressing the structural capacity assessment of the Hairini Bridge and approaches as part of the ECI design engagement or separately in advance of the design process. It is recommended that this work is undertaken as part of the main ECI design engagement for the below reasons:
 - the load capacity may be impacted by the construction methodology adopted by the appointed ECI contractor and designer;
 - the ECI contractor and designer is more likely to be motivated and able to find an optimised solution, where if engaged separately the assessment is more likely to be overly conservative;

- if engaged separately, there is a high risk of one designer challenging the assumptions of another, with further assessments still needing to be undertaken by the ECI contractor and designer – potentially resulting in delays and additional costs;
- engaging as part of the ECI engagement ensures the designer and contractor retain ownership of the final design liability; and
- in the view of the OSG, engaging a design consultant to assess the load capacity of the structure prior to the ECI procurement and independently of the contractor has significant inherent risks, and in their assessment the potential programme benefit of 2-3 months does not outweigh the risks.

CAMERON ROAD STAGE 2

26. The Cameron Road Stage 2 (CRS2) project seeks to upgrade the strategically important Cameron Road arterial corridor from Seventeenth Avenue to Barkes Corner, which is a key enabler for planned intensification of the Te Papa peninsula and continued city growth in the Western Corridor.
27. As resolved at the 17 February meeting of this Committee, staff are currently further assessing scope and cost options for upgrades to the Cameron Road corridor utilising budgeted Infrastructure Acceleration Fund (IAF), Infrastructure Funding and Finance (IFF) levy and Development Contribution funds. Staff plan to report back on options to the City Futures Committee meeting on 5 May 2025.
28. An overview of the project status is as below:

	Status	Comments
Cost		Currently red due to NZTA co-funding not being prioritised in this NLTP period. LTP Budget \$302.7m including \$110m of NZTA co-funding. Currently assessing delivery options utilising primarily IAF, IFF and DC funding.
Time		Pre-implementation and construction timing currently unclear due to project funding uncertainty.
Safety		No current issues.
Scope		Currently assessing revised scope options to inform the planned report to Committee on 5 May 2025.
Stakeholders		Noted significant stakeholder communication and engagement would be required prior to confirming the recommended scope.
Risk		This is a complex and high risk project, involving extensive works on a live operational key arterial corridor. Due to no NZTA funding being available in this NLTP period there are key risks to funding viability and project timing. There also remains a key risk that the \$56.6m of IAF crown grant funding may be withdrawn if the project does not progress.

29. Noting the sensitivity of the transport network to construction activities, optimising construction timing for this project is highly interdependent with other major transport works in the area. Particular key interdependencies are timing the Fifteenth Avenue to Welcome Bay upgrade and State Highway works being delivered by NZTA, including Takitimu Northern Link (due for completion in 2028) and the planned SH29/SH29a Road of National Significance upgrade – for which construction timeframes are still to be confirmed.

30. As noted in the overview timeline, it is proposed that construction of Cameron Road Stage 2 is planned and sequenced to commence following delivery of the Fifteenth Avenue to Welcome Bay upgrade.

CONNECTING MOUNT MAUNGANUI

31. A separate report is provided to this Committee meeting with further information on this project.
32. The project Indicative Business Case (IBC) was completed in 2024. The IBC was endorsed by the TCC Vision, Planning, Growth and Environment Committee on 11 November and by the NZTA Board in February 2025.
33. An overview of the project status is as below:

	Status	Comments
Cost	Red	Currently red due to NZTA co-funding not being prioritised in this NLTP period. Current budget (for anticipated TCC 50% share) \$279m incl. implementation costs planned from 3035-3039. Current estimate \$139.1m-\$187.3m (excl. escalation).
Time	Red	Pre-implementation and construction timing currently unclear due to project funding uncertainty. Lack of funding likely to defer next stages of the project outside of the current 2024-27 NLTP period.
Safety	Green	No current issues.
Scope	Green	IBC has identified a recommended option. Some scope elements to be further defined subject to decisions on progressing.
Stakeholders	Yellow	Noted significant further communication and engagement would be required prior to confirming the recommended scope – including further engagement with Ngati Kuku who do not support a grade separated intersection at the Totara/Hewletts intersection.
Risk	Red	This large scale and complex project is still at an early phase and includes significant risk items. Currently a high risk of delays to implementation which is likely to result in additional network delays and potential to constrain ongoing growth and economic productivity.

NEXT STEPS

34. A regular update report will be provided to future City Futures Committee meetings.

ATTACHMENTS

Nil

9.5 Waters Planning Update

File Number: A17582106

Author: Claudia Hellberg, Team Leader: City Waters Planning

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. Provide general update on waters planning projects. It is the first report of an anticipated regular update and kept at a high level. Feedback on detail and content is encouraged.

RECOMMENDATIONS

That the City Future Committee:

- (a) Receives the report "Waters Planning Update".

EXECUTIVE SUMMARY

2. The report provides a general update on various waters planning projects aimed at addressing current and future issues in the water supply, wastewater, and stormwater networks. The primary driver for these upgrades and investments is growth, with resilience and service level improvements also being significant factors.

Key Projects Overview

3. Water Supply Projects:
 - (a) Water Take Re-consenting: Re-consenting of Joyce and Oropi water take consents due in 2026, with a strategy and technical studies underway. A separate report is tabled for this project as another agenda item.
 - (b) Western Corridor Water Supply Study: Identifying preferred trunk network for western growth areas, with ongoing reassessments due to new growth assumptions.
 - (c) Eastern Corridor Water Supply Study: Extending water supply from Waiari Water Treatment Plant to Mount Maunganui, with stages in various planning and design phases.
 - (d) Cambridge Reservoir No. 4: Additional storage required to support western Tauranga's growth, with focus on utilizing existing site.
4. Wastewater Projects:
 - (a) Western Corridor Wastewater Study: Identifying preferred trunk network for western growth areas, with some parts already implemented.
 - (b) Eastern Corridor Wastewater Study: Preferred trunk network for eastern growth areas, with initial implementation underway.
 - (c) Carmichael Road: Upgrading properties to urban standards, with a growth servicing strategy developed.
 - (d) Churchill Road Sewer Upgrade: Upgrading sewer to handle current and future flows, moving into design and implementation stage.

- (e) Newton Street & Hewletts Road Gravity Main Upgrade: Addressing capacity issues with feasibility planning underway.
5. Stormwater Projects:
 - (a) Network Capacity Upgrade Programme: Upgrading stormwater network to new standards, focusing on intensification areas.
 - (b) Water Quality Programme: Addressing new requirements for freshwater management, focusing on sediment and urban contaminants.
 - (c) Stormwater Management Plans: Supporting intensification and infill in key areas, with plans for Te Papa and Otumoetai and surrounds in place and for Mount Maunganui underway.
 - (d) Kaituna Overflow: Proposed stormwater channel to manage floodwater, with planning and consent application preparation ongoing.
 6. Integrated Water Projects:
 - (a) Our Water Future: Developing a joint servicing strategy for Tauranga and Western Bay of Plenty sub-region.
 - (b) Freshwater Management Tool: Simulating hydrological flows and water quality to support decision-making for water quality and quantity interventions.
 7. The projects contribute to the city's strategic outcomes, including environmental protection, well-planned growth, and maintaining/improving service levels.
 8. Regular updates on waters planning will be provided to the committee.

BACKGROUND

9. City Waters Planning is working on a range of projects to address current and future issues in our water supply, wastewater and stormwater network. The biggest driver for upgrades and investments is growth. Other drivers like resilience and maintaining/improving level of service are very often linked or incorporated into these projects.
10. All of these projects are LTP funded and have associated budgets this financial year. A review of the project list and their timing is being carried out every three years with new population forecasts as part of the LTP review, which is when projects are being prioritised and the forward works programme is revised.
11. This report provides an overview of key projects currently being planned. After the planning stage physical works projects will move into design and implementation. Progress and performance on projects in these phases are being reported to council through the City Delivery Committee.

WATERSUPPLY PROJECTS

Water take re-consenting

12. The Joyce and Oropi water take consents are due for re-consenting in 2026. The Waiari consent is due in 2044.
13. The 30yr infrastructure plan flagged issues with over allocation. Latest information from BOPRC shows a slightly better picture with less over allocation of our water take streams. However, consents might still be re-assessed (lower) to meet new limits, which are being worked on under the National Policy for Freshwater Management (NPSFM). A very low allocation limit would require TCC to look at alternative watersupply sources earlier. However, with the new operational Waiari Treatment Plant there would be no need for a new source in the next 20 to 30 years even with a lower allocation limit.
14. A consenting strategy has been developed and a range of technical studies to support the consent application are underway. The project is on track to apply for these consents six

months before these consents expire, so TCC keeps the right to take water while the consents are being processed.

15. Engagement with tangata whenua on this project is ongoing. A tangata whenua working group has been set up and input from this group supports the preparation of the consent application.

Western Corridor water supply study

16. The purpose of this study is to identify the preferred trunk network, including reservoir sites to service the western growth area. This area includes Tauriko West, Lower and Upper Belk, Keenan, Joyce and Merrick Road, all of which will be serviced from the existing Joyce Road Water Treatment Plant.
17. This study is ongoing. The project requires re-assessments as new growth assumptions are being made.
18. The first stage is currently being implemented and will service Tauriko West and Lower Belk.
19. The concept plan for servicing following stages is currently being reviewed due to new assumed population predictions. Results of this review are anticipated by mid this year.

Eastern Corridor water supply study

20. The Papamoa and Mount suburbs are currently being supplied with water from the Joyce Treatment Plant. The extension of the Waiari water supply all the way to Mount Maunganui is critical to take pressure off the Joyce supply network so capacity can be re-allocated to service growth in the western corridor.
21. The Eastern Corridor projects primarily focus on delivering water from the Waiari Water Treatment Plant to Mount Maunganui. With the completion of the current pipeline, water from Waiari currently feeds into the Papamoa trunk main at the Welcome Bay Roundabout near Domain Road.
22. The next part of the trunk main extension is called Coastal Water Trunk main Stage 1 (CWMT 1) and will take water from the Welcome Bay roundabout to Mangatawa. This project is currently in the preliminary design stage but is on hold due to financial constraints and to allow discussions with landowners, as the trunkmain will partly be located on private and tangata whenua land.
23. The storage reservoir at the Mount needs to be renewed, and there is also a shortage in storage capacity. Only a like-for-like replacement can be made at the current location. We are exploring potential locations for a new storage reservoir in the Mount Industrial area and assessing their feasibility.
24. The Coastal Water Trunk main Stage 2 (CWMT 2) from Mangatawa to Mount Maunganui is currently in the planning phase. For this extension to be successful the new reservoir in Mount Maunganui Industrial area is required.
25. The implementation of the Coastal Water Trunk main projects could be delayed, if an abandoned pipe along Totara Street can be replaced. This planning for this project is now underway.
26. In conjunction with these capital works projects hydraulic modelling is being undertaken to assess the amount of reservoir storage needed for the eastern coastal part of Tauranga for resilience purposes.

Cambridge Reservoir No. 4

27. Additional storage to supplement the existing Cambridge reservoirs is required. This additional storage together with the pipeline upgrades to fill the reservoirs at Cambridge are critical to provide sufficient water supply capacity for intensification and infill in the western part of Tauranga (Bethlehem and Otumoetai surrounds).
28. The current focus of this project is to identify options to utilise the existing site for additional storage.

WASTEWATER PROJECTS

Western Corridor wastewater study

29. The purpose of this study is to identify the preferred trunk network (including pump stations) to service the western growth area, which includes Tauriko West, Lower and Upper Belk, Keenan, Joyce and Merrick Road areas. The network would connect to the recently completed Southern Pipeline via Maleme Street, Greerton. A core consideration for this study is the staging to service the various planned and potential growth areas over time.
30. Part of the solution has already been implemented or is currently under construction to service Tauriko West and Lower Belk. The current planning study focuses on the medium term growth for Keenan and Upper Belk Urban Growth Areas (UGA) and long term growth for the full build out of the Western Corridor.
31. Projected increases in population numbers will also require upgrades to the downstream network.
32. It is planned to provide a more detailed update to this Committee later in the year.

Eastern corridor wastewater study

33. The purpose of this study is to identify the preferred trunk network (including pump stations) to service the eastern growth area, which includes Wairakei and Te Tumu to provide a resilient network.
34. Implementation of the scheme started with the upgrade of the Opal Drive PS (in construction phase) and new Wairakei pump station and rising main (design underway). Further network refinements are required for this initial implementation phase, which only caters for the currently zoned growth.
35. Any further growth (eg release of Te Tumu or new private plan change areas) will trigger additional large network upgrades in the form of second large rising mains. These projects are still in the planning phase and budget for implementation is not in the 10 year LTP.

Carmichael Road

36. At the southern end of Carmichael Road near SH2 a range of properties have been contacting council for years asking to be upgraded to an urban standard. Currently the road has a more rural look and properties having an on-site wastewater system are not connected to the public system.
37. The proximity to the Bethlehem shopping center and large parcels of mainly pasture makes it attractive to developers.
38. Plan change 33 to the City Plan introduced a high density zoning on these properties. The planning for an overarching growth servicing strategy to cater for all of the anticipated growth in this area has been developed.
39. A detailed analysis is ready to be brought to council to consider in the Annual Plan or LTP.

Churchill Road Sewer Upgrade

40. The Churchill Road sewer in Judea requires an upgrade for its current flows and future intensification and infill.
41. A feasibility study has been carried out, which not just looked at the Churchill Road sewer but also the downstream network from the Judea pumpstation to Third Avenue. The proposed upgrades are to re-line the Churchill Road sewer and provide a second sewer further inland for additional flows. Before these works can physically start the network downstream of the Judea pumpstation will be upgraded first to avoid overflows from upgrades upstream of the Judea pumpstation.
42. This project will now move into the design and implementation stage.

Newton Street & Hewletts Road Gravity Main Upgrade

43. This is a major project to address capacity issues under Hewletts Road and the railway line. The feasibility planning of this project will look at a range of options and will take about two to three years. It is a busy road corridor with a large amount of traffic and underground services. A large amount of options will be explored to minimise interruptions and project costs.
44. This project has an interface with a range of other large projects in the area, eg the Hewletts Road upgrade transport project, which requires ongoing communication with a range of stakeholders and these projects will influence the optioneering and programme of this project.

STORMWATER

Network Capacity Upgrade programme

45. A new standard for the stormwater network was introduced in 2002 through the Infrastructure Development code (IDC). Any new stormwater network for primary flows need to be able to convey runoff from a rainfall event, which has a chance to occur once every 10 years.
46. Most of the city's primary stormwater network has not been designed to this standard. The Network Capacity Upgrade programme was introduced in the 2021 – 2031 LTP with an initial focus on intensification areas like Te Papa. This programme is still in its early stage and a prioritised work programme is currently being developed.

Water Quality Programme

47. Key purpose of the Water Quality Programme is to address new requirements anticipated of the National Policy Statement for Freshwater in the Bay of Plenty. It reacts to the issues identified through harbour and river/stream monitoring. Sediment is a key contaminant. Other typical urban contaminants are heavy metals like zinc and copper.
48. This programme can be further refined based on the findings of the Freshwater Management Tool as described below.

Stormwater Management Plans for Intensification Areas

49. Stormwater Management Plans (SMPs) for Te Papa (CBD, Gate Pa and Greerton) and Tauranga West have been prepared to support intensification and infill in line with the Te Papa and Otumoetai Spatial Plans. These SMPs have a focus on resolving/minimising flooding issues to enable more growth in these areas. At the same time these plans pick up other enhancement opportunities for water quality improvements and primary network upgrades.
50. The development of the Mount Maunganui SMP is currently underway.

Waimapu Catchment Management Plan

51. The preparation of this catchment management plan is lead by Ngati Ruahine and funded by MfE. TCC is acting as a partner in this project and supports it with technical studies and access to professional services.
52. The project has been going on for two years and a range of technical assessments have been undertaken to inform the catchment management plan. It is anticipated that the plan will be finalised within the current financial year.

Update of existing Catchment Management Plans

53. The City has been organised into six stormwater catchments, defined primarily on the basis of receiving environments and stormwater reticulation (Figure 1). These are subject to three comprehensive stormwater consents (CSCs) (RM 66823 – Tauranga City, RM 65714 – Maranui/Mangatawa, and RM 63636 – Papamoa). These consents cover Tauranga's existing urban area.

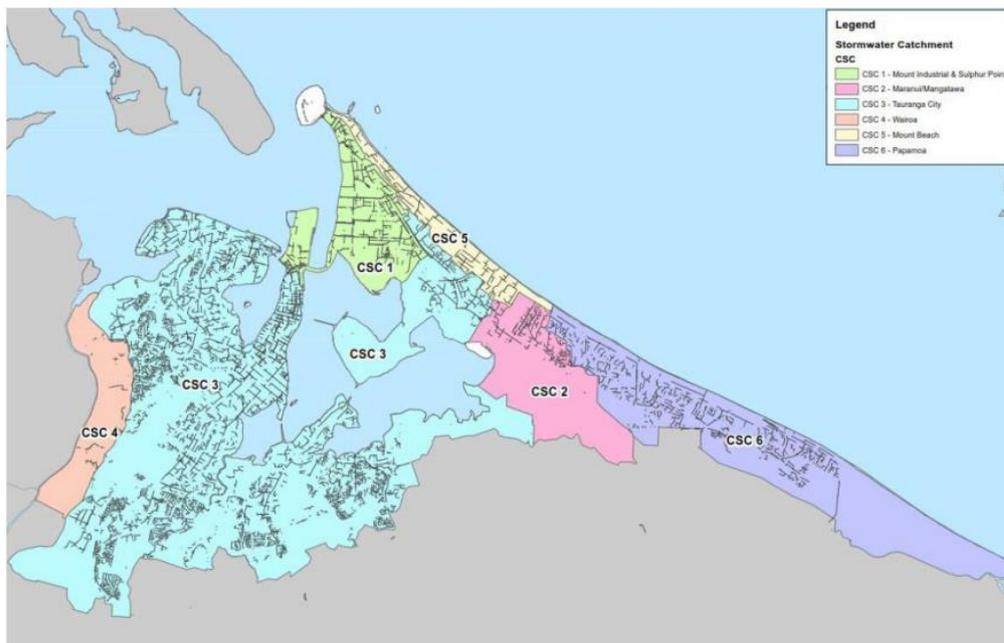


Figure 1: Tauranga City stormwater catchments (Tauranga City (66823): CSC 1, 3, 4, and 5, Maranui/Mangatawa (65714): CSC 2, and Papamoa (63636): CSC 6)

54. The catchment management plans supporting these existing CSCs are per condition to be reviewed on a five yearly basis, which is currently underway.

Kaituna overflow

55. The Kaituna overflow is a proposed stormwater channel to allow excess floodwater in Papamoa, Wairakei and Te Tumu to spill into the Kaituna River rather than flood the community. Planning for a flood relief overflow on the coast has been ongoing since the 1990s, and in 2008 the Kaituna overflow was consented through the Papamoa Comprehensive Stormwater Consent (CSC). The channel is required to be constructed as part of the development of Te Tumu. It will be integrated into the development to provide amenity and recreational values as well as flood management.
56. Preliminary design of the overflow has been undertaken to understand the scale and costs of the required infrastructure. This includes an increase in scale from the original concept to cater for increased development and climate change. The revised cost estimate is in the range of \$74M.
57. While the discharge from the overflow has been consented as part of the Papamoa CSC, the construction of the overflow itself still needs to be consented. Further work is underway to prepare the application and to ensure sufficient technical assessments are available to underpin the consent application. It is anticipated to have this application ready in line with the Structure Plan for Te Tumu, as it is a key enabling piece of infrastructure needed to open up development.

INTEGRATED WATER PROJECTS

Our Water Future

58. The purpose of this programme is to develop a joint servicing strategy to address the future needs of Tauranga and the Western Bay sub-region.
59. A TCC/WBoPDC governance group has been established and staff are meeting regularly to discuss matters of joint interest. Due to a lack of funding only a stocktake of the current situation and a gap analysis has been carried out to date.
60. The Bell road fast tracking project triggered WBoPDC to investigate the need for a new Wastewater Treatment Plant. TCC councillors approved budget for 25/26 to relook at eastern

servicing strategy to test, if there would be benefits for TCC to connect to such a plant (eg Te Tumu).

Freshwater Management Tool

61. The freshwater management tool is a suite of integrated models to simulate hydrological flows and water quality. The purpose of this tool is to provide TCC with a good understanding of its catchments and is able to test and respond to legislative changes under the National Policy Statement for Freshwater Management and associated consent requirements.
62. The tool has been set up and has been peer reviewed. Water quality scenarios have been run and the set up and results are currently being reviewed internally and by external peer reviewers. The results of these scenarios will be used to support future decision making for water quality and quantity interventions.
63. Results will be shared with the committee at a later date.

STATUTORY CONTEXT

64. Watersupply, wastewater and stormwater services are core functions under the Local Government Act. Projects described in this report are related to these.
65. Potential environmental impacts of projects are regulated under Resource Management Act and associated National Policy Statements (NPS) like the NPS for Urban Development and Freshwater Management. Planning of individual projects includes the assessment of potential environmental effects.
66. The re-consenting of the existing water takes and compliance under the Comprehensive Stormwater Consent are specifically driven by planning matters.

STRATEGIC ALIGNMENT

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

	Contributes
We are an inclusive city	<input type="checkbox"/>
We value, protect and enhance the environment	<input checked="" 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"/>

68. Watersupply, wastewater and stormwater are core services for a well-functioning city. It is important to maintain or improve the existing level of service, while providing for growth in the city and minimising negative environmental effects.

OPTIONS ANALYSIS

69. An options analysis is being carried out for individual capital works projects and will be presented to council on a case by case basis when specific projects are presented to council in more detail beyond this overview report.

FINANCIAL CONSIDERATIONS

70. Projects presented in this overview are all part of the LTP.

LEGAL IMPLICATIONS / RISKS

71. Individual projects have their specific risk register and risks are managed as identified in the risk register.

TE AO MĀORI APPROACH

72. The Watersupply, wastewater and stormwater 30-year Infrastructure Strategies acknowledge Te Ao Maori and outline key aspects, which should be considered for the planning of water services in the city. These are being incorporated as appropriate for individual projects.

CLIMATE IMPACT

73. Natural Hazard risks, which are exacerbated by climate change, are a core consideration for each planning project and opportunities to increase the resilience of our assets are being explored.
74. Shortlisted options of capital works projects are being assessed against their carbon footprint and this information is informing the decision making on the preferred option.

CONSULTATION / ENGAGEMENT

75. An engagement plan is prepared for each project and may involve large stakeholder involvement depending on the project. Where practical, projects are bundled together for engagement purposes for efficient use of external stakeholders time.

SIGNIFICANCE

76. 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.
77. 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.
78. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of high significance, however this report provides an overview only and no decision is required.

NEXT STEPS

79. Waters planning updates will be provided to the committee on a regular basis.

ATTACHMENTS

Nil

9.6 Water Takes Reconsenting Project Update

File Number: A16669264

Author: Claudia Hellberg, Team Leader: City Waters Planning

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. To provide a briefing on the project by outlining its background, statutory context and the work underway, as well as the consultation and engagement required to support it.

RECOMMENDATIONS

That the City Future Committee:

- (a) Receives the report "Water Takes Reconsenting Project Update".

EXECUTIVE SUMMARY

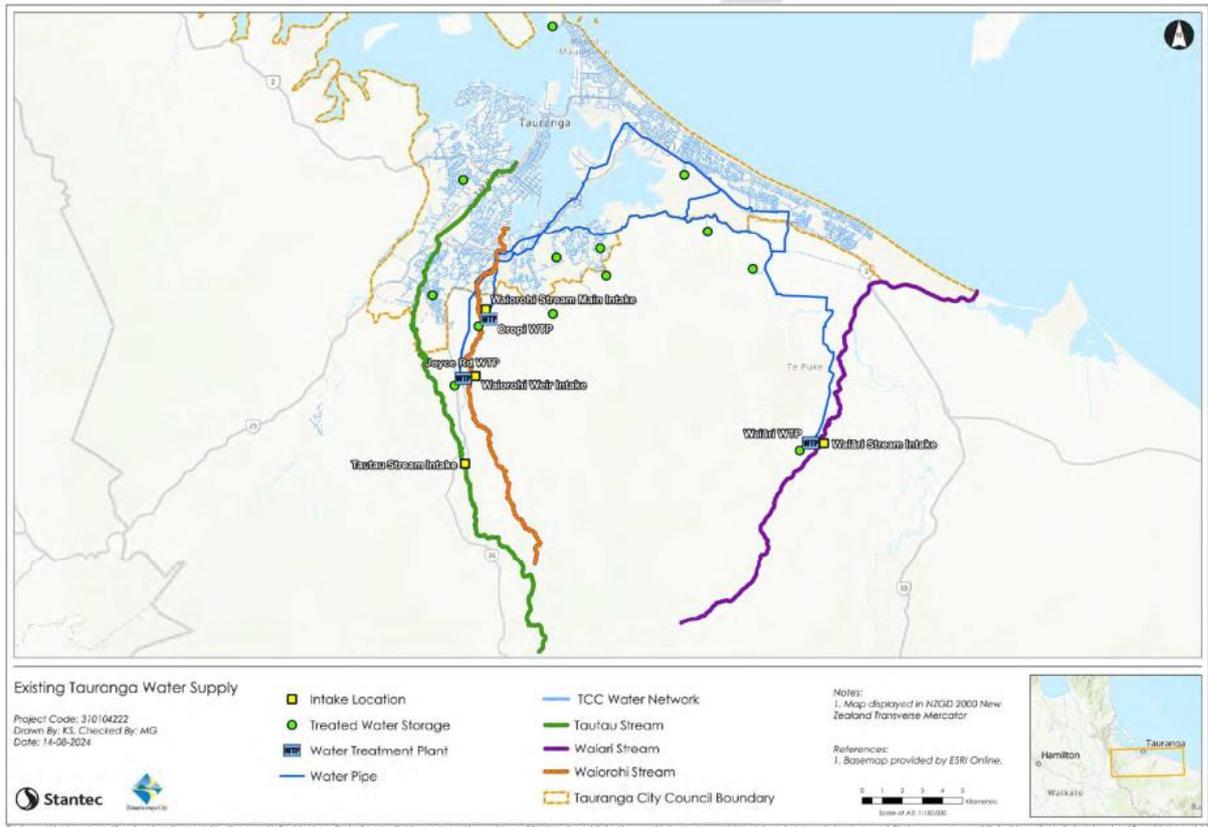
2. The purpose of this report is to provide an overview of the 'Water Take Reconsenting Project' and to inform councillors about engagement with stakeholders on this project.
3. The existing water supply for the city is sourced from three streams, Waiorohi, Tautau and Waiari. The corresponding intake works and the water treatment facilities (Oropi, Joyce Road and Waiari) are all located within the Western Bay district.
4. TCC needs to replace its existing resource consents allowing the city to be supplied with water from the Waiorohi and Tautau streams and has a project underway to obtain the relevant consents.
5. As part of the resource consent application process, TCC needs to engage and communicate with a range of stakeholders.
6. This report highlights key aspects of the Communications and Engagement Plan to support these efforts. The key identified stakeholders for this project are Bay of Plenty Regional Council and relevant iwi and hapu groups. Engagement with these have started and is ongoing.
7. A webpage has been created to inform the general public about this project. More specific engagement will be undertaken with potential affected parties, when technical assessments have been completed.
8. TCC would not be legally allowed to take water from the Waiorohi and Tautau streams if the current resource consents expired without replacement applications being lodged within the prescribed timeframes.

BACKGROUND

9. Tauranga City's potable water is sourced from three streams:
 - The Waiorohi Stream, which supplies the Oropi Water Treatment Plant (WTP). It is a large tributary of the Waimapu Stream, which drains north from Otanewainuku to enter the Tauranga Harbour at the Waimapu Estuary.

- The Tautau Stream, which supplies the Joyce Road WTP. It is a major tributary of Kopurererua Stream, which drains northwards from the Mamaku Plateau to discharge to the Tauranga Harbour at the Waikareao Estuary.
- The Waiari Stream, which supplies the Waiari WTP. It is a large tributary to the Kaituna River, which drains from the Rotorua Lakes into the ocean near the Maketu Estuary.

Figure 1: Tauranga’s Water Supply System



10. Details of the current consented takes are provided in Table 1 below.

Table 1: Consented water takes

Consented take and permit duration					Water Treatment Plant and Treatment Capacity	
Water Source	TCC’s maximum daily abstraction limit	Consent granted	Consent valid until	Comments	WTP	Capacity
Tautau Stream	37 ML per day	22 July 1975	1 October 2026	Granted under the Water and Soil Conservation Act by the Bay of Plenty Catchment Commission, in its capacity as Regional	Joyce Road WTP	30 ML per day

				Water Board for the Bay of Plenty Catchment Area Consent certificate updated on 1 November 1989 as a result of local government reform.		
Waiorohi Stream	54.5 ML per day	4 Sept 1975	1 October 2026	Granted under the Water and Soil Conservation Act by the Bay of Plenty Catchment Commission, in its capacity as Regional Water Board for the Bay of Plenty Catchment Area	Oropi WTP	40 ML per day
Waiāri Stream	45 ML per day (for TCC)	4 August 2009	31 July 2044	Granted under the Resource Management Act 1991. Take commenced in 2022, when the Waiāri Water Treatment Plant was commissioned. The consent for Waiāri allows a water take of up to 60,000 m ³ per day / 694 L/s from the Waiāri Stream to feed the Waiāri WTP. This consent is held jointly by TCC and the Western Bay of Plenty District Council (WBoPDC) and is abstracted through a single intake structure. The consent allocates 45,000 m ³ /day to TCC and 15,000 m ³ /day to WBoPDC. As of March 2024, WBoPDC have not utilised any of their allocation.	Waiāri WTP	30 ML per day

11. TCC has a project underway to replace pre-RMA resource consents currently held to take water from the Waiorohi and Tautau streams, as these will expire in October 2026.
12. This will be the first time that these water-take rights will be considered under the Resource Management Act 1991 (RMA).
13. Multiple workstreams are underway to prepare the required application for its lodgement with Bay of Plenty Regional Council (BOPRC) by March 2026.

14. The resource consent allowing TCC to take water from the Waiari stream has recently commenced with the commissioning of the Waiari Water Treatment Plant and is outside the scope of this project.

STATUTORY CONTEXT

15. The Resource Management Act 1991 (RMA) and the Bay of Plenty Regional Natural Resources Plan (RNRP) require resource consents to be obtained for taking surface water for municipal supply purposes. The RMA reform currently underway will not be operative before the lodgement date for this consent.
16. Changes to the RNRP to give effect to the National Policy Statement for Freshwater Management 2020 (NPSFM) are underway.
17. A preliminary analysis of allocable volumes from the Tautau stream undertaken by BOPRC has identified that the TCC allocation from that stream may have to decrease. This has highlighted the critical need to agree with BOPRC and tangata whenua (and potentially other stakeholders) a minimum flow regime to ensure a successful consent process.
18. Despite this, it is estimated that sufficient water can be secured by TCC via the replacement consents to meet the needs of the city for the next 35 years.
19. Both, the RMA and the NPSFM set out expectations of engagement with tangata whenua and communities when making decisions on freshwater management, and the TCC application is expected to be publicly notified by BOPRC when lodged.

WORK UNDERWAY

Technical assessments

20. A wide range of assessments of the streams are required and are underway, including:
 - a. An assessment of alternative sources and infrastructure options to manage potential adverse effects from continuing the takes. This includes consideration of alternative surface and groundwater sources, other alternative water sources such as reuse, desalination, and water harvesting.
 - b. Hydrological assessment to understand flow patterns in each of the two streams and to determine a sustainable allocation.
 - c. Ecological assessments, including habitat surveys, DNA sampling and flow estimates required to sustain species in the streams.
 - d. Fish passage remediation required for existing intake works.
 - e. Landscape and natural character.
 - f. Recreational use assessment.
21. As these water take consents are being assessed for the first time under the Resource Management Act a substantial amount of information need to be gathered and assessed. The total cost of this technical work amounts to over \$1M.

Ongoing engagement with Bay of Plenty Regional Council

22. TCC and BOPRC are working closely together and are sharing information.
23. Lodgement of the replacement consents application is required before the new regional plan will be notified by BOPRC.

24. TCC as the applicant carries the burden of providing sufficient and robust information to support a proposed allocation.

Ongoing engagement with Iwi/Hapu

25. Engagement has continued with a group of Te Rangapu members formed by representatives from:

- Ngāti Ruahine
- Ngāi Tamarāwaho
- Ngāi Te Ahi
- Ngāti Ranginui
- Ngāi Te Rangi
- Ngāti Pukenga
- Waitaha

26. A dedicated facilitator is supporting this effort.
27. The group is meeting regularly and have been interacting with the technical team to provide input/guidance on cultural matters to consider.
28. Cultural Values Assessments will be prepared by hapu representatives to inform the application preparation.

The group is aware of the expected information and project milestones providing suitable opportunities for interacting with the technical team. Interactions are occurring as scopes of work and new information becomes available for review and discussion.

Engagement with other stakeholders

29. Public communications commenced in September 2024 with the update of the TCC website to provide general information about the project to the public. (Refer to <https://letstalk.tauranga.govt.nz/projects/tauranga-city-water-supply-resource-reconsents>)
30. Supporting documents identifying the relevant stakeholders and key messages are in place, namely:
- (a) A Public Communications Plan on a Page was drafted by TCC's Community Relations Team.
 - (b) A Stakeholder Engagement Plan that identifies the types of stakeholders that TCC will be communicating with has been prepared and outlines from which stakeholders TCC will specifically seek feedback and which ones will primarily be informed about the application.

TCC has started to establish contact with some of these stakeholders with specific regard to technical work currently underway. Further communication will progress as information forming part of the application becomes available.

STRATEGIC ALIGNMENT

31. This project is essential for meeting the current and future needs for water supply in Tauranga. It 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 checked="" 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 checked="" type="checkbox"/>

OPTIONS ANALYSIS

32. The project need arises from a regulatory requirement for which there are no options but to replace the consents, which are due to expire by making a new application to BOPRC.

FINANCIAL CONSIDERATIONS

33. The project is funded by OPEX budget for the Water Supply Activity provisioned for in the current Long Term Plan (LTP).

LEGAL IMPLICATIONS / RISKS

34. TCC would not be legally allowed to take water from the Waiorohi and Tautau streams if the current resource consents expired without replacement applications being lodged within the prescribed timeframes.

TE AO MAORI APPROACH

35. This project is of high interest to tangata whenua. Hence, iwi and hapu are involved in this project though a representative group specifically formed for this project.

CLIMATE IMPACT

36. Climate change predictions include longer drought periods combined with more intense rainfall events. These can have impacts on the availability of stream flows. This is being considered in the resource consent application.

SIGNIFICANCE

37. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
38. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
- (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the matter.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
39. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of high significance, however this report provides an overview only and no decision is required.

NEXT STEPS

40. Finalisation of technical work and preparation of consent application, while continuing and further engaging with key stakeholders.

ATTACHMENTS

Nil

9.7 Deliberations Report - Support and Sponsorship of Tauranga Community Facilities and Activities Policy

File Number: A17106188

Author: Jennifer Ross, Policy Analyst

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

PURPOSE OF THE REPORT

1. To receive the submissions received on the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy, consider the issues raised, and adopt the final policy.

RECOMMENDATIONS

That the City Future Committee:

- (a) Receives the report "Deliberations Report - Support and Sponsorship of Tauranga Community Facilities and Activities Policy".
- (b) Receives the written submissions on the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy (**Attachment One**).
- (c) Agrees to the following amendments to the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy to:
 - (i) Insert a definition of the term 'mana whenua' – section 3 definitions table.
 - (ii) Insert requirement to use council name, logo, images and website link accurately and appropriately – section 5.4.2.
 - (iii) Preserve council's right to cover any kind of sponsorship sign if required by removing the word 'internal' from section 5.4.4.
 - (iv) Include direction for the consideration of exclusivity and confidentiality when negotiating and preparing support agreements – section 5.5.1.
 - (v) Insert direction to let mana whenua know when council is seeking support arrangements for a community facility or activity – section 5.7.6.
- (d) Adopts the updated Support and Sponsorship of Tauranga Community Facilities and Activities Policy (**Attachment Three**).
- (e) Confirms delegation to staff the authority to make the marked-up amendments to the Naming Policy (**Attachment Four**).
- (f) Delegates to the General Manager: City Development & Partnerships the authority to make minor editorial or presentation changes to the draft policy for correction or clarity prior to publication.

EXECUTIVE SUMMARY

2. The current Sponsorship from Corporates and Others Policy 2005 is outdated and does not adequately address the evolving needs of the community or council. On 18 November 2024, the former Community, Transparency and Engagement Committee approved the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy (policy) for targeted consultation¹⁰.

¹⁰ Committee Resolution CTE3/24/8

3. Targeted consultation took place from 5 February to 7 March 2025 with existing sponsors, funding organisations, potential corporate sponsors and partners, as well as Te Rangapū Mana Whenua o Tauranga Moana (“Te Rangapū”). Fifteen submissions were received with fourteen of them supporting the proposed draft policy.
4. No submitters commented on the minor amendments proposed to the Naming Policy.
5. Five amendments to the draft policy are proposed to address the issues raised by submitters, specifically, preserving the council’s right to cover sponsorship signs if required, directing support agreements to consider exclusivity and confidentiality, and engaging with mana whenua about their opportunities to support facilities or activities where they have not previously been engaged on a project.
6. A decision to adopt the amended draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy, will provide a modern and transparent framework for seeking support and sponsorship, encouraging collaboration and reducing costs to the council. This decision supports the council vision of creating a well-supported and thriving community.

BACKGROUND

7. Our 2024 review of the Sponsorship from Corporates and Others Policy identified the need to update the policy, including renaming it as the ‘Support and Sponsorship of Tauranga Community Facilities and Activities Policy’. The purpose of the update is to modernise the concepts in the policy, providing council staff with a more current and transparent approach to seeking funding and support for community facilities and activities in Tauranga.
8. The draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy, approved by the former Community, Transparency and Engagement Committee for consultation, includes changes to:
 - (a) rename the policy and use the wider term ‘support agreements’ in place of ‘sponsorship agreements’;
 - (b) limit the focus to community facilities and activities, and exclude supporters whose values, practices or products conflict with the council’s values and policies, or are injurious to health;
 - (c) permit use of the council logo, images and name;
 - (d) support use of an open and competitive process when seeking support; and
 - (e) provide the Chief Executive and/or their delegates with authority to approve support agreements up to the value of their delegated authority limits for expenditure.
9. Through the review process we also noted that minor amendments were required to paragraph 5.7.3 of the Naming Policy for consistency between the policies. A copy of these amendments was included in our consultation material.
10. We reached out to targeted stakeholder groups via email, an online survey and our Let’s Talk newsletter. The views of Te Rangapū were sought through a discussion at a Te Rangapū hui on 27 February 2025.
11. Through targeted consultation, fifteen submissions were received and are attached (**Attachment One**). Feedback received from Te Rangapū is provided in Reporting Feedback from Te Rangapū (**Attachment Two**).
12. The following questions were asked of submitters:
 - Do you agree with the proposed changes to these policies and the rationale behind them?
 - Would you like to see the council build more relationships with individuals, businesses and other organisations to help support and sponsor our community facilities and activities?
 - Is it clear that in-kind agreements are encouraged as well as traditional financial sponsorship agreements to help us provide facilities and activities for our community?
 - Is there anything else you’d like us to consider or include before finalising these policy updates?

13. From the fourteen submissions that agreed with the proposed changes to the policy, reasons for supporting the changes included:
- (a) potential to reduce costs to council;
 - (b) creating opportunities for businesses to positively interact with council and contribute to community needs; and
 - (c) it will encourage and incentivise supporters to engage in diverse ways to support activities that benefit neighbourhoods and communities.
14. The one submission that did not support this policy stated that “our taxes can provide” for the community needs (Submitter 1).

STRATEGIC ALIGNMENT

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

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

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

OPTIONS ANALYSIS

18. As noted in the Background, nearly all submitters (93%) supported the proposed draft policy. With their support of the draft policy, they also noted the following potential issues:
- (a) Te Rangapū – The policy is not explicit about when engagement will occur with mana whenua and the term mana whenua is not defined.
 - (b) Submitter 15 – Section 5.4.4 only refers to covering of internal sponsorship signage however, some events may require that external signage is also covered.
 - (c) Submitter 15 – While open and transparent processes can apply to seeking support and sponsorship, it would be prudent to note that a degree of confidentiality and/or exclusivity may be required to finalise some commercial sponsorship agreements.
 - (d) Submitter 15 – Clarification that the policy doesn’t apply to council-controlled organisations and grant funding, what constitutes a ‘legal, moral, or ethical concern,’ consideration of the ‘injurious to health’ wording, and ensuring correct use of council names, logos, and imagery.
19. To address that feedback, possible amendments to the draft policy are proposed in the following tables. In each case, the recommended option has been inserted and marked up in the draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy (**Attachment Three**).

Table One: Options for clarifying engagement with mana whenua

	Options	Advantages	Disadvantages
1a.	<p>Insert direction to let mana whenua know when council is seeking support arrangements for a community facility or activity at clause 5.7.6 and a definition of mana whenua in the definition section 3.</p> <p>Recommended. (see recommended resolutions (c)(i) and (c)(v))</p>	<ul style="list-style-type: none"> Addresses Te Rangapū concerns that council needs to be clear about when it will engage with mana whenua about support arrangements. Provides a clear point for the council to discuss, and identify together, opportunities for mana whenua to provide support and sponsorship to community facilities and activities, recognising council's partnership relationship with local iwi and hapū. Limited to facilities and activities where mana whenua are not already involved. Clarifies the term mana whenua and who is to be informed under clause 5.7.6. Is consistent with other policies. 	<ul style="list-style-type: none"> Adds another consultation step for council when looking for support or sponsorship.
1b.	<p>Don't amend the draft policy to clarify engagement with mana whenua.</p>	<ul style="list-style-type: none"> No change to the policy from the draft policy that was shared during the consultation process. 	<ul style="list-style-type: none"> Doesn't respond to issues identified through the consultation process.

Table Two: Options to provide for events that require all sponsorship signage to be covered

	Options	Advantages	Disadvantages
2a.	<p>Preserve council's right to cover any kind of sponsorship sign if required by removing the word 'internal' from section 5.4.4.</p> <p>Recommended. (see recommended resolution (c)(iii))</p>	<ul style="list-style-type: none"> Addresses feedback provided, specifically, the example of a large international event which also required covering of sponsors' external signage. Removes the limitation to covering only internal signage. Potential for greater flexibility in council offering when competing for major events in our facilities. 	<ul style="list-style-type: none"> Maybe a point of contention when negotiating some support agreements.

2b.	Don't amend the draft policy to provide for covering of internal and external sponsorship signage.	<ul style="list-style-type: none"> No change to the policy from the draft policy that was shared during the consultation process. 	<ul style="list-style-type: none"> Doesn't respond to issues identified through the consultation process.
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Table Three: Options for consideration of confidentiality and/or exclusivity terms when necessary for support agreements

	Options	Advantages	Disadvantages
3a.	Include direction for the consideration of exclusivity and confidentiality when negotiating and preparing support agreements in section 5.5.1. Recommended. (see recommended resolution (c)(iv))	<ul style="list-style-type: none"> Addresses feedback provided, specifically, that while transparency and open competitive processes are at the front of seeking support and sponsorship arrangements, negotiating the support agreements should allow for consideration of exclusivity and confidentiality where appropriate. While some supporters want acknowledgement, there are others that prefer greater privacy and council should be prepared to accommodate these different approaches. 	<ul style="list-style-type: none"> Maybe a point of contention when negotiating some support agreements.
3b.	Don't amend the draft policy to consider confidentiality and/or exclusivity terms in support arrangements.	<ul style="list-style-type: none"> No change to the policy from the draft policy that was shared during the consultation process. 	<ul style="list-style-type: none"> Doesn't respond to issues identified through the consultation process.

Table Four: Options for consideration and clarification points

	Options	Advantages	Disadvantages
4a.	Insert that the policy doesn't apply to council-controlled organisations. Not recommended.	<ul style="list-style-type: none"> Readers can see the policy doesn't apply to council controlled organisations. 	<ul style="list-style-type: none"> Additional wording in the policy when the standard is that council policies only apply to the council. They may be provided to CCOs for guidance or adoption by those separate legal entities. If the wording is included in this policy, arguably need to insert the clarification in other council policies.

4b.	Insert clarification that the policy doesn't apply to grant funding. Not recommended.		<ul style="list-style-type: none"> Contradicts intention that the policy does apply when seeking grant funding.
4c.	Insert clarification of what constitutes a 'legal, moral, or ethical concern'. Not recommended.	<ul style="list-style-type: none"> Could provide greater certainty but very difficult to draft successfully. 	<ul style="list-style-type: none"> Current drafting enables consideration of these concerns on a case by case basis and in the context of the legal and social environment of the time that the decision is being made. Has not been raised as an issue by staff working with the current policy which includes this term.
4d.	Consider use of the 'injurious to health' wording. Not recommended.	<ul style="list-style-type: none"> Removing the term could simplify considerations of who council will enter support agreements with. 	<ul style="list-style-type: none"> Current drafting encourages consideration of health outcomes which aligns with council strategy for a thriving community. Current drafting enables consideration of potential supporters on a case by case basis Has not been raised as an issue by staff working with the current policy which includes this term.
4e.	Insert requirement to ensure correct use of council names, logos, and imagery. Recommended. (see recommended resolution (c)(ii))	<ul style="list-style-type: none"> Confirms an implied expectation. 	

Table Five: Policy adoption options

	Options	Advantages	Disadvantages
5a.	Amend and adopt the draft policy in accordance with options selected in Tables One to Three. Recommended. (see recommended resolution (d))	<ul style="list-style-type: none"> Responding to information gathered through consultation. May address points raised by submitters and staff in respect of the draft policy. May addresses points raised by mana whenua. 	<ul style="list-style-type: none"> Minor variations between the final policy and the draft policy consulted on.

5b.	Do not amend the draft policy and adopt the unchanged draft policy.	<ul style="list-style-type: none"> No change to the policy from the draft policy that was shared in consultation. 	<ul style="list-style-type: none"> Doesn't respond to issues identified through consultation.
5c.	Status quo – do not adopt the draft policy, and the Sponsorship from Corporates Policy 2005 continues to apply.	<ul style="list-style-type: none"> Requires no changes and the Sponsorship from Corporates Policy 2005 continues to apply. 	<ul style="list-style-type: none"> Does not address issues raised by staff and submitters re the Sponsorship from Corporates and Others Policy 2005. Council continues to use an outdated policy that may limit sponsorship and other support opportunities.

FINANCIAL CONSIDERATIONS

20. The proposed changes to the Policy may positively impact on the cost of council's delivery of community facilities and activities. The positive impact will only come about if the council is successful in developing relationships with community-minded individuals and organisations that can provide financial or in-kind support for those facilities and activities.

LEGAL IMPLICATIONS / RISKS

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

TE AO MĀORI APPROACH

22. The draft policy and the options presented in this report have been informed by discussions with members of the Pou Takawaenga Team and Te Rangapū.
23. The updated policy has a more inclusive approach to support and sponsorship, with the potential to provide opportunities for collaboration with Māori organisations and businesses, to help provide community facilities and activities as appropriate. This aligns with the Whanaungatanga principle, which emphasises building and nurturing relationships, and networks within and for Māori communities.
24. To align with the council's vision of being an inclusive city, Tauranga Matarauui, the proposed principles of this policy include reference to Mana Whenua and the new section 5.7.6 guides staff to engage with iwi and hapū from Tauranga Moana when seeking support for community facilities and activities.

CLIMATE IMPACT

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

CONSULTATION / ENGAGEMENT

26. Initial consultation and engagement focused on gathering feedback from staff, as well as some individuals and organisations in our community who have provided support for council projects in the past.
27. Following committee approval of the draft policy, targeted engagement was undertaken as described in paragraph 3.

SIGNIFICANCE

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

ENGAGEMENT

31. Taking into consideration the above assessment, that the proposal is of low significance, and that targeted engagement has already taken place, officers are of the opinion that no further engagement is required prior to Council making a decision to adopt the draft policy.

NEXT STEPS

32. Depending on the decisions made by the committee, the Support and Sponsorship of Tauranga Community Facilities and Activities Policy could be adopted, or direction could be given to work on developing amendments to the draft policy.

ATTACHMENTS

1. **Table of Submissions - A17721094** [↓](#) 
2. **Feedback from Te Rangapu - A17721097** [↓](#) 
3. **Marked up draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy - A17721190** [↓](#) 
4. **Marked up draft Naming Policy 2025 - A17721093** [↓](#) 

Table of Submissions on the Draft Support and Sponsorship of Tauranga Community Facilities and Activities Policy

Sub #	First name	Last name	Do you wish to speak to Council in support of your submission?	Do you agree with the proposed changes to these policies and the rationale behind them?	Would you like to see the council build more relationships with individuals, businesses and other organisations to help support and sponsor our community facilities and activities?	By making this change, is it clear that in-kind agreements are encouraged as well as traditional financial sponsorship agreements to help us provide facilities and activities for our community?	Is there anything else you'd like us to consider or include before finalising these policy updates?
1	Pare	Rahiri	No	No	No – Our taxes can provide	No - Our taxes can provide	Continue to practice the Tiriti principles
2	Jamie	Rewi	No	Yes	Yes - If it reduces the cost to council	Yes - stop financial sponsorship agreements	The council should consider the ROI for all financial support give to events, i.e. if there is not a quantifiable benefit to Tauranga then the Council should not be contributing rate payer funds.
3	Sandra	Wharton	No	Yes	Yes - Giving businesses opportunities to supply their goods or services to those that might need it would be a great idea	Yes - No comment	

4	Alison	Robertson	No	Yes	Yes - But not at the expense of infrastructure and maintenance	Yes - But consider the overall public interest	
5	Koenraad	Groot	No	Yes	Yes - no comment	No - what is in kind, are you talking Contra?	maybe explain it better in easy to understand.
6	Andrew	Gormlie	No	Yes	Yes - The more Council interacts with local business the better.	Yes - no comment	
7	Lib	Neisham	No	Yes	Yes - no comment	Yes - no comment	
8	stephen	Anquetil	No	Yes	Yes - no comment	Yes - no comment	
9	James	Gibb	No	Yes	Yes - i believe there are alot of businesses and individuals on the community whom would want to contribute to facilities and activities	Yes - no comment	
10	Mary	Goddard	No	Yes	Yes - Many groups giving community support are struggling to get funding	Yes - no comment	

11	Scott	Mckenzie	No	Yes	Yes - no comment	Yes - no comment	
12	Tyler	Buckley	No	Yes	Yes - no comment	Yes - no comment	
13	m	haringa	No	Yes	Yes - no comment	Yes - no comment	
14	Michael	Mills	No	Yes	Yes - please comment	No - Clause 5.1.1 states "encourage supporters to sponsor..." This clause needs to better explain the range of options available to a 'supporter'.	I am a Board Member of Western Bay of Plenty Neighbourhood Support and am authorised to state that as a community organisation that is reliant on funding and support from Council and other sources, we endorse this Policy revision. It will encourage and incentivise supporters to engage in diverse ways to support activities that benefit neighbourhoods and communities.

15	Bay Venues Limited	No	Yes	Yes – no comment	Yes – no comment	See bullet points below.
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Bay Venues Limited Submission Points

- Overall, we think it looks good and provides a good level of guidance to Council
- We were wondering if clause 2.2 should specifically exclude CCO's. Though our approach will be very aligned, it would be good to signal to the public the difference between our entities so it is clear.
- In the same clause, we would suggest being more specific around how this policy relates to grant funding, as from our experience those agreements can be a bit different from sponsorship
- For clause 4.1 Principles – Transparency, it may be prudent to note that some commercial sponsorship agreements may require a degree of confidentiality?
- In our experience, sponsors usually want a degree of exclusivity, so you may want to adjust clause 5.1.12 to allow this where appropriate
- For the same clause you may want to be more specific re. what constitutes a 'legal, moral or ethical concern' as the public often has very differing views of what this constitutes
- We think it would be worth re-considering the 'injurious to health' wording in clause 5.2.3 as it could create challenges, e.g. how does this apply to soft drink suppliers?
- With clause 5.4.4, we would suggest including the ability to cover external signage as well (particularly around world cup style events this becomes necessary)
- It may be worth adding something generic about any commercial matters or considerations to clause 5.5.1.
- It may be useful to add a clause noting that any supporter will use Council and/or facility names, logos, imagery etc correctly and appropriately. This is a constant challenge with Baypark!

**Feedback on the draft Support and Sponsorship of Tauranga Community
Facilities and Activities Policy from
Te Rangapū Mana Whenua o Tauranga Moana**

Engagement opportunities

Staff have raised the review of the Support and Sponsorship of Tauranga Community Facilities and Activities Policy with members of Te Rangapū Mana Whenua o Tauranga Moana on several occasions. These include:

- 24 October 2024 – Informed we were initiating the policy review in the policy work programme presented to a workshop.
- Provided written report in the hui agenda for February meeting (including link to public engagement website and survey).
- 27 February 2025 – Presentation and discussion at hui on the draft policy, receiving feedback on content and principles for the policy.

Feedback received on draft policy

Feedback on the draft policy has included:

- Appreciation for the proposed policy and its potential benefits, especially the improved recognition of in-kind support from mana whenua. For example, contributions made to significant projects such as the museum and activities like Waitangi Day celebrations.
- A desire that the policy be explicit about when Council will engage with mana whenua. It was suggested that the policy include specific triggers for engagement with mana whenua about support arrangements. These triggers could include:
 - At the stage of a community facility or activity project where Council is identifying and contacting potential supporters for the project.
 - Initial planning stages of a project where consultation with iwi or hapū is necessary for other reasons, the opportunity to create a support arrangement could be raised.
- To enhance the clarity of the Support and Sponsorship of Tauranga Community Facilities and Activities Policy, it would be beneficial to include a clear definition of 'mana whenua'. Drawing from definitions used in existing council policies or protocols could provide a solid foundation and ensure consistency.

DRAFT SUPPORT AND SPONSORSHIP OF TAURANGA COMMUNITY FACILITIES AND ACTIVITIES POLICY



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

1. PURPOSE

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

2. SCOPE

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

3. DEFINITIONS

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

4. PRINCIPLES

4.1. The following principles underpin the council's approach to building relationships with supporters and seeking support (including financial support) for community projects, facilities and activities:

- **Community accessibility and affordability**

Council aims to provide community facilities and activities that are accessible to as many people as possible and affordable to ratepayers.

- **Transparency**
Council will operate in a transparent manner when seeking support for community projects, facilities and activities. This includes promoting opportunities for supporters to contribute to projects, facilities and activities, providing clear information about what the support is for, how it benefits our communities and what benefits supporters can expect from the council.
- **Accountability**
Council will ensure that the support received is used to assist with the delivery of projects, facilities and activities which benefit the community and will communicate this through appropriate, clear reporting.
- **Mana Whenua**
Council recognises our partnership relationship with iwi and hapū from Tauranga Moana and how this may inform our delivery of community projects, facilities and activities.

5. POLICY STATEMENT

5.1. What can be supported

- 5.1.1. Council will actively encourage supporters to sponsor community activities, facilities and projects in part or in whole.
- 5.1.2. Council may permit sponsorship of a project, activity or facility where the arrangement will:
 - be beneficial to the community
 - not raise legal, moral or ethical concerns
 - not prevent access to other significant sources of funding for that facility, activity or project.

5.2. Who council will enter into arrangements with

- 5.2.1. Council will only enter into support agreements with a supporter whose values, practices and products are not in conflict with council values and policies. Council staff will undertake a due diligence process in respect of a prospective supporter before entering into a support agreement.
- 5.2.2. Council will seek support agreements where the relationship with the supporter provides opportunities for cooperation, sponsorship or collaboration.
- 5.2.3. Council will not enter into support agreements:
 - where there is a significant risk of a conflict of interest that cannot be appropriately managed
 - with supporters involved in the delivery of products or services that are considered by the council or its delegate to be injurious to health or in conflict with the council's values or responsibilities.

5.3. Limitations on arrangements

- 5.3.1. Council will not enter into a support agreement that imposes or implies conditions that would limit, or appear to limit, the council's ability to carry out its functions fully or impartially.
- 5.3.2. While arrangements can be mutually beneficial, these relationships and support agreements are not:

- a means of gaining favourable terms for the supporter from the council in any other arrangement
 - an endorsement of a supporter or the supporter's products by the council.
- 5.3.3. Council will retain the right to terminate any support agreement in the event of the supporter bringing the council into disrepute and support agreements will include this term.

5.4. Protection of council's interests and intellectual property

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

5.5. Support agreements

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

5.6. Promotion by supporters

- 5.6.1. Council encourages supporters to promote their support and their relationship with council through advertising. Such advertising must:
- not conflict with council's values and not injure council's reputation or business
 - comply with accepted professional standards
 - where located on or in council facilities, be in accordance with council by-laws and policies
 - where located on or in council facilities or at an activity, not negatively impact on the operating requirements of the facility or activity that is supported.

5.7. General

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

5.7.5. All support arrangements will be in accordance with council policies (including the Procurement Policy and Naming Policy).

5.7.5-5.7.6. When mana whenua are not already involved in a project for an activity or facility, and council is looking for support for that activity or facility, council will inform mana whenua who have a known connection to the location of the activity or facility, or through Te Rangapū Mana Whenua o Tauranga Moana (or a similar forum).

6. DELEGATIONS

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

7. REFERENCES AND RELEVANT LEGISLATION

- Naming Policy
- Procurement Policy

8. ASSOCIATED POLICIES/PROCEDURES

- Naming Policy
- Procurement Policy

9. SCHEDULES

N/A.

DRAFT

NAMING POLICY 2020

[marked up with proposed change to 5.7.3 in 2025]



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

1. PURPOSE

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

2. SCOPE

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

3. DEFINITIONS

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

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

4. PRINCIPLES

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

5. POLICY STATEMENT

5.1 Policy on te reo Māori names

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

5.2 Policy on dual naming

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

5.3 Policy on renaming

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

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

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

5.5 Reserve naming

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

5.6 Street Naming

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

5.6.3 Private roads, including those within retirement complexes, must be named if there are more than, or there is the potential to develop, six houses on a private road. The names of private roads must be consistent with the general naming criteria.

5.6.4 The road type "way" is reserved for private roads and right of ways.

5.6.5 Street numbering will be in accordance with *Australian/ New Zealand Standard Rural and Urban Addressing (AS/NZS4819:2011)* and in the case of retirement villages, also in accordance with *Guideline for addressing in retirement villages LINZG80700* (and any consequential updates).

5.7 Naming of Community Facilities and other Public Places

5.7.1 The general naming criteria applies to the naming of community facilities and other public places.

5.7.2 Renaming of community facilities and other public places) may be supported where a new name would better meet the objectives of the policy to promote local identity and mana whenua connections. Council recognises that in order to maintain local identity, a dual name may be preferable in some circumstances.

5.7.3 All requests to grant naming rights for a public place or council owned community facility [or part of a facility](#), whether permanent or for a fixed period of time, will be considered by Council in accordance with council's [Support and Sponsorship from Corporates and Others of Tauranga Community Facilities and Activities](#) Policy.

5.7.4 Council recognises that there may be some situations in which it is appropriate to commemorate an individual. All requests to name a community facility after an individual will be considered by Council. All requests to grant naming rights, whether permanent or for a fixed period of time, will be considered by Council.

6. RELEVANT DELEGATIONS

6.1.1 Decisions on the naming of new streets, reserves, and other public places are delegated to the Chief Executive.

6.1.2 Council is responsible for all decisions to approve or decline requests to rename or dual name existing streets, reserves, community facilities and other public places.

7. REFERENCES AND RELEVANT LEGISLATION

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

8. ASSOCIATED POLICIES/PROCEDURES

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

9. SCHEDULES

Schedule one: Road Types

Schedule one: Road Types

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

9.8 Draft Amended Dangerous, Affected and Insanitary Buildings Policy: Hearings and Deliberations

File Number: A17494908

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

Authoriser: Sarah Omundsen, General Manager: Regulatory and Compliance

PURPOSE OF THE REPORT

1. To receive submissions on the Draft Dangerous, Affected and Insanitary Buildings Policy amendments and consider the issues raised by submitters.

RECOMMENDATIONS

That the City Future Committee:

- (a) Receives the report "Draft Amended Dangerous, Affected and Insanitary Buildings Policy: Hearings and Deliberations".
- (b) Receives the submissions to the draft amended Dangerous, Affected and Insanitary Buildings Policy (**Attachment One**).
- (c) Approves the following changes to the draft amended Dangerous, Affected and Insanitary Buildings Policy:
 - (i) adding the following to section 8.2(b) ‘:
 - where possible avoiding demolition through alternative methods
 - ensuring appropriate management to protect and use heritage buildings whenever possible
 - advising a building owner of any incentive and funding information’.
 - (ii) adding the words ‘in the ordinary course of events’ to the definition of dangerous building
- (d) Adopts the final amended Dangerous, Affected and Insanitary Buildings Policy (pursuant to section 131 of the Building Act 2004) incorporating the changes approved in (c) and for the policy to take effect from 14 April 2025.
- (e) Delegates to the General Manager: Regulatory and Compliance to make any necessary minor drafting or presentation changes to the Dangerous, Affected Building and Insanitary Buildings Policy, prior to it being published.

EXECUTIVE SUMMARY

2. The Building Act 2004¹¹ (Act) requires Council to adopt a dangerous and insanitary buildings policy setting out the approach and priorities it will take in managing dangerous, affected and insanitary buildings and how the policy will apply to heritage buildings.
3. On 18 November 2024 the former Community, Transparency and Engagement Committee approved the proposed draft amended Dangerous, Affected and Insanitary Buildings Policy for community consultation.

¹¹ The Building Act 2004 ss. 131 and 132

4. The proposed amendments incorporate updated guidance¹² from the Ministry of Business, Innovation and Employment (MBIE) along with MBIE's recommendations from the recent performance monitoring assessment of the policy.
5. Any changes to the policy must be consulted on in accordance with the special consultative procedure set out in the Local Government Act 2002.
6. Community consultation was carried out between 10 February and 10 March 2025, six submissions were received, all in support of the proposed policy. Two submitters recommended changes to the policy itself. One wanted clarification on how dangerous building notices are applied in landslip situations and the other was seeking additional references to heritage matters.
7. The committee is asked to receive these submissions, consider the recommendations for responding to the issues raised and adopt the amended Dangerous, Affected and Insanitary Buildings Policy to take effect on 14 April 2025.

BACKGROUND

8. The Act requires Council to adopt a policy that sets out:
 - the approach and priorities it will take in performing its functions for managing dangerous, affected and insanitary buildings
 - how the policy will apply to heritage buildings.
9. The policy must be reviewed every five years. Our current policy was last reviewed and adopted in February 2020 so is due for review. The review had been waiting on the completion of MBIE's performance monitoring assessment of the current policy, so that these findings could be incorporated into a revised policy.
10. These findings, along with updated guidance from MBIE and staff feedback, were incorporated to develop a draft amended Dangerous, Affected and Insanitary Buildings Policy.
11. The changes are minor and presented in the table below. These changes are also highlighted as tracked changes in the draft policy (**Attachment Two**).

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

¹² Guidance for Developing Policies on Dangerous, Affected and Insanitary Buildings, Ministry of Business, Innovation and Employment (MBIE) second edition July 2024

12. On 18 November 2024, the former Community, Transparency and Engagement Committee approved the draft amended policy for community consultation.

CONSULTATION

Consultation summary

13. In accordance with section 132(1) of the Building Act 2004 the special consultative procedure (section 83 Local Government Act 2002) was carried out from 10 February 2025 to 10 March 2025.
14. Public notice of the consultation was provided on Council's website and via notices in the Weekend Sun on 7 February 2025 and Bay of Plenty Times on 8 February 2025.
15. Information on the proposed draft policy and consultation process was included in both the 17 February 2025 and 3 March 2025 *Kōrero mai – Let's talk Tauranga* newsletters.
16. Emails were sent to key stakeholders including Health New Zealand, Fire and Emergency NZ, Master Builders Association, Heritage New Zealand and Real Estate Institute NZ to inform them of the consultation and ask for their feedback.

Submission summary

17. Six submissions were received (**Attachment One**). All six submissions were supportive of the proposed changes – with five indicating support and one indicating strong support.
18. The overall sentiment from submitters was that the changes were minor and agreement that it was important for the policy to align with legislation.
19. Two of the submitters (submissions 5 and 6) provided feedback directly on the draft policy. This feedback included:
- clarifying how dangerous building notices are applied in landslip situations
 - additional reference to heritage buildings.
20. Another submission had concerns about the timing of enforcing dangerous building requirements in relation to earthquake prone buildings.
21. Table One identifies the issues raised by submitters and recommends options for responding to them. The recommendations have been incorporated into a revised amended policy and are identified by blue text (**Attachment Two**).

Table One: Issues raised by submitters

Sub No.	Submission summary	Options/Staff Response
6	<p>Additional references on heritage matters and the vulnerability of heritage buildings becoming dangerous or insanitary should be included.</p> <p>Recommends:</p> <ul style="list-style-type: none"> • avoid demolition through alternative methods • ensure appropriate management to protect and use heritage buildings • include Marae in the definition of heritage buildings • recognising cultural and heritage values as per the Act • advising building owners of incentive and funding information 	<p>Option 1: Amend the policy by adding the following to section 8.2 (b): 'This includes:</p> <ul style="list-style-type: none"> - where possible avoiding demolition through alternative methods - ensuring appropriate management to protect and use heritage buildings whenever possible' - advising a building owner of any incentive and funding information'. <p>Note: Heritage buildings are defined in section 7 of the Act. This definition does not include all Marae.</p> <p>Recommended option - see recommended resolution (c) (i)</p> <p>Option 2: Do not amend the draft policy.</p> <p>Note: Heritage buildings are defined in section 7 of the Act. This definition does not include all Marae.</p>

Sub No.	Submission summary	Options/Staff Response
5	Dangerous Buildings Notices (DBN) used incorrectly across the country when dealing with landslips. Seeking clarification on this in the policy.	<p>The Act requires that the danger be “likely” “in the ordinary course of events” before a Dangerous Building notice can be issued.</p> <p>Option 1: Amend the policy by adding the words “in the ordinary course of events” to the definition of Dangerous Building for clarity as below:</p> <p>defined under section 121 of the Building Act 2004 (or any subsequent amendments). In summary it is a building that in the ordinary course of events, for reasons other than earthquakes, is likely to cause injury or death, by collapse or otherwise; or it is likely to cause damage to other property.</p> <p>Recommended option see recommended resolution (c) (ii)</p> <p>Option 2: Do not amend the draft policy</p>
4	Concern with enforcing the dangerous building requirements over a single period of time. The seismic strengthening bill with a TCC timeframe of ten years has emptied the city centre of businesses very quickly. If the problem is minor it should be addressed when an update to the premises, over say \$40k, is planned.	<p>The legislation for earthquake prone buildings is separate to the dangerous, affected and insanitary building provisions and is not within the scope of this policy.</p> <p>A dangerous building notice would not be issued if there was a minor issue that needed to be resolved over a longer time period.</p> <p>Recommendation: No change to the policy</p>

STATUTORY CONTEXT

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

STRATEGIC ALIGNMENT

24. 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	☐

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

OPTIONS ANALYSIS

Option	Advantages	Disadvantages
1	<p>Approve the recommended changes to the draft policy and adopt a revised policy to take effect on 14 April 2025</p> <p>Recommended</p>	<ul style="list-style-type: none"> Ensures council's approach to identifying and managing potentially dangerous, affected and insanitary buildings is transparent and consistent with MBIE's recommendations. Community feedback on the draft policy will be included. Supported by submitters. Meets legislative requirements to review the policy.
2	<p>Do not approve the recommended changes to the draft policy and adopt the draft policy in the form that it was consulted on.</p>	<ul style="list-style-type: none"> Community feedback on the draft policy will not be included.
3	<p>Retain the current policy and do not adopt the draft amended Dangerous, Affected and Insanitary Buildings.</p>	<ul style="list-style-type: none"> No amendments from the outcome of the review – including MBIE recommendations - will be included. No feedback from the community consultation will be incorporated into the policy.

FINANCIAL CONSIDERATIONS

26. Adopting the amended Dangerous, Affected and Insanitary Buildings Policy does not have any financial implications.

LEGAL IMPLICATIONS / RISKS

27. There are no significant risks associated with the recommendation to adopt the draft amended Dangerous, Affected and Insanitary Buildings Policy.

TE AO MĀORI APPROACH

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

CLIMATE IMPACT

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

SIGNIFICANCE

30. 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.
31. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the issue.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
32. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of low significance.

ENGAGEMENT

33. Taking into consideration the above assessment, that the decision is of low significance, and that consultation has occurred, officers are of the opinion that no further engagement is required prior to Council making a decision on whether to adopt the draft amended Dangerous, Affected and Insanitary Policy.

NEXT STEPS

34. If Council decides to adopt the draft amended Dangerous, Affected and Insanitary Buildings Policy, it will take effect on 14 April 2025. The policy will be made available on Council's website and all submitters will be notified of Council's decision. A copy will also be provided to the chief executive of the Ministry of Business, Innovation and Employment in accordance with the Act.

ATTACHMENTS

1. **Submissions to the draft Amended Dangerous, Affected and Insanitary Building Policy - A17712633** [↓](#) 
2. **Revised Dangerous, Affected and Insanitary Building Policy - A17713382** [↓](#) 

Sub No.	First name:	Last name:	Organisation or company	Do you support the proposed amendments to the Dangerous, Affected and Insanitary Buildings Policy?	Why do you support, or not support, the proposed amendments?
1	Murray	Graham	NA	Strongly support	It is important the Policy runs in line with the Legislation. I have a close neighbor whose house falls within this category and it is a very unhealthy atmosphere that I live in because of this house. The odors and substances that come from the house onto my property are not good at all!!
2	Tess	Pilkington		Support	The amendments seem mainly administrative and not any major changes.
3	Michael	Ogier	Ratepayer	Support	Happy so long as the code is enforced fairly and without exceptions. Do not want to see what has been happening with the building code being strictly enforced for the general public but at time ignored when illegal activity happens on Maori land.
4	Dan	Russell	Ratepayer	Support	I support the Amendments but wish to point out the problems with enforcing the "dangerous buildings" requirements over a single period of time. We have found, to our horror, that the seismic strengthening bill with a TCC timeframe of ten years has emptied the city centre of businesses very quickly. The reasons for this are self evident, insecurity of tenancy, lease increases over costs, closure of buildings for unknown periods. The list goes on. Obviously serious problems with buildings must be dealt with quickly, but if the problem is minor it should be addressed when an update to the premises over, say, \$40K is planned.
5	Jesse	Beetham	Tonkin & Taylor Ltd	Support	I am neither here nor there with the amendments, however, I feel it would be an excellent time to address the use of Dangerous Building Notices (DBNs) when landslides affect dwellings. DBS are used incorrectly all across New Zealand when dealing with landslides, causing significant emotional stress and economic pain. It would be great to provide some clarity in TCC's policy in regards to landslides and DBNs. Happy to chat further about this topic (Please have a read over the MBIE determination below). Thanks, Jesse

Determination 2006/119

Dangerous building notices for houses in Matata, Bay of Plenty

1 The matter to be determined

- 1.1 This is a determination under Part 3 Subpart 1 of the Building Act 2004 (“the Act”) made under due authorisation by me, John Gardiner, Determinations Manager, Department of Building and Housing (“the Department”), for and on behalf of the Chief Executive of the Department. The applicant is the Whakatane District Council (“the territorial authority”), acting through a firm of solicitors, and the other parties are the owners of eight houses in Matata. Unless otherwise stated, references to sections are to sections of the Act. During the course of the determination one house was withdrawn.
- 1.2 The application for a determination arises from notices under section 124 of the Act (“the notices”) issued by the territorial authority in respect of eight houses (“the houses”) in Matata that were affected by landslips and associated flooding in the Awatarariki catchment.
- 1.3 The territorial authority stated the matter for determination as being:
- The Applicant’s exercise of its power to deal with dangerous buildings as follows:
1. Are the buildings dangerous in terms of section 121 of [the Act]?
 2. If the buildings are dangerous, should the Council exercise its power under section 124 of the Act to require the buildings to remain unoccupied until mitigation works are undertaken to reduce the danger?
- 1.4 I take the view that, in terms of section 177(e), the matter for determination is the territorial authority’s exercise of its powers under section 124.
- 1.5 I asked the territorial authority to copy its application to the Bay of Plenty Regional Council and the Earthquake Commission on the basis that their rights, obligations, or interests might be affected by the determination in terms of section 27(1) of the New Zealand Bill of Rights Act 1990.
- 1.6 In making my decision I have not considered any other aspects of the Act.

Determination 2006/119

2 Background

- 2.1 The following description of the relevant background is taken from the territorial authority's application for a determination and is understood to be based on inspections by territorial authority staff and the following reports obtained by the territorial authority:
- "The 18 May 2005 debris flow disaster at Matata: Causes and mitigation suggestions", Institute of Geological and Nuclear Sciences, July 2005.
 - "The Matata Debris Flows Hydraulic Modelling Report", Tonkin & Taylor, consulting engineers, August 2005.
 - "The Matata Debris Flows Hazard and Risk Investigations", Tonkin & Taylor, August 2005.
 - "The Matata Debris Flows Preliminary Infrastructure and Planning Options Report", Tonkin & Taylor, August 2005.
 - "Matata debris flow mitigation – cost benefit analysis of options", NZ Institute of Economic Research, November 2005.
- Copies of each of those reports were provided with the application.
- 2.2 The following terms are used in those reports (definitions abbreviated):
- Debris*: A loose unconsolidated mix of silt, sand, gravel, cobbles, and boulders, may include a significant proportion of organic material including logs, stumps, and organic mulch.
- Debris avalanche*: A very rapid to extremely rapid (15 - 60 km/h) flow of partially or fully water-saturated debris on a steep slope without confinement to an established channel.
- Debris flood*: A very rapid (up to 15 km/h) surging flood of water heavily charged with debris in a steep channel.
- Debris flow*: A very rapid to extremely rapid (15 - 60 km/h) flow of water-saturated debris in a steep channel.
- 2.3 On 18 May 2005 a band of intense rain over the catchments behind the coastal settlement of Matata triggered landslips and debris avalanches in stream headwaters ("the 2005 event"). That event resulted in several large debris flows, which with their associated flooding destroyed 27 homes and damaged many other properties. A civil defence emergency was declared under the Civil Defence Act 1980, and the houses were evacuated because of the potential risk to life whether due to damage to the house concerned or to the likely effect of further rainfall.
- 2.4 During the civil defence emergency, territorial authority staff inspected the buildings affected by the event, with each inspection report being provided to the building's

Determination 2006/119

owner. On 13 June 2005 the territorial authority served the notices on the owners of the houses under section 124. Each notice included the following:

. . . advice [obtained by the Council] indicated that many of the storm-affected properties remain exposed to a potential life-threatening hazard from further debris flows in the catchment, with some properties at greater risk than others. . . .

. . . [your house] is situated in a debris flow and flood path the Council has identified . . . as being unsafe to be occupied. In terms of the Council's authority to require you not to occupy your dwelling, the Council has relied on section 128 of the Building Act 2004 with this letter constituting formal notice under section 124 of that Act. . . . In this instance, it is not the building per se that is dangerous, rather it is the debris and unstable land in the catchment above the building that constitutes a risk of danger to building users. . . .

- 2.5 From the reports listed above, the territorial authority concluded that any future moderate rainfall event could have life-threatening impacts upon people occupying the houses, at least until protective works are undertaken. Accordingly, the notices remain in place and the territorial authority has not consented to the re-occupation of any of the houses.

- 2.6 However, the territorial authority says that many of the owners now wish to re-occupy their houses "and appear prepared to do so at their own risk". The territorial authority accordingly drafted (but did not send) letters to the owners saying:

The level of risk will continue to exist until such time as the mitigation works in the catchment area are completed. Our best estimate . . . is July 2008.

The Council . . . was not able to successfully identify any interim measures that could be put in place to mitigate, reduce or minimise the risk . . . [Your house] is situated in a potential debris flow and inundation floodpath and . . . is unsafe to be occupied in times of heavy rain. As a consequence, you should vacate the building when heavy rain falls in the catchment or when a heavy rain warning has been released by the MetService for the Whakatane Coastal Area. A heavy rain warning is given when rainfall greater than 50 mm within six hours or 100 mm within 24 hours is forecast and the responsibility is on you to monitor weather conditions and take appropriate action.

Any decision by you to occupy your property is one you take at your own risk. The lower risk approach endorsed by the Council is that reoccupation should not occur until the mitigation works are complete, and an assessment of future risk is made at that stage.

- 2.7 Concerned that such letters would be taken to indicate that the houses were safe to occupy, the territorial authority decided not to send the letters but to apply for this determination.

3 The Act

- 3.1 The relevant provisions of the Act are:

121 Meaning of dangerous building

- (1) A building is dangerous for the purposes of this Act if,—

Determination 2006/119

- (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—
- (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
- (ii) damage to other property; or . . .

124 Powers of territorial authorities in respect of dangerous, earthquake-prone, or insanitary buildings

- (1) If a territorial authority is satisfied that a building is dangerous, earthquake prone, or insanitary, the territorial authority may—
 - (a) put up a hoarding or fence to prevent people from approaching the building nearer than is safe:
 - (b) attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building:
 - (c) give written notice requiring work to be carried out on the building, within a time stated in the notice (which must not be less than 10 days after the notice is given under section 125), to—
 - (i) reduce or remove the danger; or
 - (ii) prevent the building from remaining insanitary.
- (2) This section does not limit the powers of a territorial authority under this Part.

128 Prohibition on using dangerous, earthquake-prone, or insanitary building

- (1) If a territorial authority has put up a hoarding or fence in relation to a building or attached a notice warning people not to approach a building under section 124(1), no person may—
 - (a) use or occupy the building; or
 - (b) permit another person to use or occupy the building. . . .

4 The submissions

- 4.1 The submissions from the territorial authority essentially described the situation with reference to the reports listed in 2.1 above, cited relevant provisions of the Act, and identified the territorial authority's uncertainty as to whether it should allow the owners to re-occupy their houses.
- 4.2 Separate submissions, one including a structural damage report, were made by three of the owners. Those submissions included criticisms of the territorial authority's actions and queried why some houses had been the subjects of notices under section 124 whilst others had not. On the view I take of the matter I do not need to discuss those submissions in this determination.
- 4.3 The Bay of Plenty Regional Council submitted that:

Department of Building and Housing

4

7 December 2006

Determination 2006/119

... the current level of risk at the subject properties from dangerous discharge events is higher than is normally acceptable for dwellings in New Zealand.

It is understood that [the territorial authority] does not expect to have final structural solutions in place before July 2008. Risk reduction could be achieved in the interim through a robust disaster warning and response system, although due to the rapid rainfall response characteristics of these catchments (it can be less than 1 hour from the onset of rain to peak discharge) and due to difficulties in accurately forecasting intense rain in this coastal location, such a warning system would likely require a regional weather radar installation. Any response system would by necessity be community based and involve recognised strengthened evacuation routes.

- 4.4 The Earthquake Commission did not wish to make formal submissions, but observed that:
- (a) Section 121 referred to a building, not the location of a building. A building should not be declared dangerous simply because it was at risk of damage from natural disaster as distinct from being likely to cause injury or death. If only location were to be considered, a great many existing buildings throughout New Zealand could be declared to be dangerous. Sections 71 to 73 provided a regime for considering such issues in relation to applications for any building consents necessary for the repair of damaged buildings.
 - (b) The 2005 event was reported as a 1 in 500 year event and could not properly be considered to have occurred in “the ordinary course of events”.
- 4.5 On the basis of the submissions mentioned above, I prepared this draft determination, which is being sent to those concerned under a covering letter to the effect that if they do not accept the draft (subject to non-controversial amendments) then it will be necessary to hold a formal hearing.
- 4.6 To date, five of the owners have accepted the draft and I do not consider it necessary to wait for responses from the others. The territorial authority accepted the draft subject to certain non-controversial amendments, which have been made. The Earthquake Commission acknowledged the draft but made no comment.

5 Discussion

5.1 General

- 5.1.1 This determination is essentially about whether the owners should continue to be prevented from occupying their houses. That would amount to a severe restriction of property rights. I take the view that such a restriction is justifiable only if the risk of injury or death for people living in the houses is so high that, in the public interest, the building owner cannot be allowed to take that risk (bearing in mind that not only the owners but also their families, and perhaps other people can also be expected to live in the houses). I take the view that the Act provides that the owners may be prevented from living in their houses only if the risk is as defined in section 121, namely that injury or death is likely in the ordinary cause of events.

Determination 2006/119

5.1.2 Section 121 is concerned with buildings causing injury or death “whether by collapse or otherwise”. The territorial authority has not suggested that any of the houses are currently unsafe or insanitary because of un-repaired damage arising from the 2005 event. I therefore take the view that in this case section 121 covers the following situations:

- (a) The building lacks structural integrity, whether because of deficiencies in its construction, subsequent damage, or excessive imposed loadings from whatever source.
- (b) The structure of the building remains intact but loses support from the ground, floating away in a flood for example.
- (c) The building retains its structural integrity but people in it are put at risk because of factors associated with the site that do not affect the building itself, such as toxic fumes, radioactivity, and so on.

The above is not intended as an exhaustive list.

5.1.3 In this case, the situation is that the houses might be subjected to excessive loadings. In other words this determination is concerned with whether the houses are dangerous because there might be another debris flow, not with whether the houses are dangerous because of structural damage caused by the 2005 event.

5.1.4 As I understand the current situation, the 2005 event resulted in debris being deposited close to and upstream of the houses. If that debris, or fresh debris from further upstream, reaches a house it could cause excessive loadings. I understand, however, that the debris is not likely to move simply because there is water in the relevant flow path, there needs to be a significant amount of water, with consequential additional debris, before there is any cause for concern about structural damage to the houses. In other words, this determination is concerned with the situation resulting from:

- (a) Further rain in the catchment being sufficiently intense to cause flooding, and
- (b) That flooding being sufficiently severe to carry debris to reach the house, and
- (c) That debris being heavy enough and moving fast enough to damage to the house, and
- (d) That damage is such as to cause injury or death to people in the house who have not already escaped.

5.1.5 I read section 121 as providing that the houses are dangerous only if all of those conditions are likely to occur in the ordinary course of events. I must therefore consider the meanings to be given to the terms “likely” and “in the ordinary course of events”.

Determination 2006/119

5.2 “Likely”

- 5.2.1 The word “likely” in the context of section 64 of the Building Act 1991 (“the former Act”), now section 121, has been interpreted as follows:

“likely” does not mean “probable”, as that puts the test too high. On the other hand, a mere possibility is not enough. What is required is “a reasonable consequence or [something which] could well happen”. *Auckland CC v Weldon Properties Ltd 7/8/96*, Judge Boshier, DC Auckland NP2627/95, [1996] DCR 635.

I find that the words ‘likely to cause injury or death’ in [s 64(1)(a) of the former Act, now s 121(a)] mean that the reasonable probabilities are that the building will cause injury or death unless it gets timeous attention. *Rotorua DC v Rua Developments Ltd 3/3/98*, Judge McGuire, DC Rotorua NP966/97.

‘Likely’, as used in [s 64(1)(a) BA91, now s 121(a)], means that there is a reasonable probability (see *Dowling v South Canterbury Electric Power Board* [1966] NZLR 676, 678); or that having regard to the circumstances of the case it could well happen (see *Browne v Partridge* [1992] 1 NZLR 220, 226). *Rotorua DC v Rua Developments Ltd 17/12/99*, Judge McGuire, DC Rotorua NP1327/97

I take the view that those decisions are good law in respect of the word “likely” in section 121.

- 5.2.2 The Tonkin & Taylor “The Matata Debris Flows Preliminary Infrastructure and Planning Options Report” estimated a 200 to 500 year return period for the 2005 event. The Institute of Geological and Nuclear Sciences report “The 18 May 2005 debris flow disaster at Matata: Causes and mitigation suggestions” said that the rainfall that triggered the debris flows “equates to approximately a 500-year return period” event, but warned that “as there are little data on such extreme events, the actual recurrence interval for this intensity of rainfall could be less than 500 years”. The report said:

Debris flows are invariably structurally damaging to buildings they impact on, and not merely an inconvenience as inundation by floodwater often is. Hence, debris flows should be considered in the same context as structurally damaging hazards such as earthquakes [so that] the appropriate level of protection from debris flows is that of the debris flow of 10% probability in 50 years (which is usually rounded to an event of 500-year return period) . . .

I note that the 10% probability of occurring in 50 years comes from a compliance document for clause B1 of the Building Code. I do not accept that the probability of the design earthquake is necessarily the same as the probability of the design flood or debris flow. Be that as it may, the report also said:

. . . there is not much likelihood in the immediate future for another debris flood as large of that of 18 May if the same high intensity storm were to recur. . . .

Debris flows are likely to be significantly more frequent . . . for at least several decades . . . They are unlikely to be as large as the recent events, because the sediment stored in the canals has been significantly depleted . . . Although there is less sediment available now, there is still enough for a major debris flow, should the appropriate meteorological circumstances arise. More extreme rainfall intensities than seen in [the 2005 event] may be required to trigger debris flows as large as [the 2005 event].

Determination 2006/119

- 5.2.3 The territorial authority asked Tonkin & Taylor about the risk in “a 10-year weather event, and a 1-year weather event”, and also asked for comment on “the type and probability of weather event that could [cause] injury or death”. Tonkin & Taylor replied with brief comments on each of the houses, concluding:

Nature of risk

For events up to the 10 year return period, the nature of any overland flow will be inundation of the properties, unlikely to exceed 0.5 m depth of water and probably significantly less. Unless people are standing in the overland flow path, there will be no risk to life. Low-lying floor levels in affected properties will be at risk of inundation, but there is unlikely to be any structural risk for these events.

Catchment stability

Presently the catchments are relatively unstable with potential for further sediment to be transported downstream. This is already causing and will continue to cause problems for stream channel and culvert capacity due to silt deposition. This is likely to contribute to greater localised flooding in the short to medium term. For more significant storm events, the potential for debris flows is significant with significant areas of the town still vulnerable to risk for an event of similar magnitude to that in [the 2005 event].

- 5.2.4 I conclude that the houses are not likely to cause injury or death in a 10 year event but are likely to cause injury or death in an event of the order of a 500 year event. I cannot find any clear indication in the submissions as to the highest probability event (i.e. the event with the shortest return period) that is likely to result in injury or death.
- 5.2.5 The regional council, see 4.3 above, and the Institute of Geological and Nuclear Sciences, see 5.2.2 above, referred to the “acceptable” level of risk” and the “appropriate” level of protection. I take those references to relate to the probabilities of various loadings or eventualities, as specified in the Building Code and the compliance documents, that a building must be designed to resist. However, as I indicated in Determination 2006/77, the fact that a building does not comply with the Building Code does not necessarily mean that the building is dangerous or insanitary in terms of sections 121 and 123.
- 5.2.6 For example, although the Building Code (or the relevant compliance document) requires a new building to withstand the shaking caused by an approximately 500 year earthquake, section 122 and regulation 7 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 provide that an existing building is earthquake prone only if it will not resist shaking of the same duration but only one-third as strong.
- 5.2.7 A recent publication¹ about buildings that are earthquake-prone in terms of section 122 says:

... some of the assumptions suggested for existing buildings are less stringent or different from those required for new buildings. This reflects the difference between the objective for an existing building of predicting the level at which a particular limit

¹ *Assessment and Improvement of the Structural Performance of Buildings in Earthquakes*, New Zealand Society for Earthquake Engineering, June 2006.

Determination 2006/119

state [loss of structural integrity] is likely to occur and the design objective for a new building of precluding a particular limit state from occurring. . . .

. . . The threshold of one-third of the earthquake shaking represents about 20 times the risk of a new building.

I take that “20 times” to be an upper limit, and of course the probability of the design earthquake is not necessarily the same as the probability of the design flood or debris flow.

- 5.2.8 There is nothing in the legislation from which I can deduce the relationship between the risks (excluding earthquakes) that are great enough to make a building dangerous in terms of section 121 and those that are small enough to be acceptable for a new building. I do not consider that the “20 times greater” relationship for earthquake risks necessarily applies to other risks, but it does illustrate that there is a significant difference between the two risk thresholds.
- 5.2.9 However, I read the letter from Tonkin & Taylor quoted in 5.2.4 above as saying that further debris flow is likely to occur in a storm “of similar magnitude” to the 2005 event, which Tonkin & Taylor estimated as being a 200 to 500 year storm and the Institute of Geological and Nuclear Sciences estimated as being a 500 year storm, see 5.2.2 above. I recognise that there could well be a threshold sensitivity or asymptotic effect such that at some point the difference in intensity between storms with increasingly large return periods becomes insignificant. However, the fact remains that a 200 year storm has a higher probability of occurring than a 500 year storm so that the magnitude of any storm with a return period of less than 200 years can be assumed to be “significantly” less than the magnitude of the 2005 event.
- 5.2.10 Of course, the probability of occurrence of the storm is not the only relevant factor, see 5.1.5 above. However, setting aside all other relevant factors, I conclude that for the purposes of section 121, injury or death is “likely” in a storm with a return period of 500 years and might be “likely” (to play on the safe side) in a storm with a return period of 200 years. The question is whether some lesser storm, referred to below as “less than 200 year storm” is likely to be experienced in the ordinary course of events.

5.3 Does the ordinary course of events include a less than 200 year storm?

- 5.3.1 As to whether the “ordinary course of events” includes a less than 200 year storm, the term “ordinary course of events” has been interpreted to mean:

. . . the usual gamut of climatic occurrences likely to be encountered in this country. The provision specifically excludes earthquakes, but it would include the range of temperature variations and different climatic conditions that are likely to be encountered in the course of a year. Such would include, for example, dry and wet spells, heavy downpours, winter storms, equinoctial gales, but it would exclude incidents not normally occurring such as, for example, 50 year floods and cyclones. *Rotorua DC v Rua Developments Ltd* 3/3/98, Judge McGuire, DC Rotorua NP966/97

In the subsequent *Rotorua DC v Rua Developments Ltd* 17/12/99, Judge McGuire, DC Rotorua NP1327/97, Judge McGuire added “local conditions”, such as Rotorua’s more than usually corrosive atmosphere, to that non-exclusive list of criteria.

Determination 2006/119

5.3.2 The *Rua Development* cases were concerned with validating a warrant issued under section 70(1) of the former Act, now section 129, in respect of a building that was dangerous in an earthquake but did not come within the former Act's definition of an earthquake-prone building. The decision was to the effect that the cladding of the building (but not its structure) was "dangerous" in a high wind. Accordingly, I take the view that the implication that references to rainfall and flooding were made in passing and are not essential to the decision ("*obiter dictum*"). It follows that the cases do not establish, as a matter of law, that a "50 year flood" is outside "the ordinary course of events". Be that as it may, in the light of those cases I do not consider that a less than 200 year storm can be said to occur "in the ordinary course of events".

5.4 Conclusions

5.4.1 For the reasons set out above, I conclude that the houses are not dangerous in terms of section 121.

5.4.2 That being so, I conclude that the territorial authority should not require the houses to remain unoccupied.

5.5 Warning systems

5.5.1 The territorial authority referred to heavy rain warnings issued by MetService, see 2.6 above, and the regional council referred to the possibility of installing a local disaster warning and response system, see 4.3 above. Because I have set aside the effects of all relevant factors other than the probability of the relevant storm, see 5.2.10 above, I do not need to discuss the effects any such system except to observe that:

- (a) Any such system can be expected to contribute to life safety; but
- (b) As currently advised, I do not consider that I have jurisdiction to require anyone to introduce and maintain such a system, so that
- (c) Any such installations need to be considered as part of civil emergency planning.

6 Decision

6.1 In accordance with section 20 of the Act, I hereby:

- (a) Determine that the houses are not dangerous in terms of section 121.
- (b) Reverse the territorial authority's decision not to remove the section 124 notices.

Signed for and on behalf of the Chief Executive of the Department of Building and Housing on 7 December 2006.

Department of Building and Housing

10

7 December 2006

Determination 2006/119

John Gardiner
Determinations Manager

Department of Building and Housing

11

7 December 2006

Sub No.	First name:	Last name:	Organisation or company	Do you support the proposed amendments to the Dangerous, Affected and Insanitary Buildings Policy?	Why do you support, or not support, the proposed amendments?
6	Lisa	Ahn	Heritage New Zealand	Support	Please see attached



HERITAGE NEW ZEALAND
POUHERE TAONGA

04 March 2025

Policy Team
Tauranga City Council,
Private Bag 12022,
Tauranga 3143,
By email:

To whom it may concern,

FEEDBACK ON TAURANGA CITY COUNCIL'S DRAFT DANGEROUS, AFFECTED AND INSANITARY BUILDINGS POLICY 2025

1. Thank you for the opportunity for Heritage New Zealand Pouhere Taonga (“HNZPT”) to provide feedback on the draft Dangerous, Affected and Insanitary Buildings 2025 (“the proposed policy”).
2. HNZPT is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand’s historical and cultural heritage. HNZPT is New Zealand’s lead historic heritage agency. HNZPT advocates for Historic Heritage through feedback and submissions such as the Draft Dangerous, Affected and Insanitary Buildings Policy.
3. HNZPT advocates for the preservation and risk management of heritage buildings and structures. This includes increasing usability and mitigating risks which are often required by other legislation. HNZPT produced guidance for local authorities on preparing policies for earthquake prone, dangerous and insanitary buildings. The guidance stresses the importance of facilitating the preservation of buildings of significant or historic heritage values. A copy of this guidance is available at <https://www.heritage.org.nz/resources/sustainable-management-guides>.
4. HNZPT considers that there could be additional references on heritage matters. Some heritage buildings are vulnerable in becoming dangerous or insanitary, and the proposed policy could assist in addressing this matter. Section 8 of the proposed can be expanded to address the role of prevention. Council can also consider greater discussion relating to heritage in the proposed policy similar to those that have been undertaken by other Councils.

Below are recommendations that facilitate preservation and use of buildings and areas of significant cultural, historical or heritage value:

- Include alternative methods to avoid demolition;
- Ensure appropriate management to protect and have ongoing use of heritage buildings whenever possible;
- Include Marae buildings in the proposed definition of “Heritage Buildings”;



HERITAGE NEW ZEALAND
POUHERE TAONGA

- Recognise Section 4(2)(d) and (l) of the Building Act 2004 relating to cultural and heritage values; and
 - Advise building owner of any incentive and funding information. For example, a link to websites such as HNZPT incentive fund and NZ Lotteries fund.
5. HNZPT supports the changes in the proposed policy that better complies with legislative requirements with updated references. HNZPT is interested in how heritage and Marae buildings are prevented from becoming dangerous and affecting surrounding buildings or other heritage and character buildings. HNZPT looks forward to having further discussions with Tauranga City Council on this matter.
6. HNZPT does not wish to be heard in support of our feedback.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ben Pick'.

Ben Pick

Area Manager- Lower Northern

Address for service

Heritage New Zealand Pouhere Taonga
Lower Northern Office
PO Box 13339
Tauranga, 3141
Ph: 07 577 4535

DRAFT DANGEROUS, AFFECTED AND INSANITARY BUILDINGS POLICY 2024



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

1. PURPOSE

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

2. SCOPE

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

3. DEFINITIONS

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

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

4. PRINCIPLES

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

5. COUNCIL'S APPROACH

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

6. DANGEROUS AND AFFECTED BUILDINGS

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

7. INSANITARY BUILDINGS

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

8. HERITAGE BUILDINGS

- 8.1 If a building which is deemed to be dangerous, affected or insanitary is also classified as a heritage building the approach is the same as for dangerous affected or insanitary buildings which are not heritage buildings. However, the council and the building owner/s will work in conjunction with the Heritage New Zealand Pouhere Taonga to remedy the building.
- 8.2 When considering heritage buildings under the policy, consideration will be taken of the:
- (a) importance of recognising any special traditional or cultural aspects of the intended use of the building
 - (b) need to facilitate the preservation and ongoing use of buildings and areas of significant cultural historical or heritage value. **This includes:**
 - (i) Where possible avoiding demolition through alternative methods
 - (ii) ensuring appropriate management to protect and use of heritage buildings whenever possible
 - (iii) advising a building owner of any incentive and funding information.

9 COUNCIL'S PRIORITIES UNDER THE BUILDING ACT

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

- 3) level of use and number of people using the building
- 4) location of the building in relation to key infrastructure components
- 5) size of the building
- 6) age of the building.

10. RECORDING INFORMATION ABOUT DANGEROUS, AFFECTED AND INSANITARY BUILDINGS

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

11. DISPUTES

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

11. RELEVANT DELEGATIONS

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

12. REFERENCES AND RELEVANT LEGISLATION

Building Act 2004

Civil Defence Emergency Management Act 2002

New Zealand Pouhere Taonga Act 2014

Tauranga City Plan

Health Act 1956

9.9 City Future Committee Work Programme - April 2025 to March 2026

File Number: A17684606

Author: Carl Lucca, Team Leader: Structure Planning
Jeremy Boase, Manager: Strategy & Corporate Planning

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

PURPOSE OF THE REPORT

1. The purpose of this report is to provide an update on and seek endorsement of the City Future Committee Work Programme - April 2025 to March 2026.

RECOMMENDATIONS

That the City Future Committee:

- (a) Receives the report "City Future Committee Work Programme - April 2025 to March 2026".
- (b) Endorses the Committee's Proposed Work Programme, and notes that the programme will continue be updated on an ongoing basis and reported to this Committee.

EXECUTIVE SUMMARY

2. The City Future Committee was established by Council on 10 December 2024. The approved Terms of Reference determine the scope and role of the Committee.
3. The proposed work programme for the Committee over the next 12 months is outlined in Attachment 1.
4. The attached work programme includes reporting relating to the following key areas of Council:
 - (a) City Planning and Growth
 - (b) Infrastructure, including transport, 3-waters, waste and sustainability
 - (c) Council's policy programme (noting that some specific policies go to Audit & Risk and the full bylaw programme to Council).
5. For context, the attachment also includes a table outlining reporting to Full Council and other committees, that inter-relates to the City Future Committee work programme, e.g., approval of City Plan changes under the Resource Management Act, together with various policy and bylaws not covered by the City Future Committee.
6. The proposed City Future Committee work programme will continually be updated and discussed with the Chair and Deputy Chair of the Committee on an ongoing basis. It is expected that it will be reported on a six-monthly basis to the Committee.

STRATEGIC ALIGNMENT

7. 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 ✓

8. Collectively, the matters considered by the City Future Committee will contribute to all the Strategic Community Outcomes.

LEGAL IMPLICATIONS / RISKS

9. There are no legal or risk matters associated with this report.

TE AO MĀORI APPROACH

10. Matters of specific relevance to Mana Whenua are included in the work programme, and over time additional matters of relevance will be added. Individual matters on the work programme that have a Te Ao Māori impact will be addressed in those respective reports.

CLIMATE IMPACT

11. Matters with a climate impact are included in the work programme, and over time additional matters will be added. Individual matters on the work programme that have a climate impact will be addressed in those respective reports.

CONSULTATION / ENGAGEMENT

12. It is not proposed that consultation be undertaken on the work programme itself. Matters will be identified for inclusion in the work programme through a range of sources including connection with the community. Individual matters on the work programme will require consultation / engagement, and that will be addressed in those respective reports.

SIGNIFICANCE

13. 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.
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, it is considered that the decision is of low significance.

ENGAGEMENT

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

NEXT STEPS

17. The Committee's forward work programme will continue to evolve and be updated over time.

ATTACHMENTS

1. **Attachement A: City Future Committee April 2025 to March 2026 Reporting Programme - A17600527**  

Attachment A: City Future Committee Reporting Programme 2025 – City Planning and Growth, Infrastructure, Spaces and Places, and PolicyCity Planning and Growth

Authorising General Manager: Christine Jones, GM: Strategy, Growth & Governance

Topic	Project name	Priority	April-June 25 Reporting	July-Sept 25 Reporting	Oct-Dec 25 Reporting	Jan-March 26 Reporting	Brief project description
City Planning and Growth	Quarterly reporting	High	Quarterly update	Quarterly update	Quarterly update	Quarterly update	Reporting progress on key projects relating to managing growth in a sustainable manner, including land use planning projects and related transport, infrastructure and funding workstreams.
City Planning and Growth	Resource Management (RM) Reforms	High	Submission on national direction for RM reforms for endorsement	Mount North Intensification Options (subject to reforms direction)			Staff anticipate national direction on Resource Management Reforms in some form will come through in the first half of 2025.
City Plan	City Plan Work Programme	High		Reporting on programme and proposed next steps (aligning with RM reforms)			Council has developed a City Plan work programme to respond to key issues and relevant central government resource management and planning direction. This programme is proposed to be delivered through a series of plan changes responding to key priorities.
City Plan	Plan Change 38 – Business Land Framework	High		Provide update and proposed next steps			Staff anticipate that once Council RM reforms direction, we will seek further direction on the scope and timeframes of Plan Change 38.
Strategic Growth Planning / City Plan	Commercial Centres Strategy	High		Workshop: commercial centres strategy	Decision to undertake engagement on draft centres strategy		The Commercial Centres Strategy is a key short-term action of the SmartGrowth Strategy 2024-2074 Implementation and Funding Plan with Tauranga City Council and Western Bay of Plenty District Council indicated as the project lead. The project will assist to inform Plan Change 38.
Greenfields Planning	Keenan Road Urban Growth Area	High		Development feasibility, transport and infrastructure update, and next steps including community engagement			The Keenan Road area is located south of The Lakes. It is identified for residential development in the order of 2,500-3,000 homes (subject to further assessment being undertaken as part of the development of the Structure Plan for the growth area).
Greenfields Planning	Upper Belk Road Structure Plan	High	High level development feasibility and next steps to progress structure plan and confirm 2025/26 annual plan funding			Development feasibility and next steps including community engagement on structure plan	The area of upper Belk Road is included as a future urban growth area in the SmartGrowth Strategy 2024-2074. The Strategy's Implementation Plan puts the planning for the urban growth area in the next 0-3 years.
TCC land	Pōteriwahi land development	High	Pōteriwahi housing development options, subject to active reserves network outcomes				Council is considering future options for its land at Pōteriwahi in Bethlehem. This includes open space provision, potential for housing, wider community amenities, associated infrastructure planning and working with mana whenua.
Funding and Financing	Developer Agreements	High	Seek guidance on approach to key risks and/or matters which have not been able to be resolved through negotiation in relation to various agreements.	As previous.	As previous.		TCC is increasingly using development agreements to fund and facilitate the delivery of growth related infrastructure. Staff are currently working on development agreements for Tauriko West, Tauriko Business Estate Stage 4, Upper Ohauti, land at the end of Rowesdale Drive, Ohauti and Waikite Road.
Funding and Financing	Growth funding reform	High	Proposed changes to growth funding tools and TCC's submission on legislative changes (timing to be confirmed)		Reporting on proposed / adopted legislation and impact for TCC's growth funding practice (timing to be confirmed)		The Government has announced that it will reform existing growth funding tools (including development contributions). While some information has been released the detail is not yet available. Timing will be dependent on when the government releases the detail and seeks feedback.
Strategic Transport Planning	Time of Use Charging Legislation Bill	High	Submission to select committee				In early March 2025 the Land Transport Management (Time of Use Charging) Amendment Bill passed the first reading. The Bill will be referred to the Transport and Infrastructure Committee where the public will have an opportunity to make submissions. The Government intends to pass the legislation before the end of 2025, following which schemes will need to be developed by a partnership between local authorities in a region and NZTA, but led by NZTA.

Topic	Project name	Priority	April-June 25 Reporting	July-Sept 25 Reporting	Oct-Dec 25 Reporting	Jan-March 26 Reporting	Brief project description
Research & Analytics	Tauranga Industrial Land Survey	Low			Information Report		The industrial land survey monitors the status of industrial zoned land in Tauranga City, including land occupancy, uptake rates, employee and business unit numbers, and land or buildings for sale and/or lease at time of survey.
Research & Analytics	SmartGrowth Development Trends Report	Low				Information Report	The report contains subdivision, residential and non-residential development and population trends in Tauranga City and Western Bay of Plenty District, and includes longer term trends for selected indicators.
Research & Analytics	Growth Projections and Allocation Review	Low				Information Report	Update of the dwelling and population projections and their allocation across Tauranga City. The allocation will be used as base assumptions for a range of infrastructure modelling and planning projects, development contributions, the Long-Term Plan and 30 year Infrastructure Strategy.
Research & Analytics	Statistical Information Report	Low		Information Report			Annual update of key statistical data for Tauranga City from Statistics NZ, Council and other sources.

Infrastructure – Transport, 3-Waters, Waste and Sustainability

Authorising General Manager: Nic Johansson, GM: Infrastructure

Topic	Project name	Priority	April-June 25 Reporting	July-Sept 25 Reporting	Oct-Dec 25 Reporting	Jan-March 26 Reporting	Brief project description
Transport	Major Transport Projects Update	High	Quarterly update	Quarterly update	Quarterly update	Quarterly update	Report progress to committee on the Transport Major Projects including Pāpāmoa East Interchange, SH29 Tauriko Enabling Works, Fifteenth Avenue to Welcome Bay, Cameron Road Stage 2 and Connecting Mount Maunganui.
Transport	Fifteenth Avenue to Welcome Bay	High		ECI Contract Award Update Report			Procurement for the design and construction phase of the project will take place over the coming months with seismic investigations of Hairini Bridge anticipated to start mid-late 2025 with detailed design of the road corridor anticipated to start early 2026.
Waters	City Waters Strategic Planning	High	Quarterly update	Quarterly update	Quarterly update	Quarterly update, including Freshwater Management Tool findings	Reporting progress on key projects relating to watersupply, wastewater and stormwater planning.
Waters	Water Take consenting	Med	Background report				Report to inform committee about the consenting of TCC's existing water takes.
Waters	Western Corridor Wastewater and Watersupply Servicing Strategy	High		Reporting on initial findings and next steps			The Western Corridor Wastewater and Watersupply Strategies outline how the new growth areas, including Tauriko West, Lower and Upper Belk, Keenan, Merrick and Joyce can be serviced. This report is to inform the committee about the western corridor servicing strategies, its initial findings after an update of population numbers and next steps.
Waste and Sustainability	Waste infrastructure business case quarterly	High	Project update	Project update	Project update	Not required (unless project timeframe gets pushed out)	Updates on progress of the Waste Infrastructure Network Business Case. Note that separate workshops will be held with Elected Members prior to reports to Council Meetings (planned for 11 Aug, 11 Nov and 1 Dec).
Waste and Sustainability	Tauranga Climate Change Risk Assessment project	High	Project update				Climate change risk assessment, to build partnerships with Tauranga's communities to facilitate the city's response to climate risk
Waste and Sustainability	Climate Communication & Engagement Strategy	High		Update on launch			Strategy approved by Community, Transparency and Engagement Committee 18 November 2024. Three stage approach to engage with communities on our changing climate

Policy programme (noting that some specific policies go to Audit & Risk and the full bylaw programme to Council – see final table of this attachment)

Authorising General Manager – dependent on topic

(Note that for all projects, consultation, hearings and deliberations have been shown in the schedule. We will seek direction from the Committee on whether consultation is required, and the form of any consultation, as each project occurs.)

Topic	Project name	Priority	April-June 25 Reporting	July-Sept 25 Reporting	Oct-Dec 25 Reporting	Jan-March 26 Reporting	Brief project description
Policy	Levels of Service Policy 2009 review	High	5 May Consider issues and options and draft policy, seek approval to consult	Consultation Hearings, deliberations, adoption			<u>A reviewed lead Level of Service (LoS) policy would be consistent with strategic objectives</u> The policy was amended in 2009, however it is now out of date. Its purpose is to provide clarity and guidance about how the council will set and describe levels of service, including a broad direction on the funding of levels of service. <i>Christine Jones, Strategy, Growth and Governance</i>
Policy	Vegetation and Tree Management Policy 2014 review	High	16 June Consider issues and options and draft policy, seek approval to consult	Consultation Hearings, deliberations, adoption			<u>A reviewed policy would align with recent strategic and planning decisions</u> The policy is 10 years old and out of date. It does not reflect the Tauranga Taurikura Environment Strategy, the Climate Action and Investment Plan nor the Nature and Biodiversity Action and Investment plan. A review is required to ensure the policy sets a clear and consistent direction for vegetation and tree management. One of the key aspirations of the Nature and Biodiversity Action and Investment plan is for Tauranga to be a biophilic city with vegetation throughout the city and action 10 requires assessing the Vegetation and Tree Management Policy. <i>Barbara Dempsey, Community Services</i>
Policy	Large Water Users Policy 2019 review	High		Consider issues and options and draft policy, seek approval to consult	Consultation Hearings, deliberations, adoption		<u>A reviewed policy would ensure the council's direction is current and appropriate ahead of any change in structure for the waters' activities.</u> Policy notes the review date as March 2023. It guides the allocation of water resources efficiently and sustainably and to ensure the allocation assessment for large water user applicants is transparent. <i>Nic Johansson, Infrastructure</i>
Policy	Water Meters Policy 2019 review	High		Consider issues and options and draft policy, seek approval to consult	Consultation Hearings, deliberations, adoption		<u>A reviewed policy would ensure the council's direction is current and appropriate ahead of any change in structure for the waters' activities.</u> Policy notes the review date as March 2023. It sets out the responsibilities for the management of all water meters connected to Tauranga's water supply. <i>Nic Johansson, Infrastructure</i>
Policy	Commercial Activities in Council Facilities Policy 2011 review	High	16 June Consider issues and options with a view to combining this policy with the Use of Council Land Policy				<u>Amalgamation of two policies would provide more coherent guidance</u> The policy developed in 2011 outlines what council will take into consideration when deciding whether it will be involved in providing a commercial activity in a council facility. Provision may involve council either directly operating the commercial activity or a third party operating the commercial activity in a council-owned building. Since the development of this policy in 2011 more commercial properties are no longer managed by the council. Also, the factors to be considered for commercial activities on land owned by the council overlap with those for commercial activities in buildings owned by the council. Feedback from users of the policy is that it would be more helpful if it was amalgamated with the Use of Council Land Policy (see below). <i>Barbara Dempsey, Community Services</i>
Policy	Use of Council Land Policy 2022	High		Consider issues and options.	Draft policy for approval for consultation. Consultation	Hearings, deliberations, adoption	<u>Amalgamation of two policies would provide more coherent guidance</u> The 2022 policy is a result of the merger of eight council policies in order to provide a more simple, fair and consistent decision-making framework for how Council land is to be used. When the policy was adopted, it was anticipated that a three-year review would be undertaken to assess how the policy is working and identify any issues to ensure that it is fit for purpose. <i>Barbara Dempsey, Community Services</i>

Topic	Project name	Priority	April-June 25 Reporting	July-Sept 25 Reporting	Oct-Dec 25 Reporting	Jan-March 26 Reporting	Brief project description
Policy	Open Space Levels of Service Policy 2022 review	High		Workshop Consider issues and options	Consider draft policy and seek approval to consult	Consultation Hearings, deliberations, adoption	<u>Amalgamation of three LoS policies would provide more coherent guidance</u> This policy, the Active Reserves Levels of Service Policy, and the Public Toilet Location Levels of Service Policy could be amalgamated. <i>Barbara Dempsey, Community Services</i>
Policy	Active Reserves Levels of Service Policy 2012 review	High		Workshop Consider issues and options	Consider draft policy and seek approval to consult	Consultation Hearings, deliberations, adoption	See above <i>Barbara Dempsey, Community Services</i>
Policy	Public Toilet Location Levels of Service Policy 2011 review	High		Workshop Consider issues and options	Consider draft policy and seek approval to consult	Consultation Hearings, deliberations, adoption	Policy could be amalgamated with the two above <i>Barbara Dempsey, Community Services</i>
Policy	Dog Management Policy 2018	High			Consider issues and options and draft policy, seek approval to consult	Consultation, Hearings	<u>A review will set the strategic direction for the Dog Management Bylaw</u> This policy complements the Dog Management Bylaw 2018 and covers topics such as dogs in public places, dog safe communities, responsible dog ownership, and dog registration. <i>Sarah Omundsen Regulatory and Compliance</i>
Policy	Volunteer Community Participation Policy 2012 review	Med		Consider issues and options and draft policy, seek approval to consult	Consultation Hearings, deliberations, adoption		<u>A reviewed policy would reflect current thinking about volunteering</u> This policy developed in 2012 provides direction for how volunteers assist Council and the community to achieve positive outcomes and a consistent approach. <i>Alastair McNeil, Corporate Services</i>
Policy	Library Archives Policy 2020	Med			Consider issues and options and draft policy, seek approval to consult	Consultation Hearings, deliberations, adoption	<u>An updated policy would reflect the current operating environment for libraries</u> This policy defines the professional and institutional standards for how Tauranga City Libraries acquire, preserve and make available to the public, analogue and digital archive materials <i>Barbara Dempsey, Community Services</i>
Policy	Referenda Policy 2005 review	Low				Consider issues and options and seek direction	<u>A review would identify whether the policy is still required</u> This policy sets out when non-statutory referenda will be approved by Council, and to clarify the circumstances under which a referendum may be held and to ensure that Council's referenda processes comply with statutory requirements. However, it is now questioned whether the policy is still relevant and therefore needed. Very few councils have a referenda policy because direction is provided by the Local Electoral Act 2001. <i>Christine Jones Strategy, Growth and Governance</i>
Policy	Elections Signs Policy 2019 review	Low				Consider issues and options and draft policy, seek approval to consult	<u>A review would clarify the rules for election signs in Tauranga</u> This policy includes content now in the Local Elections policy is covered by other means and clarification on the rules for election signs is needed. Greater efficiency and flexibility is required to respond to changing road layouts and traffic conditions and associated safety considerations. At an agenda briefing on 4 December 2023 for the SFRC meeting staff were instructed to stop the review and recommence with the incoming Council. <i>Sarah Omundsen, Regulatory and Compliance</i>

Related reporting to Full Council and other committees, for information – City Planning & Growth

Authorising General Manager – dependent on topic

Topic	Project name	Priority	April-June 25 Reporting	July-Sept 25 Reporting	Oct-Dec 25 Reporting	Jan-March 26 Reporting	Brief project description
City Plan	Plan Change 27 – Flooding from intense rainfall	High	Report to make operative – Full Council				Plan Change 27 proposes to manage the effects of flooding from intense rainfall on people, properties and infrastructure. Once the Consent Order documents are received from the Environment Court, PC27 can be made operative.
Greenfields Planning	Te Tumu Urban Growth Area	High	Compensation agreement for access rights across the TK14 Block, development feasibility and next steps towards plan change, including engagement – Full Council		Draft plan change for approval to notification (timing dependant on access, feasibility and other factors) – Full Council	-	Te Tumu is an Urban Growth Area (UGA) identified in the SmartGrowth Strategy 2025. In December 2023 Council reconfirmed the importance of enabling urban development in this UGA and that all necessary work be prioritised to support the rezoning of this area to allow for a proposed plan change in early 2026.
Greenfields Planning	Keenan Road Urban Growth Area	High				Draft plan change for approval to notification – Full Council	The Keenan Road area is located south of The Lakes. It is identified for residential development in the order of 2,500-3,000 homes (subject to further assessment being undertaken as part of the development of the Structure Plan for the growth area).
TCC land	Papamoa East interchange surplus land	High	Papamoa East interchange surplus land options – Full Council				TCC owns a significant amount of surplus development land around the Papamoa East Interchange. The land is zoned for employment / business outcomes, but has potential for TCC activities (eg aquatic centre) or for housing. Initial feasibility work has been undertaken and further reporting to Council is planned for early 2025 for decision-making on land use options and TCC's role in development of the land.
Funding and Financing	Development Contributions Policy	High	Deliberations report following submissions; review of timing of development contributions charging; adoption of final Development Contributions Policy 2025/26 – Full Council		Identification of work programme and likely amendments to Development Contributions Policy 2026/27 including impact of growth funding reform – Full Council	Adoption of draft Development Contributions Policy 2026/27 – Full Council	The Development Contributions Policy is updated annually to reflect changes in capital expenditure budgets, project timing and various assumptions that underpin TCC's planning.
Strategic Growth Planning	Spatial Plans and Urban Design AIP	Med	AIP and LTP Action Tracking – City Delivery Committee				Three Spatial Plans have been prepared for Te Papa, Mount to Arataki, and Otumoetai peninsula, respectively. Along with the Urban Design AIP the spatial plans form part of the wider suite of endorsed action and investment plans for the Council, assisting to guide planning, investment and wider community outcomes.

Related reporting to Full Council and other committees, for information – Policy and bylaw programme

Topic	Project name	Priority	April-June 25 Reporting	July-Sept 25 Reporting	Oct-Dec 25 Reporting	Jan-March 26 Reporting	Brief project description
Policy	Risk Management Policy review	High	Consider draft policy with minor updates – Audit & Risk Committee (19 May)	Adoption – Audit & Risk Committee			<p><u>The committee's oversight is consistent with the ToR</u></p> <p>The policy aims to ensure council undertakes effective risk and opportunity management. The review is timed to allow the establishment of the Audit and Risk committee, so that it can have input to the policy.</p> <p>The committee's ToR notes it is responsible for reviewing, approving and monitoring the implementation of this policy.</p> <p>This policy and the following three have moderate to low public interest as they do not affect the wider community and relate more to internal practices to ensure integrity. As there have not been any significant breaches of integrity there is not an urgent need to try to re-establish public trust and confidence. Therefore, no external consultation is being recommended.</p> <p><i>Alastair McNeil, Corporate Services</i></p>

Topic	Project name	Priority	April-June 25 Reporting	July-Sept 25 Reporting	Oct-Dec 25 Reporting	Jan-March 26 Reporting	Brief project description
Policy	Conflict of Interest Policy review	High	Draft policy will be presented to review and advise – Audit & Risk Committee (19 May)				<u>The committee's oversight is consistent with the ToR</u> The policy is being reviewed to align with a new Enterprise Risk Management System The committee's ToR notes it is responsible for reviewing and providing advice on policies relevant to its role including, but not limited to, policies addressing fraud, protected disclosures, and conflicts of interest. <i>Alastair McNeil, GM Corporate Services</i>
Policy	Privacy Policy to be developed	High	Draft policy will be presented to review and advise – Audit & Risk Committee (19 May)				<u>The committee's oversight is consistent with the ToR</u> The committee's ToR notes it is responsible for reviewing and providing advice on policies relevant to its role including, but not limited to, policies addressing fraud, protected disclosures, and conflicts of interest. The Privacy Policy is a new policy being developed because council only has a Privacy Breach Management Procedure. A policy will provide clearer guidance as to how we are complying with the Privacy Act. <i>Paul Davidson, Chief Financial Officer</i>
Policy	Business Continuity Policy review	Med				Consider issues and options and draft policy – Audit & Risk Committee	<u>The committee's oversight is consistent with the ToR</u> The Business Continuity policy is a new policy being developed to ensure council undertakes effective business continuity in alignment with the required standards. The Risk Management Policy references the council's commitment to business continuity. <i>Alastair McNeil, GM Corporate Services</i>
Bylaw	Alcohol Licensing Fees Bylaw	Med	Deliberations and adoption – Full Council (28 April)				<u>To adopt a tool to enable council control over future licensing fees and charges</u> <i>Sarah Omundsmen, Regulatory and Compliance</i>
Bylaw	Stormwater (Pollution Prevention) Bylaw 2015 review	High	Consider issues and options and draft policy, seek approval to consult – Full Council (26 June)	Consultation Hearings, deliberations, adoption – Full Council			<u>A review of the bylaw is statutorily required.</u> The Local Government Act 2002 requires the bylaw to be reviewed within ten years from the previous review. Its purpose is to prevent the misuse of council's public stormwater network. While waiting for new legislation for 'Local Waters Done Well' the review could proceed as any new water entity is likely to be a CCO and if like Auckland's Watercare, they will still rely on council bylaws. <i>Nic Johansson, Infrastructure</i>
Bylaw	Trade Waste Bylaw 2019 review	High	Consider issues and options and draft policy, seek approval to consult – Full Council (26 June)	Consultation Hearings, deliberations, adoption – Full Council			<u>A review of the bylaw is statutorily required.</u> This bylaw protects people and the environment from harmful substances being put into the wastewater system, and the wastewater system from damage, misuse and inference. <i>Nic Johansson, Infrastructure</i>
Bylaw	Dog Management Bylaw 2018	High			Consider issues and options and draft policy, seek approval to consult – Full Council	Consultation, Hearings – Full Council	<u>A review of the bylaw is statutorily required.</u> This bylaw covers the management of dogs in Tauranga. It covers topics such as leash control, dog prohibited areas, temporary dog prohibited areas, accommodation, limit on number of dogs, dog fouling, dogs in season, impounding, menacing dogs and fees. <i>Sarah Omundsen Regulatory and Compliance</i>
Bylaw	Keeping of Animals Bylaw 2018	High			Consider issues and options and draft policy, seek approval to consult – Full Council	Consultation, Hearings – Full Council	<u>A review of the bylaw is statutorily required.</u> This bylaw regulates the keeping of animals and poultry in a manner which has minimal impact on, or causes minimal nuisance to, the wider community and in the appropriate zones. The bylaw includes information on keeping pigs, goats, bees, poultry, cattle, horses, deer, asses, mules, sheep, alpaca and llama. <i>Sarah Omundsen Regulatory and Compliance</i>

Topic	Project name	Priority	April-June 25 Reporting	July-Sept 25 Reporting	Oct-Dec 25 Reporting	Jan-March 26 Reporting	Brief project description
Bylaw	Airport Bylaw 2016 review	High			Commence registration process		<p><u>A reviewed bylaw would better reflect the legislative settings</u></p> <p>The current Airport Bylaw is made under the Airport Authorities Act 1966 (the AA Act). The Civil Aviation Act 2023 (the CA Act) replaces the AA Act. It includes a registration system for airports requiring them to comply with relevant airport operator obligations. The CA Act 2023 retains the ability to make bylaws but changes the way they are made. The CA Act also requires airports be registered by 5 April 2030, before bylaws can be made under this Act, or current bylaws can remain in force.</p> <p>There is no information to date on how long the registration and assessment process would take. The Ministry of Transport is leading the registration process. We therefore recommend pausing the review until more information is available.</p> <p><i>Paul Davidson, Chief Financial Officer</i></p>

10 DISCUSSION OF LATE ITEMS

11 CLOSING KARAKIA