



MINUTES

**Ordinary Council meeting
Monday, 6 November 2023**

Order of Business

1	Opening karakia.....	4
2	Apologies	4
3	Public forum.....	4
3.1	Physicians and Scientists for Global Responsibility - Uncertainty about pending challenges to the lawfulness of Ministry of Health fluoride directives to TLAs - Jodie Bruning	4
3.2	Waterfront Carpark Closure - Hamish Carter - Oscar and Otto	5
3.3	Badminton Multisport Centre – Delwyn Cooper (GM - Bay of Plenty Badminton) Graeme Neilson (Bay of Plenty Badminton Chairperson) and Nick Chambers (Sport Bay of Plenty)	6
4	Acceptance of late items	6
5	Confidential business to be transferred into the open	7
6	Change to the order of business	7
7	Confirmation of minutes.....	7
7.1	Minutes of the Extraordinary Council meeting held on 11 October 2023.....	7
7.2	Minutes of the Council meeting held on 16 October 2023	7
8	Declaration of conflicts of interest.....	7
9	Deputations, presentations, petitions.....	7
9.1	Petition - Tauranga Waterfront Carpark - Ashleigh Gee.....	7
10	Recommendations from other committees.....	10
11	Business.....	10
11.1	Badminton Multisport Centre.....	10
11.2	Letters of Expectation 2024-25 for Council-Controlled Organisations	11
11.3	Water Services Reform Update - Post General Elections of 14 October 2023	12
11.4	Adoption of supporting documentation for the proposed Long-term Plan 2024-34	13
11.5	2024-34 Long-term Plan - Adoption of consultation document.....	14
11.6	Deliberations on the Options to Fund the Ratepayer portion of the Te Manawataki o Te Papa (Civic Precinct)	14
11.7	Temporary Alcohol-Free Areas for the 2023/2024 Events Season	16
11.8	Executive Report	17
11.9	Local Government New Zealand report to members October 2023	20
12	Discussion of late items	20
13	Public excluded session.....	20
13.1	Public Excluded Minutes of the Extraordinary Council meeting held on 11 October 2023.....	21
13.2	Public Excluded Minutes of the Council meeting held on 16 October 2023	21
13.3	Exemption from Open Competition - To direct Procure the Artificial Surface Materials Links Avenue Reserve Artificial Sports Fields	21

13.4	Appointment of Mana Whenua Representative to the Tourism Bay of Plenty Board	21
13.5	The Lakes Works in Lieu Agreement.....	22
14	Closing karakia	22

**MINUTES OF TAURANGA CITY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE BAY OF PLENTY REGIONAL COUNCIL CHAMBERS,
REGIONAL HOUSE, 1 ELIZABETH STREET, TAURANGA
ON MONDAY, 6 NOVEMBER 2023 AT 9.30AM**

PRESENT: Commission Chair Anne Tolley (Chairperson), Commissioner Shadrach Rolleston, Commissioner Stephen Selwood, Commissioner Bill Wasley

IN ATTENDANCE: Marty Grenfell (Chief Executive), Paul Davidson (Chief Financial Officer), Stephen Burton (Acting General Manager: Infrastructure and Interface Lead: Three Waters Transition), Christine Jones (General Manager: Strategy, Growth & Governance), Alastair McNeill (General Manager: Corporate Services), Sarah Omundsen (General Manager: Regulatory and Compliance), Gareth Wallis (General Manager: City Development & Partnerships), Ross Hudson (Manager: Strategic Planning and Partnerships, Spaces and Places), Sanjana France (CCO Specialist), Coral Hair (Manager: Democracy & Governance Services), Shaleen Narayan (Team Leader: Governance Services), Anahera Dinsdale (Governance Advisor), Janie Storey (Governance Advisor)

1 OPENING KARAKIA

Commissioner Shadrach Rolleston opened the meeting with a karakia.

2 APOLOGIES

Nil

3 PUBLIC FORUM

3.1 Physicians and Scientists for Global Responsibility - Uncertainty about pending challenges to the lawfulness of Ministry of Health fluoride directives to TLAs - Jodie Bruning

External Jodie Bruning

A reference paper was tabled.

Key points

- Local districts had been poorly served through the actions of the Ministry of Health, the Environment Protection Authority and Select Committee processes.
- Legal and management may elect to ignore this discussion as inconvenient.
- Ministry of Health studies into the prevention of dental caries demonstrates that there were inconsistencies into the prevention of some dental caries and the decrease must be lawfully balanced against other risks to health so as to protect health. The risk was to brains and bones as the main target organs of fluoride.
- The rule of law was founded on democracy, institutional and administrative law principles and certain rights and obligations. New laws must be reasonable and promote trust based on cost and benefit and risk and benefit.

- It was the duty of every local authority to promote and protect the public health of its communities. The purpose of the Act was to provide safe drinking water to consumers. Safe includes other causes together with the consumption or use of drinking water.
- Auckland and Wellington water was fluoridated 1960's based on solid ground but with the current state of scientific evidence solid grounds do not exist.
- Fluoride exposures in 5-7 year olds were higher than the older age groups as noted in a 2018 study that was ignored by agencies and again in a 2021 enquiry.
- How much fluoride should be added to prevent harm in pre-natal exposure from 0-7 year olds? Based on Bay of Plenty data since the 1960's, studies had persistently shown the co-relation between exposure to fluoride and neurodevelopment and IQ risk.
- The European Food Safety Authority states that fluoride was not a nutrient the margin was unknown and slim.
- Fluoride was a neuro toxin but the NZEA have never discussed this or conducted a risk assessment of issues to water, assessed the lower level of neuro developmental risk or other problems that may occur.
- Administrative law requires that decision makers take into account facts that contribute to risk, but this had not been undertaken.
- The legislative committee giving the Director General a mandate to fluoridate water which had the potential to adversely harm some populations was primarily based on the 2014 and 2021 reviews by the Offices of the Prime Ministers Chief Science Advisor (OPMCSA). This was a non-regulatory body who had no terms of reference or methodology to demonstrate an impartial process were followed. The panel was overweighted with dentists with a bias towards dental and oral health and had no one with a focus on neuro development or cognitive risk on the panel.
- There were thousands of public submissions expressing concern for the health risk and safety of fluoride and no one took the public cause for alarm dismissing public comments noting that safety was outside scope of interest.
- Recognition by global institutions were rare. The risk based United States national toxicology programme reviewed the literature on cognitive risk and it was evident from the review that the guideline per litre was unsafe and outdated. No lower level of exposure had been demonstrated as safe to cognitive risk.
- Despite 50 years of dosing in Auckland and Wellington, none of the brain research institutes had carried out a study on people who had cognitive problems with IQ in schools. There could be no claim that it was not a factor. These levels were not considered by the OPMSCA even though the data was available and there appeared to be a slim margin between the exposure levels and safe levels as required by the Water Services Act.

Attachments

- 1 Tabled Document - Fluoride - Jodi Bruning

3.2 Waterfront Carpark Closure - Hamish Carter - Oscar and Otto

External Hamish Carter – Oscar and Otto

Key points

- Mr Carter was present to talk on behalf of the downtown traders about the decision to close the Strand waterfront carpark prior to waiting for the other carparks to be opened.
- Noted his appreciation for the strong focus on the city centre and was excited about the downtown plans.
- When he set up his business it was a great spot, but in the five years since then downtown had deteriorated significantly.
- Businesses should not be further penalised with the unnecessary early closure of the carpark.
- While excited to see what Council were doing with the public spaces, the decision to close the carparks would hurt the CBD businesses and become another barrier for them to overcome.

- Businesses welcomed the new carparks along Dive Crescent.
- The businesses' request that the waterfront car parks not be closed until the Harrington Street carpark was on stream.
- The immediate impact on his business at present was that trading was down 11%, which in the tight margins of the hospitality and retail sector, 11% drop in sales was just scrapping by and having to make decisions on things like whether to pay the mortgage on time or not.
- The carpark closure would be a final nail for many businesses - some may choose to close their doors and others may be forced to do so.
- Carpark numbers had been decreasing with the development of 100 spaces at Dive Crescent for the 140 lost. Mr Carter noted a number of areas where carparks had also been lost.
- There was expected to be 200 vehicles in the area daily associated with workers on the Te Manawataki o Te Papa which would need parking spaces along with workers from the other developments happening.
- Mr Carter noted that the businesses appreciated Gareth Wallis and his team who were doing what they could, but he considered that downtown carparking would get worse before it got better. The impact of this landed on the businesses who the Council relied on for support.
- The submitter considered that it was critical to delay the closure until sufficient alternative parks were made available.

3.3 Badminton Multisport Centre – Delwyn Cooper (GM - Bay of Plenty Badminton) Graeme Neilson (Bay of Plenty Badminton Chairperson) and Nick Chambers (Sport Bay of Plenty)

External Delwyn Cooper, General Manager - Bay of Plenty Badminton
Graeme Neilson, Bay of Plenty Badminton Chairperson
Nick Chambers, Sport Bay of Plenty

Key points

- Ms Cooper advised that Bay of Plenty Badminton supported the report in the agenda to establish a badminton multi-sport centre, noting that the journey to this stage had taken 15+ years.
- Appreciation for the great support from the Council and special thanks to Ross Hudson for his work on the project.
- The group were really excited that the centre was finally about to happen and noted that it would make a difference to the sport of badminton with the multi-sport centre providing support to the wider community and additional court space making it a reality not just a dream.
- Mr Neilson noted that more and more sports were getting squeezed into the community court spaces so it was imperative that the new facilities be approved.
- The badminton group appreciated the Council partnership throughout the process. They were excited and hoped that the Council were too.
- Mr Chambers commended the partnership with Council, showing it could be taken further for the community with the multi court space to help cover the significant shortfall of indoor court space.
- The complex was a testament to help a growing sport that allowed Sport Bay of Plenty to support and take a holistic view to create partnerships with groups by working smarter not harder to solve solutions.
- Thank you to all partners including Tauranga City Council and Bay Venues from the people who want to play sport and be part of the community.

4 ACCEPTANCE OF LATE ITEMS

Nil

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6 CHANGE TO THE ORDER OF BUSINESS

Nil

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Extraordinary Council meeting held on 11 October 2023

RESOLUTION CO20/23/1

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the minutes of the Extraordinary Council meeting held on 11 October 2023 be confirmed as a true and correct record.

CARRIED

7.2 Minutes of the Council meeting held on 16 October 2023

RESOLUTION CO20/23/2

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the minutes of the Council meeting held on 16 October 2023 be confirmed as a true and correct record.

CARRIED

8 DECLARATION OF CONFLICTS OF INTEREST

Commissioner Shadrach Rolleston declared that he was contracted to the Crown as part of the Water Services Reform but had no direct relationship to item 11.3.

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

9.1 Petition - Tauranga Waterfront Carpark - Ashleigh Gee

External Ashleigh Gee – Chairperson, Downtown Tauranga

The 102 signature petition was included in the agenda.

Key points

- Ms Gee noted that she was the Chairperson of Mainstreet Tauranga and was speaking on behalf of all of the signatories on the petition to delay the closure of the waterfront Strand carpark.
- Acknowledgement to the Commissioners and the decisions they had made to shape the city for the future.
- While understanding the necessity to get the projects started, the speed of this and the large number of active and future projects was tearing the community apart.

- Ms Gee noted that her role was majority advocacy for members, there was overwhelming amount of concern from the business community on the timing of the project with the city centre going through so much over the past few years, they requested Council allow them some support and breathing space.
- Downtown Tauranga had been providing feedback and concerns to Council regarding the declining number of carparks for a number of years.
- Feedback and concerns to a 2022 MRC agency report that was accepted by Council. At that time there were 5,163 public carparks from the city to 11th Avenue with 2,483 carparks in the city centre with on and off-street parking.
- These had been declining over the last 10 years, with a loss of more than 400 in off street parking in the city centre and surrounding streets and did not include the on-street parking that was removed because of the redevelopment and cityscape.
- While the 100 parks which had been redeveloped in Dive Crescent looked great, after one week of The Strand carparks being closed, they were full by 9 am by staff for all day parking.
- The abandonment of the Harrington Street transport hub was a major blow with 550 carparks being reduced to 200 public carparks and no estimated date of completion. These carparks would have provided instant relief to the parking squeeze.
- Businesses were not against the redevelopment of The Strand carpark to create a better greenspace, it was the timing of the closure with many businesses and visitors depending on the 147 parks with no alternate option at the peak of trade.
- The carpark was one of the most widely used and easily accessible parks in the city centre, providing options for clients visiting commercial services and for staff to use as a safe option, especially when finishing late at night. It also enabled businesses to host events and activations drawing people into the city centre.
- The 2022 Agnew report noted that the carpark consistently showed the highest user rate over the most amount per day. The report was generated in May 2022 which was outside the summer trading peak and there was still large daily Covid results. The carpark was measured at 90-100% occupancy and 90-100% peak times and 80%-90% on average during the week. Dive Crescent had similar occupancy indicating that people were using it more for long stay parking. No figures were included past 5 pm to gauge the strain on the carparks at peak times for hospitality and activities.
- The public transport system was slow to respond and nowhere near adequate to provide reliable alternative modes of transport and businesses were finding it hard and costly to find staff access to the city. If focus could be put on this, the demand for parking would decrease significantly.
- Businesses brought more staff, customers and foot traffic and Ms Gee asked when the public transport service would be running effectively enough to provide reliable options for city goers.
- There was a decrease in mobility parks with a further 10 parks being removed due to projects in the civic centre, Masonic Park and waterfront. Dive Crescent was 150m away from the closest public toilet facilities. Ms Gee asked how the Council were ensuring that all members of the community felt considered when visiting the city centre.
- Immediate improvement of lighting and safety in the city centre and carpark buildings had been the subject of feedback for quite some time. If Council expected people to walk further to their vehicles, there was a duty to provide safe movement around the city. Feedback to the 2022 report noted people feeling unsafe using the carpark buildings and Ms Gee asked what the Council had done to improve this.
- Communication on the closure to those utilising the waterfront carpark was rushed and had not providing enough notice as signage only went up one week prior to the closure. Hand delivered notification was done by Council staff on 18 October 2023, with many businesses were unaware of the closure. The flyer gave no clear indication that such a significant carpark was going to be shut down nor did it highlight that people could not park there any longer. Thereby stepping around a topic which Council knew would receive backlash.
- For businesses that rely on foot traffic and people being able to have easy access at such short notice with no alternative options was a complete blindside to many who were still under the impression that the carparks would stay until alternatives were completed. They did not

believe that the Council would inflict further disruption to their business at the busiest time of the year. Ms Gee asked what Council expected businesses to do over the summer to cope with such a disruption.

- Ms Gee noted that the projects were moving too fast for the Council teams and by delaying the closure, it would allow the carparking strategy team to come up with further temporary options. A safe, well lit, central taxi stand was required as soon as possible and mobility parks in gap areas needed to be installed.
- Ms Gee asked that the carpark stay open and continue to bring in income that could go towards the redevelopment of the waterfront into the future. This would allow time to re-educate visitors that there was parking available and time for businesses to encourage staff to park in the parking buildings rather than on-street parking.
- Let the Cameron Road works be completed and provide some relief to the city centre.
- Running a business in a city that was being torn apart and rebuilt was extremely tough, with owners having to constantly adapt while being negatively impacted in so many ways.
- Visitors were getting more frustrated as parking becomes harder to find and were less likely to return. Events and activations were becoming harder to make work leading to less vibrancy.
- The businesses of Tauranga city request that Council postpone the redevelopment until other viable alternative options were in place and the city could provide a positive experience to all.

Discussion points raised

- Commissioners noted that they understood the disruption for businesses with the redevelopment and sympathised with them, noting that the end result would add more for the city centre and keep the lights on. They were working closely with the groups and listening hard to the feedback given.
- Council had been publishing photos for the past 12 months of a waterfront with lawn as a new events area designed to bring events into city centre.
- Council had worked alongside Downtown Tauranga to make sure parking at weekends and after 5 pm on weekday evenings was free to help the hospitality industry and had installed electronic signs showing the number of carparks available at any given time in the various carparking buildings.
- The revamp of Dive Crescent **has provided 100 parking spaces with a further 50 being developed before the end of the year and 100 new carparks would be created on Devonport Road.**
- Seismic work had been completed on the Spring Street carpark so more spaces were also available and the bus stops had been removed from Willow Street reinstalling carparks to assist the hospitality industry.
- The Council had put \$500,000 aside each year for incentives supporting feasibility studies to get accommodation within the city centre and were funding the Chamber of Commerce to provide capability building initiatives to advise businesses how to attract the many construction staff that were working within the city centre.
- Funds were being provided for activations to bring people into the city centre such as the Arts Festival, which was also to assist local businesses.
- Support had been given to the Art Gallery to relocate to Devonport Road for six months while the redevelopment of their premises was ongoing.
- The library had been relocated into the heart of the city as was the new Council office building which would house 800 staff.
- Information kiosks had been installed so that people were able to find way their way around the city, safe bike parking had been installed at the request of Downtown Tauranga for staff biking into work and a full time safety advisor was out in the community talking and working with businesses. There was an enormous amount going into the city centre to counter what was happening and Council was doing all it could.
- Commissioner Tolley noted Council could not continue to put off the works, they had to get on with changing the city and bringing in as many people as it could, whether it be with a number of temporary day to day activities or people living in the city centre. They were contractually bound and needed to do the works over the summer as the repair of the seawall could only

Amended by Council resolution CO22/23/1 dated 27 November 2023
--

occur at that time of the year. The repair of the walkway along the waterfront was also to allow people to get access to the water and if it was put off, it may never happen. No time was the right time.

- Council was happy to keep talking as to how they could support businesses as much as possible and to work together to minimise disruption and maximise getting people into town.
- Council had been honest and open in their engagement.
- Unfortunately the reinforcing of the message that no carparking was available was only worsened the situation. Instead everyone should be reinforcing the fact that there were many empty carparks.
- Commissioner Tolley noted that the Council would consider the petition and respond to it accordingly.

RESOLUTION CO20/23/3

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receive the “Petition – Tauranga Waterfront Carpark.”

CARRIED

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

11 BUSINESS

11.1 Badminton Multisport Centre

Staff Ross Hudson, Manager: Strategic Planning and Partnerships, Spaces and Places

Key points

- The current indoor court spaces were under significant pressure with the deficit likely to grow as the city grew. Badminton was a popular and rapidly growing sport and Council was planning significant investments to remediate the shortage.
- The use of the reserve would provide significantly to the sporting network by providing additional capacity for other sports.
- The Mount Sports Centre at Blake Park was at the end of its useful life.
- The new facility would provide eight badminton courts and two multi use courts.
- The proposal had been through a consultation process and they were confident with the cost effectiveness and robustness of the facility.

In response to questions

- The facility and carparking would take up most of Tatua Reserve.
- In response to the \$5M funding being contributed by Council and whether there would be a fixed time for the community use of the multi court spaces, it was noted that the Council had an agreement with the Badminton Association that included checking points for an amount of community hours for which they were able to renegotiate to add the multi-use space if the sport grew. There would always be a community use component given the level of funding proposed by Council.
- Eight courts were sufficient to provide for badminton as it was currently structured and according to the demand on the network. Over time the aspirations of the Badminton Association as the sport grows was to provide for local community sports and for the centre to become one of a network of North Island facilities bringing national badminton events to the city.

Discussion points raised

- Appreciation was passed on to Ross Hudson for the work that he had done towards the indoor courts centre.

RESOLUTION CO20/23/4

Moved: Commissioner Shadrach Rolleston

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Badminton Multisport Centre".
- (b) Grants Bay of Plenty Badminton \$5M towards the development of their Badminton Multisport Centre at Tatua Reserve, conditional on the following:
 - (i) Bay of Plenty Badminton securing the additional funding required to develop the centre, no later than 30 June 2026
 - (ii) Legal agreement between Bay of Plenty Badminton, Council and Bay Venues Ltd on the hours of community use of the two multi-use courts by other sports and recreational groups
 - (iii) Agreement with Council on a lease for the land at Tatua Reserve and any consents required for the development of the centre
 - (iv) Establishment of a project governance group with representation from Council's Manager, Spaces & Places, or appointee
 - (v) Finalisation of the 2024-34 Long Term Plan.

CARRIED

11.2 Letters of Expectation 2024-25 for Council-Controlled Organisations

Staff Gareth Wallis, General Manager: City Development & Partnerships
Sanjana France, CCO Specialist

Key points

- The letters of expectation were for three of the four Council Controlled Organisations, with Te Manawataki o Te Papa Charitable Trust being considered separately at a later date.
- The letters were provided one month early so that the Statement of Intent were able to be adopted before 30 June 2024.

In response to questions

- In response to a query as to whether the Western Bay of Plenty District Council was aligned with Tauranga City Council for Tourism Bay of Plenty, it was noted that while the letters had been written separately they aligned with no conflict and the letter from Western Bay of Plenty District Council would be circulated to Commissioners for their information.

Discussion points raised

- Commissioners thanked staff for a great job to get these completed ahead of schedule.

RESOLUTION CO20/23/5

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Letters of Expectation 2024-25 for Council-Controlled Organisations".

- (b) Approves the Letter of Expectation from Tauranga City Council to Bay Venues Limited (**Attachment 1**).
- (c) Approves the Letter of Expectation from Tauranga City Council to Tauranga Art Gallery Trust (**Attachment 2**).
- (d) Approves the Letter of Expectation from Tauranga City Council to Tourism Bay of Plenty (**Attachment 3**), noting that Western Bay of Plenty District Council, as joint shareholder, has taken a separate letter to their Council meeting on 26 October 2023.

CARRIED

11.3 Water Services Reform Update - Post General Elections of 14 October 2023

Staff Stephen Burton, Acting General Manager Infrastructure and Interface Lead: Three Waters Transition

Key points

- The update report had been provided before the final results of the government election had been declared.
- Council was still involved in doing work around the workstreams of the National Transitional Unit with regards to ensuring standards, business systems and the like which would stand Council in good stead no matter what pathway was followed.
- Staff were keeping a watch for clarification on the reform and would respond accordingly.
- Work proactively was being undertaken around people as this was the biggest risk and concern with a limited talent pool and retaining a workforce that was feeling the uncertainty. The National Transitional Unit was working with Council and they would continue to hold conversations with the unit and surrounding territorial authorities as soon as a direction was known.
- Council was fulfilling its obligations under the current legislation.

Discussion points raised

- Commissioners noted that no one was sure of what was proposed for the future.
- People were now more focused on the new standards proposed by the regulator and a lot of concern was being voiced amongst authorities about increases in the water quality standards and the cost of those.
- Concern was noted that the reform was more about financing instead of funding, with many councils wanting to defer investment to keep their rates down and creating shortfalls. This would not change under a new government, and they needed to understand that the problem included enabling councils to borrow, as many were already up to their debt limits so were unable to fund the works without more revenue.
- It was requested that staff do all they could to get this financial message across to the incoming government.

RESOLUTION CO20/23/6

Moved: Commissioner Bill Wasley

Seconded: Commissioner Stephen Selwood

That the Council:

- (a) Receives the report "Water Services Reform Update – Post General Election of 14 October 2023"
- (b) Endorses the Water Services Reform project team to continue with the next steps, summarised as follows: -
 - (i) Continue to meet obligations under current Water Services Reform legislation, including significant or intended decisions.

- (ii) Continue to contribute to national frameworks, such as National Engineering Design Standards.
- (iii) Analyse and communicate impacts of alternative plans and associated legislation for Water Services Reform from incoming government.
- (iv) Should changes arise, develop Tauranga City Council's options to participate in revised Water Services Reform and provide a recommendation. On confirmation, regroup the project team to implement recommended approach.

CARRIED

11.4 Adoption of supporting documentation for the proposed Long-term Plan 2024-34

Staff Paul Davidson, Chief Financial Officer

Key points

- The documents were relevant for this report and item 11.5.
- Audit New Zealand had advised that they were still working through the audit opinion process due to the uncertainty with the water reforms and disclosures were being prepared to accompany that.
- It was not likely that there would be any major changes to these supporting documents but there was a change to wording of the recommendations to reflect that an Extraordinary Council meeting would be held on 13 November 2023 to adopt the consultation document..

RESOLUTION CO20/23/7

Moved: Commission Chair Anne Tolley

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report.
- (b) Adopts the following for the purposes of public consultation through the 2024-34 Long-term Plan consultation process noting any additional or amended disclosures to be required by Audit New Zealand to be tabled at an Extraordinary Council meeting on 13 November 2023
 - (i) Statement of Proposal for the Draft Revenue and Financing Policy **(Attachment 1)**
 - (ii) Statement of Proposal for the Draft User Fees and Charges **(Attachment 2)**.
- (c) Adopts the supporting documentation for the proposed Long-term Plan 2024-34, noting any additional or amended disclosures to be required by Audit New Zealand to be tabled at the 13 November 2023 Extraordinary Council meeting including:
 - (i) Draft Policies (including draft Revenue and Financing Policy) **(Attachment 3)**
 - (ii) Draft Groups of Activities **(Attachment 4)**
 - (iii) Draft Performance Measures **(Attachment 5)**
 - (iv) Draft Significant Forecasting Assumptions **(Attachment 6)**
 - (v) Draft Underlying Financial Statements **(Attachment 7)**
 - (vi) Draft Financial Strategy **(Attachment 8)**
 - (vii) Draft Infrastructure Strategy **(Attachment 9)**
 - (viii) Draft User Fees and Charges **(Attachment 10)**.

- (d) Authorises the Chief Executive to make minor amendments to the documentation to ensure accuracy and correct minor drafting errors.

CARRIED

11.5 2024-34 Long-term Plan - Adoption of consultation document

Staff Paul Davidson, Chief Financial Officer
Christine Jones, General Manager: Strategy, Growth & Governance

Key points

- Audit New Zealand had advised that they were still working through the audit opinion process due to the uncertainty with the water reforms and disclosures were being prepared to accompany that. An Extraordinary Council meeting would be held at 1.00 pm on Monday, 13 November 2023 to adopt the consultation document. Audit New Zealand would attend the meeting to present their audit opinion.
- Additions were included in recommendations (b) and a new (c) with the balance of recommendations to be adopted at the Extraordinary Council meeting on 13 November 2023.

Discussion points raised

- Commissioners noted some minor corrections that they would provide directly to staff.
- Acknowledgement to the team for producing a very clear and readable document.

RESOLUTION CO20/23/8

Moved: Commissioner Stephen Selwood
Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the report “2024-34 Long-term Plan - Adoption of consultation document”.
- (b) Approves the Consultation Document for the proposed 2024-34 Long-term Plan noting any additional or amended disclosures to be required by Audit New Zealand to be tabled at the Extraordinary 13 November Council meeting:
- (c) The balance of the items lie on the table until the Extraordinary Council meeting on 13 November 2023.

CARRIED

11.6 Deliberations on the Options to Fund the Ratepayer portion of the Te Manawataki o Te Papa (Civic Precinct)

Staff Paul Davidson, Chief Financial Officer

Key points

- 300 submissions had been received, with table 10 in the report providing a breakdown of these.
- There was 74% in support of the IFF. It was noted that the nature of the conversation on the IFF was split between the project itself and the levy. Some of the words did not align with the submissions’ responses and further analysis showed that 47% of the submitters supported the levy and their comments aligned with this support.

In response to questions

- Even if the debt was raised on the Council’s balance sheet the interest rates appeared to be not dissimilar from those paying on IFF however the length of tenure of borrowing undertaken would be for 30 years at higher margins and was quite a lot different than what the Council would do through the Local Government Funding Authority and that was where the conversation became different.

- There was a prospect of a refinancing option under IFF and there was an opportunity to change the net rate going forward and Council could work through those conversations with financiers.
- If an IFF defaulted, the special purpose vehicle had similar powers as the Council had under the Rating Act to recover those levies. The security for the IFF came from the levy payers which gave it a strong rating/ranking.

Discussion points raised

- Commissioners recognised the points the submitters were making about debt and the visibility of debt and the risk of finance.
- However all councils were severely constrained in their ability to raise debt to fund other things in their communities apart from repaying debt tied up with growth, and were looking for alternative arrangements.
- There was also some unknown factors with the timing of the development contributions actually being paid by developers.
- While IFF did cost more Just under half the submitters understood that this provided certainty of the project continuing and certainty of the cost involved. Intergenerational payment was a theme from submitters with 2-3 generations enjoying the benefit so should contribute to the cost.
- Commissioners still wanted to make sure it was a good deal for ratepayers so were not committing until they were able to see the deal before making the final decision.
- Acknowledgement was passed on to Paul Davidson and the Team for doing a great job.

RESOLUTION CO20/23/9

Moved: Commissioner Stephen Selwood

Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Deliberations on the Options to Fund the Ratepayer portion of the Te Manawataki o Te Papa (Civic Precinct)".
- (b) Receives the 297 on-line submissions and four written submissions that were submitted prior to the consultation period closing at 5.00 pm on 6 October 2023.
- (c) Receives the verbal submissions presented at the Council meeting on 16 October 2023.
- (d) Approves Option 1 for the funding of the ratepayer share of Te Manawataki o Te Papa (Civic Precinct) to be developed and further detail reported back to a future Council meeting.
- (e) Request staff to inform all submitters of this decision and the reasons for the decision.
- (f) Authorises the Chief Financial Officer (CFO) and Council's advisors to work with Crown Infrastructure Partners (CIP) and the relevant government ministries to continue with the development of an IFF Levy Proposal.
- (g) Request the CFO to report back to Council on the outcome of this process in March 2024 for Council to decide whether to proceed with an IFF Levy for Te Manawataki o Te Papa.

CARRIED

11.7 Temporary Alcohol-Free Areas for the 2023/2024 Events Season

Staff Christine Jones (General Manager: Strategy, Growth & Governance)
Jeremy Boase, Manager: Strategy & Corporate Planning

Key points in response to questions

- As these were specific events over the Christmas/New Year period with the dates changing each year, they had to be considered on an annual basis.
- There are two sets of temporary liquor bans. Geographical areas which remained the same each year and specific events.

RESOLUTION CO20/23/10

Moved: Commissioner Bill Wasley

Seconded: Commissioner Shadrach Rolleston

That the Council:

- Receives the report "Temporary Alcohol-Free Areas for the 2023/2024 Events Season".
- In accordance with section 147B of the Local Government Act 2002, agrees that the proposed temporary alcohol-free areas are appropriate and proportionate in light of the evidence; and justified as a reasonable limitation on people's rights and freedoms.
- Resolve under clause 8 of the Alcohol Control Bylaw 2018 to implement temporary alcohol-free areas to support event operations across Tauranga as follows:

Fergusson Park	Fergusson Park including Tilby Drive from the intersection of Tainui Street and Waratah Street (all inclusive) from 10am, 31 December 2023 to 6am, 1 January 2024.
Gordon Spratt Reserve	Gordon Spratt Reserve and Alice Way (all inclusive) and Parton Road (between Tara Road and Papamoa Beach Road) from 10am, 31 December 2023 to 6am, 1 January 2024.
Tauranga Racecourse Reserve	Tauranga Racecourse Reserve from 10am, 31 December 2023 to 6am, 1 January 2024.
Soper Reserve	Soper Reserve and Newton Street (all inclusive) from 10am to midnight, 17 February 2024.

- Resolve, under clause 8 of the Alcohol Control Bylaw 2018, to implement temporary alcohol-free areas surrounding Mercury Baypark from 10am, 31 December 2023 to midnight, 7 January 2024 as follows:

Proposed alcohol-free area for key events at Mercury Baypark	
Girven Road	From Gloucester Road to State Highway 2
State Highway 2	From Girven Road to Sandhurst Drive
Te Maunga Lane	All inclusive
Truman Lane	All inclusive
Mangatawa Link Road	All inclusive
State Highway 29A	From Truman Lane to the intersection with State highway 2 (including the roundabouts)
Gloucester Road	From Eversham Road to Girven Road

Eversham Road	All inclusive
Tudor Place	All inclusive
Palliser Place	All inclusive
Harrow Place	All inclusive
Exeter Street	All inclusive
Lambeth Terrace	All inclusive
Dover Place	All inclusive
Weymouth Place	All inclusive
Eversham Road Reserve	All inclusive
Kingsley Place	All inclusive
Penrhyn Place	All inclusive
Ernie Way	All inclusive
Hadleigh Reserve	All inclusive

CARRIED

11.8 Executive Report

Staff Marty Grenfell, Chief Executive
Stephen Burton, Acting General Manager: Infrastructure Services
Paul Davidson, Chief Financial Officer
Christine Jones, General Manager: Strategy, Growth & Governance
Alastair McNeil, General Manager: Corporate Services
Sarah Omundsen, General Manager: Regulatory and Compliance
Gareth Wallis, General Manager: City Development & Partnerships

Infrastructure

Key points

- Capital programme was endorsed with the International Accreditation NZ audit, noting the superb reporting and standardisation from the team.
- The Waters team did very well with three trophies gained at the annual Water New Zealand Conference Award night. Peter Bahrs (TCC) and Ryan Orr from GHD for the Water Watchers Programme and Wally Potts being awarded an Honorary Life Membership of WaterNZ for his contribution to the water sector.
- There were good statistics for the number of cycle trips across the city and for the safety measures installed outside the fire station.
- An additional \$7.7M was secured from Waka Kotahi to carry out further maintenance works.
- The Sustainability and Waste team attended the recent STEM festival with a rubbish sorting game, teaching children the importance of recycling and talking to 500 students about the Tauranga Moana Futures Programme.

Discussion points raised

- It was noted that graph in figure 2 of the report was upside down. Commissioners commented that it was good to see the increased cycleway use noting that it reinforced what the transport team had been advocating and aiming for and getting a larger group of cyclists using good safe cycleways. The percentage of the increase results in up to 1,000 less vehicles on the roads.
- Commissioners acknowledged the teams for the Awards received noting that they had done extremely well and were very proud of them.

- It was important to work regionally on the business case at Te Maunga and to get commitment from the regional partners and resources to help with the development of the facilities.

Community Services

Discussion points raised

- Commissioners noted that the two pathways at Pāpāmoa and Marine Parade were very well supported for a relatively modest investment and complimented staff for the superb designs.
- Commissioners requested information on whether the Kainga Tupu Taskforce Homelessness Strategy and Action Plan for the Western Bay of Plenty would see MSD cutting the transition funding for the homeless and pose a significant change to homelessness. It was noted that further information would be sought and provided.
- A query was raised as to whether the tsunami evacuation maps for Pāpāmoa had been updated in conjunction with the Pāpāmoa Residents Group.
- Positive comments had been received regarding staff being present on the Maunga every day and the significant increase in the levels of service by bringing the team in house and getting buy in from the staff who had a passion for what they do.

Chief Financial Officer

In response to questions

- Information would be sought from Air New Zealand as to the extent of the flight capacity as it was quite hard to get a flight unless you were booked well in advance.

Strategy, Growth and Governance

In response to questions

- In response to a query as to whether Western Bay of Plenty District Council and the Bay of Plenty Regional Council had any social procurement policies to provide alignment and to give security to mana whenua it was noted that information would be provided to Commissioners.

Corporate Services

Key points

- 17 students would be working for Council over the summer period.
- Indications were that the labour market was softening and flattening out.
- There was a drop in the turnover of Council staff with anything below 15% being ahead of the typical trend.

Regulatory and Compliance

Key points

- The IANZ assessment results were good with only eight non compliances identified and the auditors noting significant improvements and no technical issues with consents. Action plans were being prepared for the remaining seven factors for presentation to IANZ.
- Funding was being sought to improve and employ freedom camping ambassadors and upgrade signage at the freedom camping sites.
- Staff were working with a number of partners across the city in relation to the Alcohol Control Bylaw. There was a general feeling to complete Te Manawataki o Te Papa precinct works and the revitalisation of the city before considering whether any areas could be opened up.

In response to questions

- In response to a query regarding the timeframe for processing and decisions on the Sanderson Group's Pitau Road Project it was noted that there was 50 working days for a decision. They were expecting to receive a number of requests for information in early 2024. There were no appeal rights in the process.
- The 40% increase in bylaw related complaints were mostly around people being in freedom camping areas longer than they should be and some in relation to homelessness areas.

- There was an increase in complaints in some of the newly developed areas where people were parking vehicles, caravans and boat on berms as there were not a lot of parking areas.
- The increase in bus lane infringements was noted and it was considered that the signage was not clear as to when drivers were able to cross into the lane, especially those accessing the airport. A query was raised as to whether there was any leeway to allowing drivers going to the airport to go in the lane, especially when in a long line of vehicles as this could also help to clear the traffic. It was noted that drivers received a warning letter for the first offence and fines were issued when it was more than twice.
- The review of the freedom camping sites was on the list of policies due to be reviewed by the Strategy, Finance and Risk Committee.
- Temporary accommodation was not provided for in the city plan so a resource consent was required if a property was being used as an Airbnb. Staff only responded on a complaint basis which generally related to noise or parking.

Discussion points raised

- Commissioners noted ongoing concerns that the number of dwellings being below the targeted 100 per month and underlined the criticality of long term housing and creating a bow wave gap and affordability. The graph should be seen as a target vs an actual to look at how it was tracking.

City Development and Partnerships

Key points

- \$1.5M had been secured in external funding for a number of projects.
- The opening of the new cycle parking facility in the city centre had taken place this morning.
- Karakia had been held on the water front and at Masonic Park to start the works and handover Site A to Willis Bond.
- The works in Dive Crescent, south Elizabeth Street and Tunks Reserve were all scheduled to finish before the end of the year.

In response to questions

- The upgrade of Dive Crescent being carried out in two parts to enable businesses to trade over summer. The licences to occupy fees had been reduced by 80%.
- When completing works some unanticipated pipework was discovered. The roadworks were closed to allow people to use the road while the redesign of the pipework was being completed. It was requested that this be made known so that people were aware of it when the road was closed again to finish the works.
- It was noted that the access to buses around the town was a work in progress and tied into the business case for the best locations for bus stops within the city centre. Consultation with the city centre community had been workshopped and the results would be provided in a future report.

Discussion points raised

- Discussion ensued on the amount of carparking in and around the city centre with the data showing 500 carparks available at 8 am and vacancies during the day. The combination of perceptions that there were no carparks was negative to the CBD. It was important that actual data was reported and picked up on so that residents and Mainstreet knew the facts and were informed that parking was available with more coming on stream in the near future. It was requested that this information be included in the monthly reporting and be provided to the partners.
- Commissioners noted the Library, Community and Customer Services Hub was at the 100% detailed design stage, the site preparation works commencing later this month, and construction in January 2024. It was the first significant project within Te Manawataki o Te Papa and they acknowledged the work of the teams to get it to this point.
- With the changing nature of the CBD and the large number of construction workers, it was an opportunity for the retail and hospitality sectors to adjust to clientele changes and the market.

RESOLUTION CO20/23/11

Moved: Commissioner Bill Wasley
Seconded: Commissioner Shadrach Rolleston

That the Council:

- (a) Receives the "Executive Report".

CARRIED

Commissioners agreed to continue with the meeting to the end of the public section before having a break.

11.9 Local Government New Zealand report to members October 2023

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

Discussion points raised

Feedback included:

- having a clear definition of localism that was referenced and Local Government New Zealand seemed to be focused on.
- the outcomes to be achieved with the campaign for localism.
- to make local government funding more of a priority.

RESOLUTION CO20/23/12

Moved: Commissioner Stephen Selwood
Seconded: Commissioner Bill Wasley

That the Council:

- (a) Receives the report "Local Government New Zealand report to members October 2023".
- (b) Provides feedback to Local Government New Zealand on the first of their formal updates to member councils as noted above.

CARRIED

12 DISCUSSION OF LATE ITEMS

Nil

13 PUBLIC EXCLUDED SESSION**Resolution to exclude the public****RESOLUTION CO20/23/13**

Moved: Commissioner Shadrach Rolleston
Seconded: Commissioner Stephen Selwood

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.1 - Public Excluded Minutes of the Extraordinary Council meeting held on 11 October 2023	s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.2 - Public Excluded Minutes of the Council meeting held on 16 October 2023	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
13.3 - Exemption from Open Competition - To direct Procure the Artificial Surface Materials Links Avenue Reserve Artificial Sports Fields	<p>s7(2)(b)(i) - The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret</p> <p>s7(2)(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
13.4 - Appointment of Mana Whenua Representative to the Tourism Bay of Plenty Board	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(c)(i) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied</p>	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

13.5 - The Lakes Works in Lieu Agreement	<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>	<p>s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
---	--	--

CARRIED

At 11.52am the meeting adjourned.

At 12.01pm the meeting reconvened in public excluded.

14 CLOSING KARAKIA

Commissioner Shadrach Rolleston closed the meeting with a karakia.

The meeting closed at 12.10 pm.

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 27 November 2023.

.....
Commission Chair Anne Tolley
CHAIRPERSON