



# AGENDA

## Ordinary Council meeting Monday, 28 April 2025

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

**Date: Monday, 28 April 2025**

**Time: 9.30am**

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

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

**Marty Grenfell  
Chief Executive**

# Terms of reference – Council

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## Membership

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

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## Role

- To ensure the effective and efficient governance of the City.
- To enable leadership of the City including advocacy and facilitation on behalf of the community.
- To review and monitor the performance of the Chief Executive.

## Scope

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

- Authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council.
- Make appointments of members to the council-controlled organisation Boards of Directors/Trustees and representatives of Council to external organisations.
- Undertake all statutory duties in regard to Council-controlled organisations, including reviewing statements of intent and receiving reporting, with the exception of the Local Government Funding Agency where such roles are delegated to the City Delivery Committee. This also includes Priority One reporting.
- Consider all matters related to Local Water Done Well.
- Consider any matters referred from any of the Standing or Special Committees, Joint Committees, Chief Executive or General Managers.
- Review and monitor the Chief Executive's performance.
- Develop Long Term Plans and Annual Plans including hearings, deliberations and adoption.
- For clarity the Council will develop, review, undertake hearings of and deliberations on community submissions to bylaws as well as the adoption of the final bylaw.

### **Procedural matters**

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

### **Regulatory matters**

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



## Order of Business

<b>1</b>	<b>Opening karakia</b> .....	<b>7</b>
<b>2</b>	<b>Apologies</b> .....	<b>7</b>
<b>3</b>	<b>Public forum</b> .....	<b>8</b>
3.1	Peter and Kate Mulligan - Cellphone Towers .....	8
3.2	A representative from the Waimapu Street Group - Cellphone Towers .....	8
3.3	Margaret Murray-Benge - Cellphone Towers.....	8
<b>4</b>	<b>Acceptance of late items</b> .....	<b>9</b>
<b>5</b>	<b>Confidential business to be transferred into the open</b> .....	<b>9</b>
<b>6</b>	<b>Change to the order of business</b> .....	<b>9</b>
<b>7</b>	<b>Confirmation of minutes</b> .....	<b>10</b>
7.1	Minutes of the Extraordinary Council meeting held on 11 March 2025 .....	10
7.2	Minutes of the Council meeting held on 24 March 2025 .....	18
7.3	Minutes of the Extraordinary Council meeting held on 25 March 2025 .....	35
<b>8</b>	<b>Declaration of conflicts of interest</b> .....	<b>42</b>
<b>9</b>	<b>Deputations, presentations, petitions</b> .....	<b>42</b>
	Nil	
<b>10</b>	<b>Recommendations from other committees</b> .....	<b>42</b>
	Nil	
<b>11</b>	<b>Business</b> .....	<b>43</b>
11.1	Plan Change 27 (Flooding from Intense Rainfall): To Make Operative .....	43
11.2	Draft Alcohol Licensing Fees Bylaw - Deliberations.....	136
11.3	Dog Registration Fee 2025/2026 Year .....	198
11.4	Land Transport Management (Time of Use Charging) Amendment Bill - TCC submission .....	210
11.5	Elected Members' Expenses and Resources Policy - proposed leave of absence section .....	220
<b>12</b>	<b>Discussion of late items</b> .....	<b>236</b>
<b>13</b>	<b>Public excluded session</b> .....	<b>236</b>
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<b>14</b>	<b>Closing karakia</b> .....	<b>236</b>



**1 OPENING KARAKIA**

**2 APOLOGIES**

### **3 PUBLIC FORUM**

#### **3.1 Peter and Kate Mulligan - Cellphone Towers**

##### **ATTACHMENTS**

**Nil**

#### **3.2 A representative from the Waimapu Street Group - Cellphone Towers**

##### **ATTACHMENTS**

**Nil**

#### **3.3 Margaret Murray-Benge - Cellphone Towers**

##### **ATTACHMENTS**

**Nil**

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

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## **7 CONFIRMATION OF MINUTES**

### **7.1 Minutes of the Extraordinary Council meeting held on 11 March 2025**

**File Number:** A17901999

**Author:** Clare Sullivan, Team Leader: Governance Services

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

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### **RECOMMENDATIONS**

That the Minutes of the Extraordinary Council meeting held on 11 March 2025 be confirmed as a true and correct record.

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### **ATTACHMENTS**

#### **1. Minutes of the Extraordinary Council meeting held on 11 March 2025**



# **MINUTES**

## **Extraordinary Council meeting Tuesday, 11 March 2025**

**Order of Business**

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<b>3</b>	<b>Acceptance of late items .....</b>	<b>3</b>
<b>4</b>	<b>Confidential business to be transferred into the open.....</b>	<b>3</b>
<b>5</b>	<b>Change to the order of business .....</b>	<b>3</b>
<b>6</b>	<b>Declaration of conflicts of interest .....</b>	<b>3</b>
<b>7</b>	<b>Business.....</b>	<b>3</b>
	7.1 Draft Budget and Rating Policy for the Annual Plan Consultation.....	4
<b>8</b>	<b>Discussion of late items .....</b>	<b>7</b>
<b>9</b>	<b>Closing karakia .....</b>	<b>7</b>
	<b>Resolutions transferred into the open section of the meeting after discussion .....</b>	<b>7</b>

**MINUTES OF TAURANGA CITY COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE TAURANGA CITY COUNCIL, GROUND FLOOR MEETING ROOMS 1 & 1B, 306  
CAMERON ROAD, TAURANGA  
ON TUESDAY, 11 MARCH 2025 AT 10:00AM**

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

**IN ATTENDANCE:** Marty Grenfell (Chief Executive), Paul Davidson (Chief Financial Officer), Barbara Dempsey (General Manager: Community Services), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy, Growth & Governance), Alastair McNeill (General Manager: Corporate Services), Sarah Omundsen (General Manager: Regulatory & Compliance), Gareth Wallis (General Manager: City Development & Partnerships), Jim Taylor (Manager: Rating Policy & Revenue), Kathryn Sharplin (Manager: Finance), Tracey Hughes (Financial Insights and Reporting Manager), Clare Sullivan (Team Leader: Governance Services), Caroline Irvin (Governance Advisor).

Timestamps are included beside each of the items and relate to the recording of the meeting held on 11 March 2025 at [Council Website](#).

**1 OPENING KARAKA**

Cr Steve Morris opened the meeting with a karakia.

**2 APOLOGIES**

Nil

**3 ACCEPTANCE OF LATE ITEMS**

Nil

**4 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**

Nil

**5 CHANGE TO THE ORDER OF BUSINESS**

Nil

**6 DECLARATION OF CONFLICTS OF INTEREST**

Nil

**7 BUSINESS**

TIMESTAMP 13:09

## 7.1 Draft Budget and Rating Policy for the Annual Plan Consultation

**Staff** Paul Davidson, Chief Financial Officer  
Kathryn Sharplin, Manager: Finance  
Jim Taylor, Manager: Rating Policy & Revenue  
Tracey Hughes, Financial Insights and Reporting Manager

### Changes to recommendations:

- The Mayor moved a motion with changes to the recommendations in the report noting that staff and elected members were continuing to look for savings, to smooth out the allocation of the general rates between residential, commercial and industrial and to establish a working group to undertake a review of operational costs and service levels.

### A MOTION WAS PROPOSED

Moved: Mayor Mahé Drysdale

Seconded: Cr Marten Rozeboom

That the Council:

- (a) Receives the report "Draft Budget and Rating Policy for the Annual Plan Consultation".
- (b) In respect of the draft operating budget and rates requirement for consultation:
  - (i) Agrees to an overall rates increase after growth arising from the proposed budget of 12.5% noting that this includes up to \$1.3m of placeholder budget savings to be identified in budgets prior to the adoption of the annual plan,
- (c) Agrees that the additional rates funded savings of \$8.3m (equivalent to 2.5% decrease in rates) to be considered for inclusion in the 2025/26 Annual Plan, with further savings targets pursued through the 2026/27 annual plan and subsequent annual or long term plans.
- (d) In respect of rating policy, agrees to continue with the Long-term Plan decision to move to a fixed proportion of the general rates for each rating category and change the proportions for the residential rating category to 65%, the Commercial rating category to 15% and the industrial rating category to 20% by the 2027/28 rating year.
- (e) Agrees for the 2025/2026 rating year the allocation of the general rates will be:
  - Residential category **66.5%**
  - Commercial category **14.3**
  - Industrial category 19.2%
- (f) Agrees the commercial and industrial rating category general rates allocation of 15% and 20% will be fully phased in by the 2027/2028 rating year.
- (g) Notes that a rates increase of 12.5% is 0.5% higher than the rates limit adopted in the financial strategy of the 2024/34 Long Term Plan however that limit excluded the second Infrastructure Funding and Financing levy of 2.2%.
- (h) Establishes a working group comprising the Mayor, Deputy Mayor, Chief Executive, Chief Financial Officer and councillors to undertake a detailed review of operational costs and service levels. The purpose of the working group is to identify further cost savings to reduce the proposed rates increase. The working group will report back with recommendations prior to the adoption of the Annual Plan 2025/26.

At 11.50am the meeting adjourned.

At 12.23pm the meeting reconvened.

**AN AMENDMENT WAS PROPOSED**

Moved: Cr Rick Curach

Seconded: Cr Glen Crowther

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

- (c) Agrees to additional placeholder savings to achieve a 9.9% rate revenue increase be applied to the final 2025/26 Annual Plan.

**FOR:** Cr Glen Crowther and Cr Rick Curach

**AGAINST:** Mayor Mahé Drysdale, Deputy Mayor Jen Scoular, Cr Hautapu Baker, Cr Steve Morris, Cr Marten Rozeboom, Cr Kevin Shuler and Cr Rod Taylor

**LOST**

**RESOLUTION CO/25/4/1**

Moved: Mayor Mahé Drysdale

Seconded: Cr Marten Rozeboom

That the Council:

- (a) Receives the report "Draft Budget and Rating Policy for the Annual Plan Consultation".
- (c) Agrees that the additional rates funded savings of \$8.3m (equivalent to 2.5% decrease in rates) to be considered for inclusion in the 2025/26 Annual Plan, with further savings targets pursued through the 2026/27 annual plan and subsequent annual or long term plans.
- (d) In respect of rating policy, agrees to continue with the Long-term Plan decision to move to a fixed proportion of the general rates for each rating category and change the proportions for the residential rating category to 65%, the Commercial rating category to 15% and the industrial rating category to 20% by the 2027/28 rating year.
- (f) Agrees the commercial and industrial rating category general rates allocation of 15% and 20% will be fully phased in by the 2027/2028 rating year.
- (g) Notes that a rates increase of 12.5% is 0.5% higher than the rates limit adopted in the financial strategy of the 2024/34 Long Term Plan however that limit excluded the second Infrastructure Funding and Financing levy of 2.2%.
- (h) Establishes a working group comprising the Mayor, Deputy Mayor, Chief Executive, Chief Financial Officer and councillors to undertake a detailed review of operational costs and service levels. The purpose of the working group is to identify further cost savings to reduce the proposed rates increase. The working group will report back with recommendations prior to the adoption of the Annual Plan 2025/26.

**CARRIED**

**RESOLUTION CO/25/4/2**

Moved: Mayor Mahé Drysdale

Seconded: Cr Marten Rozeboom

That the Council:

- (b) In respect of the draft operating budget and rates requirement for consultation:
  - (i) Agrees to an overall rates increase after growth arising from the proposed budget

of 12.5% noting that this includes up to \$1.3m of placeholder budget savings to be identified in budgets prior to the adoption of the annual plan

**FOR:** Mayor Mahé Drysdale, Deputy Mayor Jen Scoular, Cr Hautapu Baker, Cr Marten Rozeboom, Cr Kevin Shuler and Cr Rod Taylor

**AGAINST:** Cr Steve Morris, Cr Glen Crowther and Cr Rick Curach

**CARRIED**

## **MOTION**

Moved: Mayor Mahé Drysdale

Seconded: Cr Marten Rozeboom

That the Council:

(e) Agrees for the 2025/2026 rating year the allocation of the general rates will be:

- Residential category **66.5%**
- Commercial category **14.3**
- Industrial category 19.2%

**FOR:** Mayor Mahé Drysdale, Deputy Mayor Jen Scoular, Cr Marten Rozeboom,

**AGAINST:** Cr Hautapu Baker, Cr Glen Crowther, Cr Rick Curach, Cr Steve Morris, Cr Kevin Shuler and Cr Rod Taylor

**LOST**

## **RESOLUTION CO/25/4/3**

Moved: Mayor Mahé Drysdale

Seconded: Cr Marten Rozeboom

That the Council:

(e) Agrees for the 2025/2026 rating year the allocation of the general rates will be:

- Residential category 66. %
- Commercial category 14.8%
- Industrial category 19.2%

**FOR:** Cr Hautapu Baker, Cr Glen Crowther, Cr Rick Curach, Cr Steve Morris, Cr Kevin Shuler and Cr Rod Taylor

**AGAINST:** Mayor Mahé Drysdale, Deputy Mayor Jen Scoular, Cr Marten Rozeboom

**CARRIED**

## **8 DISCUSSION OF LATE ITEMS**

Nil

## **9 CLOSING KARAKIA**

Cr Morris closed the meeting with a karakia

**The meeting closed at 12.43 pm.**

**The minutes of this meeting were confirmed at the Ordinary meeting of the Tauranga City Council held on 24 March 2025.**

.....  
**CHAIRPERSON**

**7.2 Minutes of the Council meeting held on 24 March 2025**

**File Number:** A17911957

**Author:** Clare Sullivan, Team Leader: Governance Services

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

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**RECOMMENDATIONS**

That the Minutes of the Council meeting held on 24 March 2025 be confirmed as a true and correct record.

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**ATTACHMENTS**

- 1. Minutes of the Council meeting held on 24 March 2025**



# **MINUTES**

**Ordinary Council meeting  
Monday, 24 March 2025**

## Order of Business

<b>1</b>	<b>Opening karakia</b> .....	<b>4</b>
<b>2</b>	<b>Apologies</b> .....	<b>4</b>
<b>3</b>	<b>Public forum</b> .....	<b>4</b>
<b>4</b>	<b>Acceptance of late items</b> .....	<b>6</b>
4.1	Resolution to accept late items.....	6
<b>5</b>	<b>Confidential business to be transferred into the open</b> .....	<b>6</b>
5.1	Resolution to move Public Exlcuded items to Public .....	6
<b>6</b>	<b>Change to the order of business</b> .....	<b>6</b>
<b>7</b>	<b>Confirmation of minutes</b> .....	<b>7</b>
7.1	Minutes of the Council meeting held on 24 February 2025.....	7
7.2	Minutes of the Council meeting held on 3 March 2025 .....	7
<b>8</b>	<b>Declaration of conflicts of interest</b> .....	<b>7</b>
<b>9</b>	<b>Deputations, presentations, petitions</b> .....	<b>7</b>
	Nil	
<b>10</b>	<b>Recommendations from other committees</b> .....	<b>7</b>
	Nil	
<b>11</b>	<b>Business</b> .....	<b>8</b>
11.1	Draft Development Contributions Policy 2025/26 .....	8
11.2	Adoption of Supporting Material and Consultation Document - Annual Plan 2025/26 .....	8
11.3	Local Water Done Well - Adoption of Consultation Document and Update on Progress.....	9
11.4	Street Dining License to Occupy Implementation Plan .....	11
11.5	Transport Resolutions Report: 54.....	11
11.6	Remuneration for Tangata Whenua Representatives Appointed to Three Standing Committees .....	12
11.7	Appointment of Tangata Whenua representatives to standing committees.....	13
11.8	Appointments to the Board - Bay Venues Limited, the Tauranga Art Gallery Trust and Tourism Bay of Plenty .....	14
<b>12</b>	<b>Discussion of late items</b> .....	<b>15</b>
<b>13</b>	<b>Public excluded session</b> .....	<b>15</b>
13.1	Public Excluded Minutes of the Council meeting held on 10 February 2025.....	16
13.2	Public Excluded Minutes of the Council meeting held on 24 February 2025.....	16
13.3	Information on the Appointment of Tangata Whenua representatives to standing committees .....	16
13.7	In formation on the Appointments to the Board - Bay Venues Limited, the Tauranga Art Gallery Trust and Tourism Bay of Plenty.....	17
<b>14</b>	<b>Closing karakia</b> .....	<b>17</b>

**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, 24 MARCH 2025 AT 9.30AM**

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

**IN ATTENDANCE:** Marty Grenfell (Chief Executive), Paul Davidson (Chief Financial Officer), Nic Johansson (General Manager: Infrastructure), Christine Jones (General Manager: Strategy, Growth & Governance), Gareth Wallis (General Manager: City Development & Partnerships), Ben Corbett (Team Leader: Growth Funding), Andrew Mead (Manager: City Planning and Growth), Kathryn Sharplin (Manager Finance), Tracey Hughes (Financial Insights & Reporting Manager), Sarah Stewart (Principal Strategic Advisor), Stephen Burton (Transportation Lead – Water Services), Cathy Davidson (Manager: Directive Services), Shawn Geard (City Centre Infrastructure Lead), Karen Hay (Manager: Network Safety and Sustainability), Stacey Mareroa-Roberts (Manager: Strategic Māori Engagement), Ceilidh Dunphy (Community Relations Manager), Coral Hair (Manager: Democracy & Governance Services), Clare Sullivan (Team Leader: Governance Services), Anahera Dinsdale (Governance Advisor),

Timestamps are included beside each of the items and relate to the recording of the meeting held on 24 March 2025

<https://www.youtube.com/watch?v=NIB76qN6HEk>

## **1 OPENING KARAKIA**

Cr Baker opened the meeting with a karakia

Mayor Drysdale noted the achievements of Sam Ruthe who became the first person under the age of 16 to run an impressive 4-minute mile and wished him all the best for his career.

## **2 APOLOGIES**

Nil

## **3 PUBLIC FORUM**

### **3.1 Harris Williams – Mount Business Association**

**Timestamp: 0:05**

#### **Key Points**

- Sought the removal or reconsideration of the new licence to occupy fees for the street dining

as they place an unreasonable and disproportionate burden on all businesses not just at the Mount.

- Preferred outcome was to drop the fees altogether, but if they were to continue Mount Maunganui should be exempt or have the fees substantially reduced.
- The proposed charge of \$150 per m<sup>2</sup> was the highest proposed charge by a large margin as it was linked to land value.
- Despite higher rates, there had been a lack of public investment to the streetscape, there had been no enhancements to the street amenities for over 25 years.
- Tauranga had seen upgrades specifically to enhance outdoor dining appeal and foot traffic.
- There had been no net analysis to determine if net profits rather than the turnover resulted in more profit for the businesses and had failed to meet the onground conditions or represent value for money.
- A reduced rate of \$30 per m<sup>2</sup> for 2024/25 was still a significant cost to local businesses who had not previously paid the fee. The costs were detrimental and not sustainable as they were already grappling with increasing costs.
- Request that the fees not be imposed and only create a bylaw for safety and street amenity and rely on commercial rates to cover public infrastructure to serve commercial businesses or until such time as Council invests in upgrades to warrant an additional fee.
- Alternately apply a flat nominal fee across the whole Council, adjusted for public investment in that zone.

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

- In relation to a question relating to the businesses making money from the use of a Council asset, it was noted that it was the entrepreneurial vision of the businesses that had created an amenity in those spaces.

### **3.2 Jan Gyenge**

#### **Key Points**

- Councillors were tasked to uphold democracy with accountability, transparency and integrity and asked if they were doing this.

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

- In relation to specifics the submitter would like Councillors to consider, she noted that it was the prime objective of what they were elected to do.
- Mayor Drysdale advised the Council were out in the community talking to people to do what was best for the city based on the information provided.

## 4 ACCEPTANCE OF LATE ITEMS

### 4.1 Resolution to accept late items

#### RESOLUTION CO/25/5/1

Moved: Cr Rick Curach

Seconded: Deputy Mayor Jen Scoular

That the Council:

- (a) Accepts the following late items for consideration at the meeting:
  - Confirmation of the open part of the minutes of the Council meeting held on 3 March 2025
  - Confirmation of the public excluded part of the minutes of the Council meeting held on 3 March 2025
  - Appointment to Board - Bay Venues Limited, the Tauranga Art Gallery Trust and Tourism Bay of Plenty
- (b) The above items were not included in the original agenda because it was not available at the time the agenda was issued, and discussion cannot be delayed until the next scheduled meeting.

**CARRIED**

## 5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

### 5.1 Resolution to move Public Exlcuded items to Public

#### RESOLUTION CO/25/5/2

Moved: Mayor Mahé Drysdale

Seconded: Cr Rick Curach

That the Council:

Move the following items from public excluded to the public part of the meeting:

- Item 13.3 Appointment of Tangata Whenua representatives to standing committees and
- Item 13.4 Appointment to Board – Bay Venues Limited, The Tauranga Art Gallery Trust and Tourism Bay of Plenty.

**CARRIED**

## 6 CHANGE TO THE ORDER OF BUSINESS

The Mayor noted that there were a number of separately circulated papers that contain attachments. They related to:

Item 7.2 Minutes of the meeting of 3 March 2025

Item 11.1 Draft Development Contributions Policy

Item 11.2 Adoption of Supporting Material and Consultation Document – Annual Plan 2025/26

Item 11.3 Local Water Done Well - Adoption of Consultation Document and Update on Progress

Item 13.5 Public Excluded Minutes of the meeting of 3 March 2025

## **7 CONFIRMATION OF MINUTES**

### **7.1 Minutes of the Council meeting held on 24 February 2025**

#### **RESOLUTION CO/25/5/3**

Moved: Cr Hautapu Baker

Seconded: Cr Steve Morris

That the Minutes of the Council meeting held on 24 February 2025 be confirmed as a true and correct record.

**CARRIED**

### **7.2 Minutes of the Council meeting held on 3 March 2025**

#### **RESOLUTION CO/25/5/4**

Moved: Cr Marten Rozeboom

Seconded: Cr Rick Curach

That the Minutes of the Council meeting held on 3 March 2025 be confirmed as a true and correct record.

**CARRIED**

## **8 DECLARATION OF CONFLICTS OF INTEREST**

Nil

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

Nil

## **10 RECOMMENDATIONS FROM OTHER COMMITTEES**

Nil

## 11 BUSINESS

### 11.1 Draft Development Contributions Policy 2025/26

**Timestamp: 28 minutes**

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

#### RESOLUTION CO/25/5/5

Moved: Cr Marten Rozeboom  
Seconded: Mayor Mahé Drysdale

That the Council:

- (a) Receives the report "Draft Development Contributions Policy 2025/26".
- (b) Agrees to incorporate the proposed updates to local and citywide development contributions in the draft Development Contributions Policy 2025/26.
- (c) Agrees to incorporate three new local development contributions catchments in the draft Development Contributions Policy 2025/26 for Tauriko Business Estate Stage 4, Tauriko West and Upper Ohauti.
- (d) Adopts the Statement of Proposal and draft Development Contributions Policy 2025/26 for the purposes of public consultation.
- (e) Delegates authority to the General Manager: Strategy, Growth & Governance to make amendments to the draft Development Contributions Policy 2025/26 to correct minor errors in wording or financial information

**CARRIED**

### 11.2 Adoption of Supporting Material and Consultation Document - Annual Plan 2025/26

**Timestamp: 47minutes**

**Staff:** Paul Davidson, Chief Financial Officer  
Christine Jones, General Manager: Strategy, Growth & Governance  
Kathryn Sharplin, Manager: Finance  
Tracey Hughes, Financial Insights & Reporting Manager  
Ceilidh Dunphy, Community Relations Manager

#### Reasons for decisions:

- Amendments were made to the consultation document as reflected in the resolution to provide additional explanations and better transparency with the cost of running the city, the operating expenditure, capital expenditure and the amount of staff and consultant costs.

**RESOLUTION CO/25/5/6**

Moved: Mayor Mahé Drysdale

Seconded: Deputy Mayor Jen Scoular

That the Council:

- (a) Receives the report "Adoption of Supporting Material and Consultation Document - Annual Plan 2025/26".
- (b) Agrees to the overall rates increase for the consultation document at 12% after growth which includes operational expenditure of \$599m.
- (c) Notes that the additional rates funded savings to be sought of \$8.3m (equivalent to 2.5% decrease in rates), to be considered for inclusion in the 2025/26 Annual Plan, with further savings targets pursued through the 2026/27 annual plan and subsequent annual or long-term plans, has reduced to \$6.7m due to higher growth assumptions.
- (d) Adopts the Draft Annual Plan 2025/26 supporting financial information.
- (e) Adopts the Draft User Fees and Charges 2025/26 schedule and statement of proposal. Noting that the fees schedule will be updated to reflect the decision on the licence to occupy fees from the paper on this same agenda titled "Street Dining License to Occupy Implementation Plan."
- (f) Adopts the Draft Annual Plan 2025/26 consultation document (CD) **content (attachment 3)** and as tabled in the design version of the CD for public consultation from 28 March to 28 April 2025 subject to the inclusion of further information as follows:
  - (i) Include a section "cost of running the city" – high-level numbers including operating expenditure, capital expenditure, number of staff.
  - (ii) provide more detailed breakdown of the operating expenditure of \$599M such as consultant costs, staff numbers.
  - (iii) add operational expenditure to the table on page 30 of the draft consultation document.
  - (iv) refer to a reduction in "council emissions" instead of "city emissions".
  - (v) simplify the explanation of salary savings.
  - (vi) add average Residential, Commercial and Industrial rates increase figures as a footnote on page 29 of the Consultation Document, and/or on the page of the Financials appendix that shows rates increases.
- (g) Authorises the Chief Executive to approve minor drafting, financial and presentation amendments to the Draft Annual Plan 2025/26 consultation document and any supporting documentation prior to printing if necessary.

**CARRIED**

At 11.38am the meeting adjourned.

At 11.52am the meeting reconvened.

### **11.3 Local Water Done Well - Adoption of Consultation Document and Update on Progress**

**Timestamp: 2 hours 23minutes**

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

Kathryn Sharplin, Manager Finance  
 Stephen Burton, Transformation Lead – Water Services  
 Cathy Davidson, Manager: Directorate Services

## RESOLUTION CO/25/5/7

Moved: Mayor Mahé Drysdale  
 Seconded: Cr Marten Rozeboom

That the Council:

- (a) Receives the report "Local Water Done Well - Adoption of Consultation Document and Update on Progress".
- (b) Agrees that if a multi-council controlled organisation is established, differences in prices across councils will be maintained to reflect the differences in investment, borrowing, and costs of service; and that any movement to price harmonisation should require an explicit resolution from TCC.
- (d) Notes that the implications for TCC's risk and credit rating are being further considered in line with the 9 December 2024 Council decisions to ensure any multi-council controlled organisation option is mutually beneficial, including for the multi-council controlled organisation and remaining TCC organisation.
- (e) Adopts the Draft Why Wai Matters 2025 Consultation Document content (attachment 1) and Summary content (attachment 2) for public consultation, noting design versions are being developed.
- (f) Authorises the General Manager Strategy, Growth and Governance to approve minor drafting, financial and presentation amendments to the Draft Why Wai Matters 2025 Consultation and Summary Documents if necessary.

**CARRIED**

Abstention: Cr Glen Crowther

## RESOLUTION CO/25/5/8

Moved: Mayor Mahé Drysdale  
 Seconded: Cr Marten Rozeboom

That the Council:

- (c) Notes that further financial modelling has been completed by both Martin Jenkins and the Department of Internal Affairs and that these both align with key conclusions from the Indicative Business Case adopted by Council on 9 December 2024.

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

Against: Deputy Mayor Jen Scoular, Crs Glen Crowther and Steve Morris

**CARRIED**

At 1.35pm the meeting adjourned.  
 At 2.10pm the meeting reconvened.

## 11.4 Street Dining License to Occupy Implementation Plan

**Timestamp: 4hours 40minutes**

**Staff** Nic Johannson, General Manager: Infrastructure  
Shawn Geard, City Centre Infrastructure Lead

### Reasons for decisions:

Changes were made to the recommendations to allow for a staged rollout to include charges for current areas this Annual Plan followed by a review of the bylaw. The proposed changes also provide a flat rate across all the zones with a 50% discount across all areas.

### RESOLUTION CO/25/5/9

Moved: Mayor Mahé Drysdale  
Seconded: Cr Rod Taylor

That the Council:

- (a) Receives the report "Street Dining License to Occupy Implementation Plan".

**CARRIED**

### RESOLUTION CO/25/5/10

Moved: Mayor Mahé Drysdale  
Seconded: Cr Rod Taylor

That the Council:

- (c) Approves Option 2a: Staged rollout to include charges for current areas this Annual Plan, followed by a review of the Street Use and Public Places Bylaw during FY26 in time for a full city implementation in the next Annual Plan.

**CARRIED**

### RESOLUTION CO/25/5/11

Moved: Mayor Mahé Drysdale  
Seconded: Cr Rod Taylor

That the Council

- (e) Amend the user fees and charges schedule for street dining adopted by Council on 3 March 2025 with \$100 per square metre at an 50% discount to apply to the areas covered by the bylaw from 1 July 2025.

In Favour: Mayor Mahé Drysdale, Crs Hautapu Baker, Marten Rozeboom, Kevin Schuler and Rod Taylor

Against: Crs Jen Scoular, Glen Crowther, Rick Curach and Steve Morris

**CARRIED**

## 11.5 Transport Resolutions Report: 54

**Timestamp: 5 hours 51 minutes**

**Staff** Nic Johansson, General Manager: Infrastructure  
Karen Hay, Manager: Network Safety and Sustainability  
Shawn Geard, City Centre Infrastructure Lead

### **RESOLUTION CO/25/5/12**

Moved: Cr Rod Taylor  
Seconded: Cr Kevin Schuler

That the Council:

- (a) Receives the report "Transport Resolutions Report: 54".
- (b) Resolves to amend the Traffic and Parking Bylaw 2023 by adopting the proposed traffic and parking controls relating to new subdivisions and minor changes for general safety, operational or amenity purposes, as per Attachment A of this report.
- (c) Confirms that parking on the ground floor of the Elizabeth Street carpark is P120 minutes, as per Attachment A of this report
- (d) The changes are to become effective on or after the 25<sup>th</sup> of March 2025 subject to installation of appropriate signs and road markings.

**CARRIED**

## **11.6 Remuneration for Tangata Whenua Representatives Appointed to Three Standing Committees**

**Timestamp: 6 hours 3 minutes**

**Staff** Christine Jones, General Manager: Strategy, Growth & Governance  
Coral Hair, Manager: Democracy and Governance Services  
Stacey Mareroa-Roberts, Manager: Strategic Māori Engagement

### **Reasons for decisions:**

- Change to remove the maximum number of days per year. Mayor will note a list of approved duties

**RESOLUTION CO/25/5/13**

Moved: Mayor Mahé Drysdale

Seconded: Deputy Mayor Jen Scoular

That the Council:

- (a) Receives the report "Remuneration for Tangata Whenua Representatives Appointed to Three Standing Committees".
- (b) Approves remuneration for the Tangata Whenua representatives on the City Future Committee, the City Delivery Committee and the Audit and Risk Committee at
  - (i) \$1,085 per Committee meeting, \$542 per workshop or approved duties.

In Favour: Crs Mahé Drysdale, Jen Scoular, Hautapu Baker, Rick Curach, Kevin Schuler and Rod Taylor

Against: Crs Glen Crowther, Steve Morris and Marten Rozeboom

**CARRIED**

At 4.05pm the meeting adjourned.

At 4.23pm the meeting reconvened.

The next two items were considered in the public part of the meeting

**11.7 Appointment of Tangata Whenua representatives to standing committees**

**Timestamp: 6 hours 52 minutes**

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

**RESOLUTION CO/25/5/14**

Moved: Deputy Mayor Jen Scoular

Seconded: Cr Rod Taylor

That the Council:

- (a) Receives the report "Appointment of Tangata Whenua representatives to standing committees".
- (b) Appoints the following Tangata Whenua representatives to the respective committees as set out below, based on the recommendations of Te Rangapū Mana Whenua o Tauranga Moana:

Committee	Name of representative
Audit and Risk Committee	Rohario Murray
City Future Committee	Arthur Flintoff
City Delivery Committee	Jacqui Rolleston-Steed

- (b) Notes that attachments 1, 2 and 3, the CVs of the appointees, are to remain in confidential.

In Favour: Mayor Mahé Drysdale, Crs Jen Scoular, Hautapu Baker, Glen Crowther, Rick Curach, Steve Morris, Kevin Schuler and Rod Taylor

Against: Cr Marten Rozeboom

**CARRIED**

## **11.8 Appointments to the Board - Bay Venues Limited, the Tauranga Art Gallery Trust and Tourism Bay of Plenty**

**Timestamp: 7 hours**

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

**Reasons for decision:**

- To enable further discussions with relevant parties and receive further information

**RESOLUTION CO/25/5/15**

Moved: Mayor Mahé Drysdale

Seconded: Cr Rick Curach

That the Council:

- (a) Receives the report "Appointments to the Board - Bay Venues Limited, the Tauranga Art Gallery Trust and Tourism Bay of Plenty".
- (b) That the item lies on the table until the Council meeting on 28 April 2025.

**CARRIED**

**12 DISCUSSION OF LATE ITEMS**

Nil

**13 PUBLIC EXCLUDED SESSION**

**Resolution to exclude the public**

**RESOLUTION CO/25/5/16**

Moved: Cr Hautapu Baker

Seconded: Deputy Mayor Jen Scoular

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
<b>13.1 - Public Excluded Minutes of the Council meeting held on 10 February 2025</b>	<p>s6(b) - The making available of the information would be likely to endanger the safety of any person</p> <p>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	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
<b>13.2 - Public Excluded Minutes of the Council meeting held on 24 February 2025</b>	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
<b>13.3 - Appointment of Tangata Whenua representatives to standing committees</b>	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

<b>13.4 - Appointments to the Board - Bay Venues Limited, the Tauranga Art Gallery Trust and Tourism Bay of Plenty</b>	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
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**CARRIED**

Noted that Item 13.3 and 13.4 were conducted in the open part of the meeting as items 11.7 and 11.8 respectively

## **14 CLOSING KARAKIA**

Cr Hautapu Baker closed the meeting with a karakia.

**The meeting closed at 6.08pm.**

**The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 28 April 2025.**

.....  
 Mayor Mahé Drysdale  
**CHAIRPERSON**

**7.3 Minutes of the Extraordinary Council meeting held on 25 March 2025**

**File Number:** A17911631

**Author:** Clare Sullivan, Team Leader: Governance Services

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

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**RECOMMENDATIONS**

That the Minutes of the Extraordinary Council meeting held on 25 March 2025 be confirmed as a true and correct record.

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**ATTACHMENTS**

- 1. Minutes of the Extraordinary Council meeting held on 25 March 2025**



# **MINUTES**

## **Extraordinary Council meeting Tuesday, 25 March 2025**

**Order of Business**

<b>1</b>	<b>Opening karaka.....</b>	<b>3</b>
<b>2</b>	<b>Apologies .....</b>	<b>3</b>
<b>3</b>	<b>Acceptance of late items .....</b>	<b>3</b>
<b>4</b>	<b>Confidential business to be transferred into the open.....</b>	<b>3</b>
<b>5</b>	<b>Change to the order of business .....</b>	<b>4</b>
<b>6</b>	<b>Declaration of conflicts of interest .....</b>	<b>4</b>
<b>7</b>	<b>Business.....</b>	<b>4</b>
	7.1 Draft Alcohol Licensing Fees Bylaw - Hearings .....	4
<b>8</b>	<b>Discussion of late items .....</b>	<b>6</b>
<b>9</b>	<b>Closing karakia .....</b>	<b>6</b>
	<b>Resolutions transferred into the open section of the meeting after discussion .....</b>	<b>6</b>

**MINUTES OF TAURANGA CITY COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE GROUND FLOOR, 306 CAMERON ROAD , TAURANGA  
ON TUESDAY, 25 MARCH 2025 AT 4:00 PM**

**PRESENT:** Mayor Mahé Drysdale, Deputy Mayor Jen Scoular, Cr Glen Crowther, Cr Rick Curach, Cr Steve Morris, Cr Marten Rozeboom, Cr Kevin Schuler, Cr Rod Taylor

**APOLOGIES:** Cr Hautapu Baker

**IN ATTENDANCE:** Sarah Omundsen (General Manager: Regulatory & Compliance), Clare Sullivan (Team Leader: Governance Services)

## **1 OPENING KARAKA**

Cr Kevin Schuler opened the meeting with a karakia.

## **2 APOLOGIES**

### **2.1 Resolution to receive apologies**

#### **RESOLUTION CO/25/0/1**

Moved: Cr Steve Morris

Seconded: Cr Marten Rozeboom

That the Council

Accepts the apologies of Cr Hautapu Baker.

**CARRIED**

## **3 ACCEPTANCE OF LATE ITEMS**

Nil

## **4 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**

Nil

## **5 CHANGE TO THE ORDER OF BUSINESS**

Nil

## **6 DECLARATION OF CONFLICTS OF INTEREST**

Cr Taylor noted that he was the holder of two liquor licences in the city he would observe but not participate in the meeting or vote on the issue.

## **7 BUSINESS**

### **7.1 Draft Alcohol Licensing Fees Bylaw - Hearings**

**Timestamp :04**

**Sebastian Miklos (via teams)**

**Key Points**

- Had been an alcohol inspector for Auckland Council and the Ministry of Justice for 14 years.
- Congratulate TCC for a good bylaw, noting that ratepayers should not fund the process.
- People adjust to the reduced hours of licenced premises.
- A licence for a concert should not be the same as it was for a wedding.

**Timestamp :09**

**Christine Gore – Vetro Mediterranean Foods**

**Key Points**

- All in the industry were working towards reducing alcohol harm and were on the same side as Council.
- Would like to work together with Council to reduce cumbersome costs of licencing and streamline the costs that fell on the businesses.
- There was no assessment on the impact of the bylaw on businesses, some of which add character to the city may fail due to costs.
- Increasing costs could lead to some outlets pushing more sales to cover costs which would not be ideal.
- There was only a 20-22% retail margin on alcohol in restaurants and taxes were already imposed on it.

**In response to questions**

- The submitter's rates were already increasing by 17% and the businesses were contributing to making Tauranga an attractive place to come to and ratepayers needed to be made aware of that.

**Timestamp :17**

**Kerry McCaffery**

**Key Points**

- There was currently an alcohol pandemic in Tauranga with 80% of adults drinking on a regular basis. 85% of drinkers were in the least deprived neighbourhoods.
- Much of drinks available had a high percentage of alcohol.
- Drink driving was common, many were not picked up and Police patrols needed to increase.
- Alcohol was now part of the weekly grocery shop.
- If an alcoholic wants to stop drinking there was no safe place for them to go and they were taking up medical time. A medical detox centre was required in Tauranga.

**Timestamp :24**

**Jennifer Lamm – Alcohol Healthwatch (via Teams)**

**Key Points**

- Commend Council on the bylaw specific to alcohol licencing fees as it was another key measure to reduce alcohol related harm with enforcement.
- Alcohol was the most harmful drug available in our society which had far reaching effects that harmed individuals, whanau and communities at a cost of \$9.1b annually.
- Local government had a role in promoting the social, economic and cultural wellbeing of its communities and alcohol regulation was an important control to create a safer environment, to reduce drinking and instances of alcohol harm.
- Supports the recovery of the cost of licencing as the licencing regulations had not kept pace with the cost and were overdue for a review.

**Timestamp :29****Harris William, Mt Maunganui Business Association****Key Points**

- Considered that Council did not adequately engage with affected parties before drafting the bylaw which had been created with a lack of detail context and transparency.
- Council were imposing more costs on businesses without placing internal scrutiny on its own systems.
- Queried whether a small restaurant would need to pay the same fee as a liquor store and why a business should pay for a hearing if the only objections were raised by the general public.
- Requested the Council to engage with stakeholders and provide a transparent breakdown of fees, cost and structures to allow meaningful feedback to be provided.

**In response to questions**

- In relation to whether it was a cost recovery or set fee, staff advised that the process was to allow Council to be able to set a fee with a separate decision making process around what the fee would be. The fee was currently fixed fee for each category.
- With the reallocation of the \$750,000 cost, there were factors and fairness that needed to be taken into account and the bylaw needed to go back to the drawing board.

**Timestamp :36****Luke van Veen, Hospitality New Zealand****Key Points**

- Recognise Council were facing cost pressures, but the hospitality industry was also overburdened with unnecessary costs with many struggling to continue to operate and others closing.
- Noted that the fees had not increased since 2013, and request that consideration be given to a 33% inflation adjustment rather than a 240% increase. Imposing the same increase on a \$15 drink would increase the sale to \$36.60.
- The proposal to take all costs from ratepayers ignored that the businesses were also ratepayers at a higher rate percentage than residential.
- There was no evidence to show that the costs could be recovered by other means and asked that Council look at streamlining its own system process efficiencies and undertake less hearings.
- Want to see fees set by licencing regulation.

**In response to questions**

- In answer to a query as to where Council could make improvements, the submitter noted that he was not aware of the Council process but it seemed to be a lot of people being involved and the timeline to sign off was lengthy. Applicants had to adhere strictly to the time constraints when applying for a licence, so it should be the same for Council to issue the licence.
- The industry want compliance and as a customer he was happy to assist with having those conversations but to date as a stakeholder he had not been approached.
- In response to a query as to where the responsibility of the cost lay, the submitter considered that there was an imbalance of costs and there were a lot of Council facilities that the businesses did not use but knew they had to pay for them. Most of the businesses sold alcohol in a controlled premise environment and Council should be investing in them to drive the community to flourish.
- Data could be provided on what other local authorities do and how they operated to compare them to TCC.

**Timestamp: : 53**

**Staff:** Sarah Omundsen, General Manager: Regulatory & Compliance

**In response to staff questions raised**

- Comparison information from other local authorities and an analysis of the decisions would be provided to Council in the upcoming report to set the fees. It would include a number of relevant factors including the number of staff, the time taken, the cost, the ratio of ratepayer and business to provide a benchmark and to ensure that all processes were being undertaken as efficiently as possible.

**RESOLUTION CO/25/0/2**

Moved: Cr Rick Curach

Seconded: Cr Glen Crowther

That the Council:

- (a) Receives the report "Draft Alcohol Licensing Fees Bylaw - Hearings".
- (b) Receives the submissions and feedback to the draft Alcohol Licensing Fees Bylaw (**Attachment One**).

**CARRIED**

**8 DISCUSSION OF LATE ITEMS**

Nil

**9 CLOSING KARAKIA**

Cr Kevin Schuler closed the meeting with a karakia.

**The meeting closed at 5.16 pm.**

**The minutes of this meeting were confirmed at the Ordinary meeting of the Tauranga City Council held on 28 April 2025.**

.....  
**CHAIRPERSON**

**8 DECLARATION OF CONFLICTS OF INTEREST**

**9 DEPUTATIONS, PRESENTATIONS, PETITIONS**

Nil

**10 RECOMMENDATIONS FROM OTHER COMMITTEES**

Nil

## 11 BUSINESS

### 11.1 Plan Change 27 (Flooding from Intense Rainfall): To Make Operative

**File Number:** A17108970

**Author:** Manasi Vaidya, Senior Policy Planner  
Janine Speedy, Team Leader: City Planning

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

#### PURPOSE OF THE REPORT

The purpose of this report is to approve and make operative Plan Change 27 (Flooding from intense rainfall) as part of the operative Tauranga City Plan.

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#### RECOMMENDATIONS

That the Council:

- (a) Receives the report "Plan Change 27 (Flooding from Intense Rainfall): To Make Operative".
- (b) Pursuant to Clause 17(1) of Schedule 1 of the Resource Management Act 1991, and Consent Order of the Environment Court dated 27 March 2025 (Decision No. [2025] NZEnvC 93) (Attachment 1) approves Plan Change 27 – Flooding from intense rainfall (Attachment 2) and authorises the Mayor and Chief Executive to affix the seal of Council to the plan change documents in accordance with Clause 17(3) of Schedule 1 of the Resource Management Act 1991.
- (c) Pursuant to Clause 20(2) of Schedule 1 of the Resource Management Act 1991, notifies that Plan Change 27 as approved shall become operative on 13 May 2025.

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#### EXECUTIVE SUMMARY

1. Tauranga has faced several significant flood events, notably in 2005, 2010, 2011, and 2013. These events prompted Council to invest in stormwater infrastructure upgrades and reconsider its flood risk management strategies. As an outcome of this process, in 2015 Council adopted the Integrated Stormwater Project (ISP) through the Long-Term Plan (2015-25). The ISP included implementing a regulatory response.
2. Plan Change 27 is the regulatory response to the ISP, focusing on managing flood hazard risk caused by intense rainfall through provisions in the Tauranga City Plan (City Plan).
3. Additionally, the Bay of Plenty Regional Policy Statement (RPS) mandates that the Council classify and reduce natural hazard risks, including flooding from intense rainfall, which must take into account climate change over the next 100 years. Plan Change 27 ensures the City Plan gives effect to the RPS and addresses significant risk from a natural hazard as required by the Resource Management Act 1991 (RMA).
4. The key provisions of the plan change include:
  - i. Protecting floodplains and overland flowpaths.
  - ii. Managing development in flood prone areas to ensure safety and proper evacuation routes.

- iii. Controlling displacement effects of water onto other properties from inappropriate subdivision and earthworks within flood prone areas, overland flowpaths and floodplains.
  - iv. Setting floor levels to minimise flood damage.
- 5. Plan Change 27 was publicly notified on 16 November 2020, following Council adoption on 13 October 2020. An Independent Hearings Panel (IHP) heard the plan change from 30 November to 2 December 2021. The IHP recommendations were notified on 11 April 2022, with a subsequent appeal period.
  - 6. Three appeals were lodged with the Environment Court on 20 May 2022 by Aotearoa Park Development Limited (APDL), Bluehaven Developments Limited (Bluehaven) and Urban Taskforce for Tauranga Incorporated (UTF). There were twenty parties to the appeals.
  - 7. Following further discussions between staff and APDL, the APDL appeal was withdrawn on 10 November 2023.
  - 8. Following further discussions between staff and Bluehaven and UTF, the consent order was signed by all parties and filed with the Environment Court on 29 November 2024.
  - 9. The appeals relating to Plan Change 27 have been disposed. The plan change is now required to be made operative in accordance with the RMA.

## BACKGROUND

- 10. Historically, Tauranga has experienced a number of major flood events from intense rainfall, the most significant being the localised flooding as a result of a 1% Annual Exceedance Probability (AEP)<sup>1</sup> rainfall event in May 2005 which caused substantial damage to private and public property.
- 11. Tauranga experienced further flood events in 2010, 2011 and a more significant localised flood event in 2013. Following the flood events of 2013, the ISP was adopted by Council through the Long-Term Plan 2015-25, which included undertaking flood modelling and mapping for a 1% AEP present day situation across the City. The purpose of the ISP was to identify the wider stormwater issues and implications so that Citywide flood risk management could be considered. As an outcome of this process, Council resolved to take the following risk reduction approach to stormwater management:
  - 1. A safety focused level of service (LoS), (reduction in risk to persons safety);
  - 2. Education;
  - 3. Residual risk and emergency management;
  - 4. Reactive response capacity (stormwater reactive reserve); and
  - 5. Regulatory response.
- 12. Plan Change 27 is the regulatory response to the ISP, following the completion of all other steps.

## Regulatory Response

- 13. The RPS includes objectives and policies which require Council, prior to any development or redevelopment to classify and reduce the risk of natural hazards, including flooding from intense rainfall. The RPS requires the Council to take into account climate change over at least the next 100 years.
- 14. In order to classify the natural hazard risk of flooding, Council was required to undertake a risk assessment, including flood risk modelling and mapping. The flood models built for the

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<sup>1</sup> A 1% AEP (or 1-in-100 year) rainfall event is an intense rainfall event that has a 1% chance of occurring in any given year.

ISP were updated to identify flood risk in a 1% AEP rainfall event, taking into account the effects of climate change<sup>2</sup> as of the year 2130, as required by the RPS. The risk assessment identified that the flood risk in Tauranga is High. There is ongoing flood modelling programme to ensure the models are up to date taking into account factors such as a change in landform.

15. Plan Change 27 includes objectives, policies and rules to manage flood hazards from intense rainfall. The key aspects of the provisions introduced through the plan change are:
  - a) Protect floodplains and overland flowpaths, because if managed inappropriately the effects can be hazardous, causing damage to life, property and infrastructure.
  - b) Manage development and redevelopment within flood prone areas, including safe evacuation from building and safety of people.
  - c) Manage displacement effects because development and earthworks can increase or cause flooding.
  - d) Manage floor levels to reduce damage caused by flooding to life and property.
16. Plan Change 27 is supported with an online mapping tool which is publicly available where floodplains, overland flowpaths and flood prone areas are located across the City with the modelling scenario set out in paragraph 14.
17. Plan Change 27 had legal effect since the date of notification, 16 November 2020, under s86B of the RMA, which means any property affected by flooding from intense rainfall has been assessed against the rules proposed in Plan Change 27 since this date.

### Notification and Hearing

18. The operative Tauranga City Plan is a statutory document that guides the Council in managing the effects of subdivision, use, and development under s31 of the RMA. As a dynamic document, it can be updated through the plan change process, allowing adjustments to address resource management issues outside of a full plan review.
19. The work on a flood hazard plan change commenced in 2018, following Council direction. Council adopted Plan Change 27 for public notification on 13 October 2020. Plan Change 27 was publicly notified on 16 November 2020. Ten open days were held during the public notification period and one-on-one consultation was available with affected property owners until 28 January 2021.
20. The plan change was heard by an Independent Hearings Panel (IHP) from 30th November to 2nd December 2021. The decisions to approve the plan change was notified on 11 April 2022 and three appeals were lodged with the Environment Court on 20 May 2022 by:
  - Aotearoa Park Development Limited (ENV-2022-AKL-000114)
  - Bluehaven Developments Limited (ENV-2022-AKL-000115)
  - Urban Taskforce for Tauranga Incorporated (ENV-2022-AKL-000118)
21. There were twenty parties to the appeals, who participated in the appeal proceedings (section 274 parties).

### Appeals

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<sup>2</sup> The climate change and sea level rise is based on the Representative Concentration Pathway (RCP) 8.5 median scenario.

22. The APDL appeal sought either that Plan Change 27 be declined or amended to include spatial flood maps into the City Plan and include a matter of discretion that provides recognition of the reasonable use of a site if already zoned for urban use.
23. The Bluehaven appeal sought to exclude the Wairakei Urban Growth Area from Plan Change 27 and further relief to address concerns relating to the Council's flood hazard mapping process.
24. The UTF appeal sought that Plan Change 27 be declined due to concerns about the Council's flood hazard mapping process and exclusion of the maps from the City Plan, consistency with higher order planning instruments and Part 2 of the RMA, and adequacy of the section 32 evaluation report.

### **Mediation**

25. Court-assisted mediation took place on 11 and 12 October 2022, which was attended by Council staff, the three appellants and a number of s274 parties. A number of steps agreed at mediation relate to matters which sit outside the City Plan, but which have been agreed with the appellants, including:
  - a) Amending the Flood Hazard Modelling and Mapping Practice Note and uploading it to the Council website, addressing various matters broadly relating to the management of the modelling and mapping processes, model accessibility;
  - b) A meeting of experts nominated by the parties, for the purpose of reaching a common understanding on the appropriateness of the model inputs and agreeing on recommendations to improve accuracy and validity;
  - c) Updating and re-evaluating the rainfall depth used in the flood modelling, with a further peer review process;
  - d) Minor amendments to the Tauranga City Council Infrastructure Development Code;
  - e) A review of the flood hazard information and agreed wording provided in Land Information Memoranda (LIMs) for properties within the Wairakei Urban Growth Area;
  - f) Confirming that Council will continue to undertake and/or accept site-specific flood risk evaluations;
  - g) Confirming that the flood maps will remain outside the City Plan; and
  - h) Amending the provisions to simplify and clarify the rules.

### **Resolution and Next Steps**

26. Following the mediation, further discussions were undertaken between staff and the technical expert engaged by APDL, specifically regarding the management of onsite flooding. Subsequently an agreement was reached on possible resource consent pathways to manage the impact of the overland flowpath. The appeal by APDL was withdrawn on 10 November 2023.
27. Upon the completion of the steps agreed to through mediation, undertaken between October 2022 and November 2024, the consent order was signed by Council, Bluehaven and UTF and filed with the Environment Court on 29 November 2024.
28. The Environment Court issued the Consent Order (Attachment 1) on 27 March 2025.
29. As the appeals relating to Plan Change 27 have been disposed of, the plan change is now required to be approved, as amended by the Consent Order, in accordance with clause 17(2) of Schedule 1 of the RMA. This approval necessitates a Council resolution, public notification, and amendments to the City Plan text to give effect to the decision. The remaining steps constitute an administrative process.

## STATUTORY CONTEXT

30. Relevant statutory provisions are addressed in paragraph 29 above. Pursuant to clause 17(3), the Mayor and Chief Executive are authorised to affix the Council's seal as formal evidence of approval. Plan Change 27 will then be made operative under clause 20(2) of Schedule 1 of the RMA.

## STRATEGIC ALIGNMENT

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

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

32. Tauranga city is currently facing high population growth. Council is required to provide housing capacity to cater for the increasing population. Plan Change 27 ensures that as Tauranga continues to grow, development and redevelopment occurs in a manner that reduces the risk of flooding from intense rainfall over time.
33. Plan Change 27 is the regulatory response to the wider ISP and gives effect to the natural hazard policies in the RPS, consistent with the city's key strategic outcome to have a well-planned city, through managing development and redevelopment within Tauranga while reducing the risk of flooding to life, property and infrastructure from intense rainfall events over time.

## FINANCIAL CONSIDERATIONS

34. The remaining costs are only associated with the preparation and release of the public notice and process of updating the City Plan. These are covered within the existing budget for the plan change.

## LEGAL IMPLICATIONS / RISKS

35. There are no legal implications / risks involved in approving and then making Plan Change 27 operative given that the plan change has been through all necessary statutory processes.

## TE AO MĀORI APPROACH

36. This was considered through the earlier phases of the plan change process, including staff having undertaken consultation with relevant iwi and hapu representatives throughout the plan change process.

## CLIMATE IMPACT

37. Plan Change 27 has been prepared with consideration to the effects of climate change on flooding from intense rainfall event. The definitions introduced through Plan Change 27 require planning for a 1% AEP rainfall event concurrent with a 5% AEP storm-tide event, taking into account the effects of climate change on rainfall and sea level based on the Representative Concentration Pathway (RCP) 8.5 median scenario as of the year 2130.

## CONSULTATION / ENGAGEMENT

38. Consultation is not necessary at this point. The release of the public notice will be for information purposes only and to satisfy the statutory requirements set out under the RMA.

### SIGNIFICANCE

39. 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.
40. 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.
41. In accordance with the considerations above, criteria and thresholds in the policy, the plan change is of medium significance, however the decision to make the plan change operative is of low significance because the plan change has been through a significant engagement process in accordance with Schedule 1 of the RMA, and the plan change is already in effect.



### ENGAGEMENT

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

### NEXT STEPS

43. In accordance with Clause 20 of Schedule 1 of the RMA, Council must publicly notify the date on which Plan Change 27 will become operative. This notice must be issued at least five working days prior to the operative date, which is proposed as 13 May 2025.
44. Following this, the City Plan will be updated to formally incorporate the approved provisions of the plan change. In accordance with the RMA, a copy of the plan change will then be provided to specified persons including the tangata whenua of the area.

### ATTACHMENTS

1. **Consent Order - Bluehaven Management & Urban Taskforce v TCC -ENV-2022-AKL-115 & 118 - 2025 NZEnvC 93 - A17844956** [↓](#) 
2. **FINAL\_PC27 Flooding from intense rainfall\_ IHP Decision and provisions combined\_pdf - A13337839** [↓](#) 

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHĪ**

**Decision No. [2025] NZEnvC 93**

IN THE MATTER	of the Resource Management Act 1991
AND	appeals under cl 14 of Schedule 1 of the Act
BETWEEN	BLUEHAVEN MANAGEMENT LIMITED
	(ENV-2022-AKL-115)
	URBAN TASKFORCE FOR TAURANGA INCORPORATED
	(ENV-2022-AKL-118)
	Appellants
AND	TAURANGA CITY COUNCIL
	Respondent

Environment Judge K G Reid – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 27 March 2025

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**CONSENT ORDER**

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A: Under s279(1)(b) RMA,<sup>1</sup> the Environment Court, by consent, orders that:

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<sup>1</sup> Resource Management Act 1991.

BLUEHAVEN MANAGEMENT LTD v TCD – CONSENT ORDER

- (1) the appeals are allowed to the extent that the provisions are amended in accordance with Appendix 1 to this order; and
- (2) the appeals are otherwise dismissed.

B: Under s285 RMA, there is no order as to costs.

## **REASONS**

### **Introduction**

[1] These appeals relate to the decision of Tauranga City Council (City Council) on the proposed Plan Change 27 (PC 27) to the Tauranga City Plan (City Plan).

[2] PC 27 includes objectives, policies and rules to manage flood hazards from intense rainfall. The planning framework differentiates between three types of flood area: floodplains, overland flowpaths (minor or major) and flood prone areas. Each of these has a different approach, reflected in the objectives, policies, activity classifications and standards.

[3] These flood hazard areas are prescribed in definitions which specify key parameters (1% AEP, year 2130 climate and RCP 8.5 median scenario). The decisions version of PC 27 included notes under the definitions referring to indicative maps that sit outside the Tauranga City Plan. Requirements for resource consent are triggered by activities being proposed in areas which satisfy the parameters specified in the definitions.

[4] PC 27 was notified on 16 November 2020, following an initial feedback process involving the development community, Tauranga Moana Iwi and Hapū, and Iwi authorities. Submissions on PC 27 were heard by Independent Hearing Commissioners from 30 November 2021 to 2 December 2021. In their decision dated 21 March 2022, the Independent Hearing Commissioners recommended that PC 27 be approved with amendments to the notified version.

[5] Appeals against PC 27 were lodged by Bluehaven Management Limited (Bluehaven), Urban Taskforce for Tauranga Inc (UTF) and Aotearoa Park Developments Limited (APDL) on 20 May 2022, although the appeal by APDL was subsequently withdrawn.

[6] The following parties have an interest in the appeals under s274 of the RMA and have signed the memorandum setting out the relief sought:

***ENV-2022-AKL-000115: Bluehaven Management Limited v Tauranga City Council***

- Bay of Plenty Regional Council
- Kāinga Ora - Homes and Communities
- Palm Springs Limited
- Te Kapu O Waitaha Iwi Trust
- UTF

***ENV-2022-AKL-000118: Urban Taskforce for Tauranga Incorporated v Tauranga City Council***

- Barrett Homes Limited
- Bay of Plenty Regional Council
- Bluehaven
- Classic Developments NZ Limited
- Colchester Capital Limited
- Element IMF Limited
- JWL Investment Trust
- Kāinga Ora - Homes and Communities
- Peter Linde
- Erin Nicholson
- Peter Nicholson
- Vojtech Nosek
- Palm Springs Limited

- RGB Holdings Limited
- Adam Ross
- Sun Pacific Villas Body Corporate S45940/ John Pullar
- Tauranga Property Consortium No.1 Limited Partnership
- Te Kapu O Waitaha Iwi Trust
- Te One Trust
- Zariba Holdings Limited

[7] Court-assisted mediation took place in Tauranga on 11 and 12 October 2022. Following mediation, the parties have been engaged in discussions to resolve the appeals without the need for a court hearing.

**Agreement reached**

[8] Subject to approval by the court, the parties have agreed to amend PC 27 as follows:

- (a) changes to the notes for the flood hazard area definitions (floodplains, overland flowpaths (minor or major) and flood prone areas) to clarify the relationship between site-specific technical reports or more up-to-date information and the City Council's GIS layer, in particular:
  - (i) the GIS layer is indicative, but the City Council accepts that the flood hazard area definitions do not apply to land which is shown as being outside the flood hazard areas on the indicative GIS layer;
  - (ii) the City Council will accept a site-specific technical report as prevailing over the indicative maps depicted in the GIS layer, provided the report uses the parameters in the flood hazard area definitions and the report (including any assumptions) is free from errors which materially affect the modelled extent, depth and flow characteristics of the flood hazard area; and
  - (iii) where the City Council's stormwater model has been updated

utilising more up-to-date or site-specific information, this will prevail over the indicative flood hazard areas depicted in the GIS layer.

- (b) changes to the definitions of social and cultural building and stormwater management devices for clarity;
- (c) changes to clarify the status of activities in the Road Zone, the status of new roads within flood hazard areas and include a matter of discretion relating to changes in levels – Rule 4C.2.1, Section 8D Purpose, Table 8D.1 and Matter of Discretion 8D.4.2.3;
- (d) changes so as to not preclude limited notification of restricted discretionary activities – Rule 8D.2.3;
- (e) various other amendments for clarity, consistency and brevity including:
  - (i) changes to the Section 8A Purpose to clarify the City Council’s role as an infrastructure provider;
  - (ii) changes to substitute references to “neighbouring properties or properties upstream or downstream” with the more concise words “other properties” – Rule 4C.3.2.7 and Matters of Discretion 8D.4.2.1, 8D.4.2.2, 8D.4.2.3, 8D.4.2.4 and 8D.4.2.5;
  - (iii) changes to use more accurate language to refer to flood risk being “not increased” rather than “not transferred” – Policy 8D.1.1.2, Policy 8D.1.1.4 and Policy 8D.1.1.5;
  - (iv) changes to use clearer language which focuses on ensuring that activities do not obstruct an overland flowpath rather than restricting activities that *may* obstruct an overland flowpath – Policy 8D.1.1.2;
  - (v) changes to use clearer language which focuses on reducing risk rather than managing activities – Policy 8D.1.1.3 and Policy 8D.1.1.5; and
  - (vi) other minor changes – Rule 4C.3.2.7, Policy 8C.1.1.1, Policy 8D.1.1.1, Rule 8D.2.2, Rule 8D.4.2.1, Rule 8D.4.2.2, Rule 8D.4.2.3 and Rule 12A.6.3.8.

**Consideration**

[9] In making these orders the court has read and considered:

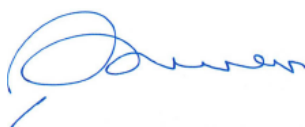
- (a) the City Council's decision on PC 27;
- (b) the notices of appeal filed by the appellants; and
- (c) the joint memorandum of counsel in support of the draft consent order dated 29 November 2024.

[10] The court is making this order under s279(1)(b) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s279. The court understands for present purposes that:

- (a) all parties to the proceedings agree to the granting of the consent order; and
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and satisfy the relevant considerations under the RMA and relevant statutory planning documents.

**Outcome**

[11] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



**K G Reid**  
Environment Judge





**APPENDIX 1 – AMENDMENTS  
TO PROPOSED PLAN CHANGE**



# **TAURANGA CITY COUNCIL**

## **OPERATIVE CITY PLAN**

### **Plan Change 27 - Flooding from intense rainfall**

## Chapter 3 - Definitions

### ***annual exceedance probability (AEP)***

Means the probability that a *natural hazard* event of a certain size will occur, or will be exceeded, in a time of one year.

### ***critical buildings***

Means *activities*, landuse, *buildings* and *structures*:

- a) Operated by agencies assisting the public in times of emergency, including Fire and Emergency New Zealand, the New Zealand Police, the Coastguard and ambulance services (including air ambulance services);
- b) Public and private hospitals and other similar facilities providing emergency medical services;
- c) Civic Defence Emergency centres

### ***flood depth***

Means the depth of water measured from the ground to the top water level in a flood.

### ***flood level***

Means the top water level in the 1% *annual exceedance probability (AEP)* rainfall event concurrent with a 5% *annual exceedance probability (AEP) storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130.

### ***floodplain***

Means the land near a stream or river channel, susceptible to flooding in the 1% *annual exceedance probability (AEP)* rainfall event concurrent with a 5% *annual exceedance probability (AEP) storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130.

~~Note: The Council holds publicly available information showing the modelled extent of floodplain(s) affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held site-specific information as well as any relevant information and technical assessments provided by any person(s) when assessing the current applicability of the floodplain definition to a particular site.~~

Note: The Council holds publicly available information showing the modelled extent of floodplain(s) affecting specific properties as a layer within its GIS viewer (GIS layer). The GIS layer is indicative only, although Council accepts that the definition of floodplain does not apply to land which is shown as being outside the floodplain on the GIS layer.

The Council will consider publicly held site-specific information as well as any relevant information which may confirm that the floodplain definition does not apply to a particular site.

Any person may provide the Council with a site-specific technical report prepared by a suitably qualified and experienced chartered professional engineer to establish the extent, depth and flow characteristics of the floodplain. The Council will accept such a site-specific technical report as prevailing over the indicative floodplain map depicted in the GIS layer, provided the report uses the parameters in the definition above and the report (including any assumptions) is free from errors which materially affect the modelled extent, depth and flow characteristics of the floodplain.

Where the Council's stormwater model has been updated utilising more up-to-date or site-specific information, this will prevail over the indicative floodplain depicted in the GIS layer.

The Council will continue to update the GIS layer, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development.

### ***flood prone area***

Means the land susceptible to flooding in the 1% *annual exceedence probability (AEP)* rainfall event concurrent with a 5% *annual exceedence probability (AEP) storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130, but is not within the definition of *overland flowpath* or *floodplain*.

~~Note: The Council holds publicly available information showing the modelled extent of flood prone area(s) affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held site-specific information as well as any relevant information and technical assessments provided by any person(s) when assessing the current applicability of the flood prone area definition to a particular site.~~

Note: The Council holds publicly available information showing the modelled extent of flood prone area(s) affecting specific properties as a layer within its GIS viewer (GIS layer). The GIS layer is indicative only, although Council accepts that the definition of flood prone area does not apply to land which is shown as being outside the flood prone area on the GIS layer.

The Council will consider publicly held site-specific information as well as any relevant information which may confirm that the flood prone area definition does not apply to a particular site.

Any person may provide the Council with a site-specific technical report prepared by a suitably qualified and experienced chartered professional engineer to establish the extent, depth and flow characteristics of the flood prone area. The Council will accept such a site-specific technical report as prevailing over the indicative flood prone area depicted in the GIS layer, provided the report uses the parameters in the definition above and the report (including any assumptions) is free from errors which materially affect the modelled extent, depth and flow characteristics of the flood prone area.

Where the Council's stormwater model has been updated utilising more up-to-date or site-specific information, this will prevail over the indicative flood prone area depicted in the GIS layer.

The Council will continue to update the GIS layer, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development.

### ***freeboard***

Means the minimum height of the finished floor level above the *flood level*.

***habitable room***

Means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom and office or other room specified in *the Plan* to be a similarly occupied room.

***impervious surfaces***

Means an area with a surface which prevents the infiltration of rainfall into the ground. For the purposes of this definition *impervious surfaces* include:

- a) roofs;
- b) paved areas including driveways and sealed/compacted unsealed parking areas;
- c) swimming pools;
- d) sealed and compacted unsealed roads; and
- e) soil layers engineered to be impervious such as compacted clay.

For the purposes of this definition *impervious surfaces* excludes:

- a) any natural surface;
- b) grass and bush areas;
- c) gardens and other vegetated areas;
- d) porous or permeable paving and living roofs;
- e) permeable artificial surfaces, fields or lawns;
- f) slatted decks; and
- g) *stormwater management devices* not located beneath sealed or compacted surfaces.

***land drainage works***

Means drainage works of any sort, including the making of drains for receiving water in its natural flow and diverting the same to prevent its overflow on to any other lands on a lower level, as well as drains for carrying off water from any lands.

***major overland flowpath***

Means an *overland flowpath* with a contributing catchment of 2 hectares or more.

~~Note: The Council holds publicly available information showing the modelled extent of major overland flowpath(s) affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held site-specific information as well as any relevant information and technical assessments provided by any person(s) when assessing the current applicability of the major overland flowpath definition to a particular site.~~

Note: The Council holds publicly available information showing the modelled extent of major overland flowpath(s) affecting specific properties as a layer within its GIS viewer (GIS layer). The GIS layer is indicative only, although

Council accepts that the definition of major overland flowpath does not apply to land which is shown as being outside the major overland flowpath on the GIS layer.

The Council will consider publicly held site-specific information as well as any relevant information which may confirm that the major overland flowpath definition does not apply to a particular site.

Any person may provide the Council with a site-specific technical report prepared by a suitably qualified and experienced chartered professional engineer to establish the extent, depth and flow characteristics of the major overland flowpath. The Council will accept such a site-specific technical report as prevailing over the indicative major overland flowpath depicted in the GIS layer, provided the report uses the parameters in the definition above and the report (including any assumptions) is free from errors which materially affect the modelled extent, depth and flow characteristics of the major overland flowpath.

Where the Council's stormwater model has been updated utilising more up-to-date or site-specific information, this will prevail over the indicative major overland flowpath depicted in the GIS layer.

The Council will continue to update the GIS layer, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development.

### ***marae***

Means a specific area containing a complex of *buildings* which a hapū regards as their base for hosting meetings and other ceremonial occasions (hui).

### ***minor overland flowpath***

Means an *overland flowpath* with a contributing catchment which is less than 2 hectares in area.

~~Note: The Council holds publicly available information showing the modelled extent of minor overland flowpath(s) affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held site-specific information as well as information and technical assessments provided by any person(s) when assessing the current applicability of the minor overland flowpath definition to a particular site.~~

Note: The Council holds publicly available information showing the modelled extent of minor overland flowpath(s) affecting specific properties as a layer within its GIS viewer (GIS layer). The minor overland flowpath map is indicative only, although Council accepts that the definition of minor overland flowpath does not apply to land which is shown as being outside the minor overland flowpath on the GIS layer.

The Council will consider publicly held site-specific information as well as any relevant information which may confirm that the minor overland flowpath definition does not apply to a particular site.

Any person may provide the Council with a site-specific technical report prepared by a suitably qualified and experienced chartered professional engineer to establish the extent, depth and flow characteristics of the minor overland flowpath. The Council will accept such a site-specific technical report as prevailing over the indicative minor overland flowpath depicted in the GIS layer, provided the report uses the parameters in the definition above and the report (including any assumptions) is free from errors which materially affect the modelled extent, depth and flow characteristics of the minor overland flowpath.

Where the Council's stormwater model has been updated utilising more up-to-date or site-specific information, this will prevail over the indicative minor overland flowpath depicted in the GIS layer.

The Council will continue to update the GIS layer, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development.

***social and cultural building***

For the purpose of *Chapter 8 – Natural Hazards*, means ~~buildings and structures~~ for places of worship, art galleries, museums, libraries, ~~community centres~~, community halls, clubrooms, rest homes and education facilities.

***storm-tide event***

Means the total observed seawater level which is the combination of storm surge and normal high tide.

***stormwater management devices***

Means a device or facility used to reduce stormwater runoff volume, flow and/or contaminant loads prior to discharge. This includes but is not limited to:

- a) rain gardens and swales;
- b) ~~designed~~ permeable paving with below ground storage;
- c) rainwater tank;
- d) infiltration trenches;
- e) sand filters;
- f) green roofs;
- g) wetlands;
- h) ponds;
- i) proprietary treatment devices; and
- j) soakholes and soakpits.

***overland flowpath***

Means the land overflown by a concentrated flow of water resulting from a 1% *annual exceedence probability (AEP)* rainfall event concurrent with a 5% *annual exceedence probability (AEP) storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130, as it flows towards the stormwater network, streams, rivers, harbour or the coast. *Overland flowpath* includes a secondary flowpath which is activated when the primary (often piped) stormwater system gets blocked or when the capacity of the piped system is exceeded. For the purposes of this definition, an *overland flowpath* includes an artificially designed route using formed or hard surfaces.

~~Note: The Council holds publicly available information showing the modelled extent of overland flowpath(s) affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held site-specific information as well as information and technical assessments provided by any person(s) when assessing the current applicability of the overland flowpath definition to a particular site.~~

Note: The Council holds publicly available information showing the modelled extent of overland flowpath(s) affecting specific properties as a layer within its GIS viewer (GIS layer). The GIS layer is indicative only, although

Council accepts that the definition of overland flowpath does not apply to land which is shown as being outside the overland flowpath on the GIS layer.

The Council will consider publicly held site-specific information as well as any relevant information which may confirm that the overland flowpath definition does not apply to a particular site.

Any person may provide the Council with a site-specific technical report prepared by a suitably qualified and experienced chartered professional engineer to establish the extent, depth and flow characteristics of the overland flowpath. The Council will accept such a site-specific technical report as prevailing over the indicative overland flowpath depicted in the GIS layer, provided the report uses the parameters in the definition above and the report (including any assumptions) is free from errors which materially affect the modelled extent, depth and flow characteristics of the overland flowpath.

Where the Council's stormwater model has been updated utilising more up-to-date or site-specific information, this will prevail over the indicative overland flowpath depicted in the GIS layer.

The Council will continue to update the GIS layer, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development.

## Chapter 4 – General Rules

### 4C.1.1.3 Policy – Flood Hazard Plan Area

By ensuring the potential adverse flooding effects to property are minimised where earthworks occur on land containing watercourses, overland flow paths, ponding areas and/or land subject to inundation by harbour and coastal waters.

### 4C.2.1 Exemptions to the Permitted Activity Rules

- a) The following *activities* are permitted and exempt from *Rule 4C.2.2 – All Zones* through *Rule ~~4C.2.10 – Floodplains, Major Overland Flowpaths and Flood Prone Areas~~ 4C.2.9 High-Voltage Transmission Plan Area*:
  - i) *Earthworks* consented as part of a *subdivision* consent approved by *Council* where the scope and extent of *earthworks* has been specifically described in the application in accordance with *Rule 12B.3.1.5 – Earthworks*; *Rule 12C.3.1.3 – Earthworks*, *Rule 12D.3.1.2 – Earthworks*; or *Rule 12E.3.1.4 – Earthworks*;
  - ii) *Earthworks* in the *Road Zone*;
  - iii) *Earthworks* associated with the maintenance, renewal and *minor upgrading (in relation to electric lines)* of *network utilities* listed in *Chapter 10 – Network Utilities and Designations* subject to *Rule 10A.5.9 – Establishment, Maintenance or Demolition of a Network Utility*;
  - iv) *Earthworks* associated with the construction of *stormwater reserves*.
  - v) *Earthworks* for domestic gardening;
  - vi) *Earthworks* for grave digging;
  - vii) *Earthworks* for archaeological investigations authorized by Heritage New Zealand, subject to the written approval of Transpower being clearly endorsed on all relevant investigation *site* plans where those investigations occur within the High Voltage Transmission Plan Area identified on the *Plan Maps, Part B*.
- b) The following activities are permitted and exempt from *Rule 4C.2.10 Floodplains, Major Overland Flowpaths and Flood Prone Areas*:
  - i) *Earthworks* consented as part of a *subdivision* consent approved by *Council* where the scope and extent of *earthworks* has been specifically described in the application in accordance with *Rule 12B.3.1.5 – Earthworks*; *Rule 12C.3.1.3 – Earthworks*, *Rule 12D.3.1.2 – Earthworks*; or *Rule 12E.3.1.4 – Earthworks*;
  - ii) *Earthworks* in the *Road Zone*.

### 4C.2.2 All Zones

In addition to *Rule 4C.2.3 – Tauriko Business Estate* through to *Rule 4C.2.10 – Floodplains, Major Overland Flowpaths and Flood Prone Areas*, *earthworks* are a Permitted Activity providing:

- a) They are ancillary to the physical works required to establish a Permitted Activity within that zone;

- b) Any *earthworks*, exposing more than 100m<sup>2</sup> of area shall apply, as a minimum, the following erosion and sediment control measures (where applicable) to control sediment within the *site(s)* upon which the *earthworks* are occurring:
- i) A single access is constructed and used to prevent vehicle tracking of material off the *site(s)*;
  - ii) Stormwater inlet protection, a perimeter silt fence or other barrier is installed;
  - iii) Material stockpiles are placed upslope of the silt fence or other barrier and are covered when not in use;
  - iv) Temporary or permanent downpipes are connected to the stormwater system;
  - v) Surface water is diverted away from, or prevented from, running over bare soil; and
  - vi) Sediment-laden water from the works area is treated on the *site(s)*.

Rule 4C.2.2 b) shall not apply to *earthworks* that: have resource consent under the Bay of Plenty Regional Council Regional Natural Resources Plan or are ancillary to *primary production*;

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Note: Council's Sediment and Erosion Control Guideline provides guidance and examples of sediment and erosion control measures/materials for different site circumstances to assist the selection of the best practice measures for erosion and sediment control.

Note: The Bay of Plenty Regional Council also has Erosion and Sediment Control Guidelines for Land Disturbing Activities which apply to activities/consents under the Bay of Plenty Regional Council Regional Natural Resources Plan.

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- c) Any single cut on a *site* 1.5 metres in height or higher (either as a single cut or combination of cuts) where the angle of cut is 45° or greater is retained either before *construction* of any *building* foundations or retained no later than 3 months after that cut being created. This rule shall not apply to *earthworks* in the Rural Zone unless those *earthworks* are associated with *construction* of a *building*;
- d) They do not take place within the *drip-line* of a *Notable Tree* or *Heritage Tree*;
- e) They do not take place on any *site* that includes *potentially contaminated land*, unless:
  - i) A consent for remediation has been obtained from the Bay of Plenty Regional Council;
  - ii) A *site* investigation report prepared by a suitably qualified contaminated *site* investigator is submitted to the *Council* in accordance with Ministry for the Environment Guideline No.1 – Reporting on Contaminated Sites in New Zealand demonstrating that either the *site* does not have *potentially contaminated land* or the *potentially contaminated land* is separated from the *earthworks* by a safe distance (determined by the substance causing soil contamination);
  - iii) Consent has been obtained pursuant to *Rule 9B.3 – Restricted Discretionary Rules*;
  - iv) The provisions of *Rule 9B.2.1 – Applicability to Subdivision and Land Use* apply;
- f) They are associated with sub-surface investigations of contaminated and *potentially contaminated land* to determine the presence, extent and nature of any contamination. This work shall be coordinated by a suitably qualified contaminated *site* investigator.

**4C.2.10 Floodplains, Major Overland Flowpaths and Flood Prone Areas**

In addition to *Rule 4C.2.2 – All Zones*, *earthworks* carried out between the *ground level* that existed at 16 November 2020 and the top *flood level* within a *floodplain*, *major overland flowpath* or *flood prone area* shall:

- a) Not exceed 10m<sup>3</sup> in net volume of fill above the *ground level* that existed at 16 November 2020; and
- b) Not raise *ground levels* by more than 300mm above the *ground level* that existed at 16 November 2020.

This rule shall not apply to *earthworks* that are ancillary to *primary production* or *earthworks* that are ancillary to the maintenance of stormwater assets, *public recreational facilities* and *activities* and *minor public recreational facilities and activities*.

Note: For the avoidance of doubt, non-compliance with both 4C.2.2 a) and 4C.2.2 b) is a Restricted Discretionary Activity in accordance with Rule 4C.3 – Restricted Discretionary Activity Rules.

**4C.3.2.7 For Earthworks in Floodplains, Major Overland Flowpaths and Flood Prone Areas**

In considering *earthworks* that do not comply with *Rule 4C.2.10 – Floodplains, Major Overland Flowpaths and Flood Prone Areas*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal mitigates on *site* flood risk;
- b) The extent to which the proposal avoids any increase in flood risk on other ~~neighbouring properties or properties upstream or downstream;~~
- c) The effects of the decrease of water storage or flood conveyance capacity of the major overland flowpath or floodplain;
- d) ~~Consistency with the objectives and policies in Chapter 8D – Flooding from Intense Rainfall.~~

## Chapter 8 – Natural Hazards

### 8A Purpose of the Natural Hazards Provisions

*Council* must recognise and provide for the management of significant risks from *natural hazards* as a matter of national importance.

*The City* is located on land that is geologically sensitive and partly in direct proximity to a dynamic *coastal environment*. It is also located within a volcanically active region which may present localised effects.

*Natural hazards* are defined in the *Resource Management Act*. *Natural hazards* identified within the Tauranga City environs include, but are not limited to:

- a) Earthquake induced subsidence and/or flooding, including liquefaction;
- b) Instability induced by highly compressible soils;
- c) Erosion and land slippage associated with relic land slips and slip debris or overly steep topography;
- d) Flooding associated with intense rainfall;
- e) Flooding associated with sea-level rise;
- f) Tsunami or coastal inundation and coastal erosion along and within the open and harbour coastlines.

Two key pieces of legislation empower *Council* to regulate ~~manage and control~~ *natural hazards*; the Resource Management Act 1991 and the Building Act 2004. Under the Resource Management Act 1991, *subdivision*, use and development is required to avoid, remedy or mitigate the effects of *natural hazards*.

The Building Act 2004 ~~confers~~ has similar responsibilities when granting *building* consents on land subject to specified *natural hazards*, with certain exceptions.

The emphasis in regulating the management of ~~the management of~~ *natural hazards* is to encourage people to avoid situations in which they, or their property, could be at risk.

Under the Local Government Act 2002, *Council* is required to plan for the management of its infrastructure assets, including flood protection and control works.

*Council* will take an integrated and catchment-wide approach to the management of stormwater and flooding through the use of comprehensive stormwater consents, catchment management plans and infrastructure upgrades.

*Subdivision*, use and development, and the protection of natural and physical resources contained within an area subject to, or likely to be subject to, a *natural hazard* are subject to the provisions in this Chapter.

The plan provisions take a risk management approach to controlling *activities* by assessing the level of risk according to the likelihood of *natural hazards* occurring and their potential consequence.

Flood hazard risk has been considered in terms of the following three category risk framework:

- a) High *natural hazard* risk is a level of risk beyond what should be tolerated;
- b) Medium *natural hazard* risk is a level of risk that exceeds the low level but does not meet the criteria for High risk; and

- c) Low *natural hazard* risk is the level of risk generally acceptable.

A low *natural hazard* risk must be achieved on development *sites* after completion of the development, without increasing risk outside of the development *site*.

### 8C.1.1 Objective - Avoidance or Mitigation in the Flood Hazard Plan Area

The adverse effects to property and the *environment* from flooding caused by harbour inundation are avoided or mitigated.

#### 8C.1.1.1 Policy - Avoidance or Mitigation in the Flood Hazard Plan Area

By ensuring *subdivision*, use and development in the Flood Hazard Plan Area ~~flood hazard plan area~~ is avoided or mitigated, unless:

- a) The risk to *buildings, structures* and surrounding properties is mitigated against;
- b) The natural functioning of flood plains or low-lying land as ponding areas is protected.

## 8D Purpose of Flooding from Intense Rainfall Provisions

The purpose of this section is to manage *activities affected by related to* flood hazards from intense rainfall, so that risk is not increased and is reduced over time.

The nature of risk and appropriate mitigation for intense rainfall related flooding can vary depending on the nature of the flood area. *Council* has therefore defined three types of flooding areas from intense rainfall events: *floodplains, overland flowpaths* and *flood prone areas*.

The purpose of these categories is to enable targeted control of *activities* which may introduce risk or adverse effects, while allowing *activities* which may be appropriate in or adjacent to the flood area. This section adopts the 1% *AEP* rainfall event taking into account climate change and sea level rise to give effect to the Bay of Plenty Regional Council Regional Policy Statement.

*Floodplains* are situated next to a river or stream. They carry out the important function of water storage and flood flow conveyance during a flood event. Development within a *floodplain* can cause an increase in flood risk, by either placing more people and assets within an area likely to be affected by flooding, and/or by increasing flood flows through loss of storage and conveyance function and diversions of flows such that additional adverse effects occur.

*Overland flowpaths* are part of the stormwater system to safely convey flood flows, which cannot get into or cannot be conveyed by the primary stormwater system and need to be managed in order to reduce nuisance or damage caused by flooding. *Overland flowpaths* throughout the City are often located on public roads and reserves. *Overland flowpaths* have been delineated into following categories:

- a) *Minor overland flowpath*: has a contributing catchment of less than 2ha.
- b) *Major overland flowpath*: has a contributing catchment of 2ha or more, meaning that the flowpath function serves a larger area. There is potentially greater onsite risk in a *major overland flowpath* and the possibility that the *major overland flowpath* will affect larger upstream and downstream land area than a *minor overland flowpath*.

*Flood prone areas* are areas which are flooded in a 1% *AEP* event, however, unlike *floodplains* and *overland flowpaths*, the flow of the water is much slower. Therefore, it is possible to develop in *flood prone areas* in certain circumstances provided flood risk to life and property is low or is mitigated.

Risk can vary on a site-by-site basis and the level of risk will inform the mitigation required.

*Council* holds publicly available information showing the modelled extent of *floodplains*, *overland flowpaths* and *flood prone areas*, which identify the locations and extent of these flood types. The maps are non-statutory and indicative only. *Council* will update the maps, including where further relevant *site-specific* information becomes available and to account for catchment changes as a result of infrastructure and land development. *Council* will consider publicly held *site-specific* information as well as information and technical assessments provided by any person(s) when assessing the current applicability of the *floodplains*, *overland flowpath* and *flood prone area* definitions to a particular *site*.

The Tauranga City Council Flooding from intense rainfall guideline is publicly available to aid in the understanding of the modelling and implementation of provisions in relation to flooding from intense rainfall. The guideline is non-statutory and will be periodically reviewed and updated by the *Council* as needed.

## **8D.1 Objectives and Policies for Areas Subject to Flooding from Intense Rainfall**

### **8D.1.1 Objective - Avoidance or mitigation of flooding from intense rainfall**

The flood risk to life, property and *infrastructure* resulting from *subdivision*, use and development of land is reduced over time taking into account the effects of climate change.

#### **8D.1.1.1 Policy – Floodplains - General**

Maintain the conveyance function and storage capacity of *floodplains* by:

- a) Restricting the infilling of *floodplains*; and
- b) Restricting *activities* and *subdivision* within the *floodplain*; ~~and~~
- e) ~~Restricting urban development and subdivision within the floodplain.~~

#### **8D.1.1.2 Policy - Overland Flowpaths - General**

Maintain the function of *overland flowpaths* to safely convey flood water and reduce risk to life, property and *infrastructure* by:

- a) Maintaining the water carrying capacity of an *overland flowpath*;
- b) Maintaining the water storage capacity of a *major overland flowpath*;
- c) ~~Restricting~~ Ensuring *activities* ~~that may do not~~ obstruct an *overland flowpath*;
- d) Ensuring that the risk of flooding ~~is not transferred~~ to other people, property or *infrastructure* is not increased; and
- e) Ensuring that the minimum *freeboard* level of *habitable rooms* is above the *flood level*; and
- f) Demonstrating that a safe evacuation route or refuge during flood events is provided.

#### **8D.1.1.3 Policy – Floodplains and Overland Flowpaths - Critical Buildings and Social and Cultural buildings**

~~Manage activities to~~ Reduce the risk to life and property by ~~from~~ flooding including:

- a) Avoiding new *critical buildings* being located within *floodplains* and *overland flowpaths*;
- b) Avoiding new *social and cultural buildings* being located within *floodplains* and *overland flowpaths*; and

- c) Restricting additions to existing *buildings* located within *floodplains* and *overland flowpaths*.

#### 8D.1.1.4 Policy – Flood Prone Area - General

Requiring new *buildings* and additions to existing *buildings* (other than *social and cultural buildings* and *critical buildings*) within the *flood prone area* to mitigate risks from flood hazards by:

- a) Requiring that the minimum *freeboard* level of *habitable rooms* is above the *flood level*
- b) Ensuring that the risk of flooding ~~is not transferred~~ to other people, property or *infrastructure* is not increased; and
- c) Ensuring that *business* and *industrial activities* are designed to minimise damage to goods and internal fittings caused by flooding.

#### 8D.1.1.5 Policy – Flood Prone Area – Social and Cultural Buildings and Critical Buildings

~~Manage activities to~~ Reduce the risk of flooding in *flood prone areas* by:

- a) Requiring new *social and cultural buildings* and *critical buildings* to be located outside *flood prone areas*; and
- b) Requiring the additions or alterations to existing *social and cultural building* and *critical buildings* located within *flood prone areas* to mitigate risks from flood hazard by:
  - i) Ensuring that the minimum *freeboard* level of *habitable rooms* is above the *flood level*; and
  - ii) Ensuring that the risk of flooding ~~is not transferred~~ to other people, property or *infrastructure* is not increased; and
  - iii) Demonstrate that a safe evacuation route or refuge during flood events is provided; and
  - iv) Ensuring *buildings* are designed to minimise damage caused by flooding; and
  - v) For *critical buildings* located within a *flood prone area*, ensuring that the *activity* within the *critical building* continues in its normal function during and after a 1% *AEP* rainfall event concurrent with a 5% *AEP storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130.

#### 8D.1.1.6 Policy - Impervious surfaces

Restrict on *site impervious surfaces* to manage the amount of *stormwater run-off* generated by a development and ensure that adverse effects of flooding are avoided or mitigated.

**8D.2 Activity Status Rules (Flooding from Intense Rainfall)****8D.2.1 Activities within Floodplains, Overland Flowpaths and Flood Prone Areas**

All activities within *overland flowpaths, floodplains and flood prone areas* shall have the status identified in *Table 8D.1: Flood Hazards Activity Status (Overland Flowpath, Floodplain and Flood Prone Area)*. Symbols used in *Table 8D.1: Flood Hazards Activity Status (Overland Flowpath, Floodplain and Flood Prone Area)* have the meaning described in *Table 1A.2: Activity Status*.

**Table 8D.1: Flood Hazards Activity Status (Overland Flowpath, Floodplain and Flood Prone Area)**

Use/Activity	Relevant Rule	Floodplain	Minor Overland Flowpath	Major Overland Flowpath	Flood Prone Area Flood depth 100-299mm	Flood Prone Area Flood depth 300mm or more
Additions to any lawfully established <i>buildings</i> unless otherwise stated in this table	-	P (Refer Rule 8D.3.4)	P (Refer Rule 8D.3.2)	P (Refer Rule 8D.3.3)	P (Refer Rule 8D.3.6)	P (Refer Rule 8D.3.6)
Additions to existing lawfully established <i>Social and Cultural buildings</i> and <i>Critical buildings</i>	-	D (Refer Rule 8D.5)	D (Refer Rule 8D.5)	D (Refer Rule 8D.5)	P (Refer Rule 8D.3.6)	P (Refer Rule 8D.3.6)
<i>Childcare or homebased childcare</i> within the <i>flood prone area</i>	-	n/a	n/a	n/a	D (Refer Rule 8D.5)	D (Refer Rule 8D.5)
Flood mitigation works within a <i>minor overland flowpath</i>	-	n/a	P (Refer Rule 8D.3.2)	n/a	n/a	n/a
New <i>Marae</i>	-	D (Refer Rule 8D.5)	D (Refer Rule 8D.5)	D (Refer Rule 8D.5)	P (Refer Rule 8D.3.5)	RD (Refer Rule 8D.4.2.4)
New <i>business activities</i> and <i>industrial activities</i>	-	D (Refer Rule 8D.5)	RD (Refer Rule 8D.4.2.2)	RD (Refer Rule 8D.4.2.3)	P (Refer Rule 8D.3.5)	RD (Refer Rule 8D.4.2.4)

Use/Activity	Relevant Rule	Floodplain	Minor Overland Flowpath	Major Overland Flowpath	Flood Prone Area Flood depth 100-299mm	Flood Prone Area Flood depth 300mm or more
<i>New residential building</i>	-	D (Refer Rule 8D.5)	RD (Refer Rule 8D.4.2.2)	RD (Refer Rule 8D.4.2.3)	P (Refer Rule 8D.3.5)	RD (Refer Rule 8D.4.2.4)
<i>New Social and Cultural buildings and Critical buildings</i>	-	NC (Refer Rule 8D.6)	NC (Refer Rule 8D.6)	NC (Refer Rule 8D.6)	D (Refer Rule 8D.5)	D (Refer Rule 8D.5)
<i>New Structures unless otherwise stated in this table</i>	-	P (Refer Rule 8D.3.4)	P (Refer Rule 8D.3.2)	P (Refer Rule 8D.3.3)	P (Refer Rule 8D.3.5)	P (Refer Rule 8D.3.5)
<u>Formation of new roads within the legal road</u>	<u>8D.3</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<i>Operation, maintenance, renewal, repair and minor upgrading of any infrastructure</i>	8D.3	P	P	P	P	P
<i>Operation, maintenance, renewal, repair and minor infrastructure upgrading of land drainage works and stormwater management devices</i>	8D.3	P	P	P	P	P
<i>Operation, maintenance, renewal and repair of road network activities within the legal road or road formation width</i>	8D.3	P	P	P	P	P

Use/Activity	Relevant Rule	Floodplain	Minor Overland Flowpath	Major Overland Flowpath	Flood Prone Area Flood depth 100-299mm	Flood Prone Area Flood depth 300mm or more
<i>Temporary activities</i>	8D.3	P	P	P	P	P
<i>Temporary Storage Areas</i>	-	P (Refer Rule 8D.3.3)	P (Refer Rule 8D.3.2)	P (Refer Rule 8D.3.3)	P (Refer Rule 8D.3.5)	P (Refer Rule 8D.3.5)
Walls and Fences	8D.3.1	P	P	P	n/a	n/a

### 8D.3 Permitted Activity Rules

*Note: Any activity that does not comply with a Permitted Activity Rule shall be considered a Restricted Discretionary Activity, unless stated otherwise.*

*Any activity not otherwise listed in Table 8D.1 shall be considered a Permitted Activity, subject to the relevant Permitted Activity Rules.*

#### 8D.3.1 Walls and Fences

Any fences and walls within the *floodplain* or *overland* flowpath shall be:

- Designed so that at least 70% of the surface area of the wall or fence is not solid to allow stormwater to flow through; or
- Solid fences and walls with an opening at ground level to retain the water carrying and water storage capacity of the *overland flowpath* or *floodplain*.

#### 8D.3.2 Minor Overland Flowpaths

Any permitted *activity* within the *minor overland flowpath* shall:

- Allow the stormwater to flow safely without causing damage to any *site* and/or *building*;
- Retain the water carrying capacity of the *overland flowpath*; and
- Retain the entry and exit points of the *overland flowpath* from the *site*.

#### 8D.3.3 Major Overland Flowpaths and Floodplains

Any permitted *activity* within the *major overland flowpath* or *floodplain* shall:

- Allow the stormwater to flow safely without causing damage to any *site* and/or *building*;
- Retain the water carrying capacity of the *major overland flowpath* or *floodplain*; and
- Retain the water storage capacity of the *major overland flowpath* or *floodplain*.

**8D.3.4 Additions in Floodplains**

Additions to any lawfully established *building* or *structure* within the *floodplain* beyond the *building* envelope or footprint of the existing *building* or *structure* shall:

- a) Not exceed 20m<sup>2</sup> of *gross floor area (GFA)* at *ground level*; and
- b) Have the following minimum *freeboard* level:
  - i) 500mm for *habitable rooms* in any *residential building* and *Marae*; or
  - ii) 300mm for *business activities* and *industrial activities*.

**8D.3.5 Flood Prone Areas**

Any *building* or *structure*, ~~excluding other than an~~ in-ground swimming pools, located in a *flood prone area* shall be either:

- a) Located in an area that has a *flood depth* of less than 300mm with the following minimum *freeboard* level:
  - i) 500mm for *habitable rooms* in *residential buildings* and *Marae*;
  - ii) 300mm for *business activities* and *industrial activities*; or
- b) Located in an area that has a *flood depth* of 300mm or more and shall not exceed 20m<sup>2</sup> at ground floor level.

**8D.3.6 Additions in Flood Prone Areas**

Additions at ground floor level to any lawfully established *activities* within the *flood prone area* shall:

- a) Not exceed 20m<sup>2</sup> of *gross floor area (GFA)*;
- b) Be at the same or higher floor level as the adjoining room.

**8D.4 Restricted Discretionary Activity Rules**

The following are Restricted Discretionary Activities:

- a) Any *activity* that does not comply with *Rule 8D.3 - Permitted Activity Rules*;
- b) Any *activity* listed as a Restricted Discretionary Activity in *Table 8D.1: Flood Hazards Activity Status (Overland Flowpath, Floodplain and Flood Prone Area)*.

**8D.4.1 Non-Notification**

Any resource consent application made under *Rule 8D.4 – Restricted Discretionary Activity Rules* shall be considered without public ~~or limited~~ notification.

**8D.4.2 Restricted Discretionary Activities - Matters of Discretion****8D.4.2.1 Walls and Fences**

In considering *activities* that do not comply with *Rule 8D.3.1 – Walls and Fences*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal mitigates on *site* flood hazard;

- b) The extent to which the proposal changes flood hazard on ~~neighbouring other properties or properties further downstream or upstream~~ and how any potential impacts from these changes will be mitigated;
- c) The extent to which the proposal ~~maintains~~ provides for the conveyance of the water in the ~~floodplain or overland flowpath~~.

#### 8D.4.2.2 Minor Overland Flowpaths

In considering *activities* that do not comply with *Rule 8D.3.2 – Minor Overland Flowpaths* or which are classified as *Restricted Discretionary Activities* in *Table 8D.1: Flood Hazards Activity Status (Overland flowpath, Floodplain and Flood Prone Area)*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal changes the entry and/or the exit points of the *overland flowpath* and how ~~the any~~ potential impacts from ~~any these~~ changes will be mitigated;
- b) The extent to which the proposal mitigates on *site* flood hazard caused by the *overland flowpath*, including setting of minimum *freeboard* level;
- c) The extent to which the proposal changes ~~the flood hazard on other properties caused by the overland flowpath on neighbouring properties or properties upstream or downstream~~ and how ~~the any~~ potential impacts from ~~these of that~~ changes will be mitigated;
- d) The extent to which the proposal mitigates erosion caused by the *overland flowpath* on *site* or downstream;
- e) The extent to which the proposal provides for the conveyance of water in a *minor overland flowpath*;
- f) The provision for a safe evacuation route or refuge for people from the *activity* during flood events;
- g) The extent to which the proposal provides for access and maintenance to maintain safe passage of water and minimise risk in an intense rainfall event.

#### 8D.4.2.3 Floodplains and Major Overland Flowpaths

In considering *activities* that do not comply with *Rule 8D.3.3 – Major Overland Flowpaths and Floodplains*, *Rule 8D.3.4 – Additions in Floodplains* or which are classified as *Restricted Discretionary Activities* in *Table 8D.1: Flood Hazards Activity Status (Overland flowpath, Floodplain and Flood Prone Area)*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal mitigates on *site* flood risk, including setting of minimum *freeboard* level;
- b) The extent to which the proposal changes the flood ~~hazard risk on other properties neighbouring properties or properties downstream or upstream~~ and how ~~the any~~ potential impacts from ~~these of that~~ changes will be mitigated;
- c) The effects of any decrease of water storage capacity of the *floodplain* or *major overland flowpath*;
- d) The extent to which the proposal provides for the conveyance of water ~~in the major overland flowpath or floodplain~~;
- e) The provision for a safe evacuation route or refuge for people from the *activity* during flood events;

- f) The extent to which mitigation measures are taken so that goods and material stored outdoors do not move and cause damage to any buildings or cause blockage of an *overland flowpath* or *floodplain*;
- g) The extent to which mitigation measures are taken so that the design of ~~any the~~ car parking ensures that vehicles do not move and cause damage to any *buildings* or cause blockage of an *overland flowpath* or *floodplain*;
- h) The extent to which changes in levels within the road network result in increased flood risk on neighbouring properties or properties further downstream or upstream and how any potential impacts from these changes will be mitigated.

#### 8D.4.2.4 Flood Prone Areas

In considering *activities* that do not comply with *Rule 8D.3.5 – Flood Prone Areas*, the *Council* limits the exercise of its discretion to:

- a) The extent to which the proposal mitigates on *site* flood risk, including setting of minimum *freeboard* level;
- b) The provision for a safe evacuation route or refuge for people during flood events;
- c) The extent to which the proposal changes the flood hazard risk on other properties ~~neighbouring properties or properties downstream or upstream~~ and how the any ~~potential impacts from these of that~~ changes will be mitigated;
- d) The extent to which the proposal will affect the *Council* drainage system or other properties ~~neighbouring properties or properties upstream or downstream~~ when the stormwater is removed from the *building* after a flood event;
- e) The extent to which internal fittings are set above the *flood level*;
- f) For *business activities* and *industrial activities*, the extent to which any generators, internal fittings and any goods are protected from flood damage;
- g) ~~The extent to which any other specific design for an activity will increase flood risk on site, on neighbouring properties and on properties further downstream.~~

#### 8D.4.2.5 Additions in Flood Prone Areas

In considering *activities* that do not comply with *Rule 8D.3.6 – Additions in Flood Prone Areas*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal mitigates on *site* flood risk, including setting of minimum *freeboard* level;
- b) The extent to which the proposal changes the flood hazard risk on other properties ~~neighbouring properties or properties downstream or upstream~~ and how the any ~~potential impacts from these of that~~ changes will be mitigated;
- c) The provision for a safe evacuation route or refuge for people from the *activity* during flood events;
- d) The extent to which the proposal ensures that the *activity* within the *critical building* continues in its normal function during and after a 1% *AEP* rainfall event concurrent with a 5% *AEP storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130.

**8D.5 Discretionary Activity Rules**

The following are Discretionary *Activities*:

- a) Any *activity* listed as a Discretionary *Activity* in *Table 8D.1: Flood Hazards Activity Status (Overland flowpath, Floodplain and Flood Prone Area)*.

**8D.5.1.1 Assessment of Discretionary Activities**

In considering a Discretionary *Activity* the *Council's* discretion is unrestricted. The *Council* shall consider any relevant matter with particular regard to the relevant Objectives and Policies of *the Plan*.

**8D.6 Non-Complying Activity Rules**

The following are non-complying *activities*:

- a) Any *activity* listed as a Non-Complying *Activity* in *Table 8D.1: Flood Hazards Activity Status (Overland flowpath, Floodplain and Flood Prone Area)*.

**8D.7 Exemption where a building consent has been applied for**

A *building* or building work is exempt from compliance with any rules relating to *floodplains, overland flowpaths, flood prone areas and impervious surfaces* and is a Permitted *Activity* in terms of those rules if the *Council* received an application for a building consent for that *building* or building work under the Building Act 2004 before 16 November 2020.

## Chapter 9 - Hazardous Substances and Contaminated Land

### 9A.1.1.6 Policy – Management of Hazardous Substances in Floodplains, Overland Flowpaths and Flood Prone Areas

By ensuring that facilities within *floodplains*, *overland flowpaths* and *flood prone areas*, involving the manufacturing, storage, use and disposal of *hazardous substances* are designed, located and managed to prevent adverse effects on public health and contamination of water.

## Chapter 12 - Subdivision, Services and Infrastructure

### 12A.1 Activity Status Rules

#### 12A.2.1 Subdivision Activities

All *subdivision activities* shall have the status identified in *Table 12A.1: Subdivision Activity Status*. Symbols used in *Table 12A.1: Subdivision Activity Status* have the meaning described in *Table 1A.2: Activity Status*.

**Table 12A.1: Subdivision Activity Status**

Use/Activity	Relevant Rule	Residential Zones	Rural- Residential	Rural, Greenbelt & Future Urban	Commercial and Industrial <sup>1</sup>	Rural Marae Community and Matapihi	Urban Marae Community Ngati Kahu	Education Centre and	Wairakei Zones <sup>2</sup>
...									
<i>Subdivision within major overland flowpath</i>	-	C	C	C	C	C	C	C	C
<i>Subdivision partly within the floodplain</i>	12A.6	RD	RD	RD	RD	RD	RD	RD	RD
<i>Subdivision wholly within the floodplain</i>	12A.8	NC	NC	NC	NC	NC	NC	NC	NC

### 12A.5 Controlled Activity Rules

The following are Controlled Activities:

- a) *Boundary* adjustments, amalgamations and relocations of an existing title;
- ...
- e) *Subdivision* of a *site* located wholly or partly within the *major overland flowpath*.

<sup>1</sup> Excluding Wairakei Town Centre (Core and Fringe), Wairakei Neighbourhood Centre Zone and Papamoa East Employment Zone.

<sup>2</sup> Wairakei Zones for the purpose of Table 12A.1: Subdivision Activity Status means: Wairakei Town Centre Zone (Core and Fringe), Wairakei Neighbourhood Centre Zone and Papamoa East Employment Zone.

#### 12A.5.1.5 Major Overland Flowpath

For *subdivision* of a *site* that is one hectare or more, the *major overland flowpath* shall be vested with *Council*.

#### 12A.5.2 Controlled Activities – Matters of Control and Conditions

The *Council* reserves control over, and may impose conditions on, the following matters:

- a) The location of *boundaries* on *site* in relation to *buildings* and parking and manoeuvring areas;
- b) The location and provision of *services* and any requirements to upgrade those *services*;
- c) The location and provision of easements;
- d) Payment of *financial contributions* in accordance with the relevant provisions of *Chapter 11 – Financial Contributions*.
- e) Where it is a Standard and Term of the *subdivision*, the creation of a balance allotment that complies with the *subdivision* provisions of the underlying zone;
- f) The provision of landscape planting and access for maintenance in association with allotments to accommodate *network utilities*;
- g) The location, extent and design of the *major overland flowpath* vested to *Council* taking into account proposed *earthworks* associated with the *subdivision*.

#### 12A.6 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) *Subdivision*, not including allotments for *network utilities*, located wholly or partly within the 50 or 100 year Erosion Risk Zone;
- b) *Subdivision*, not including allotments for *network utilities*, partly within the Current Erosion Risk Zone;
- c) *Subdivision*, not including *boundary* adjustments located within a High-Voltage Transmission Plan Area;
- d) *Subdivision* of a *site* containing an item on *Appendix 7A: Register of Built Heritage* or *Appendix 7B: Register of Significant Maori Areas*, or *Appendix 7D: Register of Significant Archaeological Areas*;
- e) Any *activity* described as a Permitted Activity or Controlled Activity that does not comply with a Permitted Activity Rule or Controlled Activity Standard and Term;
- f) Any *subdivision* listed as Restricted Discretionary Activity in *Table 12A.1: Subdivision Activity Status*;
- g) *Subdivision*, not including *boundary* adjustments, located partly or wholly within the *Flood Hazard Plan Area (FHPA)*;
- h) *Subdivision* of contaminated land;
- i) *Subdivision*, not including *boundary* adjustments or conversion of cross lease to freehold, located partly within the *floodplain*.

#### 12A.6.3.5 For Subdivision in the Flood Hazard Plan Area (FHPA)

In considering *subdivision of site* within the *Flood Hazard Plan Area* the *Council* restricts the exercise of its discretion to the following matters:

- a) The extent to which the *subdivision* is consistent with 8C.1.1.1 – *Policy - Avoidance or Mitigation in the Flood Hazard Plan Area*;
- b) The degree to which any associated *earthworks* will modify natural ponding areas and drainage systems, including overland flowpaths, and the extent to which water flow is impeded and/or displaced;
- c) Consideration of whether an engineering assessment is required to accurately determine the extent of any impediment or displacement effect and any recommendations of that assessment;
- d) Ensuring that any finished ground levels on the *site* provide the scope for future land use *activities* on that *site* to mitigate any adverse flooding effects.

#### 12A.6.3.8 Subdivision partly within the Floodplain

In considering *subdivision of a site* partly within the *floodplain* the *Council* restricts the exercise of its discretion to the following matters:

- a) The extent to which the *subdivision* demonstrates the feasibility of *activities* to occur outside of the *floodplain*, including new *structures*, on site wastewater systems and onsite *stormwater management devices*.
- b) The extent to which the *subdivision* provides access to the *floodplain* for maintenance and emergency works.
- c) The extent to which the *floodplain* located on private land needs to be ~~is~~ protected by an easement in favour of the *Council*.
- d) The provision and location of recreation *reserves*, *esplanade reserves* or *esplanade strips* on the *floodplain* and any vesting that may be required to achieve this.

#### 12A.8 Non-Complying Activities

The following are Non-Complying Activities:

- a) *Subdivision*, not including *boundary* adjustments or allotments for *network utilities*, within a Special Ecological Plan Area (Category 1);
- b) *Subdivision*, not including *boundary* adjustments or allotments for *network utilities*, within an *Outstanding Natural Features and Landscapes Plan Area*;
- c) *Subdivision*, not including *boundary* adjustments, within the *Coastal Protection Plan Area*;
- d) Any Discretionary Activity that does not comply with *Rule 12A.7.1 Discretionary Activity – Standards and Terms*;
- e) *Subdivision*, not including *boundary* adjustments or conversion of cross lease to freehold, located wholly within the *floodplain*.

#### 12B.3.1.6 Building Platform Requirements – Papamoa

*Subdivision to create freehold title (not including cross-lease to freehold subdivision) between the area from Sunrise Avenue, State Highway 2 and the Kaituna River that is within the City shall ensure allotments have a minimum building platform level of RL5 metres above Moturiki Datum. This rule does not apply to the land within the Wairakei Urban Growth Area.*

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*Note: Building Platform minimums for Wairakei Residential Zone are addressed in Rule 12B.3.1.12 f) – Specific Urban Growth Area Requirements – Wairakei Urban Growth Area*

*Note: Minimum freeboard level for activities located within floodplains, overland flowpaths and flood prone areas is addressed in Chapter 8 – Natural Hazards.*

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#### 12G.1.3 Objective – Stormwater

People, property, *infrastructure* and *network utilities* are safeguarded from the adverse effects of flooding associated with *stormwater run-off* and discharge.

##### 12G.1.3.1 Policy – Stormwater

Ensuring stormwater systems are designed and constructed to:

- a) Consist of a combination of primary and secondary systems;
- b) Have capacity to service the anticipated demand whilst accommodating anticipated flows, pressures and loads;
- c) Utilise ground soakage in appropriate locations;
- d) Incorporate measures to avoid, remedy or mitigate:
  - i) The risk of blockages;
  - ii) Flooding effects associated with stormwater discharge;
  - iii) Pollutant loads;
  - iv) The increase in runoff associated with additional development;
  - v) The erosion caused by stormwater at discharge points.

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#### Appendix 12B: Performance Standard, Stormwater

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##### Consistency / Compatibility

- a) Each stormwater management system shall be designed and constructed to ensure:
  - i) Consistency with any relevant structure or urban growth plan;
  - ii) It is compatible with the design and construction of the existing stormwater network; and
  - iii) Compliance with any comprehensive stormwater consent where applicable.

##### Design

- b) Each stormwater management system shall be designed and constructed to ensure:
  - i) All components of the stormwater management system are pre-approved by the Council and provide for an asset life that is suitable for its intended purpose;

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*Note: Components that are pre-approved by the Council are identified in the Council's Infrastructure Development Code.*

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- ii) Gravity is used as the method for reticulation unless pump stations have been pre-approved by the *Council*;
- iii) The upstream catchment is provided for and the downstream receiving network has the capacity to cater for the design scenarios;
- c) They comprise both primary and secondary flow systems which include components to collect, convey, treat and safely discharge the stormwater associated with the development;
  - i) Secondary stormwater systems shall not include piped systems;
  - ii) Minimum velocities for pipes and lined channels are 0.6 metres per second (m/s)
  - iii) Maximum velocities are as follows:
    - 1) 4.0 m/s for pipes;
    - 2) 1.5 m/s for lined channels;
    - 3) 1.5 m/s for unlined channels.
  - iv) The overall stormwater management system shall be designed to accommodate and contain flows from a 1% *AEP* (1 in 100yr) rainfall event while taking into account the effects of climate change on rainfall and sea level as of the year 2130 based on the RCP 8.5 median scenario for *subdivision* or RCP 8.5H+ scenario for *greenfield subdivision/development*, with the primary conveyance system being designed to accommodate flows from a 10% *AEP* (1 in 10yr) design rainfall event unless b(i) applies;
  - v) The stormwater management system for the Wairakei Urban Growth Area and the Te Tumu Future Urban Zone shall be designed to accommodate flows from a 1% *AEP* (1 in 100 year) return period rainfall event;
  - vi) Where there is downstream flood risk on private property, the post development stormwater run-off rates shall not exceed the pre-development run off rates for rainfall events up and including to the 1% *AEP* event taking into account climate change to the year 2130, unless otherwise approved by *Council*.

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*Note: pre-development run off rates exclude land uses, buildings and structures that have not been lawfully established.*

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- vii) In addition to iv) and v) above where a development includes pump stations or road bridges these *structures* shall be provided with a minimum freeboard of 500mm above the flows from a 1% *AEP* (1 in 100 year) return period rainfall event;
- viii) *Overland flowpaths* are only provided for on:
  - 1) Local and collector roads;
  - 2) Public accessways and reserves;
  - 3) Private land where it is protected by an easement in favour of the *Council*.



## Decisions on Submissions made to Plan Change 27 – Flooding from intense rainfall to the Tauranga City Plan under the Resource Management Act 1991

### Purpose

To reduce the risk of flooding to life, property and infrastructure from intense rainfall events in Tauranga over time.

This plan change is GRANTED. The reasons are set out below.

<b>Plan Change:</b>	PC27 – <i>Flooding from intense rainfall</i>
<b>Hearing Panel:</b>	David Hill (Chair) Vicki Morrison-Shaw Richard Knott Fraser Campbell
<b>Appearances</b>	<p><u>Tauranga City Council:</u> Carlo Ellis (Karakia) Manasi Vaidya (Policy Planner – s.42A Report author) Campbell Larking (Team Leader – Planning Projects) Dr Claudia Hellberg (Team Leader – City Waters Planning) Kate Dawkins (Senior Planning Engineer – Waters) Wallace Potts (Acting Director- City Waters) Tim Fischer (Counsel)</p> <p><u>Submitters:</u> Bay of Plenty Regional Council (“<b>BOPRC</b>”) - Nathan Te Pairi &amp; Mark Ivamy Element IMF - Grant Downing Bluehaven Management Limited (Bluehaven Group) - Nathan York Kāinga Ora - Bal Matheson, Matthew Lindenberg &amp; Brendon Liggett Peter Linde Urban Task Force for Tauranga Incorporated (“<b>UTF</b>”) - Vanessa Hamm, Scott Adams, Peter Moodie &amp; Aaron Collier Land House Limited - Richard Coles Keegan Millar (by pre-recorded video) Lincoln Taylor Russell Williams Te One Trust - Ray &amp; Hannah Stevenson Sun Pacific Villas Body Corporate - John Pullar Sue Smart Geoff Chard Peter Nixon</p>

	Aotearoa Park Developments Limited – Louise Cowan & Libby Cochrane Rebecca & David Mackenzie Rob Paterson Vojtech Nosek Jennie Arns
<b>Tabled statements:</b>	First Gas Limited – Nicola Hine Powerco Limited – Gary Schofield Tauranga Crossing Limited – Mark Arbuthnot (Bentley & Co Ltd) Transpower NZ Limited – Rebecca Eng Palm Springs Limited - Jeffrey Hextall (ECO Ltd) Jeffrey Hextall (Self) Bluehaven Group - Craig Batchelar (Cogito Consulting Ltd) Element IMF - Craig Batchelar (Cogito Consulting Ltd) Michelle Paddison
<b>Hearing:</b>	Tuesday, 30 November 2021 – Thursday, 2 December 2021
<b>Virtual site visit:</b>	2 December 2021
<b>Hearing closed</b>	20 December 2021

## INTRODUCTION

1. This decision is made on behalf of the Tauranga City Council (“**Council**”) by Independent Hearing Commissioners David Hill (Chair), Vicki Morrison-Shaw, Richard Knott and Fraser Campbell (“**Hearing Panel**” or “**Panel**”) appointed and acting under delegated authority pursuant to ss.34 and 34A of the Resource Management Act 1991 (“**RMA**”).
2. By Council resolution CO16/21/10 dated 30 August 2021, the Independent Hearings Commissioners were delegated authority to hear, consider and make decisions on submissions received on Plan Change 27 *Flooding from intense rainfall* (“**PC27**”) to the Tauranga City Plan (“**TCP**”) after considering all relevant information. This information comprised the s.32 Evaluation Report (including technical appendices and the associated October 2020 Guideline) (“**s.32 Report**”), the submissions, the reports prepared by the officers for the hearing (“**s.42A Report**”) and the written evidence and legal advice provided at the hearing. The Panel’s delegation does not however extend to the final cl.17 Schedule 1 RMA approval.
3. PC27 is a plan change that has been prepared following the standard RMA Schedule 1 Part 2 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as are enabled under the RMA).
4. The plan change consultation period ran from 16 November 2020 until 1 February 2021. PC27 was publicly notified on 16 November 2020 following a feedback process involving the development community, Tauranga Moana Iwi and Hapū, and Iwi authorities (as required by cl.4A of Schedule 1). Notification involved a public notice. Additionally, information on PC27 was included in approximately 53,500 letters to landowners directly

affected by PC26 and PC30, which were notified concurrently with PC27 together with letters to key stakeholders and Tauranga Moana Iwi and Hapū.

5. The submission period closed on 1 February 2021 (extended from 18 December 2020). A summary of submissions was notified for further submissions on 31 March 2021 and closed on 25 June 2021. Due to a number of errors in the summary of submissions, the summary was re-notified on 19 June 2021 with further submissions closing on 2 July 2021.
6. A total of 1002 submissions and 35 further submissions were made on the plan change.
7. Thirty-five late submissions were received. Six of those late submissions were rejected by Council under delegated authority<sup>1</sup> and 29 recommended<sup>2</sup> to the Panel for acceptance.
8. The Panel resolved to accept those 29 submissions and note that we had no authority to consider and/or reverse the decisions made by Council on those other 6 late submissions.
9. The key issues raised in submissions (other than out-of-scope issues)<sup>3</sup> were addressed in the s.42A Report prepared by Ms Manasi Vaidya (Policy Planner) through a series of 37 issue headings as follows:
  - (i) RMA Part 2 - Sections 5-8;
  - (ii) RMA s32 Analysis and Appendices;
  - (iii) RMA s82B Legal Effect;
  - (iv) RMA General;
  - (v) NPS-UD;
  - (vi) RPS – Natural Hazards;
  - (vii) Objective 8D.1.1;
  - (viii) Overland Flowpath Policies;
  - (ix) Floodplain Policies;
  - (x) Activity Status Table;
  - (xi) Freeboard;
  - (xii) Major Overland Flowpath and Floodplain Rules;
  - (xiii) Minor Overland Flowpath Rules;
  - (xiv) Earthwork Rules;
  - (xv) Fences and Walls – Rule 8D.3.1;
  - (xvi) Rule 8D.7 Exemption;
  - (xvii) Major Overland Flowpath – Subdivision;
  - (xviii) Floodplain – Subdivision
  - (xix) Impervious Surfaces;
  - (xx) Provisions General;
  - (xxi) Definition AEP;
  - (xxii) Definitions General;
  - (xxiii) Flood Prone areas;
  - (xxiv) Modelling and Non-Statutory Mapping;
  - (xxv) Map Reviews;
  - (xxvi) Maintenance of Existing Infrastructure;
  - (xxvii) Infrastructure – Future Planning;
  - (xxviii) Date Letter Received;
  - (xxix) Consultation Period;
  - (xxx) Land Information Memorandum;

<sup>1</sup> S.42A Report, para 5.4.

<sup>2</sup> Ibid, para 5.3.

<sup>3</sup> S.42A Report, para 7.7.

- (xxxix) *Property Values;*
- (xxxix) *Insurance;*
- (xxxix) *Rates;*
- (xxxix) *Tiered Approach / Broad Brush Approach;*
- (xxxix) *General;*
- (xxxix) *No Flooding Experienced Historically;*
- (xxxix) *Further Submissions – General.*

10. Each of those sections included a review of the matters raised; a discussion and response to those matters; the text of any recommended amendments and a s.32AA evaluation of those amendments (where relevant and necessary); and a table identifying relevant submission points (by number) as well as reasons for recommending acceptance, rejection or part acceptance.
11. For the record we note that we found the s.42A Report<sup>4</sup> both comprehensive and well structured so that all parties could readily identify their issues and the proposed response to better focus their positions for the Panel.

#### PURPOSE AND SUMMARY OF PLAN CHANGE

12. As noted in the s.32 Report, Tauranga has experienced multiple flood events caused by intense rainfall over the past two decades, which has necessitated a regulatory response to reduce the risk of flooding to life and property.<sup>5</sup> PC27 proposes a policy and rule framework to be used to determine the type and location of land use on land subject to flooding in the 1% AEP rainfall event<sup>6</sup>.
13. The scope and key aspects of PC27 were further stated<sup>7</sup> as being to:
  - a) *Protect floodplains and overland flowpaths;*
    - i) *Water will naturally follow overland flowpaths and floodplains in an intense rainfall event. These are an important part of the flood management system, allowing water to flow and recede during and after intense rainfall events. If managed inappropriately the effects can be hazardous, causing damage to life, property and infrastructure.*
  - b) *Manage development and redevelopment within flood prone areas;*
    - i) *This includes ensuring safe evacuation from the building, safety of people, the location of the building in relation to the level of flooding and the type of activity on the land susceptible to flooding.*
  - c) *Manage displacement effects;*
    - i) *Inappropriate subdivision and earthworks can increase or cause flooding in areas where there was previously minor or no flooding.*
  - d) *Manage floor levels to reduce damage caused by flooding to life and property; and*
  - e) *Manage the cumulative impacts of increased impervious surfaces.*
14. The s.32 Report clearly states that other natural hazard management issues are out of scope.

<sup>4</sup> This comment also applies to the 22 November 2021 s.42A Update Report.

<sup>5</sup> S.32 Report, section 2.1.1. The regulatory response is also required in order to ensure compliance with the Bay of Plenty Regional Council Regional Policy Statement.

<sup>6</sup> Ibid.

<sup>7</sup> S.32 Report, section 2.1.2.

15. The s.32 Report included seven technical appendices:
  - (a) An assessment against the BOPRC Regional Policy Statement (“RPS”);
  - (b) Iwi and Hapū engagement;
  - (c) Technical report on Freeboard;
  - (d) Technical report on Cost Analysis;
  - (e) Technical report on Impervious Surfaces;
  - (f) Technical report on Earthworks; and
  - (g) Technical report on Mapping.
16. As contextual background, the s.32 Report noted the relationship between PC27 and Council’s Integrated Stormwater Project (“ISP”) – adopted through the Council’s Long Term Plan (“LTP”) 2015-2025 – and Tauranga’s projected population growth (an increase of 61,200 over the next 30 years).<sup>8</sup> In its criteria table,<sup>9</sup> the s.32 Report also includes, as a reason for the change, being to give effect to the RPS<sup>10</sup> Objective 31 of the Natural Hazards (“*Avoidance or mitigation of natural hazards by managing risk for people’s safety and the protection of property and lifeline utilities*”), and, as relevant, its 14 associated policies. In particular, the RPS requires that once a natural hazard has been classified as high risk under the regional methodology, Council must reduce that risk to medium and low. This is discussed in detail by Ms Vaidya in the background section of her s.42A Report.<sup>11</sup>
17. The s.42A Report prepared by Ms Vaidya further noted that PC27 was not intended to manage stormwater or stormwater infrastructure as this is more directly the province and purpose of the ISP. PC27 is the regulatory response to the ISP.<sup>12</sup> This apparent distinction - i.e. between an infrastructure-led as opposed to a regulatory approach – clearly caused some confusion with submitters who argued for an infrastructure-led approach on the apparent misunderstanding that PC27 somehow sought to transfer Council’s public responsibility for managing stormwater onto individual landowners. We discuss that matter later in this decision but simply note at this point that the distinction was, perhaps, an unfortunate way of expressing the policy decision.
18. We also note that PC27 operates with a climate change Representative Concentration Pathway (“RCP”) 8.5 median scenario to the year 2130 – which, again, accords with the RPS (and Ministry for the Environment (“MfE”) advice) requirement.<sup>13</sup> That is not a matter that is open for debate. That debate has already taken place in the context of the RPS, and the statutory requirement is operative. As such, we do not allocate any further time in this decision on submissions that specifically sought to challenge that.
19. Several submitters considered there was no need for the plan change, having not experienced flooding themselves, or because they disagreed with the climate change projections. However, for the reasons already noted, a status quo or ‘do nothing’ approach is not consistent with the statutory requirements - particularly the RPS. Accordingly, we are required to proceed to determine the merits of PC27.

<sup>8</sup> S.32 Report, sections 3.1.1 and 3.1.2.

<sup>9</sup> Ibid, section 8.1.3.

<sup>10</sup> As it must under s.75(3)(c) RMA.

<sup>11</sup> S.42A Report, section 2.

<sup>12</sup> S.42A Report, sections 2.3 to 2.23 in particular.

<sup>13</sup> Ivamy, Statement of Evidence for BOPRC, para 21.

20. We discuss the further revisions we have made to the provisions following our consideration of the submissions, evidence and advice received later in this decision.

## PROCEDURAL MATTERS

### Hearing

21. We issued a set of hearing procedures for Plan Changes 26, 27 and 30 on 14 October 2021, in which we noted the possibility that s.39AA RMA relating to remote access facility hearings may be necessary. Because of Covid-19 level restrictions the decision was made to proceed by way of a mix of virtual hearing for those affected by the restriction (including the Panel) and in-person attendance in Tauranga where that was practicable. The hearing ran for three days from 30 November to 2 December 2021.
22. On the final day of the hearing we held an on-line virtual site visit, orchestrated by Council, which took us through examples of the site-specific flooding matters underlying PC27 and illustrated how the maps had been developed and how they might be used. We record that we found that session particularly helpful in advancing our understanding and appreciation of relevant matters.
23. Immediately following the hearing we issued a direction on 2 December 2021 (Minute #3) requesting further information from Council with respect to key matters raised during the hearing:
- Planned and funded stormwater infrastructure;
  - The accuracy and reliability of the flood maps;
  - The sufficiency of the s.32 analysis with respect to the regulatory approach proposed and costs to property owners;
  - The lawfulness of requiring the rules to have immediate legal effect from notification; and
  - Certain activity status matters raised by Kāinga Ora.
24. In that Minute we noted that the above was not intended to constrain Council from addressing any other matters it considered necessary in its reply.
25. On 17 December 2021, we received Council's closing statement which included comprehensive and detailed responses to the above five matters as well as final recommendations on PC27's provisions. Having received and reviewed that information the Panel declared the hearing closed on 20 December 2021.

### Scope Issues

26. As already noted, several submitters raised issues that were considered out of scope of the notified PC27. Ms Vaidya recorded those issues as involving:<sup>14</sup>
- *Modelling and non-statutory mapping (Issue 24);*
  - *Map reviews (Issue 25);*
  - *Maintenance of existing infrastructure (Issue 26);*
  - *Infrastructure – Future Planning ((Issue 27);*
  - *Date letter received (Issue 28);*

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<sup>14</sup> Ibid, para 7.7.

- *Consultation period (Issue 29);*
  - *LIM (Issue 30);*
  - *Property values (Issue 31);*
  - *Insurance (Issue 32);*
  - *Rates (Issue 33);*
  - *Tiered Approach/Broad Brush Approach (Issue 34);*
  - *General (Issue 35);*
  - *No flooding experienced historically (Issue 36); and*
  - *Further Submissions not relating to a submission point (Issue 37).*
27. It is important to record that not all issues touching on those matters were necessarily out of scope – and Ms Vaidya did not imply as much – it depended on the way in which the issue was addressed. For example, while property values are typically considered an effect already “counted” in assessing matters such as landscape, streetscape or character, and is therefore not a distinct and separable effect in itself, submissions that noted the likely cumulative effect on property prices arising from the adoption of the proposed regulatory approach compared with the overall cost of a Council-led infrastructure programme was a legitimate argument and within scope – albeit one that was rejected by Council in its own fiscal and cost assessment as we discuss later.
28. The Panel has considered the above and agrees with the reasons, conclusions and recommendations made by Ms Vaidya throughout her s.42A Report (particularly the detailed discussion from section 13 onward) regarding the scope of the submission point made and our jurisdiction to consider the point.

#### RELEVANT STATUTORY PROVISIONS CONSIDERED

29. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements are now well understood and are summarised succinctly in sections 8-12 of the s.42A Report which were not contested. As such, we see no useful purpose in repeating them here in detail. We refer the reader to that summary.
30. Clause 10 of Schedule 1 of the RMA requires that this decision include the reasons for accepting or rejecting submissions. The decision must also include a further evaluation of any proposed changes to PC27 arising from submissions; with that evaluation to be undertaken in accordance with s.32AA. With regard to s.32AA, we note that the further amendments proposed (and those accepted by the Panel) are minor and sufficiently explained in the documents and submitter evidence provided,<sup>15</sup> such that no further assessment by the Panel is considered necessary.
31. Furthermore, we note that s.18A RMA requires that plans only address matters relevant to its purpose and are worded in a way that is clear and concise. Some of the amendments we recommend are intended to give effect to that requirement.

#### PRELIMINARY ISSUES

32. Submitters raised the following three matters that we think should usefully be determined as preliminary issues:

<sup>15</sup> Comprising the s.42A Report, the 21 November 2021 Update to the s.42A Report, and the Council's Closing Statement.

- (a) Whether it was lawful for Council to declare the PC27 rules to have legal effect under s.86B(3)(a) RMA - and, regardless, whether the Panel has jurisdiction to determine otherwise;
- (b) Whether it is lawful for the flood maps to be deemed non-statutory documents to sit outside the District Plan with the applicability of the PC27 provisions to be determined through its text alone; and
- (c) Whether PC27 should be placed on hold.

### Legal Effect

- 33. Section 86B(3)(a) RMA states that a rule in a proposed plan has immediate legal effect if the rule protects or relates to water (among other things). Council determined that provision applied to PC27 and notified PC27 as having legal effect from the date of its notification. That conclusion was challenged in legal submissions by Ms Hamm and Ms Barry-Piceno – although we noted that no action to challenge that determination in any Court had been made by those parties previously. Furthermore, as Ms Hamm noted, at the point in time when the Panel's recommendations on submissions are publicly notified, legal effect commences in any event under s.86B(1) RMA. In that sense the issue is moot – however, we address the matter briefly since it was raised and since we sought specific legal advice from Council on the question.
- 34. In her legal submissions for UTF Ms Hamm discussed s.86B(3)(a) RMA and accepted that that provision *could* include flooding from intense rainfall, since it refers to water. However, she submitted that as flooding is defined under *natural hazard*, and as there are specific RMA provisions for natural hazards, it was more likely that that broader term would have been included in s.86B if that had been Parliament's intent.
- 35. In her legal submissions for Aotearoa Park Development Limited Ms Barry-Piceno noted that s.86E(3)(a) RMA clarifies that the list of rules with immediate legal effect do not form part of the proposed district plan. She therefore submitted that if, on subsequent analysis, a rule is found not to fall within s.86B(3), their inclusion in the list does not change their real status. Ms Barry-Piceno submitted that it was therefore possible for the Panel to amend the list of rules having immediate legal effect under s.86E. Ms Barry-Piceno agreed with Ms Hamm that flooding should more properly be considered a natural hazard risk, not be included as a "water" matter in the exceptions of s.86B(3)(a). Ms Barry-Piceno sought an immediate direction from the Panel at the hearing on this matter, which we declined to issue pending careful consideration of the competing legal submissions.
- 36. The issue of status was addressed in Council's legal submissions by Mr Fischer both in opening and reply. Mr Fischer submitted that s.86E(3) which, as Ms Barry-Piceno noted, directs that the list is not part of the district plan, thereby effectively removes the matter from the Panel's jurisdiction. Mr Fischer submitted that the Panel's jurisdiction is limited to a decision on the provisions and to matters raised in submissions that are "on" the plan change. The Council submissions therefore did not set out the reasons why Council considered the flooding rules to have immediate effect.
- 37. Following the hearing we were advised that UTF had instructed Ms Hamm to prepare an application to the Environment Court for a declaration on the matter, anticipating that Bluehaven Group (Ms Barry-Piceno) would likely join in support, if Council declined to reconsider its decision. In that regard Ms Hamm, as noted above, acknowledged that this

course of action was dependent upon the primary relief sought, being to either withdraw PC27 or place it on hold.

### **Finding**

38. While we agree that on its face s.86B(3)(a) seems more obviously focussed upon water as a resource once it is naturally entrained (i.e. as groundwater or surface water in a water body for example) we note that the definition of water in s.2 RMA means “*water in all its physical forms*” and s.86B does not seek to limit that definition as it does, for instance, with respect to *soil* (which is qualified to mean only with respect to *soil conservation*).
39. While that matter may be taken up in the Court, (as we were advised by Ms Hamm was under active consideration), we see no justification for reading that definition down in the manner submitted by Ms Hamm and Ms Barry-Piceno, and instead find that Council was entitled to apply s.86B(3)(a) to PC27.
40. Furthermore, we agree with Mr Fischer that, regardless of whether the Panel considers itself to have jurisdiction, having determined to proceed with PC27 to the point of decision, the matter loses relevance. Once decisions are notified, all rules will have legal effect under s.86B(1) unless the very limited exceptions apply.

### **Non-Statutory Maps**

41. Considerable concern was expressed in submissions about the consistency, accuracy and reliability of the flood maps held by Council – both in terms of the methodology adopted but also as they affect individual properties given the existing status of the rules and their legal effect.
42. In summarising UTF’s position on this question Ms Hamm noted a key difference between the approach taken by the Council with its non-statutory maps and that used in the Auckland Unitary Plan (“**AUP**”). Ms Hamm drew attention to the AUP Independent Hearing Panel’s remark that it was inappropriate to use a mapping technique to define the spatial extent of a rule where that was not open to submission and change in the same way as the rule. In other words, she submitted, the maps should be accurate, and Council should carry the burden for ensuring that was the case, not private parties. In essence, that was the kernel of contention of most submitters who commented on this matter.
43. We note that other professional submitters, such as planner Mr Hextall, also challenged the propriety of using non-statutory maps for what they considered an essentially statutory purpose.
44. Council’s response to that challenge was twofold:
  - (a) To set up a cost-neutral review process for resolving disputes over site-specific mapping accuracy concerns; and
  - (b) To incorporate an advice note to key definitions (similar to that used in the AUP) – floodplain, flood prone area, overland flowpath – confirming the non-statutory and indicative status of the maps and noting the intention to update those based upon further relevant information and/or any technical assessments provided.
45. With respect to the flood model(s) used in developing the maps, (which Ms Dawkings explained to us), Mr Moodie (an experienced natural resources engineer and witness for UTF) challenged (among other things) the currency of the LIDAR data, the *clean surface* assumptions used (i.e. no accurate survey of buildings, walls and fences); and the failure to

include future programmed stormwater upgrades. For multiple, interconnected, complicated flowpath parts of Tauranga – Mr Moodie cited the Avenues area as an example – he expressed doubt that the current model is capable of accurate depiction, necessitating either the costly development of a site-specific model for development or the de facto acceptance of the “inaccurate” Council maps.

46. Similar remarks were made by fellow engineer and private submitter Mr Lincoln Taylor in his presentation; and Mr Batchelar proposed<sup>16</sup> that the maps undergo a more rigorous special consultation Local Government Act-type process akin to development contributions if they are to remain outside the district plan.
47. Ms Dawkins explained to the Panel:
  - (a) the way in which the software MIKE FLOOD was used in developing the Council’s flood model;
  - (b) the sensitivity testing undertaken;
  - (c) the peer reviews undertaken by DHI;
  - (d) the manner in which the programme was progressively released across the city from 2011-2018; and
  - (e) the process for updating the maps - which included:
    - i. pilot testing of methods for mapping overland flowpaths and floodplains,
    - ii. running previously constructed and reviewed flood models for the 2130 climate scenario, and
    - iii. review of the resulting draft maps by Council drainage operations and planning staff (adopting the BOPRC-agreed climate change scenario).
48. Ms Dawkins was satisfied that the non-statutory maps support a nuanced approach to the issue allowing flexibility for the incorporation of new, relevant information as and when that is appropriate (for example at the time of development consent application and assessment). Ms Dawkins considered a crucial advantage of the non-statutory status was that it enabled changes to the maps to be made without the requirement for a formal Schedule 1 RMA plan change process. She also noted that the use of the “Future Reassessment Area” overlay was intended to clearly signal that the Council was aware that there had been recent or on-going changes to the landform where the mapping accuracy was likely to be affected.
49. Some submitters also sought that subdivision survey plans be included in the maps once a subdivision consent had been granted. However, Council rejected that option noting that this would be problematic where, as frequently occurs, developers undertake subsequent variations before survey plans are finalised and approved under s.223. Ms Vaidya noted that finalised survey plans approved under s.223 RMA are included in the flood maps. We agree that is an appropriate and efficient approach.

### **Finding**

50. There is no formal requirement for overlay maps to be included within a district plan. That is a matter for individual councils to determine – and there are existing examples of non-

<sup>16</sup> Batchelar, Statement of Evidence for Element IMF, section 9.

statutory flood maps such as is proposed by Council. On that matter we note that the National Planning Standards 2016 – Mapping Standard Table 20 includes a number of specific overlay and other symbols, but none relate to flooding.

51. Having said that, the Panel was concerned at the number of submissions expressing concern about the consistency, accuracy and reliability of the published maps with respect to individual properties, and the fact that the model (and derived maps) spans a decade of evolving work. As such it is unlikely that consistent assumptions and data inputs have been used and updated across that time, such that the limitations expressed by the model authors would imply progressive out-of-datedness the further back in time the derived maps were produced. We also note the limitations identified in the original model reports themselves which included:
  - (a) that the modelling method is suitable for broad scale flood management planning (as opposed to site specific mapping);
  - (b) that maximum flood depths on a property-by-property basis should be used with caution due to obstacles, debris, solid fences and sheds and kerb heights impacting on such heights;
  - (c) there was a need for further validation of modelled results against actual flood levels; and
  - (d) not all models appear to have used the 1% AEP, together with the 2130 planning horizon with RCP 8.5 Climate Change Scenario.<sup>17</sup>
52. At some point, we assume (and recommend), all maps should to be brought up to the same modelling standard as the most recent series.
53. While we accept that it would be clearer to all affected property owners if the flood maps were afforded statutory status under the District Plan, we recognise that mapping errors will be ever present due to the changing landscape of development. That, in itself, would pose practical difficulties for both Council and individual landowners in terms of the Schedule 1 RMA statutory plan change process that would be required to correct any substantive confirmed errors (trivial errors being able to be rectified by the Council in accordance with its power under cl.20A of the First Schedule).
54. We are satisfied that the policy and rule criteria are now sufficiently well-wrought and the review process sufficiently well-developed that the general public is better served by having the flood maps as non-statutory documents, amenable to review and individual expert challenge outside of any plan change process. We acknowledge that some cost is involved in that process but consider the advantages to outweigh that matter – noting that as of 5 November 2021 some 240 individual property reviews had been concluded and 150 site visits undertaken with, we understand, minimal cost to individuals and no change to the maps, in most instances.<sup>18</sup>
55. We understand that other reviews are in progress and that a large number of individual property reviews and larger post development/landform change reviews remain outstanding – as do the modelling updates. The Council indicated it would undertake rolling reviews of the flooding models for different areas over several years. However, we were not provided

<sup>17</sup> the updated flood mapping published in 2020 did involve running all models for the 1% AEP 2130 planning horizon with RCP 8.5 climate change.

<sup>18</sup> Dawkins, Statement of Evidence for the Council, section 7.

with a timeframe within which the Council intends to complete the property or post development reviews.

56. While the map review process is outside the scope of the matters we have been appointed to determine, Council may wish to publish some target dates for such work as this is likely to provide greater confidence in the mapping and may also reduce the number of individual review requests from property owners.

#### **Relationship to Other Plan Changes and Hold Requests**

57. Several submitters expressed the view that PC27 should be placed on hold. Various reasons were given, including that it was appropriate to await the outcome of three waters reform proposals, and because PC27 was part of a package of plan changes, one of which (Plan Change 26 *Housing Choice*) has subsequently been placed on hold.

#### **Finding**

58. Decisions regarding whether a particular plan change should or should not be placed on hold are ultimately for the Council.
59. While Plan Change 26 *Housing Choice* and Plan Change 30 *Earthworks* were notified at the same time, each was proposed and assessed separately, and each was subject to a separate submissions process. In that regard PC27 stands or falls on its own merit.
60. Accordingly, we are required to proceed to determine the merits of PC27 notwithstanding that PC 26 has been placed on hold, and notwithstanding the requests for PC27 to likewise be placed on hold.

#### **EVIDENCE PRODUCED**

61. The s.42A Report, statements of evidence, submitter expert evidence and legal submissions were pre-circulated as required by the Hearing Procedures. As noted earlier, some submitters tabled statements instead of attending the hearing, and further materials (summary statements / presentations) were provided by some submitters during the course (or following) their oral presentations.
62. In relation to Council evidence, opening statements were provided by Mr Campbell Larking and Ms Manasi Vaidya. Mr Larking backgrounded the Growth Concept and wider Natural Hazard planning, including the ISP, Tauranga's hazard mapping programme, and the Infrastructure Resilience Project. Ms Vaidya provided a detailed summary of the planning background to PC27, outlined how the flood parameters and maps worked, provided further opinion on in-scope and out-of-scope matters raised in submissions, responded to evidence received post-s.42A Report, and identified key changes proposed in the s.42A Report.
63. Summary statements of evidence were also provided at the hearing by:
  - (a) Dr Hellberg on earthworks rules in floodplains, major overland flowpaths and flood prone areas;
  - (b) Ms Dawkins on modelling and mapping, and impervious surfaces policy and rules; and
  - (c) Mr Potts on how Council manages and maintains its existing stormwater conveyance assets and its investment in addressing flooding issues.

64. Finally, as noted above, Council's reply included additional information on the five matters the Panel specifically requested.
65. The above matters are discussed in the next section.

## PRINCIPAL ISSUES IN CONTENTION AND FINDINGS

66. We commence this section with some comments on the flood risk assessment approach, before turning to address the principal issues in contention and our findings on those matters.

### Flood Risk Assessment

67. The s.32 Report at 4.9.3 states that "the RPS requires TCC to undertake Citywide risk assessment for flooding from intense rainfall ". Section 9 of that report considered five options to avoid or mitigate flooding from intense rainfall with the preferred option (enabling) being used for PC27. At 9.2.5 Preferred Option, reference is made to a Citywide risk assessment which "highlighted that Tauranga is at High risk from flooding from a 1% AEP event which takes into account the effects of climate change on sea level and rainfall based on the RCP 8.5 scenario (MfE, 2017) to the year 2130, which is consistent with the RPS".
68. Two risk assessments reports were produced entitled: *Assessment of lifeline utilities, public health and safety and social/cultural and critical buildings* by Tonkin and Taylor, and *Tauranga City Flood Risk Assessment: Application of Bay of Plenty Regional Policy Statement Methodology for Risk Assessment* by Awa Environmental Ltd.
69. The s.32 Report notes that:  
  
*"The risk assessment undertaken by Awa is a quantitative assessment which considered buildings only. T+T have undertaken a qualitative risk assessment for the remaining consequences, i.e. social/cultural buildings, critical buildings, lifeline utilities and health and safety.*  
  
*Tauranga has been identified as being at High risk of flooding from intense rainfall using the Appendix L citywide risk assessment methodology, based upon the initial assessment yielding 'High' for social/cultural buildings and critical buildings".*
70. We were presented with no expert evidence that challenged the approach taken or the results of these assessments. Consequently, we accept the conclusions drawn by the author of the s.32 Report (which were supported by the BOPRC)<sup>19</sup> that to give effect to the obligation of the RPS the Council was required to implement its mix of regulatory and infrastructure solutions. The set of rules proposed in PC27 provide for the regulatory approach by providing a set of controls on activities in the flood plain, flood prone areas and overland flowpaths.

### Identification of Principal Issues

71. Having considered the submissions and further submissions received, the evidence filed, the legal advice provided, the presentations from submitters, and the Council officers' responses, the following principal issues in contention have been identified (in addition to the three matters discussed above):  
  
(a) the policy framework;

<sup>19</sup> Ivamy, Statement of Evidence for BOPRC, at [20].

- (b) the regulatory versus infrastructure led approach question;
- (c) the relationship with the ISP;
- (d) application to subdivision in certain recently approved plan change areas (e.g. Wairakei Urban Growth Area); and
- (e) specific provision amendments.

### The Policy Framework

72. It is trite law to note that a district plan must give effect to a regional policy statement (among other things) under s.75(3)(c) RMA and that “to give effect” is a strong directive meaning to implement (or similar).
73. Several submitters challenged the basis for PC27, being the RPS natural hazards requirement to, in summary, classify the risk and then to avoid or mitigate the risk such that the classification is lowered over time to an *as low as reasonably practicable* (“ALARP”) natural hazard risk. The parameters for that classification being the 1% AEP rainfall event adjusted for the climate change RCP 8.5 median scenario at year 2130.
74. This issue was addressed in the s.32 Report, the s.42A Report, Mr Larking’s opening statements and the planning evidence of Mr Te Pairi and Mr Ivamy for the BOPRC.
75. Appendix 1a to the s.32 Report is a comprehensive assessment against the RPS natural hazard and climate change response objectives and policies—policies NH 3B (Natural hazard risk outcomes) and 4B (Managing natural hazard risk on land subject to urban development) in particular. We do not attempt to summarise that comprehensive analysis further and refer the reader to that appendix. We also note that Mr Te Pairi specifically cites that document in reaching his conclusion that PC27 gives effect to the relevant objectives and policies and advising that the BOPRC seeks no further amendments.<sup>20</sup> Mr Te Pairi’s evidence also relies on the technical hazard planning evidence provided by Mr Ivamy, which concluded that PC27 was an appropriate policy framework to give effect to the natural hazard provisions of the RPS – having assessed the risk assessment method adopted for the prescribed technical parameters (i.e. the 1% AEP and climate change scenario RCP8.5 out to 2130).
76. In particular, Mr Ivamy accepted:
  - (a) Council’s approach of defining the flood risk natural hazard zone (“NHZ”) by catchment area and the classification of high risk established within each NHZ;<sup>21</sup>
  - (b) The adoption of the 1% AEP event likelihood, being the “best practice threshold for flood risk management across New Zealand”;<sup>22</sup>
  - (c) The requirement identified for a low level of risk in conjunction with the ISP and other non-regulatory methods; and
  - (d) The application of the RCP 8.5 climate change projection scenario, recognising that the flood extent in most of the Council catchments have a downstream coastal boundary requiring further consideration of compounding coastal hazards.

<sup>20</sup> Te Pairi, Statement of Evidence, Executive Summary, page 2.

<sup>21</sup> Ivamy, Statement of Evidence for BOPRC, para 16.

<sup>22</sup> Ibid, para 19.

77. While several planning witnesses and submitters contested the above, we were not persuaded by their submissions. Certainly, as Mr Taylor for example submitted, there are different ways in which the 1% AEP can be sliced and diced, but that is not a policy framework issue, it is a matter of application for which Council has, as we understood, determined a guideline standard.<sup>23</sup>
78. We also note that Mr Campbell Larking in his opening statement at 4.8 and 4.9 confirmed that the Council is proposing some future work for natural hazard management which will result in changes to the TCP. This will include replacing the old natural hazard maps in the TCP (i.e. coastal erosion and harbour inundation) with the use of definitions to describe the parameters required to be managed. We understand that this will occur either as part of the next full TCP review (when progressed) or as part of a separate natural hazards plan change.
79. At present, there is an overlap between the harbour inundation maps, which are in the TCP, and the flooding from intense rainfall maps. While the flooding maps are non-statutory, for the reasons already discussed, it is likely that there will be locations where the two sets of maps conflict or are misaligned. In such a case, the harbour maps and text of the TCP will be determinative because they are statutory. However, that prospect reinforces our concern for greater certainty around the timing and completion of the flooding map review processes (acknowledging that completion will remain a relative term).

#### **Finding**

80. We are satisfied that PC27 gives effect to the required natural hazard provisions of the RPS – as it must – a finding that we make on the plan change text, acknowledging that accuracy of the maps for specific sites may, as noted above, require further fine-grained adjustments.

#### **The Approach**

81. As noted above, several submitters contended that Council was effectively derelict in its overall stormwater management duty by placing that burden on private individuals through PC27. This was characterised as a difference between a Council infrastructure-led approach versus a regulatory approach.
82. In order to evaluate the claims by submitters, we sought further information from Council on this matter. That information was provided by:
- (a) Mr Larking in terms of a fuller explanation of the formal adoption and implementation of the ISP work and its associated Stormwater Reactive Reserve Fund (“**SRRF**”) and the Infrastructure Resilience Project 2017 (“**IRP**”); and
  - (b) Mr Potts in his evidence which outlined the stormwater drainage infrastructure, Council’s maintenance and renewal programmes, and the funding approved by Council for those programmes and the ISP.
83. As Mr Potts noted, the Tauranga public stormwater conveyance network comprises:<sup>24</sup>
- 624 km of stormwater mains;

<sup>23</sup> The s.32 Report included as Appendix 1b(ii) a risk assessment report by Awa. This report on page 15 refers to a nested storm profile prepared by Beca in November 2014. The depth duration frequency table 3.2 shows rainfall storms up to 48 hours duration. The risk assessment used nested profiles for the 6-hour, 24-hour and 48-hour storms to assess the risk for the various return periods.

<sup>24</sup> Potts, Statement of Evidence for the Council, para 3.2.

- 145 km of property connections; and
  - 118 km of open drains.
84. Much of that network was designed to service the 20% AEP and more recently the primary system at 10% AEP and the secondary system (where it is developed) at 2% AEP plus a climate change margin to 2055. Those design parameters are significantly less than is now being required under PC27.
  85. In terms of planned stormwater-related work and forward expenditure, Mr Potts<sup>25</sup> noted that Council has budgeted over \$11 million in the LTP 2021 – 2031 and has expended over \$40 million since 2015 in projects related to the adopted ISP “safety to persons” level of service. That is in addition to the \$20 million provided through the SRRF to date - which currently has reserves of \$12 million with a further \$20 million proposed to 2031. In addition, some \$70 million has been allocated for further investigating stormwater capacity upgrades.
  86. While this investment is substantial it clearly is but a fraction of the estimated \$850 – 950 million cost for the total improvement programme.<sup>26</sup> Further information about this programme was provided in Council’s response.
  87. As an example of contrary submissions, we note that Mr Moodie estimated,<sup>27</sup> based on a straight-line extrapolation of 50% of all Tauranga properties being affected and 50% of those requiring \$11,000 per development for flood mitigation, an order of magnitude of private developer / landowner cost totalling some \$165 million. He implied that was neither a wise use of financial resources nor a sound engineering solution. Others opined similarly.
  88. We were provided with some information on the potential cost to the private sector of the Council’s proposed regulatory approach. The Cuesko report<sup>28</sup> focussed on the cost of remediation of flooded buildings and that of raising floor levels at the time of construction. This report did not however provide any information on the private sector flood hazard mitigation works that might be required to reduce the effects of development in flood hazard areas.
  89. Mr Collier in his evidence for UTF (at para 3.3) stated that “the cost to the community of the alternative ISP approach has not in my view been properly considered. As set out in the evidence of Mr Moodie, there are significant costs which are likely to be imposed on each and every consent applicant.” These costs are described by Mr Collier in para 4.1 as comprising site by site assessments, consenting and mitigation costs.
  90. Mr Moodie in his evidence for UTF gave examples of a hypothetical garage proposal which would have an additional cost of some \$20,500 related to mitigation work and associated fees. In another example a proposed industrial development would have an additional \$300,000 cost added to it to provide for underground storage. He also recommended a shared risk/cost approach between the Council and property owners.
  91. Such costings were not disputed (or necessarily accepted). The short point is that the costs will be shared between public and private interests over time, the issue is precisely the time scale required to meet the statutory imperative set by the RPS. Council has defined both

<sup>25</sup> Potts, Statement of Evidence for the Council, sections 5 - 7.

<sup>26</sup> Larking, op cit, para 4.17.

<sup>27</sup> Moodie, Statement of Evidence for UTF, para 24.

<sup>28</sup> Appendix 4 to S32 Report Economic Assessment for Flooding from Intense Rainfall – PC27 Initial Assessment of Cost, Cuesko Ltd, 9 June 2020.

what it considers a reasonable public cost in line with its statutory debt ceiling. The rest falls to the private sector should it wish to advance development ahead of public works.

92. On the seminal question of Council's debt ceiling, we received detailed advice in response – and we cite that advice in full due to its relevance - as follows:<sup>29</sup>
- (a) *Council is undertaking an integrated response to flood risk management which includes a program of infrastructure delivery, with capital expenditure (CAPEX) outlined in the 2021-31 Long Term Plan (2021-31 LTP) for implementation of the Integrated Stormwater Project (ISP) in some locations or situations (i.e. an infrastructure lead approach).*
  - (b) *Under an infrastructure led approach, Council needs to be the lead funder because of the large number of properties and property owners involved and the varying views and situations these owners would have. As the lead investor, Council is required to borrow to deliver CAPEX projects effecting debt. This limits what TCC is able to achieve 'on the ground' beyond what is provided for in the 2021-31 LTP. Council's balance sheet does not support a substantially wider approach above its current programmed investment.*
  - (c) *In addition, wider/directed investment in the stormwater system elsewhere above what TCC has committed to is best considered through Annual Plan or Long Term Plan submissions, not RMA submissions and processes. It is notable that only five submissions on stormwater investment were received to the draft 2021- 31 LTP. At the time of the submission period closing on the 2021-31 LTP, Plan Change 27 had been notified for eight months, which included the release of the flood hazard maps. The five submissions largely sought specific investment in infrastructure at specific localities, or wider investment.*
  - (d) *Any infrastructure led solution would be undertaken over time, resulting in the need for the existing Council approach to flood risk management (i.e. the ISP) which includes the need for regulation through the Plan Change as proposed (which would apply until post infrastructure upgrades undertaken).*
  - (e) *Irrespective of the approach to recouping costs to pay down debt, Council is the party which holds the debt for any infrastructure led approach – which could be held for many decades if it is recouped at all.*
  - (f) *While Council is progressing with an integrated approach, Plan Change 27 must remain to manage risk in all catchments irrespective of investment planned or we will not achieve the plan change's Objective to reduce risk and meet the requirements of the Bay of Plenty Regional Policy Statement (RPS).*
  - (g) *Where investment does occur to reduce flooding risks, mapping can be updated and more development potential could be enabled without having to update District Plan provisions.*
93. In support of the above we were also provided with Council's balance sheet information summarised as follows:<sup>30</sup>
- *Current Debt: \$586M net debt at 30 June 2021 increasing to \$1.8B by 2031.*
  - *Current Stormwater Debt (resulting from infrastructure investment): \$120M at 2020 (approximately 20% of the total net debt on the City's balance sheet).*
  - *Projected Rates increases over the 2021-31 LTP: Total rates revenue to increase from \$234M in 2022 to \$554M by 2031, an increase of 137%.*
  - *Ability/Limits to borrow further above the existing situation (debt ceiling): By 2026 the debt to revenue ratio will be at 268% which is 12% below the debt limit. This will result in minimal debt headroom for unforeseen events. The ratio is only maintained within debt limits through*

<sup>29</sup> Council's Closing Statement and Response, Issue 2: S32 Analysis, para 2.2.

<sup>30</sup> Ibid, para 4.1.

*continued increases in rates to fund debt retirement. This requires rates funded debt retirement over the ten years of \$549.3M to enable Council to remain within debt limits.*

- *Total capital investment (all assets) proposed in the 2021-31 LTP: \$4.6B.*
- *Investment in Stormwater (risk reduction in brownfield areas) post adoption of the ISP (2015 – 2021) investment: approx \$40M.*
- *Long Term Plan (2021-31) - \$11.3M budgeted for the renewal of existing stormwater network infrastructure.*
- *Long Term Plan (2021-31) - \$355M in stormwater CAPEX (2022 – 31) which covers, Growth, Growth & LOS, LOS and Renewals.*
- *Rates Collection (Stormwater Targeted Rate: Reactive Reserve): \$2M p.a targeted rate across the entire community of Tauranga.*

### **Finding**

94. We find that the approach proposed has been carefully considered by Council. The Council is aware that the approach has potential cost implications for private citizens and has taken that into account as is required under s.32 RMA. While the site-by-site, specific cost implications are unquantified, and are clearly subject to argument given the uncertainty inherent in any such calculation, sufficient consideration has, in our view, been given to the matter for the purpose of s.32 RMA.
95. Further, while the Council has advised that the programme of Council-led infrastructure improvements will take many decades to achieve, we accept that in the interim it is required to implement the objectives of the RPS. In our view it is appropriate and indeed necessary to progressively reduce the flood risk by introducing a regulatory approach through PC27 which provides for further development where on-site mitigation works can be undertaken.
96. On that basis we find the approach RMA justified.

### **The Infrastructure Stormwater Project**

97. Council indicated that the ISP was essentially the companion project to PC27. As Mr Larking explained in his opening statement, the floods of 2005, 2009, 2001 and 2012 resulted in Council deciding that a broader stormwater infrastructure strategy was necessary for the developed parts of the district. This resulted in the ISP being developed during 2014 / 2015:

*... focused on understanding the extent of flooding, the costs of infrastructure investment to improve the current situation and explore the other methods to reduce risk. Included in this work was the development of 1% AEP flood models (present day) ...<sup>31</sup>*

98. At that time, as the RPS natural hazards provisions were moving through their statutory phase further alignment work was undertaken with the LTP 2015 - 2025. Public consultation was duly undertaken on the LTP, and the ISP was refined in the adopted LTP. As Mr Larking summarised,<sup>32</sup> the adopted ISP approach focussed on:

- *A safety focused LoS (reduction in risk to persons safety);*
- *Regulation and policy amendment (to reduce future increases in risk and aid in risk reduction through land use change);*

<sup>31</sup> Larking, op cit, para 3.18.

<sup>32</sup> Ibid, para 3.26.

- *Education (Information provision on risk reduction and technical advice to aid in on-site risk reduction techniques);*
  - *Residual risk and emergency management;*
  - *Reactive response capacity (stormwater reactive reserve).*
99. Mr Larking also explained the rationale for each of those foci – and noted that Council had reviewed the ISP in 2017 to ensure it remained appropriate. Further explanation of that process is not necessary for present purposes. The important point is that the strategic approach was formally adopted through the appropriate statutory mechanism – of which PC27 is an integral part.
100. In conclusion Mr Larking stated:<sup>33</sup>
- The above shows that the Council is unable to take on further debt, irrespective of how it may be able to pay that debt down over time – essentially rendering any approach above what is currently provided in the LTP ineffective and unviable. Essentially the Council's balance sheet does not support a wider approach above its current programmed investment. Further collection through rates is also not appropriate given the level of rates rises proposed and rates already collected from our community for stormwater infrastructure (for reactive reserve purposes and paying down CAPEX debt resulting from 2005 – 2009 stormwater infrastructure upgrades).*
101. A schedule of flood projects under their various funding lines (renewals, resilience, network upgrades, flooding, depth x velocity, and reactive reserves) was provided<sup>34</sup> illustrating the work currently programmed.

#### **Finding**

102. We are satisfied that PC27 sits within the umbrella strategy set out under the ISP – and note that no technical evidence has suggested otherwise. That of course, leaves open the question as to whether PC27 goes further than might have been anticipated when the proposed LTP was under review. However, that is not a matter for this Panel; we simply need to be satisfied that the intent was properly broadcast and that it meets the tests of s.32 RMA and its statutory requirements. We are satisfied that it does.

#### **Recent Plan Change Areas and Subdivision**

103. Mr Batchelar, for Bluehaven Group, (and others in similar positions), submitted that as stormwater management matters had been specifically provided for in the relatively recent plan sections relating to the Wairakei urban growth area, that and similar areas should be exempt from the PC27 provisions. This was because, in his opinion, PC27 essentially relitigates settled matters and imposes additional costs on developments that are already in progress or consented based on the existing provisions.
104. Council's response was to reject that submission primarily on the ground that the earlier settled provisions did not consider the additional calculation required to give effect to the climate change RCP 8.5 scenario, and that to exempt those developments would not give effect to the RPS.
105. In their Closing Submissions Council also addressed the contention of some submitters, for example Mr York on behalf of Bluehaven Group, that PC27 conflicted with Rule 12B.3.1.2(f)<sup>35</sup> with respect to building platform levels. Council stated that this existing rule

<sup>33</sup> Larking, para 4.7.

<sup>34</sup> Closing Statement, Op cit, section 2 Response.

<sup>35</sup> It would appear that Council was referring to Rule 12B.3.1.12(f).

and the rules proposed by PC27 are based on two different flooding scenarios, and that in any event the difference in flooding is negligible as most of the flooding is confined to public property such as roads and swales. Whilst the Council did not provide details on what the building platform level was, we infer from their submission that it was either small or impacted on few lots or a combination of the two.

### **Finding**

106. We agree with Council. While it is always unfortunate for those whose projects are caught in between old and new provisions, the requirement to give effect to the RPS is not discretionary on Council. If the provisions are found by us to be necessary, then they must apply even-handedly across the district unless it can be shown that the same outcome would be achieved regardless. In this instance, the fact that the submission is made indicates that would not be the case – in which case exempting those would confer an unfair advantage. Furthermore, existing subdivisions and developments that have “completed” their consent processes in those areas will not retrospectively be affected, only “new” development would require resource consent under these provisions. We are not persuaded that there is a good RMA ground for the exemption sought.

### **PC27 Provisions**

107. We have carefully considered the amendments proposed by Ms Vaidya attached as Appendix 1 to Council’s closing statement (dated 17 December 2021) and generally accept them – with some minor editing changes for clarification (per s.18A RMA) and two other changes that we have already alluded to in the above discussion:

- (i) We have amended the definition footnote to a number of key terms relating to Council’s updating of the flood maps, and its further explanation in the purpose section at 8D; and
- (ii) We have made a minor wording change to rule 8D.3.3 to clarify that “damage to property” means “damage to any site and/or building”, to avoid the confusion that could arise from the use of the term “property”.

108. As noted above, the matter of bringing the flood maps up to a uniform standard of reliability remains of concern. While we accept that the footnote proposed by Council is intended to provide a degree of comfort and assurance to submitters that reviews and revisions will actually occur, we find that this note should go further than simply proposing that this be done “periodically”.

109. Council had proposed the following wording (using the *floodplain* definition as an example):

*Note: The Council holds publicly available information showing the modelled extent of flooding affecting specific properties in its GIS viewer. The maps are non-statutory and will be periodically updated to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held property specific information as well as information and technical assessments provided by individuals when assessing the current applicability of floodplain definition.*

110. Whilst a footnote carries no particular weight, and is not in itself enforceable, we prefer the following more positive statement, which we have inserted into each of the key definitions and the purpose section of 8D:

*Note: The Council holds publicly available information showing the modelled extent of floodplain(s) affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant site-specific information becomes*

*available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held site-specific information as well as any relevant information and technical assessments provided by any person(s) when assessing the current applicability of the floodplain definition to a particular site.*

111. Otherwise, we adopt the changes recommended by Ms Vaidya.
112. We note that the changes adopted do not change the recommendations made by Ms Vaidya in section 13 of her hearing report with respect to submissions and further submissions. As such we adopt those recommendations and refer the reader to them.

### STATUTORY ASSESSMENT

113. The RMA sets out a range of matters that must be addressed when considering a plan change. These matters have been identified (correctly in our view) in both the s.32 Report (section 2) and the s.42A Report (sections 8 through 12). We note that the plan change was considered to satisfy those requirements.
114. We also note that s.32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the effects that are anticipated from the implementation of the proposal.
115. Having considered the evidence, submissions, legal advice, and relevant background documents, we are satisfied, overall, that PC27 has been developed in accordance with the relevant statutory and policy matters with regard to the Council's s.31 functions relating to the control of stormwater *qua* flooding as a natural hazard (and ss.31(1)(a) and 31(b)(i) particularly), and gives effect to the requisite RPS natural hazard provisions. The plan change will clearly assist the Council to effectively administer the District Plan.

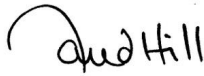
### CONCLUSION

116. Throughout our consideration of PC27 we have had in front of mind the purpose of the changes proposed. This change is not intended to resolve broader infrastructural issues regarding stormwater infrastructure – such as, for example, the interrelationship with Council's Infrastructure Stormwater Project as we have discussed - but to complement those programmes. We are satisfied that PC27 responds appropriately to those matters.

### DECISION & RECOMMENDATION

117. Our decisions on submissions and our recommendations to the Council follow:
  - (a) That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Plan Change 27 *Flooding from intense rainfall* to the Tauranga City Plan be approved, subject to the modifications set out in this decision and as attached in Appendix 1; and
  - (b) That submissions on the plan change are accepted and rejected in accordance with this decision and as per the recommendations set out in the Council's s.42A Report.
118. The reasons for the decision are that Plan Change 27:
  - (a) will assist the Council in achieving the purpose of the RMA;
  - (b) will give effect to the Bay of Plenty Regional Policy Statement;

- (c) is consistent with the provisions of Part 2 of the RMA;
- (d) is supported by necessary evaluation in accordance with s.32;
- (e) accords with the requirements of s.18A of the RMA; and
- (f) will better assist the effective implementation of the TCP.



**David Hill**  
**Chairperson**

**And on behalf of Commissioners Vicki Morrison-Shaw, Fraser Campbell and Richard Knott**

**Date:** 21 March 2022

**Appendix 1: Plan Change 27 Flooding from Intense Rainfall – Hearings  
Panel Decisions Version Text**



## APPENDIX 1 – CITY PLAN TEXT



# TAURANGA CITY COUNCIL

## OPERATIVE CITY PLAN

**Plan Change – 27 Flooding from intense rainfall**

**Hearing Panel – Decisions Version Text**

<b>PLAN CHANGE 27: FLOODING FROM INTENSE RAINFALL – HEARING PANEL DECISIONS VERSION TEXT</b>
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This document sets out the changes that the Independent Hearing Commissioners appointed to determine Plan Change 27 – Flooding from Intense Rainfall, have made to the plan text. The reasons for the changes are set out in the accompanying decision. Changes to notified provisions are shown (in black) either as a ~~strike-out~~ for deleted text or underlined for additional text.

This document incorporates amendments proposed by the Hearing Panel on Plan Change 30 – Earthworks but excludes those proposed under Plan Change 26 – Housing Choice, as at the time the decision for Plan Change 27 was issued, Plan Change 26 remained on hold.

The **bold double underlined text** explains the changes made (and are not formally part of the recommended plan change).

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### Chapter 3 - Definitions

- **Adopt definition for *annual exceedance probability (AEP)* as notified:**

***annual exceedance probability (AEP)***

Means the probability that a *natural hazard* event of a certain size will occur, or will be exceeded, in a time of one year.

- **Adopt definition for *critical buildings* with the following amendments:**

***critical buildings***

Means *activities*, landuse, *buildings* and *structures*:

- a) Operated by agencies assisting the public in times of emergency, including Fire and ~~Emergency New Zealand, the New Zealand Fire Service or an equivalent emergency fire service~~, the New Zealand Police, the Coastguard and ambulance services (including air ambulance services);
- b) Public and private hospitals and other similar facilities providing emergency medical services;
- c) Civic Defence Emergency centres

- **Adopt definition for *flood depth* as notified:**

***flood depth***

Means the depth of water measured from the ground to the top water level in a flood.

- **Adopt definition for *flood level* as notified:**

***flood level***

Means the top water level in the 1% *annual exceedance probability (AEP)* rainfall event concurrent with a 5% *annual exceedance probability (AEP) storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130.

- **Adopt definition for *floodplain* as notified and include new note following:**

***floodplain***

Means the land near a stream or river channel, susceptible to flooding in the 1% *annual exceedance probability (AEP)* rainfall event concurrent with a 5% *annual exceedance probability (AEP) storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130.

Note: The Council holds publicly available information showing the modelled extent of *floodplain(s)* affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant *site-specific* information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held *site-specific*

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information as well as any relevant information and technical assessments provided by any person(s) when assessing the current applicability of the *floodplain* definition to a particular site.

- **Adopt definition for flood prone area as notified and include new note following:**

***flood prone area***

Means the land susceptible to flooding in the 1% *annual exceedence probability (AEP)* rainfall event concurrent with a 5% *annual exceedence probability (AEP) storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130, but is not within the definition of *overland flowpath* or *floodplain*.

Note: The Council holds publicly available information showing the modelled extent of *flood prone area(s)* affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant *site-specific* information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held *site-specific* information as well as any relevant information and technical assessments provided by any person(s) when assessing the current applicability of the *flood prone area* definition to a particular site.

- **Adopt definition for freeboard as notified:**

***freeboard***

Means the minimum height of the finished floor level above the *flood level*.

- **Adopt definition for habitable room as notified:**

***habitable room***

Means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom and office or other room specified in *the Plan* to be a similarly occupied room.

- **Adopt definition for impervious surfaces with following amendments:**

***impervious surfaces***

Means an area with a surface which prevents the infiltration of rainfall into the ground. For the purposes of this definition *impervious surfaces* include:

- a) roofs;
- b) paved areas including driveways and sealed/compacted ~~metal~~ unsealed parking areas;
- e) ~~patios~~;
- ~~d) c)~~ swimming pools;
- e) d) sealed and compacted ~~metal~~ unsealed roads; and
- ~~f) e)~~ soil layers engineered to be impervious such as compacted clay.

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For the purposes of this definition *impervious surfaces* excludes:

- a) any natural surface;
- b) grass and bush areas;
- c) gardens and other vegetated areas;
- d) porous or permeable paving and living roofs;
- e) permeable artificial surfaces, fields or lawns;
- f) slatted decks; and
- g) *stormwater management devices* not located beneath sealed or compacted surfaces.

- **Adopt definition for land drainage works with the following amendments:**

***land drainage works***

Means drainage works of any sort, including the making of drains for receiving water in its natural flow ~~on or from any hills or other sloping lands,~~ and diverting the same to prevent its overflow on to any other lands on a lower level, as well as drains for carrying off water from any lands.

- **Adopt definition for major overland flowpath as notified and include new note following:**

***major overland flowpath***

Means an *overland flowpath* with a contributing catchment of 2 hectares or more.

Note: The Council holds publicly available information showing the modelled extent of *major overland flowpath(s)* affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held site-specific information as well as any relevant information and technical assessments provided by any person(s) when assessing the current applicability of the *major overland flowpath* definition to a particular site.

- **Adopt definition for *marae* as notified:**

***marae***

Means a specific area containing a complex of *buildings* which a hapū regards as their base for hosting meetings and other ceremonial occasions (hui).

- **Adopt definition for minor overland flowpath as notified and include new note following:**

***minor overland flowpath***

Means an *overland flowpath* with a contributing catchment which is less than 2 hectares in area.

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Note: The Council holds publicly available information showing the modelled extent of *minor overland flowpath(s)* affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant *site-specific* information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held *site-specific* information as well as information and technical assessments provided by any person(s) when assessing the current applicability of the *minor overland flowpath* definition to a particular *site*.

- **Adopt definition for *social and cultural building* as notified:**

***social and cultural building***

For the purpose of *Chapter 8 – Natural Hazards*, means *buildings* and *structures* for places of worship, art galleries, museums, libraries, community centres, community halls, *rest homes* and education facilities.

- **Adopt definition for *storm-tide event* as notified:**

***storm-tide event***

Means the total observed seawater level which is the combination of storm surge and normal high tide.

- **Adopt definition for *stormwater management devices* with the following amendments:**

***stormwater management devices***

Means a device or facility used to reduce stormwater runoff volume, flow and/or contaminant loads prior to discharge. This includes but is not limited to:

- a) rain gardens and swales;
- b) ~~porous or permeable paving~~ designed permeable paving;
- c) rainwater tank;
- d) infiltration trenches;
- e) sand filters;
- f) green roofs;
- g) wetlands;
- h) ponds; ~~and~~
- i) proprietary devices; ~~and~~
- j) soakholes and soakpits.

- **Delete definition for *stormwater overland flowpath* and replace with definition for *overland flowpath* as notified and include new note following:**

***overland flowpath***

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Means the land overflowed by a concentrated flow of water resulting from a 1% *annual exceedence probability (AEP)* rainfall event concurrent with a 5% *annual exceedence probability (AEP) storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130, as it flows towards the stormwater network, streams, rivers, harbour or the coast. *Overland flowpath* includes a secondary flowpath which is activated when the primary (often piped) stormwater system gets blocked or when the capacity of the piped system is exceeded. For the purposes of this definition, an *overland flowpath* includes an artificially designed route using formed or hard surfaces.

Note: The Council holds publicly available information showing the modelled extent of *overland flowpath(s)* affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held site-specific information as well as information and technical assessments provided by any person(s) when assessing the current applicability of the *overland flowpath* definition to a particular site.

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**Chapter 4 – General Rules**

- **Adopt Policy 4C.1.1.3 heading as notified:**

4C.1.1.3 Policy – Flood Hazard Plan Area

By ensuring the potential adverse flooding effects to property are minimised where earthworks occur on land containing watercourses, overland flow paths, ponding areas and/or land subject to inundation by harbour and coastal waters.

- **Adopt Rule 4C.2.1 as notified:**

**4C.2.1 Exemptions to the Permitted Activity Rules**

- a) The following *activities* are permitted and exempt from *Rule 4C.2.2 – All Zones* through *Rule 4C.2.10 – Floodplains, Major Overland Flowpaths and Flood Prone Areas*:
- i) *Earthworks* consented as part of a *subdivision* consent approved by *Council* where the scope and extent of *earthworks* has been specifically described in the application in accordance with *Rule 12B.3.1.5 – Earthworks*; *Rule 12C.3.1.3 – Earthworks*, *Rule 12D.3.1.2 – Earthworks*; or *Rule 12E.3.1.4 – Earthworks*;
  - ii) *Earthworks* in the *Road Zone*;
  - iii) *Earthworks* associated with the maintenance, renewal and *minor upgrading (in relation to electric lines)* of *network utilities* listed in *Chapter 10 – Network Utilities and Designations* subject to *Rule 10A.5.9 – Establishment, Maintenance or Demolition of a Network Utility*;
  - iv) *Earthworks* associated with the construction of *stormwater reserves*.
  - v) *Earthworks* for domestic gardening;
  - vi) *Earthworks* for grave digging;
  - vii) *Earthworks* for archaeological investigations authorized by Heritage New Zealand, subject to the written approval of Transpower being clearly endorsed on all relevant investigation *site* plans where those investigations occur within the High Voltage Transmission Plan Area identified on the *Plan Maps, Part B*.

- **Adopt Rule 4C.2.2 (incorporating amendments through PC30):**

**4C.2.2 All Zones**

In addition to *Rule 4C.2.3 – Tauriko Business Estate* through to *Rule 4C.2.10 – Floodplains, Major Overland Flowpaths and Flood Prone Areas*, *earthworks* are a Permitted Activity providing:

- a) They are ancillary to ~~the and carried out at the same time as~~ physical works required to establish a Permitted Activity within that zone;
- b) Any *earthworks*, exposing more than 100m<sup>2</sup> of area shall apply, as a minimum, the following erosion and sediment control measures (where applicable) to ~~keep control~~ sediment on the site within the *site(s)* upon which the *earthworks* are occurring:
  - i) A single access is constructed and used to prevent vehicle tracking of material off the *site(s)*;

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- ii) Stormwater inlet protection. A a perimeter silt fence or other barrier is installed;
- iii) Material stockpiles are placed upslope of the silt fence or other barrier and are covered when not in use;
- iv) Temporary or permanent downpipes are connected to the stormwater system;
- v) Surface water is diverted away from, or prevented from, running over bare soil; and
- vi) Sediment-laden water from the works area ~~channelled to a retention area~~ is treated on the site(s).

Rule 4C.2.2 b) shall not apply to *earthworks* that: have resource consent under the Bay of Plenty Regional Council Regional Natural Resources Plan or are ancillary to *primary production*;

*Note: Council's Sediment and Erosion Control Guideline provides guidance and examples of sediment and erosion control measures/materials for different site circumstances to assist the selection of the best practice measures for erosion and sediment control.*

*Note: The Bay of Plenty Regional Council also has Erosion and Sediment Control Guidelines for Land Disturbing Activities which apply to activities/consents under the Bay of Plenty Regional Council Regional Natural Resources Plan.*

- c) Any single cut on a *site* 1.5 metres in height or higher (either as a single cut or combination of cuts) where the angle of cut is 45° or greater is retained either before *construction* of any *building* foundations or retained no later than 3 months after that cut being created. This rule shall not apply to *earthworks* in the Rural Zone unless those *earthworks* are associated with *construction* of a *building*;
- d) They do not take place within the *drip-line* of a *Notable Tree* or *Heritage Tree*;
- e) They do not take place on any *site* that includes *potentially contaminated land*, unless:
  - i) A consent for remediation has been obtained from the Bay of Plenty Regional Council;
  - ii) A *site* investigation report prepared by a suitably qualified contaminated *site* investigator is submitted to the *Council* in accordance with Ministry for the Environment Guideline No.1 – Reporting on Contaminated Sites in New Zealand demonstrating that either the *site* does not have *potentially contaminated land* or the *potentially contaminated land* is separated from the *earthworks* by a safe distance (determined by the substance causing soil contamination);
  - iii) Consent has been obtained pursuant to *Rule 9B.3 – Restricted Discretionary Rules*;
  - iv) The provisions of *Rule 9B.2.1 – Applicability to Subdivision and Land Use* apply; ~~and~~
- f) They are associated with sub-surface investigations of contaminated and *potentially contaminated land* to determine the presence, extent and nature of any contamination. This work shall be coordinated by a suitably qualified contaminated *site* investigator.

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- **Adopt Rule 4C.2.10 with the following amendments:**

**4C.2.10 Floodplains, Major Overland Flowpaths and Flood Prone Areas**

In addition to *Rule 4C.2.2 – All Zones, earthworks carried out between the ground level that existed at 16 November 2020 and the top flood level within a floodplain, major overland flowpath or flood prone area shall:*

- a) Not exceed 10m<sup>3</sup> in net volume of fill ~~(based on ground level existing at 16 November 2020)~~ above the ground level that existed at 16 November 2020; and
- b) Not raise ~~the ground levels (existing at 16 November 2020)~~ by more than 300mm above the ground level that existed at 16 November 2020.

*This rule shall not apply to earthworks that are ancillary to primary production or earthworks that are ancillary to the maintenance of stormwater assets, and management of public recreational facilities and activities and minor public recreational facilities and activities.*

*Note: For the avoidance of doubt, non-compliance with both 4C.2.2 a) and 4C.2.2 b) is a Restricted Discretionary Activity in accordance with Rule 4C.3 – Restricted Discretionary Activity Rules.*

- **Adopt Rule 4C.3.2.7 with the following amendments:**

**4C.3.2.7 For Earthworks in Floodplains, Major Overland Flowpaths and Flood Prone Areas**

In considering *earthworks* that do not comply with *Rule 4C.2.10 – Floodplains, Major Overland Flowpaths and Flood Prone Areas*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal mitigates on *site* flood risk;
- b) The extent to which the proposal avoids any increase in flood risk on neighbouring properties or properties ~~further upstream and or~~ downstream;
- c) The effects of the decrease of water storage or flood conveyance capacity of the *floodplain*;
- d) Consistency with the objectives and policies in *Chapter 8D – Flooding from Intense Rainfall*.

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**Chapter 8 – Natural Hazards**

- **Adopt Section 8A Purpose of the Natural Hazards Provisions as notified:**

**8A Purpose of the Natural Hazards Provisions**

*Council* must recognise and provide for the management of significant risks from *natural hazards* as a matter of national importance.

*The City* is located on land that is geologically sensitive and partly in direct proximity to a dynamic *coastal environment*. It is also located within a volcanically active region which may present localised effects.

*Natural hazards* are defined in the *Resource Management Act*. *Natural hazards* identified within the Tauranga City environs include, but are not limited to:

- a) Earthquake induced subsidence and/or flooding, including liquefaction;
- b) Instability induced by highly compressible soils;
- c) Erosion and land slippage associated with relic land slips and slip debris or overly steep topography;
- d) Flooding associated with intense rainfall;
- e) Flooding associated with sea-level rise;
- f) Tsunami or coastal inundation and coastal erosion along and within the open and harbour coastlines.

Two key pieces of legislation empower *Council* to manage and control *natural hazards*; the Resource Management Act 1991 and the Building Act 2004. Under the Resource Management Act 1991, *subdivision*, use and development is required to avoid, remedy or mitigate the effects of *natural hazards*.

The Building Act 2004 has similar responsibilities when granting *building* consents on land subject to specified *natural hazards*, with certain exceptions.

The emphasis in the management of *natural hazards* is to encourage people to avoid situations in which they, or their property, could be at risk.

*Subdivision*, use and development, and the protection of natural and physical resources contained within an area subject to, or likely to be subject to, a *natural hazard* are subject to the provisions in this Chapter.

The plan provisions take a risk management approach to controlling *activities* by assessing the level of risk according to the likelihood of *natural hazards* occurring and their potential consequence.

Flood hazard risk has been considered in terms of the following three category risk framework:

- a) High *natural hazard* risk is a level of risk beyond what should be tolerated;
- b) Medium *natural hazard* risk is a level of risk that exceeds the low level but does not meet the criteria for High risk; and
- c) Low *natural hazard* risk is the level of risk generally acceptable.

A low *natural hazard* risk must be achieved on development *sites* after completion of the development, without increasing risk outside of the development *site*.

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- **Adopt Objective 8C.1.1 and Policy 8C.1.1.1 as notified:**

**8C.1.1 Objective - Avoidance or Mitigation in the Flood Hazard Plan Area**

The adverse effects to property and the *environment* from flooding caused by harbour inundation are avoided or mitigated.

**8C.1.1.1 Policy - Avoidance or Mitigation in the Flood Hazard Plan Area**

By ensuring *subdivision*, use and development in the *flood hazard plan area* is avoided or mitigated, unless:

- a) The risk to *buildings, structures* and surrounding properties is mitigated against;
- b) The natural functioning of flood plains or low-lying land as ponding areas is protected.

- **Adopt Section 8D Flooding from Intense Rainfall with the following amendments:**

**8D Purpose of Flooding from Intense Rainfall Provisions**

The purpose of this section is to manage *activities* related to flood hazards from intense rainfall, so that risk is not increased and is reduced over time.

The nature of risk and appropriate mitigation for *intense* rainfall related flooding can vary depending on the nature of the flood area. *Council* has therefore defined three types of flooding areas from intense rainfall events: *floodplains, overland flowpaths* and *flood prone areas*.

The purpose of these categories is to enable targeted control of *activities* which may introduce risk or ~~negative~~ *adverse* effects, while allowing *activities* which may be appropriate in or adjacent to the flood area. This section adopts the 1% *AEP* rainfall event taking into account climate change and sea level rise to give effect to the Bay of Plenty Regional Council Regional Policy Statement.

*Floodplains* are situated next to a river or stream. They carry out the important function of water storage and flood flow conveyance during a flood event. Development within a *floodplain* can cause an increase in flood risk, by either placing more people and assets within an area likely to be affected by flooding, and/or by increasing flood flows through loss of storage and conveyance function and diversions of flows such that additional adverse effects occur.

*Overland flowpaths* are part of the stormwater system to safely convey flood flows, which cannot get into or cannot be conveyed by the primary stormwater system and need to be ~~protected~~ *managed* in order to reduce nuisance or damage caused by flooding. *Overland flowpaths* have been delineated into following categories:

- a) *Minor overland flowpath*: has a contributing catchment of less than 2ha.
- b) *Major overland flowpath*: has a contributing catchment of 2ha or more, meaning that the flowpath function serves a larger area. There is potentially greater onsite risk in a *major overland flowpath* and the possibility that the *major overland flowpath* will affect larger upstream and downstream land area than a *minor overland flowpath*.

*Flood prone areas* are areas which are flooded in a 1% *AEP* event, however, unlike *floodplains* and *overland flowpaths*, the flow of the water is much slower. Therefore, it is possible to develop in *flood prone areas* in certain circumstances provided flood risk to life and property is mitigated.

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*Council holds publicly available information showing the modelled extent of floodplains, overland flowpaths and flood prone areas, which identifies identify the locations and extent of these flood types. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held site-specific information as well as information and technical assessments provided by any person(s) when assessing the current applicability of the floodplains, overland flowpath and flood prone area definitions to a particular site.*

*The Tauranga City Council Flooding from intense rainfall guideline is publicly available to aid in the understanding of the modelling and implementation of provisions in relation to flooding from intense rainfall. The guideline is non-statutory and will be periodically reviewed and updated by the Council as needed.*

## **8D.1 Objectives and Policies for Areas Subject to Flooding from Intense Rainfall**

### **8D.1.1 Objective - Avoidance or mitigation of flooding from intense rainfall**

The flood risk to life, property and *infrastructure* resulting from *subdivision*, use and development of land is reduced over time taking into account the effects of climate change.

#### **8D.1.1.1 Policy – Floodplains - General**

Maintain the conveyance function and storage capacity of *floodplains* by:

- a) Restricting the infilling of *floodplains*;
- b) Restricting *activities* within the *floodplain*; and
- c) Restricting urban development and *subdivision* within the *floodplain*.

#### **8D.1.1.2 Policy - Overland Flowpaths - General**

Maintain the function of *overland flowpaths* to safely convey flood water and reduce risk to life, property and *infrastructure* by:

- a) Maintaining the water carrying capacity of an *overland flowpath*;
- b) Maintaining the water storage capacity of a *major overland flowpath*;
- c) Restricting *activities* that may obstruct an *overland flowpath*;
- d) Ensuring that the risk of flooding is not transferred to other people, property or *infrastructure*; and
- e) Ensuring that the minimum *freeboard* level of *habitable rooms* is 500mm above the *flood level*; and
- f) Demonstrating that a safe evacuation route or refuge during flood events is provided.

#### **8D.1.1.3 Policy – Floodplains and Overland Flowpaths - Critical Buildings and Social and Cultural buildings**

Manage *activities* to reduce the risk to life and property from flooding including:

- a) Avoiding new *critical buildings* being located within *floodplains* and *overland flowpaths*;
- b) Avoiding new *social and cultural buildings* being located within *floodplains* and *overland flowpaths*; and

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- c) Restricting additions to existing *buildings* located within *floodplains* and *overland flowpaths*.

8D.1.1.4 Policy – Flood Prone Area - General

Requiring new *buildings* and additions to existing *buildings* (other than *social and cultural buildings* and *critical buildings*) within the *flood prone area* to mitigate risks from flood hazards by:

- a) Requiring that the minimum *freeboard* level of *habitable rooms* is ~~500mm~~ above the *flood level*
- b) Ensuring that the risk of flooding is not transferred to other people, property or *infrastructure*; and
- c) Ensuring that *business* and *industrial activities* are designed to minimise damage to goods and internal fittings caused by flooding.

8D.1.1.5 Policy – Flood Prone Area – Social and Cultural Buildings and Critical Buildings

Manage *activities* to reduce the risk of flooding in *flood prone areas* by:

- a) Requiring new *social and cultural buildings* and *critical buildings* to be located outside *flood prone areas*; and
- b) Requiring the additions or alterations to existing *social and cultural building* and *critical buildings* located within *flood prone areas* to mitigate risks from flood hazard by:
  - i) Ensuring that the minimum *freeboard* level of *habitable rooms* is ~~500mm~~ above the *flood level*; and
  - ii) Ensuring that the risk of flooding is not transferred to other people, property or *infrastructure*; and
  - iii) Demonstrate that a safe evacuation route or refuge during flood events is provided; and
  - iv) Ensuring *buildings* are designed to minimise damage caused by flooding; and
  - v) For *critical buildings* located within a *flood prone area*, ensuring that the *activity* within the *critical building* continues in its normal function during and after a 1% *AEP* rainfall event concurrent with a 5% *AEP storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130.

8D.1.1.6 Policy - Impervious surfaces

Restrict on *site impervious surfaces* to manage the amount of *stormwater run-off* generated by a development and ensure that adverse effects of flooding are avoided or mitigated.

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**8D.2 Activity Status Rules (Flooding from Intense Rainfall)**

**8D.2.1 Activities within Floodplains, Overland Flowpaths and Flood Prone Areas**

All activities within overland flowpaths, floodplains and flood prone areas shall have the status identified in Table 8D.1: Flood Hazards Activity Status (Overland Flowpath, Floodplain and Flood Prone Area). Symbols used in Table 8D.1: Flood Hazards Activity Status (Overland Flowpath, Floodplain and Flood Prone Area) have the meaning described in Table 1A.2: Activity Status.

**Table 8D.1: Flood Hazards Activity Status (Overland Flowpath, Floodplain and Flood Prone Area)**

Use/Activity	Relevant Rule	Floodplain	Minor Overland Flowpath	Major Overland Flowpath	Flood Prone Area Flood depth 100-299mm	Flood Prone Area Flood depth 300mm or more
Additions to any lawfully established buildings unless otherwise stated in this table	-	P (Refer Rule 8D.3.4)	RD (Refer Rule 8D.4.2.2)  P (Refer Rule 8D.3.2)	RD (Refer Rule 8D.4.2.3)  P (Refer Rule 8D.3.3)	P (Refer Rule 8D.3.6)	P (Refer Rule 8D.3.6)
Additions to existing lawfully established Social and Cultural buildings and Critical buildings	-	D (Refer Rule 8D.5)	D (Refer Rule 8D.5)	D (Refer Rule 8D.5)	P (Refer Rule 8D.3.6)	P (Refer Rule 8D.3.6)
Childcare or homebased childcare within the flood prone area, where the flood water exceeds 300mm flood depth	-	n/a	n/a	n/a	D (Refer Rule 8D.5)	D (Refer Rule 8D.5)
Flood mitigation works within a minor overland flowpath	-	n/a	P (Refer Rule 8D.3.2)	n/a	n/a	n/a
New Marae	-	D	D	D (Refer Rule 8D.5)	P	RD

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<b>Use/Activity</b>	<b>Relevant Rule</b>	<b>Floodplain</b>	<b>Minor Overland Flowpath</b>	<b>Major Overland Flowpath</b>	<b>Flood Prone Area <u>Flood depth 100-299mm</u></b>	<b>Flood Prone Area <u>Flood depth 300mm or more</u></b>
		(Refer Rule 8D.5)	(Refer Rule 8D.5)		(Refer Rule 8D.3.5)	(Refer Rule 8D.4.2.4)
New <i>business activities</i> and <i>industrial activities</i>	-	D (Refer Rule 8D.5)	RD (Refer Rule 8D.4.2.2)	RD (Refer Rule 8D.4.2.3)	P (Refer Rule 8D.3.5)	<u>RD</u> (Refer Rule 8D.4.2.4)
New <i>residential building</i>	-	D (Refer Rule 8D.5)	<del>D</del> (Refer Rule 8D.5)  <u>RD</u> (Refer Rule 8D.4.2.2)	<del>D</del> (Refer Rule 8D.5)  <u>RD</u> (Refer Rule 8D.4.2.3)	P (Refer Rule 8D.3.5)	<u>RD</u> (Refer Rule 8D.4.2.4)
New <i>Social and Cultural buildings</i> and <i>Critical buildings</i>	-	NC (Refer Rule 8D.6)	NC (Refer Rule 8D.6)	NC (Refer Rule 8D.6)	D (Refer Rule 8D.5)	<u>D</u> (Refer Rule 8D.5)
New <i>Structures with 20m<sup>2</sup> or more gross floor area (GFA)</i> , unless otherwise stated in this table	-	<del>D</del> (Refer Rule 8D.5)  <u>P</u> (Refer Rule 8D.3.4)	<del>D</del> (Refer Rule 8D.5)  <u>P</u> (Refer Rule 8D.3.2)	<del>D</del> (Refer Rule 8D.5)  <u>P</u> (Refer Rule 8D.3.3)	<del>P</del> (Refer Rule 8D.3.5)  <u>P</u> (Refer Rule 8D.3.5)	<u>P</u> (Refer Rule 8D.3.5)
Operation, maintenance, renewal, repair and minor upgrading of any <i>infrastructure</i>	8D.3	P	P	P	P	<u>P</u>

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Use/Activity	Relevant Rule	Floodplain	Minor Overland Flowpath	Major Overland Flowpath	Flood Prone Area <u>Flood depth 100-299mm</u>	<u>Flood Prone Area</u> <u>Flood depth 300mm or more</u>
Operation, maintenance, renewal, repair and minor <i>infrastructure</i> upgrading of <i>land drainage works</i> and <i>stormwater management devices</i>	8D.3	P	P	P	P	<u>P</u>
Operation, maintenance, renewal and repair of road network <i>activities</i> within the legal road or road formation width	8D.3	P	P	P	P	<u>P</u>
<i>Temporary activities</i>	8D.3	P	P	P	P	<u>P</u>
<i>Temporary Storage Areas</i>	-	P (Refer Rule 8D.3.3)	NG (Refer Rule 8D.6) <u>P</u> (Refer Rule 8D.3.2)	P (Refer Rule 8D.3.3)	P (Refer Rule 8D.3.5)	<u>P</u> (Refer Rule 8D.3.5)
Walls and Fences	8D.3.1	P	P	P	<u>P</u> <u>n/a</u>	<u>n/a</u>

### 8D.3 Permitted Activity Rules

*Note: Any activity that does not comply with a Permitted Activity Rule shall be considered a Restricted Discretionary Activity, unless stated otherwise.*

*Any activity not otherwise listed in Table 8D.1 shall be considered a Permitted Activity, subject to the relevant Permitted Activity Rules.*

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**8D.3.1 Walls and Fences**

Any fences and walls within the *floodplain* or *overland* flowpath shall be:

- ~~a) Post and wire fences or mesh fences; or~~
- ~~b) a) Designed so that at least 70% of the surface area of the wall or fence is not solid to allow stormwater to flow through; or~~
- ~~b) Solid fences and walls with an opening at ground level to retain the water carrying and water storage capacity of the overland flowpath or floodplain.~~

**8D.3.2 Minor Overland Flowpaths**

Any permitted *activity* within the *minor overland flowpath* shall:

- ~~a) Allow the stormwater to flow safely without causing damage to any site and/or building;~~
- ~~a) b) Retain the water carrying capacity of the overland flowpath; and~~
- ~~b) c) Retain the entry and exit points of the overland flowpath from the site; and~~
- ~~c) Allow the stormwater to flow safely without causing damage to any site and/or building.~~

**8D.3.3 Major Overland Flowpaths and Floodplains**

Any permitted *activity* within the *major overland flowpath* or *floodplain* shall:

- ~~a) Allow the stormwater to flow safely without causing damage to property any site and/or building;~~
- ~~b) Retain the water carrying capacity of the major overland flowpath or floodplain; and~~
- ~~c) Retain the water storage capacity of the major overland flowpath or floodplain.~~

**8D.3.4 Additions in Floodplains**

Additions to any lawfully established *building* or *structure* within the *floodplain* beyond the *building* envelope or footprint of the existing *building* or *structure* shall:

- ~~a) Not exceed 20m<sup>2</sup> of gross floor area (GFA) at ground level; and~~
- ~~b) Have the following minimum freeboard level:~~
  - ~~i) 500mm for habitable rooms in any residential building and Marae; or~~
  - ~~ii) 300mm for business activities and industrial activities.~~

**8D.3.5 Flood Prone Areas**

Any ~~building or structure, excluding in-ground swimming pools, activities~~ located in a *flood prone area* shall be either:

- ~~a) Be Located in an area that has a flood depth of less than 300mm with the following minimum freeboard level; and~~
- ~~b) Have the following minimum freeboard level:~~
  - ~~i) 500mm for habitable rooms in residential buildings and Marae; or~~
  - ~~ii) 300mm for business activities and industrial activities; or~~

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- b) Located in an area that has a flood depth of 300mm or more and shall not exceed 20m<sup>2</sup> of gross floor area (GFA); at ground floor level.

#### **8D.3.6 Additions in Flood Prone Areas**

Additions at ground floor level to any lawfully established *activities* within the *flood prone area* shall:

- a) Not exceed 20m<sup>2</sup> of *gross floor area (GFA)*;
- b) Be at the same or higher floor level as the adjoining room; ~~and~~
- c) ~~Be located in an area that has a flood depth of less than 300mm.~~

#### **8D.4 Restricted Discretionary Activity Rules**

The following are Restricted Discretionary Activities:

- a) Any *activity* that does not comply with *Rule 8D.3 - Permitted Activity Rules*;
- b) Any *activity* listed as a Restricted Discretionary Activity in *Table 8D.1: Flood Hazards Activity Status (Overland Flowpath, Floodplain and Flood Prone Area)*.

##### **8D.4.1 Non-Notification**

Any resource consent application made ~~that meets all the standards and terms under~~ *Rule 8D.4 – Restricted Discretionary Activity Rules* shall be considered without public or limited notification ~~unless:~~

- a) ~~The Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991; or~~
- b) ~~There are affected protected customary rights groups or affected customary marine title groups in accordance with section 95(B)(2) of the Resource Management Act.~~

##### **8D.4.2 Restricted Discretionary Activities - Matters of Discretion**

###### **8D.4.2.1 Walls and Fences**

In considering *activities* that do not comply with *Rule 8D.3.1 – Walls and Fences*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal mitigates on *site* flood hazard;
- b) The extent to which the proposal ~~mitigates~~ changes flood hazard on neighbouring properties or properties further downstream and or upstream and how any potential impacts from these changes will be mitigated;
- c) The extent to which the proposal provides for the conveyance of the water in the *floodplain or overland flowpath*.

###### **8D.4.2.2 Minor Overland Flowpaths**

In considering *activities* that do not comply with *Rule 8D.3.2 – Minor Overland Flowpaths* or which are classified as *Restricted Discretionary Activities* in *Table 8D.1: Flood Hazards Activity Status (Overland flowpath, Floodplain and Flood Prone Area)*, the *Council* restricts the exercise of its discretion to:

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- a) The extent to which the proposal changes the entry and/or the exit points of the *overland flowpath* and how any potential impacts from these changes will be mitigated;
- b) The extent to which the proposal mitigates on *site* flood hazard caused by the *overland flowpath*, including setting of minimum *freeboard* level;
- c) The extent to which the proposal ~~mitigates~~ changes flood hazard caused by the *overland flowpath* on neighbouring properties or properties ~~further upstream or downstream~~ and how any potential impacts from these changes will be mitigated;
- d) The extent to which the proposal mitigates erosion caused by the *overland flowpath* on *site* or downstream;
- e) The extent to which the proposal provides for the conveyance of water in a *minor overland flowpath*;
- f) The provision for a safe evacuation route or refuge for ~~of~~ people from the *activity* during flood events;
- g) The extent to which the proposal provides for access and maintenance to maintain safe passage of water and minimise risk in an intense rainfall event.

#### 8D.4.2.3 Floodplains and Major Overland Flowpaths

In considering *activities* that do not comply with *Rule 8D.3.3 – Major Overland Flowpaths and Floodplains*, *Rule 8D.3.4 – Additions in Floodplains* or which are classified as *Restricted Discretionary Activities* in *Table 8D.1: Flood Hazards Activity Status (Overland flowpath, Floodplain and Flood Prone Area)*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal mitigates on *site* flood risk, including setting of minimum *freeboard* level;
- b) The extent to which the proposal ~~mitigates~~ changes the flood risk on neighbouring properties or properties ~~further downstream or upstream~~ and how any potential impacts from these changes will be mitigated;
- c) The effects of any decrease of water storage capacity of the *floodplain* or *major overland flowpath*;
- d) The extent to which the proposal provides for the conveyance of water in the *major overland flowpath* or *floodplain*;
- e) The provision for a safe evacuation route or refuge for ~~of~~ people from the *activity* during flood events;
- ~~f) The effects of any activity or proposed goods storage if mobilized in an intense rainfall event;~~
- f) The extent to which mitigation measures are taken so that goods and material stored outdoors do not move and cause damage to any buildings or cause blockage of an overland flowpath or floodplain;
- g) The extent to which mitigation measures are taken so that the design of the car parking ensures that vehicles do not move and cause damage to any *buildings* or cause blockage of an *overland flowpath* or *floodplain*.

#### 8D.4.2.4 Flood Prone Areas

In considering *activities* that do not comply with *Rule 8D.3.5 – Flood Prone Areas*, the *Council* limits the exercise of its discretion to:

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- a) The extent to which the proposal mitigates on *site* flood risk, including setting of minimum *freeboard level*;
- b) The provision for a safe evacuation route or refuge for ~~of people from the activity~~ during flood events;
- c) The extent to which the proposal ~~mitigates~~ changes the flood risk on neighbouring properties or properties ~~further upstream or downstream~~ and how any potential impacts from these changes will be mitigated;
- d) The extent to which the proposal will affect the *Council* drainage system, neighbouring properties or properties ~~further upstream or downstream~~ when the stormwater is removed from the *building* after a flood event;
- e) The extent to which internal fittings are set above the *flood level*;
- f) For *business activities* and *industrial activities*, the extent to which any generators, internal fittings and any goods are protected from flood damage;
- g) The extent to which any other specific design for an *activity* will increase flood risk on *site*, on neighbouring properties and on properties further downstream.

#### 8D.4.2.5 Additions in Flood Prone Areas

In considering *activities* that do not comply with *Rule 8D.3.6 – Additions in Flood Prone Areas*, the *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposal mitigates on *site* flood risk, including setting of minimum *freeboard level*;
- b) The extent to which the proposal ~~mitigates~~ changes the flood risk on neighbouring properties or properties ~~further upstream or downstream~~ and how any potential impacts from these changes will be mitigated;
- c) The provision for a safe evacuation route or refuge for ~~of people from the activity~~ during flood events;
- d) The extent to which the proposal ensures that the *activity* within the *critical building* continues in its normal function during and after a 1% *AEP* rainfall event concurrent with a 5% *AEP storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130.

#### 8D.5 Discretionary Activity Rules

The following are Discretionary *Activities*:

- a) Any *activity* listed as a Discretionary *Activity* in *Table 8D.1: Flood Hazards Activity Status (Overland flowpath, Floodplain and Flood Prone Area)*.

##### 8D.5.1.1 Assessment of Discretionary Activities

In considering a Discretionary *Activity* the *Council's* discretion is unrestricted. The *Council* shall consider any relevant matter with particular regard to the relevant Objectives and Policies of *the Plan*.

#### 8D.6 Non-Complying Activity Rules

The following are non-complying *activities*:

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- a) Any *activity* listed as a Non-Complying Activity in *Table 8D.1: Flood Hazards Activity Status (Overland flowpath, Floodplain and Flood Prone Area)*.

**8D.7 Exemption where a building consent has been applied for**

A *building* or building work is exempt from compliance with any rules relating to *floodplains, overland flowpaths, flood prone areas* and *impervious surfaces* and is a Permitted Activity in terms of those rules if the *Council* received an application for a building consent for that *building* or building work under the Building Act 2004 before 16 November 2020.

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**Chapter 9 - Hazardous Substances and Contaminated Land**

- **Adopt Policy 9A.1.1.6 as notified:**

9A.1.1.6 Policy – Management of Hazardous Substances in Floodplains, Overland Flowpaths and Flood Prone Areas

By ensuring that facilities within *floodplains*, *overland flowpaths* and *flood prone areas*, involving the manufacturing, storage, use and disposal of *hazardous substances* are designed, located and managed to prevent adverse effects on public health and contamination of water.

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## Chapter 12 - Subdivision, Services and Infrastructure

- **Adopt Table 12A.1 with the following amendments:**

### 12A.1 Activity Status Rules

#### 12A.2.1 Subdivision Activities

All *subdivision activities* shall have the status identified in *Table 12A.1: Subdivision Activity Status*. Symbols used in *Table 12A.1: Subdivision Activity Status* have the meaning described in *Table 1A.2: Activity Status*.

**Table 12A.1: Subdivision Activity Status**

Use/Activity	Relevant Rule	Residential Zones	Rural- Residential	Rural, Greenbelt & Future Urban	Commercial <sup>1</sup> and Industrial <sup>1</sup>	Rural Marae Community and Matapihi	Urban Marae Community Ngati Kahu	Education Centra and	Wairakei Zones <sup>2</sup>
...									
<i>Subdivision within major overland flowpath</i>	-	C	C	C	C	C	C	C	C
<i>Subdivision partly within the floodplain</i>	12A.6	RD	RD	RD	RD	RD	RD	RD	RD
<i>Subdivision wholly within the floodplain</i>	12A.8	NC	NC	NC	NC	NC	NC	NC	NC

- **Adopt Rule 12A.5 as notified:**

### 12A.5 Controlled Activity Rules

The following are Controlled Activities:

- Boundary adjustments, amalgamations and relocations of an existing title;*
- ...

<sup>1</sup> Excluding Wairakei Town Centre (Core and Fringe), Wairakei Neighbourhood Centre Zone and Papamoa East Employment Zone.

<sup>2</sup> Wairakei Zones for the purpose of Table 12A.1: Subdivision Activity Status means: Wairakei Town Centre Zone (Core and Fringe), Wairakei Neighbourhood Centre Zone and Papamoa East Employment Zone.

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- e) *Subdivision of a site located wholly or partly within the major overland flowpath.*

- **Adopt Rule 12A.5.1.5 as notified:**

**12A.5.1.5 Major Overland Flowpath**

For *subdivision* of a site that is one hectare or more, the *major overland flowpath* shall be vested with *Council*.

- **Adopt Rule 12A.5.2 with the following amendments:**

**12A.5.2 Controlled Activities – Matters of Control and Conditions**

The *Council* reserves control over, and may impose conditions on, the following matters:

- a) The location of *boundaries* on *site* in relation to *buildings* and parking and manoeuvring areas;
- b) The location and provision of *services* and any requirements to upgrade those *services*;
- c) The location and provision of easements;
- d) Payment of *financial contributions* in accordance with the relevant provisions of *Chapter 11 – Financial Contributions*.
- e) Where it is a Standard and Term of the *subdivision*, the creation of a balance allotment that complies with the *subdivision* provisions of the underlying zone;
- f) The provision of landscape planting and access for maintenance in association with allotments to accommodate *network utilities*;
- g) The location, extent and design of the *major overland flowpath* vested to *Council* taking into account proposed *earthworks* associated with the *subdivision*.

- **Adopt Rule 12A.6 as notified:**

**12A.6 Restricted Discretionary Activity Rules**

The following are Restricted Discretionary Activities:

- a) *Subdivision*, not including allotments for *network utilities*, located wholly or partly within the 50 or 100 year Erosion Risk Zone;
- b) *Subdivision*, not including allotments for *network utilities*, partly within the Current Erosion Risk Zone;
- c) *Subdivision*, not including *boundary* adjustments located within a High-Voltage Transmission Plan Area;
- d) *Subdivision* of a *site* containing an item on *Appendix 7A: Register of Built Heritage* or *Appendix 7B: Register of Significant Maori Areas*, or *Appendix 7D: Register of Significant Archaeological Areas*;
- e) Any *activity* described as a Permitted Activity or Controlled Activity that does not comply with a Permitted Activity Rule or Controlled Activity Standard and Term;
- f) Any *subdivision* listed as Restricted Discretionary Activity in *Table 12A.1: Subdivision Activity Status*;
- g) *Subdivision*, not including *boundary* adjustments, located partly or wholly within the *Flood Hazard Plan Area (FHPA)*;

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- h) *Subdivision* of contaminated land;
- i) *Subdivision*, not including *boundary* adjustments or conversion of cross lease to freehold, located partly within the *floodplain*.

- **Adopt Rule 12A.6.3.5 as notified:**

12A.6.3.5 For Subdivision in the Flood Hazard Plan Area (FHPA)

In considering *subdivision* of *site* within the *Flood Hazard Plan Area* the *Council* restricts the exercise of its discretion to the following matters:

- a) The extent to which the *subdivision* is consistent with *8C.1.1.1 – Policy - Avoidance or Mitigation in the Flood Hazard Plan Area*;
- b) The degree to which any associated *earthworks* will modify natural ponding areas and drainage systems, including overland flowpaths, and the extent to which water flow is impeded and/or displaced;
- c) Consideration of whether an engineering assessment is required to accurately determine the extent of any impediment or displacement effect and any recommendations of that assessment;
- d) Ensuring that any finished ground levels on the *site* provide the scope for future land use *activities* on that *site* to mitigate any adverse flooding effects.

- **Adopt Rule 12A.6.3.8 with the following amendments:**

12A.6.3.8 Subdivision partly within the Floodplain

In considering *subdivision* of a *site* partly within the *floodplain* the *Council* restricts the exercise of its discretion to the following matters:

- a) The extent to which the *subdivision* demonstrates the feasibility of *activities* to occur outside of the *floodplain*, including new *structures*, on site wastewater systems and on-site stormwater management devices.
- b) The extent to which the *subdivision* provides access to the *floodplain* for maintenance and emergency works.
- c) The extent to which the *floodplain* located on private land is protected by an easement in favour of the *Council*.
- d) The provision and location of recreation *reserves*, *esplanade reserves* or *esplanade strips* on the *floodplain* and any vesting that may be required to achieve this.

- **Adopt Rule 12A.8 as notified:**

**12A.8 Non-Complying Activities**

The following are Non-Complying Activities:

- a) *Subdivision*, not including *boundary* adjustments or allotments for *network utilities*, within a Special Ecological Plan Area (Category 1);
- b) *Subdivision*, not including *boundary* adjustments or allotments for *network utilities*, within an *Outstanding Natural Features and Landscapes Plan Area*;
- c) *Subdivision*, not including *boundary* adjustments, within the *Coastal Protection Plan Area*;

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- d) Any Discretionary Activity that does not comply with *Rule 12A.7.1 Discretionary Activity – Standards and Terms*;
- e) *Subdivision*, not including *boundary* adjustments or conversion of cross lease to freehold, located wholly within the *floodplain*.

- **Adopt Rule 12B.3.1.6 as notified:**

12B.3.1.6 Building Platform Requirements – Papamoa

*Subdivision* to create freehold title (not including cross-lease to freehold *subdivision*) between the area from Sunrise Avenue, State Highway 2 and the Kaituna River that is within the City shall ensure allotments have a minimum *building platform* level of RL5 metres above *Moturiki Datum*. This rule does not apply to the land within the Wairakei Urban Growth Area.

*Note: Building Platform minimums for Wairakei Residential Zone are addressed in Rule 12B.3.1.12 f) – Specific Urban Growth Area Requirements – Wairakei Urban Growth Area*

*Note: Minimum freeboard level for activities located within floodplains, overland flowpaths and flood prone areas is addressed in Chapter 8 – Natural Hazards.*

- **Adopt Objective 12G.1.3 as notified:**

**12G.1.3 Objective – Stormwater**

People, property, *infrastructure* and *network utilities* are safeguarded from the adverse effects of flooding associated with *stormwater run-off* and discharge.

- **Adopt Policy 12G.1.3.1 as notified**

12G.1.3.1 Policy – Stormwater

Ensuring stormwater systems are designed and constructed to:

- a) Consist of a combination of primary and secondary systems;
- b) Have capacity to service the anticipated demand whilst accommodating anticipated flows, pressures and loads;
- c) Utilise ground soakage in appropriate locations;
- d) Incorporate measures to avoid, remedy or mitigate:
  - i) The risk of blockages;
  - ii) Flooding effects associated with stormwater discharge;
  - iii) Pollutant loads;
  - iv) The increase in runoff associated with additional development;
  - v) The erosion caused by stormwater at discharge points.

- **Adopt Appendix 12B Design with the following amendments:**

**Appendix 12B: Performance Standard, Stormwater**

**Consistency / Compatibility**

- a) Each stormwater management system shall be designed and constructed to ensure:
  - i) Consistency with any relevant structure or urban growth plan;

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- ii) It is compatible with the design and construction of the existing stormwater network; and
- iii) Compliance with any comprehensive stormwater consent where applicable.

**Design**

- b) Each stormwater management system shall be designed and constructed to ensure:
  - i) All components of the stormwater management system are pre-approved by the *Council* and provide for an asset life that is suitable for its intended purpose;

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*Note: Components that are pre-approved by the Council are identified in the Council's Infrastructure Development Code.*

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- ii) Gravity is used as the method for reticulation unless pump stations have been pre-approved by the *Council*;
  - iii) The upstream catchment is provided for and the downstream receiving network has the capacity to cater for the design scenarios;
- c) They comprise both primary and secondary flow systems which include components to collect, convey, treat and safely discharge the stormwater associated with the development;
  - i) Secondary stormwater systems shall not include piped systems;
  - ii) Minimum velocities for pipes and lined channels are 0.6 metres per second (m/s)
  - iii) Maximum velocities are as follows:
    - 1) 4.0 m/s for pipes;
    - 2) 1.5 m/s for lined channels;
    - 3) 1.5 m/s for unlined channels.
  - iv) The overall stormwater management system shall be designed to accommodate and contain flows from a 1% AEP (1 in 100yr) rainfall event while taking into account the effects of climate change on rainfall and sea level as of the year 2130 based on the RCP 8.5 median scenario for *subdivision* or RCP 8.5H+ scenario for *greenfield subdivision/development*, with the primary conveyance system being designed to accommodate flows from a 10% AEP (1 in 10yr) design rainfall event unless b(i) applies;
  - v) The stormwater management system for the Wairakei Urban Growth Area and the Te Tumu Future Urban Zone shall be designed to accommodate flows from a 1% AEP (1 in 100 year) return period rainfall event;
  - vi) Where there is downstream flood risk on private property, the post development stormwater run-off rates shall not exceed the pre-development run off rates for rainfall events up and including to the 1% AEP event taking into account climate change to the year 2130, unless otherwise approved by Council.

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*Note: pre-development run off rates exclude land uses, buildings and structures that have not been lawfully established.*

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- vii) In addition to iv) and v) above where a development includes pump stations or road bridges these *structures* shall be provided with a minimum freeboard of 500mm above the flows from a 1% AEP (1 in 100 year) return period rainfall event;
- viii) *Overland flowpaths* are only provided for on:
  - 1) Local and collector roads;

<p><b>PLAN CHANGE 27: FLOODING FROM INTENSE RAINFALL – HEARING PANEL DECISIONS</b> <b>VERSION TEXT</b></p>
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- 2) Public accessways and reserves;
- 3) Private land where it is protected by an easement in favour of the *Council*.

**PLAN CHANGE 27: FLOODING FROM INTENSE RAINFALL – HEARING PANEL DECISIONS  
VERSION TEXT**
**Chapter 14 – Residential Zones**

- **Adopt Rule 14B.3.7 as notified:**

**14B.3.7 Site Coverage – Suburban Residential Zone**

- a) The maximum *site coverage* in the Suburban Residential Zone shall be:
  - i) 45% of the nett *site area* for *sites* of 500m<sup>2</sup> nett *site area* or greater;
  - ii) 55% of the nett *site area* for *sites* of less than 500m<sup>2</sup> nett *site area*.
- b) The *impervious surfaces* shall not exceed 70% of the *site area*.

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*Note: Unless specifically listed elsewhere within the Plan, any activity that does not comply with Permitted Activity Rule 14B.3.7 a) - Site Coverage – Suburban Residential Zone, shall be considered a Discretionary Activity.*

*Note: Any activity that does not comply with Permitted Activity Rule 14B.3.7 b) - Site Coverage – Suburban Residential Zone, shall be considered a Restricted Discretionary Activity.*

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- **Adopt Rule 14B.3.8 as notified:**

**14B.3.8 Site Coverage – Large Lot Residential Zone**

- a) The maximum *site coverage* in the Large Lot Residential Zone shall be 45% of the *site area*.
- b) The *impervious surfaces* shall not exceed 70% of the *site area*.

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*Note: Any activity that does not comply with Permitted Activity Rule 14B.3.8 a) - Site Coverage – Large Lot Residential Zone shall be considered a Discretionary Activity.*

*Note: Any activity that does not comply with Permitted Activity Rule 14B.3.8 b) - Site Coverage – Large Lot Residential Zone, shall be considered a Restricted Discretionary Activity.*

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- **Adopt amended Rule 14B.6 a) and 14B.6 b) as notified:**

**14B.6 Restricted Discretionary Activity Rules**

The following are Restricted Discretionary Activities:

- a) Any Permitted Activity in the Suburban Residential Zone that does not comply with a maximum of two of the following Permitted Activity conditions:
  - i) Rule 14B.3.3 - Streetscape – Suburban Residential, Large Lot Residential;
  - ii) ...
  - x) Rule 14B.3.7 b) - Site Coverage – Suburban Residential Zone.
- b) Any Permitted Activity in the Large Lot Residential Zone that does not comply with:
  - i) Rule 14B.3.3 - Streetscape – Suburban Residential, Large Lot Residential;
  - ii) ...
  - vii) Rule 14B.3.8 b) - Site Coverage – Large Lot Residential Zone.
- c) ...

**PLAN CHANGE 27: FLOODING FROM INTENSE RAINFALL – HEARING PANEL DECISIONS  
VERSION TEXT**

- **Adopt Rule 14B.6.1.9 as notified:**

14B.6.1.9 Site Coverage

In considering activities that do not comply with *Permitted Activity Rule 14B.3.7 b) – Site Coverage – Suburban Residential Zone* and *Permitted Activity Rule 14B.3.8 b) – Site Coverage – Large Lot Residential Zone*, the Council restricts the exercise of its discretion to:

- a) The extent to which the proposal mitigates the effects of any additional *stormwater runoff* generated on the *site*, including increase in *flood levels*, on adjoining or downstream properties;
- b) The extent to which the proposal mitigates the effects of any additional *stormwater runoff* generated on the *site*, on the capacity of the stormwater network and potential flood risks;
- c) Alternative methods of retaining stormwater on *site*.

- **Adopt Rule 14D.4.2.9 (renumbered to 14D.4.2.7) as notified:**

14D.4.2.7 Site Coverage

- a) The *impervious surfaces* shall not exceed 70% of *site area*.

- **Adopt Rule 14D.4.2.14 as notified:**

14D.4.2.14 Restricted Discretionary Activities – Matters of Discretion and Conditions – Scheduled Site – Hotel Armitage \*

14D.4.2.14 Restricted Discretionary Activities – Matters of Discretion and Condition– comprehensively designed development

The Council will consider the assessment criteria below for *comprehensively designed development (City Living Zone)* and *comprehensively designed development (Te Papa Housing Overlay)*. The non - statutory Residential Outcomes Framework may also provide guidance on how the outcomes of particular criteria can be met. \*

- a) \*\*\*

- w) Site Coverage - Maximum impervious surfaces

In considering *activities* that do not comply with *Rule 14D.4.2.7 – Site Coverage*, the Council restricts the exercise of its discretion to the matters outlined in *14B.6.1.9 Site Coverage*.

## 11.2 Draft Alcohol Licensing Fees Bylaw - Deliberations

**File Number:** A17679220

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

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

### PURPOSE OF THE REPORT

1. To consider the issues raised by submitters to the draft Alcohol Licensing Fees Bylaw and to decide whether to adopt the bylaw.

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### RECOMMENDATIONS

That the Council:

- (a) Receives the report "Draft Alcohol Licensing Fees Bylaw - Deliberations".
- (b) Adopt the Alcohol Licensing Fees Bylaw 2025 (**Attachment One**).
- (c) Delegates to the General Manager: Regulatory and Compliance to make any necessary minor drafting or presentation changes to the Alcohol Licensing Fees Bylaw 2025, prior to it being published.

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### EXECUTIVE SUMMARY

2. Under the Sale and Supply of Alcohol Act 2012 (Act), Council is responsible for administering alcohol licensing in Tauranga, including processing applications, supporting the District Licensing Committee (DLC), and monitoring compliance and enforcement.
3. These licensing functions are funded by fees prescribed in legislation which currently cover 40% of costs and mean general rates cover the remaining 60%.
4. The prescribed fees have not changed since they were first set over 11 years ago. The intention was that these fees would recover the total costs of councils' alcohol licensing functions. However, in recognition that these fees may not result in cost recovery for each council (due to the differing needs and demands of each district) secondary legislation<sup>3</sup> allows councils to set their own fees through a bylaw.
5. An Alcohol Licensing Fees bylaw (bylaw) would allow Council to set its own fees and reduce general rates funding for alcohol licensing. With a bylaw in place alcohol licensing fees could be consulted on (as part of the User Fees and Charges consultation) during the annual plan or long-term plan process and set by Council resolution.
6. Seven other Councils have adopted bylaws in order to set their own alcohol licensing fees, and one other is mid-way through the process.
7. Community consultation on a proposed bylaw was carried out from 31 January to 7 March 2025. 207 submissions were received (**Attachment Two**).
8. Feedback from submitters can be separated into two broad categories:
  - support/opposition of the bylaw itself and the ability for Council to set its own alcohol licensing fees; and

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<sup>3</sup> Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013

- the way in which Council carries out its alcohol licensing function and how fees will be set.
9. 78% of submitters support an alcohol fees bylaw to provide Council with the ability to set fees. Submitters who supported the proposed bylaw believe that alcohol licensing should be user pays and not subsidised by rates.
  10. 19% of submitters do not support the proposed bylaw and have concerns on the impact any potential future fee changes will have on businesses, events and clubs.
  11. Some submitters want more information on licensing costs before they are set and sought greater efficiencies and transparency in the licensing process. Work is underway to get more detailed information on the breakdown of specific licensing costs and to review those costs for efficiencies. Staff have provided responses to these issues and no decision from Council is required.
  12. Council is asked to consider the adoption of the Alcohol Licensing Fees Bylaw. This would give Council the option of setting fees appropriate to the local context and to be deliberate on the fee vs rates funding split. It will also mean alcohol licensing fees can be considered alongside all other User Fees and Charges as part of the review being carried out as part of the lead-in to the 2026/27 annual plan process.
  13. If Council adopt the bylaw and decide to consider setting their own fees further information on alcohol licensing costs will be presented to inform this decision. Any proposed fees and associated timing of these proposed fees will be consulted on during the subsequent annual plan process.
  14. There are no financial implications in adopting the bylaw. Financial implications will only apply if there changes to alcohol licensing fees.
  15. The key risk in adopting the bylaw is that some submitters are opposed to the bylaw and concerned about the impact of any potential future fee changes.

## BACKGROUND

### Alcohol licensing in Tauranga

16. Council is responsible for administering the licensing functions of the Act. This includes:
  - appointing and supporting the District Licensing Committee (DLC), made up of members of the community, including organising and holding hearings
  - receiving and processing licence applications and managers' certificates for DLC decision making (this often involves interviews with applicants)
  - preparing material for the DLC to meet their reporting requirements to the Alcohol Regulatory and Licensing Authority (ARLA)
  - monitoring and compliance assessments of all licensees and certified managers, including inspections of premises and providing education to licensees.
17. Council's licensing team work closely with the Police and the Medical Officer of Health and other agencies to meet the responsibilities and functions of the Act.
18. As at 24 March 2025) Tauranga has 382 licensed premises including:
  - 250 on-licensed premises (restaurants, bars and cafes)
  - 92 off licensed premises (such as bottle stores and supermarkets)
  - 40 club licensed premises (such as sports clubs).
19. There are also 1145 certified duty managers from or working in Tauranga.
20. On average we process between 600 and 700 new and renewal manager certificates each year and expect to process approximately 1,300 applications in total this financial year (this

includes venue licences, manager certificates, temporary authorities and special licences for events).

### Licensing fees

21. Council's alcohol licensing function is funded by licensing fees (covering 40% of costs) and general rates (covering 60%).
22. Tauranga's licensing fees are based on the prescribed fees set out in legislation<sup>4</sup>. When these fees were developed in 2013, the intention was that they would recover the total costs of councils' alcohol licensing functions. In recognition that these fees may not result in cost recovery for each council (due to the differing needs and demands of each area), secondary legislation<sup>5</sup> provides for councils to set their own fees through a bylaw.
23. Seven other Councils have adopted bylaws in order to set their own alcohol licensing fees, and one other is mid-way through the process:

Council	Adoption date
Whangarei District	23 March 2016
Wellington City	First adopted 2019 and reviewed in 2024
Hutt City	First adopted 2019 and reviewed 2024
Waipa District	Adopted November 26, 2024, to take effect 1 July 2025
Kapiti Coast	23 May 2024
Porirua City	27 June 2024
Hastings City	8 August 2024
Hamilton City	In the process of developing a bylaw – consultation has taken place

24. The Fees Regulations set a risk-based approach for alcohol licensing fees:

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

25. The fees for on, off and club licences are dependent on the premises risk rating. The risk rating is determined by type of premises, latest alcohol sales time and number of enforcements in the last 18 months. Any bylaw made must be consistent with this risk rating framework.
26. The prescribed fees for each risk category are made up of:
  - an application fee paid – intended to cover the licence application process; and
  - an annual fee paid – intended to cover monitoring costs.

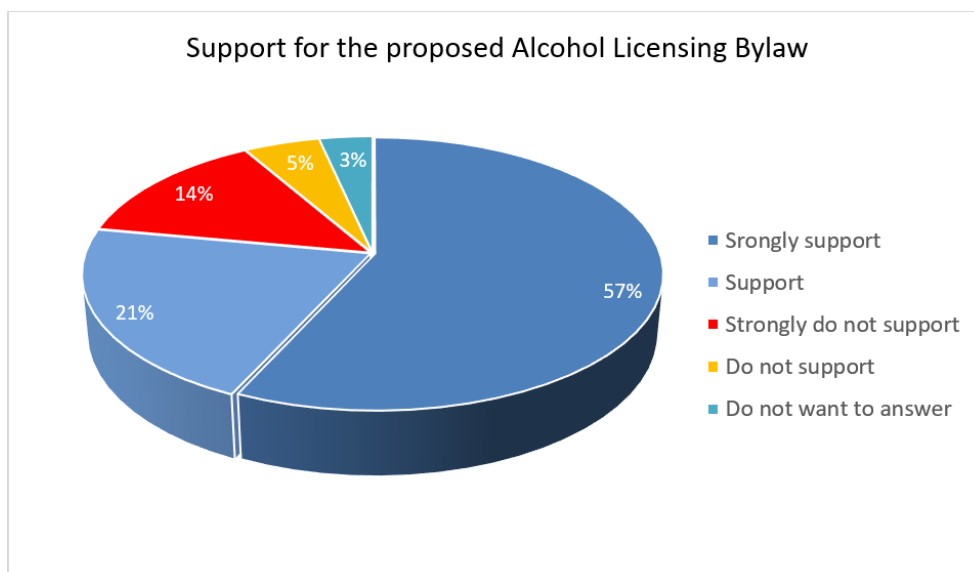
<sup>4</sup> Sale and Supply of Alcohol (Fees) Regulations 2013

<sup>5</sup> Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013

27. Under the Act (section 404) the prescribed regulation fees are required to be reviewed every five years<sup>6</sup>, however the last review was carried out in 2017. It could not draw any conclusions on overall cost recovery but stated that there was a large variance in cost recovery across councils. As a result, no changes were made to the prescribed fees
28. A bylaw would allow Council to set its own alcohol licensing fees to better reflect the cost of the licensing function.
29. On 18 November 2024 the Community Transparency and Engagement Committee approved the draft Alcohol Fees Bylaw (**Attachment One**) for community consultation.
30. The community consultation survey asked:
  - Do you support the proposed Alcohol Licensing Fees Bylaw?
  - What portion of the cost to administer, manage and monitor alcohol licensing do you think should be funded through your rates?
31. The consultation highlighted that no decision has been made on the timing and level of any potential changes to fees and that these decisions will be considered as part of next year's annual plan. Schedule One on the proposed Alcohol Licensing Fees Bylaw set out indicative fees based on full cost recovery to help inform the community consultation.

### Submission summary

32. Community consultation was carried out, from 31 January to 7 March 2025. 207 submissions were received (**Attachment One**) with nearly 80% of submitters supporting the proposed bylaw, 57% strongly supporting and 21% indicating their support. 19% of submitters did not support the proposal, with 14% of these stating that they strongly do not support the proposal.



33. The table below summaries the reasons submitters either support or do not support the proposed bylaw.

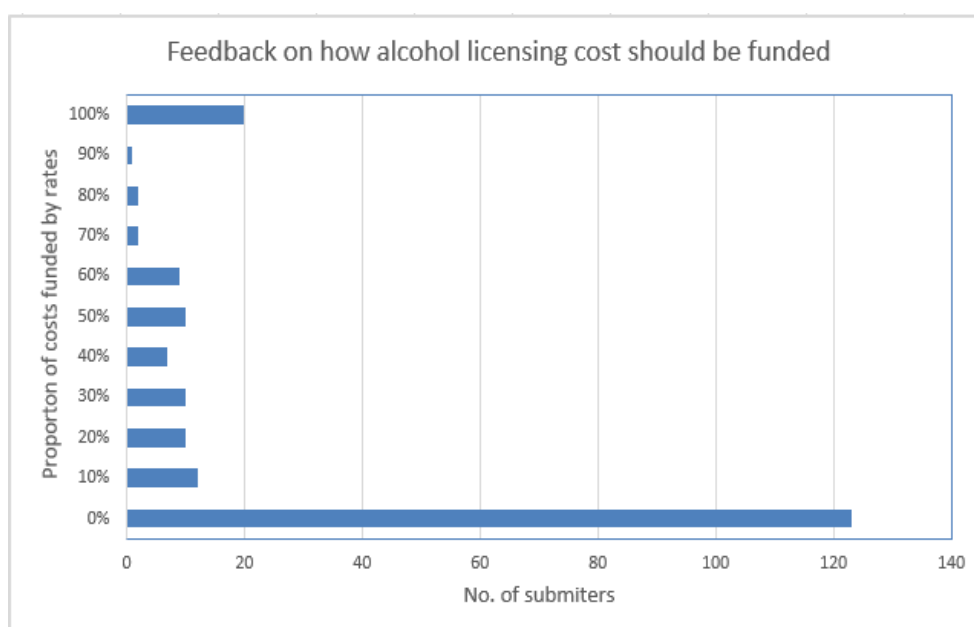
**Table One: Feedback from submitters on the proposed Alcohol Licensing Fees Bylaw**

<i>Support for the proposed Alcohol Licensing Fees Bylaw</i>	
<b>Support</b>	78%
<b>Do not support</b>	19%
<b>Do not want to answer</b>	3%

<sup>6</sup> Sale and Supply of Alcohol Act 2012, s 404

Reasons for support	Reasons for not supporting
<ul style="list-style-type: none"> <li>• <b>Local decision-making:</b> Council should have the power to set fees based on local needs and conditions.</li> <li>• <b>User pays principle:</b> businesses profiting from alcohol sales should bear the costs of licensing, not the general ratepayers.</li> <li>• <b>Reducing ratepayer burden:</b> ratepayers should not subsidise alcohol licensing fees.</li> <li>• <b>Health and social benefits:</b> potential to reduce alcohol-related harm.</li> <li>• <b>Fairness:</b> fairer for those who benefit from alcohol sales to pay the costs, rather than spreading the cost across all ratepayers.</li> <li>• <b>Economic efficiency:</b> local control over fees can lead to more efficient use of resources.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Financial impact:</b> businesses, clubs and community events cannot afford increased fees.</li> <li>• <b>Economic impacts on hospitality sector:</b> challenging economic climate for hospitality businesses, additional costs could lead to closures and job losses.</li> <li>• <b>Current fees appropriate:</b> existing fees set in the regulations are appropriate.</li> <li>• <b>Lack of trust in Council:</b> lack of confidence in the council's ability to set fees efficiently and concerns about potential misuse of funds.</li> <li>• <b>Need more information:</b> more information on the breakdown of alcohol licensing costs and how any new fees will be calculated.</li> </ul>

34. Some submitters expressed conditional support suggesting that any fee increases should be gradual or that certain types of business should be treated differently.
35. While explaining that we were not looking to set fees in the bylaw itself, we did ask submitters for their thoughts on how licensing costs should be funded to help inform the next steps if the bylaw was adopted by Council. We asked what proportion of the alcohol licensing cost should come from rates.
36. 60% of submitters thought that alcohol licensing costs should not be funded through rates at all while a further 16% thought the rates proportion should be between 10-30%. 13% of submitters thought that rates funding should contribute between 40-60% and 10 % of submitters thought cost should be completely funded from rates.



## STATUTORY CONTEXT

37. Section 402(1)(b) of the Act provides that fee regulations (including fee-setting bylaws) 'may do anything reasonably necessary to ensure that, so far as it is practicable, the total costs to the territorial authority are recovered out of the fees paid to it under this Act'.
38. Section 405 of the Act requires Council 'to the extent that is reasonably practicable having regard to the circumstances of the particular case, consult the persons the authority has

*reason to believe are representative of interests likely to be substantially affected by the bylaw’.*

## STRATEGIC ALIGNMENT

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

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

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

## OPTIONS ANALYSIS

41. Submitter’s comments can be grouped into two categories:
1. support/opposition of the proposed bylaw; and
  2. issues relating more generally to Council’s alcohol licensing processes

### Part 1: the proposed bylaw

42. To respond to submitters feedback on whether they support the bylaw or not Council are asked to decide on the bylaw. Responses to the other issues raised by submitters are set out in table three below and no decision from Council is required.
43. Table Two sets out the advantages and disadvantages of adopting the Alcohol Licensing Fees Bylaw 2025. Adoption of the bylaw is recommended. The bylaw would provide the option of increasing fees in the future to reduce the burden of licensing costs on the community.

**Table Two: Options for the draft Alcohol Licensing Fees Bylaw 2025**

Option	Advantages	Disadvantages
1 Adopt the Alcohol Licensing Fees Bylaw 2025.  <b>Recommended</b>  (see recommended resolution (b))	<ul style="list-style-type: none"> <li>• Allows a tool for fees to be set to recover alcohol licensing costs which is consistent with the user-fees principle.</li> <li>• Supported by 78% of submitters with 57% strongly supporting a bylaw to enable Council to set licensing fees.</li> <li>• Provides greater flexibility to adjust alcohol fees if required.</li> <li>• Allows for greater community consultation on alcohol licensing fees through the annual and long-term planning process.</li> <li>• Potential to reduce demand on general rates funding.</li> </ul>	<ul style="list-style-type: none"> <li>• Any fees changes set through the bylaw will impact on businesses.</li> <li>• 19% of submitters do not support – with 15% of these strongly opposing the bylaw.</li> </ul>
2 Do not adopt the Alcohol Licensing Fees Bylaw 2025	<ul style="list-style-type: none"> <li>• No impact of increased fees on businesses – unless regulation fees</li> </ul>	<ul style="list-style-type: none"> <li>• No potential for recovering a greater proportion of alcohol</li> </ul>

Option	Advantages	Disadvantages
and continue to use the prescribed licensing fees set in the regulations.	<p>change.</p> <ul style="list-style-type: none"> <li>19% of submitters do not support the bylaw.</li> </ul>	<p>licensing costs.</p> <ul style="list-style-type: none"> <li>78% of submitters support the bylaw.</li> <li>Does not align with the intent of the Sale and Supply of Alcohol Act 2012 to recover costs.</li> <li>Increased demand on general rates funding.</li> </ul>

## Part 2: other issues raised

44. Table three below outlines additional issues raised by submitters on alcohol licensing and the setting of any new fees.

**Table Three: Additional concerns raised by submitters**

Issue summary	Comment
<p><b>Additional information on costs associated with licensing function:</b> further information on licensing costs required before decisions are made.</p> <p>Submission # 17, 21, 33, 138,140, 142, 162, 166, 189, 196, 205</p>	<p>Detailed licensing cost information is not currently available. This is because time sheeting is not in place to record the amount of time staff spend specifically on the various licensing tasks. However, further cost information is being compiled and will be considered before any new fees are proposed. Time sheeting processes are being developed and planned to be implemented in the next three months.</p> <p>The decision to adopt the bylaw is simply about establishing a tool to set fees, not actually setting the fee amount. Any change to the level of fees will be considered as part of the 2026/27 annual plan process next year. Further cost information will be presented to inform any potential changes to fees. Any proposed changes will be consulted on in the draft User Fees and Charges in March/April 2026.</p>
<p><b>Efficiency review:</b> consider and optimise costs before passing on to license holders.</p> <p>Need an audit of current processes to focus on improving efficiency and support for licensees.</p> <p>Recommendations include:</p> <ul style="list-style-type: none"> <li>online portal for application tracking and communication</li> <li>automate standard application approvals for low-risk cases</li> <li>online and in-person training sessions</li> <li>reduce unnecessary hearings</li> </ul> <p>Submission # 5, 17, 33, 134, 140, 142, 162, 175, 194, 195, 198, 201, 203, 205, 221</p>	<p>Work is underway to obtain more detailed information on the breakdown of licensing costs. As part of this and the overall Council efficiency reset initiative a review of costs is being carried out.</p> <p>Recent cost increases come from the increase in the number of hearings over the past few years. Hearings are estimated to contribute to around 15% of staff time. Recent changes to the Act make it more accessible for people to participate in the licensing process. This has contributed to an increase in the number of DLC hearings. In 2020 three hearings were held compared to last year when 34 were scheduled. 24 took place and 10 were cancelled when the applicant or objector withdrew at the last minute. Documentation and assessments were carried out for all 34 hearings. So far 16 hearings have taken place this year.</p> <p>Hearing costs are not specifically charged to the applicant so are directly funded through fee revenue and general rates.</p> <p>Hearings are legislatively required if there are public</p>

Issue summary	Comment
	<p>objections to licence applications.</p> <p>Online portal technology and additional in-person trainings will involve additional resourcing.</p>
<p><b>Further consultation:</b> More comprehensive stakeholder consultation required.</p> <p>Submission # 202, 203</p>	<p>The consultation on the bylaw followed the Special Consultative Procedure and all license holders were informed of the consultation by direct email and via a special edition of The Bar Code newsletter – this received an open rate of 60%. A media advisory was also highlighted by The Shout (hospitality industry magazine and website).</p> <p>Downtown Tauranga included messaging on the proposed bylaw in their email to members on the 13 February, 19 February, 22 February and 6 March 2025.</p> <p>It is important to note that Council is not changing fees at this stage. It is looking to put in place a bylaw that would allow Council the option to change alcohol licensing fees in the future. Any proposed fee changes will be consulted on in accordance with section 405 of the Sale and Supply of Alcohol Act.</p>
<p><b>Support national fees:</b> Recommend seeking a review of the prescribed fees and using these.</p> <p>Submission # 5, 16, 33, 117, 159, 194, 196, 203, 204, 205</p>	<p>The Ministry of Justice has reported that this is not a current priority. The latest unpublished review recommends fees increase by inflation, but no timeline is provided.</p>
<p><b>Tired fee structure:</b> change the fee structure so high-risk premises pay proportionally more and community events have a reduced fee.</p> <p>Recommend Council pass a resolution in support of a Ministry review of the risk ratings in legislation.</p> <p>Submission # 34, 36, 83, 116, 142, 156, 195, 198, 201, 205</p>	<p>Any bylaw and associated fees must be consistent with the risk-based framework set out in the Fees Regulations. The fees for on, off and club licences are dependent on the premises risk rating. The risk rating is determined by type of premises, latest alcohol sales time and number of enforcements in the last 18 months. The five cost/risk ratings of premises and corresponding fees categories are set out in paragraph 24.</p> <p>Council could request a review of the legislation setting out the risk framework. However, the Ministry of Justice has previously indicated that this and alcohol fee reviews are not a current priority.</p>

Issue summary	Comment
<p><b>Graduated fee increase:</b> to allow business to adjust.</p> <p>Submission # 205</p>	<p>The timing and levels of any fee changes will be considered during next year's annual plan. This feedback will be considered when developing any proposed changes. Further consultation will take place on the timing and levels of any proposed fee changes.</p>

## FINANCIAL CONSIDERATIONS

46. There are no financial considerations in considering the issues raised by submitters and deciding whether to adopt the proposed Alcohol Licensing Fees Bylaw.
47. Financial considerations will apply at the next stage of the project. If Council decides to adopt the bylaw, fees will be set during next year's annual plan process. Section 101 of the Local Government Act 2002 (LGA) requires Council to consider the funding sources based on several factors including the levels of individual and community benefit from the activity.

## LEGAL IMPLICATIONS / RISKS

48. The legal implications and risks are dependent on the changes, if any, made to the proposed draft bylaw.

## TE AO MĀORI APPROACH

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

## CLIMATE IMPACT

50. There are no direct or specific climate change impacts resulting from considering the submissions and adopting a bylaw.

## SIGNIFICANCE

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

## ENGAGEMENT

54. 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 Alcohol Fees Bylaw 2025.

### NEXT STEPS

55. If Council decide to adopt the bylaw, then any potential changes to alcohol fees will be considered as part of next year's annual plan. Additional cost information will be provided to inform any decisions of appropriate fees and the timing of any changes.

### ATTACHMENTS

1. **Draft Alcohol Licensing Fees Bylaw - A16957303** [!\[\]\(5cf5c7b6842fc25dab342f72f4163533\_img.jpg\) !\[\]\(4d00d41d578cb82b245f7bcd40826fc3\_img.jpg\)](#)
2. **Submissions to the Draft Alcohol Licensing Fees Bylaw - A17714983** [!\[\]\(db4b4237ef4e388b4b88912b5e1c7e76\_img.jpg\) !\[\]\(d6bb096a25473675a8695c93cc9a0681\_img.jpg\)](#)

## DRAFT ALCOHOL FEES BYLAW 2024



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

### 1. TITLE

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

### 2. COMMENCEMENT

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

### 3. APPLICATION

- 3.1 This bylaw applies to the Tauranga City district.

### 4. PURPOSE

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

## 5. DEFINITIONS

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

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

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

## 6. FEES PAYABLE

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

### EXPLANATORY NOTE

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

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

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

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

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

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

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

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

DRAFT

		Q1: Do you support the proposed Alcohol Bylaw to enable us to set alcohol licensing fees in Tauranga, as opposed to using the default fees set in Government legislation?		Q2: Although we are not looking at setting levels of the fees in the proposed bylaw, we want to know your thoughts on how alcohol licensing costs should be funded. This will help inform the next stage of the project. At present 40% of the cost is covered by the license fee and the remaining 60% comes from your rates.  What proportion of the cost to administer, manage and police alcohol licensing in Tauranga do you think should be funded through your rates?	
Sub No	Name / Organisation	Q1	Comments	Q2	Comments
001	Gordon Chesterman	Strongly support	Local decision making	0%	Licensing fees are part of the cost of running a business. The fees are a deductible expense. GST is also refundable. Expense deductibility is not available by law to residential ratepayers. I object strong to any part of my \$20,000 rates per year being used to prop up commercial business.
002	Bernadette Strang	Strongly support	The fees should be on the 'supplier' NOT the rate payer..... then it may slow down the amount of alcohol shops in the city which is leading to so many health problems... I notice the 1 wine shop at Bethlehem on main road has now taken over the shop next door so it can "EXTEND" to a much bigger premises...	20%	There are too many liquor stores in Tauranga
003	Craig Henry Rowse - Tauranga Fish & Dive Club	Strongly do not support	We as a club only have a small membership and the members cant afford to pay \$15 or more for a drink when they come down we dont get any funding at all so having to pay the extra charges will cripple us and will probably cause us to fold	60%	As I believe the rates will not go down at all so there will be no savings to the ratepayer
004	Chris Pattison	Strongly support	As the sale of alcohol affects the local community, the local community who has to pay these fees, should have a say in the way the fees are dealt with.	0%	The alcohol retailers benefit from the sale of the product. Therefore they should bear the cost of establishing and running their business.
005	Kim Ort	Strongly do not support	Guidelines are there for a reason and I assume as the government thinks that's an appropriate amount of work required to review licenses	100%	First the costs of approving/ managing liquor licensing needs to be reviewed and worked out whether too much time is spent policing. What KPI's are looking to be achieved and making sure we don't do more than is required. Whatever the remaining is will no doubt need to be covered by rates should be serves the whole community. These venues provide jobs and entertainment
006	Heather Davys - Complete Electrical Services Ltd	Strongly do not support	If it affects business owners then No. They are struggling enough already. Just cut out some unnecessary council spending on other stuff museums etc	100%	See previous
007	Marilyn Allen	Support		0%	
008	Nick Winspear	Support	Rates should not be used to subsidize alcohol licensing fees.	0%	Alcohol should definitely be user pays.
009	Dean Stewart	Strongly support	To enable the council to negate costs to ratepayers.	0%	The council needs to reduce costs on ratepayers as it is becoming to expensive to live in this beautiful city.
010	Herman Zwaagman	Strongly support	user pays	0%	users should pay, not all rate payers
011	Elizabeth Meredith	Support	As council stated they want to achieve full recovery of licensing costs instead of the ratepayer funding it.	0%	I do not support sales of alcohol and I do not purchase alcohol. So why should I pay for it in my community. User pays comes to mind with our facilities.
012	Liz McManus	Support	Ratepayers should not be supporting fees	0%	Not in favour of promoting alcohol consumption
013	Michael Thorne	Strongly support	Ratepayers should not be funding this. It is a business cost.	0%	Its a business cost.
014	Diana Judge	Support	Tauranga Ratepayers shouldn't be subsidizing alcohol sales.	0%	businesses benefit from selling alcohol therefore should pay - ie user pays.
015	Heather Auld	Strongly support	I had no idea that ratepayers were ponying up 60% for the alcohol licensing fees. Time for it to be user pays and for council to set it rather than central government.	30%	Actually I think it should be way lower, but I think a halving of what ratepayers currently contribute is acceptable. Baby steps, we don't want to scare the hospo industry otherwise the government will just cave to them and throw out any thoughts of bylaws by councils and then we are back to square one. Taxpayers are already paying for the effects of alcohol through ACC levies, petrol levies, hospital admissions, prisons etc. I don't see why our rates should also be contributing!

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Sub No	Name / Organisation	Q1	Comments	Q2	Comments
016	Max Lynds	Strongly do not support	If alcohol licensing are set by govt. you need to stick to your knitting for residents collecting what TTC believe as a top up is unacceptable, your option as it should be is lobby govt on behalf of residents	0%	The fee collected for govt. should be covering costs, never part of rates,
017	Keith Fletcher	Support	Would like to know what in dollar terms are the incoming licence fee and what dollar amount ratepayers contribute, then what these licencing fees are spent on , at the moment not enough information is provided by the Council so how does one make a decision without the information	100%	Refer to my previous reply
018	Jacob Jensen	Strongly support	Alcohol costs should 100% be borne by consumers and suppliers.	0%	0% rates funded - full costs recovery as this will increase costs of alcohol which will further discourage drinking
019	Margaret Garthwaite	Strongly support	If the Council can set realistic fees to cover costs then this benefits us all as our rates won't have to go up to pay for something not everyone benefits from, and the Council can then use rates for the infrastructure etc we all need.	10%	Some should be covered out of our rates as this is a service that collectively we could all contribute to. However, the largest portion should be on a User Pays principle.
020	Alan Willoughby	Strongly support	It is no business of central govt what local govt charges for licensing fees.	0%	You want to set up a business, you pay the costs. It is not a ratepayer's responsibility to fund liquor sales.
021	Jose Gonzalez Goni	Strongly support	Council should have all the tools they need for recovering and controlling costs	30%	The figure above is a random guess. I don't think I have enough information to provide a figure. But I do believe there could be a need to subsidise it in order to encourage business to operate. Therefore, some subsidy could be acceptable
022	Colin Booth	Strongly support	Locally we need to reduce alcohol harm, both to the individual and the community	0%	User pays. Alcohol harm needs to be reduced
023	Gary Prendergast	Strongly support	not up to ratepayers to subsidise alcohol licensing laws	0%	user pays
024	Grant Wilson	Strongly support		0%	
025	Murray Graham	Strongly support	This is very much a local matter and should be set by the local Council. Every Resident and Business throughout NZ will have different views on this matter. The use of alcohol is a very personal matter and everyone is entitled to their own view and those that use Alcohol should be paying for licensing fees and not those who can't and don't use alcohol.	0%	My previous comments covered this question. Alcohol consumption is a very personal matter and many people can't and won't consume alcohol which means that the users only should be paying for it.
026	Muriel Barlow	Strongly support	It's a localised issue.	0%	User pays
027	Richard Stephens	Strongly support	User pays is crucial to keep costs where they lie, ratepayers should not be subsidising alcohol sales - and I drink alcohol !!	0%	User pays
028	Lindsay Muir	Strongly support	Applicant for license should pay the cost, not ratepayer.	0%	
029	Anita Lepper	Strongly support	Rate payers should not be paying anything. User pays	0%	User pays
030	Max Ritchie	Do not want to answer	Not the issue.	100%	Businesses are taking a hammering. They already pay more proportionally than residents.
031	Chris Doms	Strongly support	The people responsible for paying these fees are obviously the licence holders who benefit from this system. Rate payers shouldn't be subsidising their compliance costs.	100%	This seems so self-evident to me. Licence holders receive all of the financial benefit from the regime, while not contributing directly towards the harm they contribute to. They should be responsible for the costs.

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Sub No	Name / Organisation	Q1	Comments	Q2	Comments
032	Tony Longhurst	Strongly support	Fees should not be funded by rate payers they should be covered by those organizations who require them	0%	As per comments above
033	Reece Burgess	Strongly do not support	no because this council has proven its wasteful & should not be in charge of fee's. what do you do for such fee's? this is the better question. your building in town proves this council cannot control spending. hopeless.	0%	Because I strongly believe that the council has an inability to seek value for money so it should not be allowed to dip into rates. user pays BUT what are they paying for because the council needs a handle put on it and what its calling "costs"
034	Teryll Lemmins	Strongly support	Alcohol licensing fees should be paid for by those making a profit of alcohol rather than being provided for through rates. There is minimal tangible benefit to ratepayers for alcohol sale and consumption and those profiting off alcohol licenses, particularly liquor stores, should pay their way. There should be the ability to tier licensing fees for liquor stores or restaurant premises.	90%	
035	Margaret Bowditch	Strongly support	Central Govt is in effect requiring rate payers to support alcohol licensing	0%	Licensing costs should be met by those selling/consuming alcohol
036	Andrew Ducat	Do not want to answer	I support the bylaw if any increases are targeted at alcohol outlets that are solely there to profit from selling as much alcohol as possible. This does not include restaurants that are primarily serving food and offer alcohol to accompany the meal. They should be given a decent fee discount as they are providing a pleasant experience for us all. Cheers	0%	The alcohol stores, nightclubs and pubs should fund the majority as this is where the alcohol problem stems from. The big alcohol corporations should also pay a huge slice as they not only make massive profits but they also falsely advertise their products by only showing happy sober people partaking. Never the true picture, seen far to often by the police.
037	Tracy Dorset	Strongly support	It shouldn't be on the rate payers of Tauranga to fund licensing	0%	Why should we fund that?!
038	Willem Schuts	Strongly support	Should be at applicants cost and not be at ratepayers cost.	0%	Should not be entirely applicants cost
039	Rhys Evans	Strongly support	The alcohol licensing costs should be paid by the organizations that benefit from the licensing.  General ratepayers should not be subsidising the licensing costs.	0%	Ratepayers should not be subsidising the license costs. The benefits of licensing accrues to the holders of licenses (on or off trade). The organisations that benefit from licensing should pay the cost of the regime and not the general population.
040	Stephen Anquetil	Strongly support	I do not believe Bars, Café etc paying their fair share	10%	We already paying rates, Business should carry they full cost of doing business and not rely on rates to sub them at all. If the close or go into liquation then the business was not variable in the first place.
041	Rowan Meredith	Strongly support	I believe a user pays system is a fair way to set fees. if current fees don't meet costs to process an application its not reasonable that ratepayers fund the balance of a businesses application costs	0%	If fees don't meet costs to process an application its not reasonable that ratepayers fund the balance of a businesses application costs for a business looking to make profit from the application
042	Dave Jennings	Support	user pays	0%	user pays its simple
043	Kelly Mead	Strongly support	The fees for alcohol licensing should have a greater portion being paid by the businesses seeking an alcohol license, I do agree that a portion of the fees may have to come from ratepayers for enforcement.	40%	The greater cost should come from those whose business it is in providing alcohol.
044	Geoff Craven	Support	Rate payers should not have to subsidise alcohol licencing fees. These should be paid by the business	0%	Other businesses pay any relevant fees - was not aware that ratepayers contribute to alcohol licensing fees
045	George Swanepoel	Strongly support	I believe it is a good idea, as the alcohol licensing fees from the Government is very low, especially when compare to the social and personal damages alcohol causes.	0%	I see no reason that rate payers should fund businesses that sell alcohol. The rate payers money can be used for a better cause.
046	Cat Walden	Strongly support	The businesses should cover all of the costs associated with licensing fees with none coming out of our rates.	0%	It is shocking to me that my rates are already going towards these costs in any capacity. It should be going towards other vital services in our community. 40% is shameful.

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Sub No	Name / Organisation	Q1	Comments	Q2	Comments
047	Matthew Dunn - Carters Photographics	Strongly support	Rate payers should not be paying/ supporting alcohol licensing fees. Businesses who are licensed for the sale of alcohol should pay the full amount and pass the cost on to their customers (the end users) as required within their business	0%	
048	Tom Rawson	Strongly support	Do not believe rate payers should contribute to the cost	0%	Not Council business
049	Harpreet Singh	Do not support	I support it will stay as it or charge the bottle store more not the convenience stores who sell very small liquor	40%	
050	Donna Smallbone	Support	I do not drink alcohol and while I recognise that regulations around the sale and supply of alcohol are necessary, don't believe that my rates should be used to monitor this.	0%	The , industry should pay to be monitored itself.
051	Rod Bailey	Strongly support	In the hope you increase the licencing fees which in turn may reduce the number of licenced premises and thus reduce the harm alcohol causes in the community.	0%	The consumption of alcohol is a choice. I choose not to consume any alcohol. My questions is why should I pay for others to consume alcohol and for businesses to profit from that? How is it even legal to charge rate payers for this?
052	Eddie Xu - Shake Shed & Co	Strongly support	Its the right thing to do.	60%	
053	Marlene Warfe	Strongly support	I believe it is preferable for the decisions to be made locally	50%	
054	Christopher Ingram	Strongly support	Let the profit making alcohol harming retailers pay, absolutely not us ratepayers	100%	unfair for ratepayers to pay for the retailers. Alcohol causes so much harm in the City that the rate payers have to clear up.
055	Wayne Hay	Strongly do not support	The hospitality industry is on its knees. I cannot believe the Council is even considering this change at this time. Have the Councillors not picked up a newspaper in the past couple of years to read how many challenges hospitality businesses are facing because of the economic climate? Receiving this notification soon after being informed that we would have to start paying for having a table on the footpath leaves me, and no doubt many other owners, that this Council is anti-hospitality and therefore anti-business and anti-tourism.	50%	
056	Mike Rayner - Rayner Development Limited	Strongly support	I pay all of the costs relating to my business and believe that those involved in the sale of alcohol should do the same	100%	
057	Karen Brock	Support	I think it should be user pays & not subsidised by our rates	100%	User paysWhat is benefit to wider community by subsidising
058	Robyn Richards	Do not support	Another tax	0%	21st Century, time to stop the backwater mentality.
059	Carol Woolley	Do not want to answer	As I'm not sure what the council would be worse if given the responsibility	10%	Rates are already high and little choice in how they are spent. Alcohol, abused, causes many problems so think those who profit off it should pay the cost. Not the person struggling who doesn't drink
060	David Wilkinson	Strongly support	It's entirely a local issue	0%	Why should residents who don't go to drinking establishments pay licensing fees? Surely the costs should just be loaded on to the actual drink sold.
061	Bruce Ward	Support	Rate payers should pay nil from rates. We already pay when buying the product.	0%	All costs are paid in the purchase of alcohol.
062	Chetankumar Ashokkumar Sonevane - Pronto	Strongly do not support	All business is in absolute worst condition, council already charging for outdoor seating and keep adding up more expenses such as parking, etc. not fair in this market when businesses are struggling to meet breakeven points.	30%	nothing

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Sub No	Name / Organisation	Q1	Comments	Q2	Comments
063	Matthew Sutherland	Support	Alcohol licensing costs should not be part of general rates.	0%	The majority of alcohol is consumed by a relatively small portion of the population, and it is a non-essential thing.
064	Duncan Newington	Strongly support	The license to sell liquor is a business expense. If Businesses wish to sell alcohol they should meet the License cost solely themselves. Ratepayers should not be subsidizing private enterprises.	0%	The license to sell liquor is a business expense. If Businesses wish to sell alcohol they should meet the License cost solely themselves. Ratepayers should not be subsidizing private enterprises.
065	Tess Nesdale	Strongly support	Rate payers do not need this cost. Money that was via rates could be spent elsewhere OR reduce rates.	10%	The community does benefit from alcohol outlets
066	Helen Purves	Support		30%	Rates should not be covering such a huge portion of licensing costs, businesses should shoulder more of this
067	Russell Wenzlick	Support	Business owners should pay for this cost. Alcohol is a dangerous substance and licensing its sale should not be subsidised by rates.	0%	Full cost recovery should be used so rates do not pay for licensing, I consider it is a business cost.
068	Frederic Kleve	Strongly support	Costs for alcohol licensing should be borne entirely by the applicants - no rate monies should be used.	0%	The businesses should pay for this - user pays.
069	Gary William Foreman	Strongly support	Fairness to rate payers	0%	
070	Yvonne Warhurst	Strongly do not support	Because lived in Invercargill many years and invercargill licensing trust governed control so fully oppose the idea here in Tauranga.	0%	We pay enough in rates and get bugger all
071	Darryl Chong	Strongly support	I don't agree with the default fees	100%	I don't see why rate payers should pay for a business to sell them alcohol
072	Friederike V. Bultzingslowen	Strongly support	I am not agreeing with the 60% the taxpayer has to pay for alcohol	30%	
073	Dan Lemmins	Strongly support	Rates should never subsidize liquor licensing. Southland have received so much benefit in the community by going the opposite way and charging via the Invercargill Licensing Trust. Imagine how many more community projects we could provide by taxing all the tourists that come here and buy alcohol while also relieving pressure on rate payers?	0%	Relieve pressure on ratepayers and let the businesses/customers pay it
074	Gav Fairbairn	Strongly support	I believe this is a user pays requirement. If you choose to drink in these areas then you should pay and not be subsidised by ratepayers.	0%	Should be a user pays situation and not funded by ratepayers
075	Julianne McMillan - Grace Court Body Corporate	Do not support	I started to write this and then thought again. I do not think that rates should subsidise private enterprise, but one off licenses for fundraising, etc. should be kept at a reasonable price.	0%	If its for private enterprise then I should not be paying for that.
076	James Gibb	Support	Makes more sense for local council to set rates in line with local requirements based on central govt guidance	30%	
077	Allen McCormick	Strongly support	User pays. The licensee gets income from their liquor license and the license cost is a cost of their business.	100%	A liquor license is required to run their liquor business so they should pay for it 100%.

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Sub No	Name / Organisation	Q1	Comments	Q2	Comments
078	Suzanne Steel	Strongly support	Research shows alcohol is NZ's most harmful drug physically, mentally and socially. It would therefore make sense that the people who make money of selling alcohol supplies the cost of alcohol licensing. As alcohol is estimated to cost NZ \$9.1 billion a year in harm (Ministry of Health 2024), the cost analysis for Tauranga is bound to show the sellers cost of paying 100% of the cost of alcohol licensing is still very much in their favour, even when taking in to account any perceived monetary advantages to our city by the selling of alcohol. As the reason for the licensing act is to reduce harm made by alcohol, it makes no sense for the council to carry the cost, as the World Health Organisation has shown there is no safe level of alcohol intake, so the people making money of it ought to pay.	0%	See previous box.
079	Michael Cole	Strongly support	I feel that the licensing fees should be bourn by the people or organisations applying for the licence and not the ratepayers. The people and organisation's applying for the license are the people who will profit from it not the ratepayer. The applicant should pay the full cost of the license and the council admission fees.	0%	Organisations that will profit from having the license should pay the costs NOT the ratepayers.
080	Greg Bayliss	Strongly support	I think that all of the costs associated with the license should be charged to the applicant.	100%	There are no benefits to the people of Tauranga in issuing a license
081	Goldy Kumar - Henry & Ted Café	Strongly do not support	Often our local restaurants, pubs and cafes are the hub of the community for customers to get together celebrate, enjoy company and have a good time. The past few years have been extremely tough in hospitality and would be another step for all the business owners and staff to face as spending has dropped significantly.  If we are trying to be one of the best/ most competitive cities in the country then having more venues that provide a great service for the community is a must.	50%	I think this is a benefit for the community as small business owners and staff also are part of the community.
082	Andrew Bugeja	Strongly support	Private enterprises making a profit should absorb the cost of doing business, not defer these cost to the public, unless they are equally sharing a portion of their profits.	0%	
083	Brendon McHugh - Tauranga City AFC	Strongly do not support	This will add increased to small non-profit organisations like ours who have to apply for special licences regularly due to the Club Licence restrictions. This would make holding events, like a special occasion for a club member, financially unviable.  If the Club Licence restrictions are relaxed as well, which they should be, then we would reconsider supporting this.  TCC needs to asses the impact on non profits and the impact it's having with all the increased costs, or risk a lot of clubs closing their doors which will be a massive loss to local communities.  "Sport has the power to change the world. It has the power to inspire. It has the power to unite people in a way that little else does. It speaks to youth in a language they understand. Sport can create hope where once there was only despair. It is more powerful than governments in breaking down racial barriers. It laughs in the face of all types of discrimination." - Nelson Mandela	60%	Current state. Until TCC has better safeguards in for non-profits to continue operating licensed facilities, we don't support any change.

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Sub No	Name / Organisation	Q1	Comments	Q2	Comments
084	Alex Pires	Support	Firstly I do NOT support any kind of drug consumption. I do not drink and make use of any other recreational drug. I do not agree with any of my tax and fees moneys to be used towards licensing and anything related to alcohol consumption and other addictive and health damaging substances. Our tax money should be used to improve transport, leisure options, health system, education system, for example.	0%	As I previously mentioned, I do not agree with using the money I pay in taxes towards anything that damages our health, anything that is addictive in such a way.
085	Sara Malavasi	Support	As a ratepayer, I don't want my fees contributing to alcohol license applications or anything that harms human health, such as gaming and gambling licenses.	0%	The reasoning behind not wanting community rates to fund alcohol licensing (or gambling-related licensing) is coming from a perspective of public health, fairness, and personal values. Here are a few angles: User-Pays Principle – Businesses that profit from alcohol or gambling should cover the full cost of their licenses, rather than shifting that burden onto all ratepayers. Licensing fees exist to regulate these industries, so they should be structured to be self-sustaining. Public Health Concerns – Alcohol and gambling have social harms, including addiction, family breakdowns, and increased demand for public services (healthcare, policing, social support). Rate payers should not support activities linked to these negative impacts. Fairness & Priorities – Rates fund essential services like infrastructure, waste management, and emergency response. Public money should go toward these necessities rather than facilitating industries that could contribute to social harm. That said, others might argue that proper licensing helps regulate these industries and reduce harm, making it a legitimate public expense. It depends on where you draw the line on public vs. private responsibility.
086	Chris Bradford	Strongly do not support	Increasing fees is just going to cause small sports club to forgo having a license as it will cost too much for the amount of people who stick around for a drink. This will cause a BYO culture which will do more harm. I believe the club license should be split so sports clubs are treated differently than a cosy club type premises as it's the small clubs that are only open 1-2 days a week that will be affected most	50%	Any more it won't be viable to for sports clubs to operate, cost will be too high and there will be less events
087	Dianne Kay Gibson	Strongly support	Any business should pay ts own costs not the rateplayer	0%	It's a business which should not expect subsidies from the rateplayer
088	Andrea Atkinson	Strongly support	I don't drink and hate that I have to contribute to this when it should be covered by the people who do drink	0%	Again, I don't drink. Why should I contribute to people who do?
089	Dan Hill	Strongly support	This should not be a rates supported charge. Off-licence suppliers should have their charge increased to offset the current 60% subsidy and bars should have their charge increased at CPI only to support business and the hospitality sector	0%	as per previous answer
090	Grace Glover	Strongly support	Give local the chance to set fees and move some of the cost away from rate payers. Work out other fair ways to fund this - people who frequent pubs/bars should be the ones paying (or helping subsidise the fees) - i dont know how much these fees are annually per license, and putting it all on the owner of the pubs is alot - but perhaps if bar owners were to advertise and 'fundraise' annually for the licence and get buy in from their locals, could be better than all other rate payers that dont ever go out and still have to pay? I do go to my local pub so do think its somewhat fair for me to help keep my pub open...	10%	Because not enough people who OWN the homes that are paying the rates go out and use the alcohol places. Majority of WHV or people on holiday or people renting, they dont contribute to the rates. If u made it so venues had to cover their fees, they could add it to their costs so the people actually using the service are paying
091	Jennifer Rozendaal	Strongly support	Rate payers shouldn't be subsidising alcohol licensing, it should be paid for by those who would like the licenses, and then (if needed) passed onto the consumers at those locations who enjoy the activities. If the fees are too high for those wanting licenses, then the business is not economically viable. If the council has the ability to manage the fees, they can allocate costs to those that should be paying the fees.	0%	Rate payers shouldn't be subsidising alcohol licensing, it should be paid for by those who would like the licenses, and then (if needed) passed onto the consumers at those locations who enjoy the activities. If the fees are too high for those wanting licenses, then the business is not economically viable. If the council has the ability to manage the fees, they can allocate costs to those that should be paying the fees.

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092	Lucy Martinez	Strongly support	<p>I support the bylaw because the national fees are outdated - they lack regular inflation adjustments and don't account for higher-risk premises (e.g. nightclubs and bottle stores), which need more regulatory oversight.</p> <p>I also support the bylaw shifting costs to the alcohol industry rather than making ratepayers subsidise private businesses (who are selling known carcinogens). The bylaw could also introduce risk-based fees, where high-risk licensees could pay proportionally more.</p> <p>Alcohol businesses may say the bylaw and higher fees will strain their business, but the fees are a small fraction of alcohol-related revenue for most licensees. Also, the bylaw could include flexibility such as tiered fees for low-risk venues.</p> <p>I consider that adopting a fee-setting bylaw will be fairer by reducing ratepayer subsidies. I support adopting a flexible, risk-proportionate fee system.</p>	10%	5-15% balances fairness and financial sustainability - this has been shown for other councils (Wellington 15%, Hamilton proposed 5%). This would continue to support community participation in licensing hearings and will protect small/low risk operators. It would also contribute appropriately to enforcement costs.
093	Callum Van de Weyer	Support	I don't believe it is appropriate that 60% of alcohol licencing fees are paid through rates, especially with drinking generally, and drinking/eating out has been declining. However, I am aware that putting more cost onto the businesses will drive up the cost of going out which will discourage the acting, potentially having negative effect on the industry and resulting economy.	20%	
094	Jo West	Strongly do not support	This will kill Clubs! The increase is massive and it feels like you are punishing license holders for the councils spending issues. Perhaps a slight increase could be tolerated but this hike is just insane!	50%	What do the fees actually cover beside admin and checks? Perhaps there needs to be deep dive into how things are run there and why is it costing so much.
095	Darryl Forbes	Strongly support	I support this bylaw to enable the local constituents to determine the portion of funding that comes from rates.	0%	It should be based on user-pays. I do not drink alcohol so I should not be paying for this from my rates.
096	Ken Boyle	Strongly support	User pays	20%	The system of Alcohol Licensing is imposed on the industry by government and implemented by Councils. The presence of an alcohol industry locally is supported by Council and ratepayers so some of the imposed costs should be paid by them. In theory all of the costs should be covered by Central Government who may pass all of it on to the industry but lobby groups persuade the government otherwise.
097	Paul Robinson	Strongly do not support	<p>The fees and prices required to operate a license buisness are already high enough that restranuts and bars are already having to price menu items out of affordable ranges for alot of people.</p> <p>If given the power to change this, based on past behavior towards licensed venues in tauranga o believe outer council would pass on most if the fees, causing or forcing even more venues to close their doors as the cost of buisness would be to high.</p>	80%	The responsibility to pay for the administration, regulation and policing of policy should be on those creating the policies and laws. Businesses can be expected to pay a serive dee, much like a subscription or membership. But should not be expected to pay the administrative fees or wages to manage or police themselves. This should fall in the ones doing the policing
098	Charliene van der Werf - TCC	Strongly support	I don't like that rate payers money facilitates alcohol use and abuse	20%	I don't see any good use of alcohol in our city
099	Tony Doms	Strongly support	I am in favour of a user pay system, so it is down to the licence applicant pay 100% of the licensing fees, this should not be subsidised by property owners.	0%	I am a user pay proponent
100	Alex Zilionis	Strongly support	Those who drink should have to pay for alcohol y increased charges	100%	User pays
101	Lin Childs	Strongly support	In my opinion Tauranga Council should be able to set all Licensing fees to suit their budgeting, and all the fees should be the responsibility of the client not a Rate Payer Expense.	0%	In my opinion Tauranga Council should be able to set all Licensing fees to suit their budgeting, and all the fees should be the responsibility of the client not a Rate Payer Expense.

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102	Clare Abbiss	Support	To enable tcc to set fees	0%	
103	Gabrielle Burnett	Do not support	The Tauranga Council completely ignored the complaints of residents to another bottle shop on Frazer Street by 11th Ave when there were 2 supermarkets one Club and restaurants and two existing bottle stores on Cameron road the same area all causing harm to our community hence the large concentration of homeless people having easy access to their choice of cheap alcohol which the retailers have no problem selling to them when it only makes this worse for them. You the Tauranga City Council cannot be trusted in doing the right thing for our Community when Money is involved. You may set fees to claim it is to unburden the ratepayers but You have a conflict of interest as you decide on the granting of Licenses as well whether the ratepayers want it or not.	0%	You can not be trusted with how many retail stores can hold licenses in the suburbs.
104	Kate Ison	Strongly support		0%	User pays
105	Dean Reef	Strongly support	I don't drink	0%	
106	Valda Money	Strongly support	The costs should be borne by the applicant, especially where alcohol is concerned.	0%	User pays
107	Ron Melville	Strongly support	Tauranga should be independent and set their own fees	0%	There should be NO Ratepayer subsidy. How many other things are ratepayer subsidised? Fuel isn't. Food isn't. Gardening plants are not. A bet at the TAB is not. Power is not so why for goodness sake should alcohol be?
108	Tess Pilkington	Support		10%	I don't mind a percentage coming from the rates, if it is needed, but would prefer it to be met by the vendor.
109	Kate Akers	Strongly support	This would enable Council to redirect costs away from ratepayers, many of whom do not drink alcohol, and many of whom are struggling financially to cope with current costs of living. It would provide better value for money for ratepayers.	0%	User pays principle. Many ratepayers do not drink alcohol and there are many other more important things our rates could be spent on.
110	Janet Houston	Strongly support	Fees should be set so that ratepayers don't have to pay any of the costs associated with alcohol licensing.	0%	it is not something that ratepayers should have to pay for.
111	John Booth	Strongly support	the ratepayers should not support a business with its expensive to operate.	10%	Should be more than enough.
112	Wayne Griffin	Strongly support	There are enough liquor stores in Tauranga for the total cost of licensing to be covered.	0%	
113	Zandria Taare	Strongly support	In my view, it's "user pays" - those selling alcohol should cover the costs	40%	I'd like to say 100% of the costs should be borne by those selling alcohol, but realise this could be exorbitant
114	Tere Strickland - Quest Mount Maunganui	Strongly support	Follow Auckland City Council process	0%	
115	Raewyn Turner	Support	I don't think the general ratepayer should have to subsidise the cost of licensing. I think the fee charged should be controlled however and not be more than a certain percentage higher than the national fee e.g. twice the national fee.	0%	I think the businesses who benefit from this licensing should pay the full cost.

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116	Wendy Alfeld - Multi Events Limited	Support	To cover legitimate costs. Costs should be scaled - as events of 3000 on a green space v's events of 20,000 on a green space take alot more effort. The actions of the MOH & Police also create more work for the licensing inspector alot of the time. I have found the Licensing Inspectors from Tauranga have common sense and a logical view when coming to events.	20%	I'm not from Tauranga - but events do bring economic positivity to Tauranga
117	Devon Gillam	Strongly do not support	Government has set fees, it would be like councils being able to charge more for vehicle registration vs. a national fee.	0%	
118	James Hobson	Strongly support	Licensing fees should be entirely user pays and not subsidised by rate payers.	0%	Commercial entities should bear all the costs of running their operation and pass that onto patrons.
119	Frederic Kleve	Strongly support	It should be user pays, not from rates!	0%	It should be 'user pays' for this.
120	Tracee Parr	Strongly support		0%	Why should ratepayers contribute to this fee, it should be up to the person applying for the license to pay the whole fee, they are the ones benefiting from having an alcohol license. I don't ask someone to contribute paying for my drivers license. Its outlandish that the general rate paying public should contribute to a drinking establishment wanting to sell alcohol.
121	Paul Veitch	Strongly support	Alcohol in all forms is a discretionary purchase. The current 750K subsidy could be put to better use. I suggest the increases be introduced over a 3 year period stating June 1st 2025 .	0%	Licensing fees should be on a user pays basis
122	Reine Ford	Strongly support		50%	
123	Jenica Heydon	Strongly support	0% should come from rate payers.	0%	the person wanting to drink the alcohol should pay.
124	Steve Nicholson	Strongly support	I am aware commercial rates are much higher in this city than residential rates and this commercial rates may be enough to cover the fees paid by rate payers. However because the license to sell alcohol is for a commercial profit I feel the fees should be set so residential rates are not used unless it can be shown the event or circumstances overwhelmingly support the community at large rather than just general profits.	0%	Unless there is a benefit to the community the commercial entity applying for the license should be paying 100% of the fees. Alcohol is a poison and one of the most harmful drugs available to the community, those that profit from this drugs sales should be paying completely for the privilege to sell it.
125	Robert Watson	Support	Local control is good.	100%	Someone has to pay, this way might make local people more aware of the cost.
126	Buddy Mikaere - Ngai Tamarawaho Environment and Development Unit Ltd	Strongly support	I don't see why ratepayers should meet the cost of licensing. It should be a consumer and vending business cost.	0%	See previous response. Dpnt see why ratepayers should fund this.
127	Robyn Parker - Robyns Cottage	Strongly support	The rate payers are facing big increases over the next few years and for those of us that dont consume alcohol we should not have to suberdizes business making a profit from it . User pays so business should be at least paying 90% of the cost to sell it.	10%	
128	Sharon Kletchko	Strongly support	Community and public health issue	30%	
129	Glen Sheaff - Hula NZ Ltd/Boonies	Strongly support	As it is a compliance cost it should be passed on to the Licensee not rate payers	100%	We should not have to cover this

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130	Ron Judd	Strongly support	Government legislated fees are obviously to low	0%	User pays
131	Leigh Solomon	Strongly do not support		50%	
132	Raewyn Jones	Support	Think legislation should be local	20%	Premises employ people and provide vibrancy to out area. Be a sad day if there weren't any places to go to or they were too exp dive to eat out at.
133	Jean Markarian	Strongly do not support	Hospitality is already struggling no need to push them down a bit more. Also could you explain what exactly is that 60% cost you are supporting, other than extra paperwork what can that be exactly?	100%	What are these costs??
134	Steve Everill - Marty's Bar	Do not support	I would be open to supporting council to pass a bylaw to set fees if there was any mention of a review of costs or looking at making sure costs could be decreased if possible. However, this does not seem to be mentioned and it just appears the only answer is to pass the full cost onto the hospitality industry. The hospitality sector has suffered huge impacts recently, covid was bad but the impacts of roadworks and construction have been even worse than covid. Also, changing the licencing hours in Tauranga from 3am to 2am will have had some effect one some hospitality businesses. It does seem like an appropriate review to ensure this overspend can be minimised should be done BEFORE passing on costs to hospitality.	0%	As stated above. I see the sense in these costs being covered by the sector and not by rates but only after these costs are reduced/minimized rather than just passing on the costs whatever they are. Comparing Tauranga to other councils, Tauranga's costs do seem to be a little out of control. It is not acceptable to just pass these out of control costs onto hospitality.
135	Stuart Pendlebury	Support	I don't believe rates payers should be funding these fees	0%	
136	Larissa Anson	Support	I want the cost removed from the rates that I pay, I don't even drink any alcohol and lots of other people don't who also pay rates, it is unfair for us to have to pay for such things that don't affect us, rates are already far too expensive with so much in it that is not relevant to each individual	0%	rates should only be for basic infrastructure and things that affect every person, not all these other things that waste money and don't affect everyone as it is such a waste of money and unfair to those who are no benefitting at all
137	David Jennings	Strongly support	user pays	0%	user pays rate payers should not have to fund this
138	David Julou	Do not want to answer	Before completing this answer I'd like to know more about the licensing system. As I understand it, a person who applies for a license has to pay for it so why does any percentage have to come from the ratepayer?	0%	I do not believe we the ratepayer should be making any contribution to this cost. There is enough tax charged on alcohol for the government to fund this fully. There will be people who don't even drink alcohol and I bet they are unaware of this charge to their rates.
139	Terence Jones	Strongly support	It seems to be too easy to get an alcohol sales licence in Tauranga and alcohol causes a lot of harm.	10%	the costs should fall on the persson or company that benefits from using the licence
140	Sophie Merwe	Support	I think that more than 40% of the cost should sit with those applying for the license but not soo much that it puts people off hiring events in the city.	70%	Don't want to put organisers off running events here and bars from opening but think it should be fairer than 40%
141	Kim Taylor	Strongly support	People who provide the services and use them should pay	0%	People who use and provide the service should pay. This is a path people choose

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142	Keegan Millar - Orbit Entertainment Limited	Do not support	<p>The context of the proposed Alcohol Fees Bylaw suggests that doing a blanket increase of licensing fees is the only option. When it comes to special licenses for events, there are a few considerations:</p> <p>Impact on Community and Charity Events – Many local events operate on tight budgets, and tripling fees could make them financially unviable. This risks reducing cultural, charitable, and grassroots events in Tauranga.</p> <p>Unintended Consequences – Higher fees will discourage compliance, leading to more unlicensed events or a shift toward private gatherings where alcohol consumption is harder to regulate.</p> <p>Disproportionate Burden – Commercial venues can absorb cost increases, but smaller, volunteer-run, or non-profit events will struggle, reducing the diversity of public events in the city.</p> <p>Escalating Financial Burden – Event organisers in New Zealand are already facing increasing costs due to various regulatory changes. The Government is considering allowing police to recoup costs for services at events. The ever increasing event costs are massively reducing the ability for new event organisers in the market.</p> <p>Rather than a one-size-fits-all approach, the Council should consider a further separated fee structure where commercial events contribute more, while community and non-profit events receive exemptions or reduced fees.</p> <p>Finally, the Council should critically assess whether \$1.25 million per year is a reasonable cost for administering alcohol licensing. This figure appears excessive. Rather than simply shifting the financial burden from a broad group of ratepayers to a smaller group of businesses and event organisers—who contribute significantly to the city's social infrastructure, cultural events, and tourism—the Council should first explore internal efficiencies to reduce costs within its own operations.</p>	50%	The Council should assess alcohol licensing costs based on who benefits most from licensed premises. While businesses should contribute, these venues also provide social and economic value to the wider community. Shifting too much cost onto businesses will ultimately pass back to ratepayers through higher prices. A balanced approach, like a 50/50 split, ensures fairness while supporting Tauranga's hospitality and event sectors.
143	Sharon Pepper	Support	So you can change what your charge	10%	I believe businesses holding liquor licenses should bear the greatest portion of this cost.
144	Tom Rawson	Strongly support	I feel that the community should be able to set its own fees and regulations	0%	Rates should not be used to subsidize business fees
145	Heather Ballantyne	Strongly support	This means Tauranga ratepayers are now contributing about 60% (\$755,000) towards the cost of alcohol licensing. I support the new bylaw. I do not drink alcohol, neither do my family and extended family. Between us all maybe 1 bottle of beer a week by one son. The people who are drinking the alcohol should pay the fees, not me in my rates. I am a pensioner. Alcohol is the biggest social harm drug and responsible for more domestic violence, child abuse/neglect, road deaths than any other substance yet it is legal.	0%	i dont drink
146	Nick Page	Strongly support		0%	user pays- the business benefits from the sale of alcohol so should carry the cost.
147	Holly Simperingham	Strongly support	I support the proposed Alcohol Bylaw to enable Tauranga City Council to set their own fees, as we are a large city we need to make decisions for ourselves that are unique to the communities we have.	0%	Alcohol causes huge harm in our communities, and makes large profits for vendors. Ratepayers should not bear any cost of processing these licensing fees and these should be solely paid by the beneficiaries.

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148	Claire Wilde	Strongly support	It will enable more responsibility to be placed on the businesses and organizations requiring licenses	20%	I think there needs to be some public funding to cover the cost of appointing and supporting the District Licensing Committee (DLC), as this is made up of members of the community. If it was only funded through the organizations applying for the license the neutrality of the DLC is compromised and it could be open to misuse
149	A Gilbert	Strongly support	It is Councils role to set Alcohol Bylaws and license outlets, these costs should be paid by the applicants. However, because many hospitality businesses are still recovering post Covid, I strongly urge Council to adopt a graduated approach, implementing over a three year time frame. Eg. Year 1 applicants pay 60% of costs, year 2 applicants pay 80% of costs, and year 3 and out years applicants pay 100% of costs.	0%	Rate payers and visitors will pay as they consume through the price at the establishment. Those who drink more will pay more. Those who seldom visit licensed premises will pay less. Fairer for all.
150	Sheena Spittles	Strongly support	Alcohol consumption is a 'voluntary' activity - neither healthy nor necessary, and the cause of harm in many families. It should therefore not be funded in any way for our rates.	0%	As above - it should be "user pays" - either through businesses selling it, or by the customer.
151	Diane Stewart	Support	Because alcohol licensing fees should not be subsidised by ratepayers. The business can pass on the additional cost to patrons, and that ratepayer cost can be reallocated to other projects.	0%	There is no direct benefit to the ratepayer, and the savings can be reallocated elsewhere.
152	Grant Hodder - NHS Ltd	Support		0%	Its a business expense, not a rate payer expense.
153	Fi Sullivan	Strongly support	I don't think ratepayers should bear the cost.	0%	The big alcohol producers can take it out of their profits
154	Tamara Burgess - Western Bay of Plenty primary Health Organisation	Support		0%	The rate payer shouldn't be assisting towards funding for alcohol related fees. Alcohol causes major problems within the community both short term e.g drunkenness, violence, motor vehicle accidents and long term e.g increased risk of cancer, fetal alcohol syndrome, etc etc . Alcohol causes more harm than many other substances that are banned. If an event, pub, restaurant or etc wants to provide alcohol then they should pay for it.
155	Frank Stuart	Strongly support	Each business should pay. Ratepayers should not be subsidising. We are aware of the issues in hospitality so perhaps apply a percentage increase over say 5 years.....NZ wide chains should pay all from now.	0%	It is a business cost.
156	Selina Murray - Mount Maunganui Lifeguard Service	Strongly do not support	The fee structure should remain as is for community organisations like surf lifesaving clubs that are serving the greater community and beyond. Surf Lifesaving clubs should be exempt from any increases as all proceeds the clubs make from the sale of liquor at the clubs, goes back into the operational costs of our surf lifesaving operations, such as maintaining our building, vehicles, equipment and staffing; which prevents serious injury and possible drownings/loss of life from occurring along our coastline.	40%	For community emergency organisations that serve the community (such as surf lifesaving clubs) it should remain at 40% - but introduce a rating or scale that clubs are assigned and that determines the percentage paid over and above the 40%. For example a rugby club could pay 60%. The clubs 'rating' is assigned in your online system to the club so correct fee is applied to each club upon application.
157	Trina Pahuru	Strongly support	I believe if an individual chooses to run ANY business then any associated fees/costs should fall on themselves rather than every other rate payer in town! Rate payers are paying enough as it is for services they do not use.	10%	It is the choice of an individual to open/run an establishment therefore why do their choices fall on rate payers? We pay enough to dine at the establishment let alone covering a good proportion of licensing fees
158	Sarah Thomson	Support		20%	
159	Lisa Roach	Strongly do not support	I want Tauranga to be the same as the rest of NZ. There's a reason this government legislation is in place and I believe that at government level better and more informed decision has been made to put this legislation in place. And I'm not convinced our council will make better and more informed decision in this matter	60%	Because if we are currently following Government Legislation then I assume the current split is what they have set

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160	Rebecca Williams	Strongly support	Those who run those businesses and their customers should be funding this. It does not add to the health or safety of our community so the community at large shouldn't pay.	0%	The only thing in the best interest of the rate payers is that licences are policed. Why be the ones that heavily fund it? That's not fair. Put our money to use for the health and safety of the city. Those who want a night out can fund it themselves.
161	James Evetts	Support	hopefully it contributes to lower rates.	0%	
162	Lana Eady-Paterson	Support		20%	
163	Emma Jensen	Strongly support	Keeping it short - I don't think rate payers should be paying for these fees. I shouldn't be paying for the fees, just to then pay for the drink at the bar. Ratepayers pay a lot already to support a lot of the things we need in the community, these fees need to be paid by someone else.	0%	The businesses should cover these costs, they're the ones wanting to sell alcohol and the consumer (Ratepayers) already pay it back to them at the bar. Ratepayers have enough to pay for, not everything should be covered by them, funding needs to come from somewhere else.
164	Bernard Lamusse	Strongly do not support	I believe that publicans should pay the full licence fee. The ratepayers do not receive any benefits from this and are subsidising a certain class of business which is not equitable.	0%	
165	Gurnek Brar - The Galaxy Group	Strongly do not support	It is not fair on business owners to be having to pay another expense, hospital business are already struggling and with the new lap time change they have faced significant hardship in the city centre. This is going to be an extra burden on business owners	60%	This is fair
166	Neil Alton - Bay of Plenty Rugby Union	Strongly do not support	I do not support increased compliance costs on businesses for the purposes of managing liquor licensing. There is no information provided on the costs involved in managing the liquor licensing process and alternative options have not been investigated that might decrease these costs on rate payers and business owners.	30%	the cost to administer, manage and police alcohol licensing is too high and should be reviewed.
167	Luke Gibb-Kimber	Support	It should have been done long time ago. Rate payers should not have to fork out 60% of the fees. The businesses should.	0%	Rate payers shouldn't be covering 60% of businesses alcohol licensing fees. This should be on the businesses to cover them. You don't see rates covering other sectors licensing fees, i.e. construction sector with keeping their licenses up to date, etc.
168	Dean Stewart	Strongly support	To enable the burden on ratepayers paying for the majority of the fees.	0%	The licensing fees should be solely paid by the businesses that are applying for the license, just like anyone else applying for any form of license. It should not be subsidised by ratepayers.
169	Sandra Wharton	Support	I think the businesses supplying the alcohol should wholly and solely be paying the fees	0%	I think the businesses supplying the alcohol should wholly and solely be paying the fees
170	Helen Beazley	Strongly support	I want the Council to be able to make licence holders not rate payers liable for this fee	0%	Alcohol is a group 1 carcinogen so rate payers money should not be used in any way associated with the liquor industry
171	Michael Ogier	Support	Keep it local	0%	Businesses licensed benefit from it, we do not
172	Shirley Hampshire	Strongly support	Tauranga should be able to make its own licensing laws	100%	This should be totally user pays
173	Jessica Lake	Strongly do not support	This Council make a joke out of us time and time again as far as any fees are concerned. I have zero confidence that any 'fees' set by the Council would be fair.	40%	
174	Kathryn Evaroa	Strongly support	This is a business expense for those generating income from alcohol.	0%	The ratepayer does not benefit thus is solely a business expense .
175	Trevor Brewerton	Strongly support	Local users of the service should pay the full cost as the City Council has established. Council costs must arise from the work done and required by a well managed and efficient organization subject to external efficiency audit.	0%	Those selling alcohol in the City could easily fund the cost of licensing by paying a small levy on every drink sold to the public.

		Q1: Do you support the proposed Alcohol Bylaw to enable us to set alcohol licensing fees in Tauranga, as opposed to using the default fees set in Government legislation?		Q2: Although we are not looking at setting levels of the fees in the proposed bylaw, we want to know your thoughts on how alcohol licensing costs should be funded. This will help inform the next stage of the project. At present 40% of the cost is covered by the license fee and the remaining 60% comes from your rates.  What proportion of the cost to administer, manage and police alcohol licensing in Tauranga do you think should be funded through your rates?	
Sub No	Name / Organisation	Q1	Comments	Q2	Comments
176	Andrew Gormlie - Classic Flyers	Support	Council locally should be constantly managing this one and assessing the impact of current prices etc. Onus should perhaps adjust to two thirds venue and one third Council as proportionate costs. Bearing in mind NZ Hospitality venues are still working in a very hostile business environment and still employing plenty of people in our community.	30%	Its the right proportion if Council (ratepayer) assistance to enable combined control.
177	Heather Elmsly	Strongly support		0%	I think it should be funded through licencing fees.
178	Josh White	Support	755k is alot for rate layers to be funding as an extra \$20 a week would go a long way in my house hold.  I feel if the applicant has sought a license and are required to find it, I feel they would then be made to feel they should comply with liquor laws as they would suffer financial cost should they lose their license	20%	Hard question to understand, as I believe alot of investigative work is conducted by a Sgt in the Tauranga police who is funded by tax dollars.
179	Stephen Anquetil	Support		0%	
180	Troy Mitchell	Strongly do not support	It's already a struggle for those in the industry, it's a big part of tourism here and the business need to be left alone, they provide needed jobs and are a big part of our community.	100%	
181	Mary Capamagian	Support		0%	
182	Lewis McDuff	Strongly support	It seems absolutely ridiculous that these highly profitable businesses don't pay their way	0%	We are in a pay your own way society now
183	Shaun Cole	Strongly support	So the applicant can pay more of the cost.	0%	The applicant should pay all. They are the ones benefitting from the sale and supply of alcohol and making a profit and contributing to alcohol related harm in Tauranga.
184	Michelle Towersey - Tauranga Golf Club Incorporated	Support	Business is making a profit on sale of alcohol and should cover the cost	0%	User pays. Sale of alcohol is a profit making venture. Council should only fund essential community projects
185	Tyler Buckley	Strongly support	I don't like the idea of general rates having to pay for alcohol licensing costs. I would support the new fees being set over and above the licensing costs so that the fees can support at least some of the costs that Council incurs as a result of the social harm caused by alcohol. I am concerned that businesses who won't want to incur increased fees will by lobbying Council against this proposal. So I am lending my voice in support. Moving ahead, I am also concerned that businesses will lobby Council once the change is in place so that once Council has the ability to set its own fees, Council won't set them at 100% of the licensing costs. Please don't cave in to that kind of pressure! Alcohol causes a lot of social harm, and general ratepayers shouldn't be paying to compensate the businesses who benefit from selling alcohol. Those businesses can pay their own costs. And preferably they would pay over and above their own costs and actually contribute to the clean-up costs that Council incurs.	0%	Those who profit from selling alcohol should be funding 100% of these costs (I actually think they should be paying more than 100% in order to contribute to clean up related costs)
186	Guy Robertson	Strongly support		0%	For people who are alcohol free, or especially those who are struggling to break free of addiction to alcohol, being forced to pay to subsidize alcohol activities is unconscionable.
187	Christine McNeill	Support	I think the businesses selling alcohol should pay 100% of the fee set by council. They make huge profits. I strongly object to ratepayers paying through rates, and then paying again to purchase alcohol.	0%	Because people selling alcohol make such huge profits. Rates should not be subsidizing them.

		Q1: Do you support the proposed Alcohol Bylaw to enable us to set alcohol licensing fees in Tauranga, as opposed to using the default fees set in Government legislation?		Q2: Although we are not looking at setting levels of the fees in the proposed bylaw, we want to know your thoughts on how alcohol licensing costs should be funded. This will help inform the next stage of the project. At present 40% of the cost is covered by the license fee and the remaining 60% comes from your rates.  What proportion of the cost to administer, manage and police alcohol licensing in Tauranga do you think should be funded through your rates?	
Sub No	Name / Organisation	Q1	Comments	Q2	Comments
188	Fiona Joyce - Baywide Community Law	Strongly support	Alcohol is shown to cause significant harm in NZ - the NZIER have quantified that harm at a cost of \$9.1 billion per annum. This is a cost worn by all taxpayers and the community. The alcohol industry should bear more responsibility for mitigating this cost. Local Government is in a strong position to lead the way in minimising alcohol harm and giving effect to the Object of the SSA Act. Through Councils strengthening their LAP provisions now that appeals can only be made by judicial review and ensuring community participation throughout DLC procedures by making them more accessible and less formal, Councils are positioned to step up in improving decision making and reducing harm. Making licence application fees 100% of the cost is another step Councils can take towards having the alcohol industry take some ownership and responsibility for the cost of the harm they cause and could possibly assist in reducing the proliferation of outlets, particularly in vulnerable communities. Some Community Law Centres (although not Baywide Community Law) are currently participating in an Alcohol Harm Reduction Project, assisted with funding from Te Whatu Ora, which supports communities to participate in processes (e.g. council or licensing authority processes) that aim to reduce alcohol harm in their neighbourhoods.	100%	
189	Scott Payne	Do not want to answer	We need to know the costs involved. You say it's a 40/60 split. So what does the licence fee actually have to pay for. Usually a licence fee is for administration costs and notice fees to surrounding residents and businesses that may be affected by the draught alcohol licence. So we can only may informed decision when we know what the council is saying it's spending the licence fee money on.	80%	The benefits to the greater community and job creation. They pay and generate great revenue income in different taxes. The licence holders are an integral part of society and help create the environment we all enjoy.
190	Jay Thomas - Saltwater	Strongly do not support	Instead of raising the already high cost of fees, I would recommend streamlining the process. If an existing licensee is renewing their license, treat it as a renewal rather than treating it as a completely new license. Having to go through the entire process for an already licensed venue creates unnecessary additional cost, overhead, and time, for both the venue and council.	60%	Instead of continuing to raise the cost of council services, change the process to make it more streamlined and cost effective.
191	Alan Trotter	Do not want to answer	I don'y begin, as a retired lawyer, to know what the present alcohol licensing stuctures and financiing is all ablout - som eoutline pleade to be provided forst.	0%	Alcohol licensing admisistration should be a Nation's resposnibility
192	Leif Harpham	Do not support	I see that there is a lack of education with alcohol as recovery my self this toxic drug would be the worst of them all ,an the age limit should be minimum 25 years of age and there should be a specific license to purchase this drug , I suffered for 25 years ,hospitalized 13 times fatal 2023.	0%	It's pointless

		Q1: Do you support the proposed Alcohol Bylaw to enable us to set alcohol licensing fees in Tauranga, as opposed to using the default fees set in Government legislation?		Q2: Although we are not looking at setting levels of the fees in the proposed bylaw, we want to know your thoughts on how alcohol licensing costs should be funded. This will help inform the next stage of the project. At present 40% of the cost is covered by the license fee and the remaining 60% comes from your rates.  What proportion of the cost to administer, manage and police alcohol licensing in Tauranga do you think should be funded through your rates?	
Sub No	Name / Organisation	Q1	Comments	Q2	Comments
193	Sebastian Miklos	Strongly support	<p>The rate payers should not fit the bill for alcohol licences applicants and holder. They take the profit from the sale of alcohol so why a normal rate payer who probably do not even consume alcohol should pay for these businesses. Especially the fees for off licences and special licences would need to pay more:The off licences sell the alcohol for consumption somewhere else. The tax payers already pay for the rubbish and other damages caused by the people consuming alcohol in public places, Special licences: The Ministry of Justice website shows the fees for special licences. A special licence for under 100 people attending is under 70. This does not cover the cost of the Council admin staff, not counting the cost for the Police, Medical Officer of Health and the licensing committee members making the decision. A special licence for a large event 400 patrons or more is under \$450. The same price is been paid by a large wedding of 401 people and for a concert or music event of 10,000 people attending. If one of these licences is opposed a hearing needs to be set down and the costs of the hearing to be paid by the Council. The applicant only pays for their legal representation.On licences: A stadium or a large venue pay similar fee or even lowed than a tavern which may have a licence until 4.00am in the morning. A large venue requires more services from Council especially after large events such as cricket tests or rugby games or large concerts or musical events, plus damages to the Council property by people consuming alcohol before, during and after these events</p>	0%	<p>The rates are for infrastructure and other council expenses and not to subsidise and industry which in most cases generate harm to individuals, families and community.</p>
194	Nick Potts - Solera	Strongly do not support	<p>I think you are going about this all wrong. I understand that there is a lot of paperwork involved in running the alcohol licensing part of our industry, and I can assure you there is a lot of paperwork on our sides as well.</p> <p>I think rather than just saying lets put up the prices that conversations need to be had with other city councils who surely are going through the same process and then coming together and presenting proposed changes to the legislation to get it more in line with what other countries are doing which will result in less paperwork.</p> <p>You can also communicate with the Restaurant Association New Zealand to get views from the industry.</p> <p>Some solutions which a change in the legistation that will help would include: An increase in licences from 2 to 4 years, however a small inspection into complaints regarding the business can be held every 2 years. Those with no history automatically get the following 2 years.  A removal of the need for a duty manager. Make every staff who supplies alcohol do a course and obtain their own qualification, they are then accountable for any wrong doings rather than a single duty manager that constantly requires filling out paperwork due to the rotating work force we have in a holiday destination such as this one. I am sure as in industry we can come up with plenty of other options to lower you work load rather than just saying lets up the charges.</p>	60%	<p>As discussed earlier I think the solution is to lower the costs by implementing an easier system that requires a lot less paperwork. coming from Australia I find it amazing how much work/paperwork goes into it here.</p>

		<b>Q1: Do you support the proposed Alcohol Bylaw to enable us to set alcohol licensing fees in Tauranga, as opposed to using the default fees set in Government legislation?</b>		<b>Q2: Although we are not looking at setting levels of the fees in the proposed bylaw, we want to know your thoughts on how alcohol licensing costs should be funded. This will help inform the next stage of the project. At present 40% of the cost is covered by the license fee and the remaining 60% comes from your rates.</b>  <b>What proportion of the cost to administer, manage and police alcohol licensing in Tauranga do you think should be funded through your rates?</b>	
<b>Sub No</b>	<b>Name / Organisation</b>	<b>Q1</b>	<b>Comments</b>	<b>Q2</b>	<b>Comments</b>
195	Christine Gore - Vetro Mediteranean Foods	Strongly do not support	The licensing fees are already a heavy burden on small businesses such as ours and I don't think any increase in fees would be sustainable. Our margin on wine is very small as we need to make sure they are at a price point that are not prohibitive to the customer. In order to cover our present licensing costs we need to sell a lot of wine before we can effectively start to make any profit. I'm sure the default fees were set for a reason as it is probably recognised that it is an unsustainable cost for the smaller business. I wonder if other solutions could be (or have been) considered. Firstly whether the administrative cost of the liquor licenses could be trimmed in any way. I'd also be interested to know if the license is a fixed rate for all businesses. We are considered a grocery store (rating 15) and are in the same category as a large supermarket. We sell a tiny fraction of the alcohol that they do but pay the same license fees. This is another example of where these types of fees penalise the small business owner. Perhaps this could be done on a pro rate scale (regardless of whether this bylaw goes ahead). Putting this kind of survey out to the community will undoubtedly result in a strong response from ratepayers that businesses should pay the full cost and no cost should go onto their rates bill. The average ratepayer cannot be expected to be well versed in the ramifications and consequences of these kind of business decisions and would probably not consider the fact that this could put many smaller operators out of business or force them to push for more alcohol sales in a bid to cover these licensing costs.	60%	This is the minimum that we are able to sustain without increasing our prices and/or volumes of sales. I'd prefer that it was more but I do understand that there should be some element of user pays. It is already a significant cost on the business owner and unless costs can come down, 40% from the businesses is as high as it should go. Ratepayers need to consider that there is a cost to having a safe and vibrant city where you can enjoy a glass of wine in a bar or take a bottle home without it coming with a huge price tag.
196	Kate Barry- Piceno - KBP Lawyer	Do not support	There is lack of information in the draft Bylaw as to what costs have been attributed to this or if the increases in cost is related to a fluctuation that is temporary. Fees is changes should be consistent to that for RMA where there is a base lower fee, but then based on hourly rate with accountability as to whether reasonable. There is no breakdown given in the draft bylaw to explain the fees or show what TCC annual reports costing to Govt have been since 2013. What do the costs include? Is the monitoring and compliance visits related to for example health and safety, food regulations split out, if a licensed premises serves food ?The 2013 fee framework regulations need to be reviewed nationally as to their efficacy and whether it is achieving its objectives, including accurate and consistent reporting across all NZ councils, and whether tiered system fair and appropriate for cost recovery. Hearings should be paid for by the license applicant so the regulations need to be amended. The 2017 Ministry of Justice Report was incomplete due to lack of data at that time, which should now be available. A new Report /review should be sought by TCC/Local Govt before any bylaw set by TCC as one council. It is also unclear if other Councils in NZ since the 2013 Order was enacted have increased the licensing fees through a bylaw. If there are differences in costs recovery from other Councils of a similar size, this needs to be understood as to why.	50%	The costs of rates should relate to increased monitoring and compliance/regulation of those businesses that are high risk as that makes the whole of our community safer and healthier to avoid alcohol abuse. Costs of hearings need to be added to regulations so they can be recovered from the license applicant.
197	Kerry McCaffery	Strongly support	Because Alcohol is out of control in our city and as it's a "legal" drug anyone can purchase it. Teens get their older friends to buy it for them....and sometimes this.leads to a"blackout" situation among our young underage girls and a pregnancy may result which then leads to all sorts of complications and heartbreak. The morning after pill is alive and well but some of our young girls don't know about it. Alcohol destroys families and anything which will curb its intake I support.	70%	Obviously you need more money but it needs to be carefully spent and also accounted for

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Sub No	Name / Organisation	Q1	Comments	Q2	Comments
198	Michelle Quin - The Spirits Workshop	Strongly do not support	<p>We strongly disagree with the proposal to create a By-Law to set licence fees independently from Government Legislation.</p> <p>We are a small business which runs events that require both special on and off licences. Our margins are already slim.</p> <p>An increase of more than three times would impact us significantly.</p> <p>One of our key events is Gindulgence which was held at Wharepai Domain in November for the last two years.</p> <p>Based on return, we are already unsure if we will bring the event back this November. Further cost increases sway that decision more.</p> <p>Our attending exhibitors are also small NZ businesses trying to succeed.</p> <p>We can't pass the increases on.</p> <p>From an exhibitor perspective, they pay for their own special off-licence fees. Already we have seen a drop off in numbers of exhibitors attending as they are unable to break even. A 3x to that fee will be significant to them also.</p> <p>We cannot increase ticket prices in the current environment.</p> <p>Our feedback would be to streamline the process and cut out inefficiencies to reduce costs rather than jumping to a more than 3x cost increase. Target the focus and resources on activities and causes of serious alcohol harm. Some of the focus and time spent for a relatively harmless, one-off special licence event with a proven track record like ours seems excessive.</p> <p>Maybe there could be a new class for the very big events like Bay Dreams and One Love, which I imagine require a lot more resource than smaller events like ours.</p> <p>Gindulgence attracts 18 - 22 exhibitors and 800 – 1,200 ticket holders.</p>	40%	<p>We would support a 20 – 50% ratepayer contribution to alcohol licensing.</p> <p>I speak here as a rate payer myself as well as on behalf of our business – one of the owners is a Tauranga rate-payer.</p> <p>In an ideal world, licence fees would cover the cost of administration, but that is unlikely to happen. People enjoy all the benefits of special events, bars, restaurants, distilleries and other hospitality which involves alcohol. It's reasonable to expect a portion of our rates to cover the management and policing of it to keep our communities well served, vibrant and fun, but safe to live in.</p>
199	Karen Sorce	Strongly support	License fees should not be subsidised by the Council regarding alcohol. This is not an essential service provided by Council. The Council should also have a bylaw for this.	0%	There should be no rate payer involvement in paying for alcohol licensing. A bylaw should be in place so that Council can recover 100% of the cost
200	Andrew Galloway – Alcohol Healthwatch	Strongly support	See attached	100%	



## **Submission on the Tauranga City Council Alcohol Fees Bylaw 2024**

7 March 2025

Tēnā koutou

Thank you for the opportunity to provide feedback on the Council's draft Alcohol Fees Bylaw. We would like the opportunity to speak (virtually) to our submission.

If you have any questions on the comments we have included in our submission, please contact:

Andrew Galloway  
Executive Director  
Alcohol Healthwatch  
P.O. Box 99407, Newmarket, Auckland 1149  
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### **About Alcohol Healthwatch**

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

### **Specific Comments**

1. Alcohol Healthwatch supports Tauranga City Council's making of a specific bylaw on alcohol licensing fees. By making a bylaw under the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013<sup>1</sup> the Council may set fees that reflect the Council's actual costs as a licensing authority, and in respect of its inspection and enforcement functions. A bylaw is a prudent option given that the fees set under the Sale and Supply of Alcohol (Fees) Regulations 2013 have not kept pace with the costs incurred by the Council,<sup>2</sup> and it is anticipated that these fees will not adequately reflect costs till at least 2027.

2. We are aware of the costs incurred by the Council with liquor licensing, including costs associated with administration, inspection and enforcement, and believe that revising fees in a timely manner would meet the policy objectives of the licensing fees regime, namely:
  - (a) To recover the total reasonable costs incurred by the Council in administering the alcohol licensing system
  - (b) To ensure that those who create the greatest need for regulatory effort bear the commensurate costs
  - (c) To allow local circumstances to be reflected in the fees paid by operators and income received by the Council
  - (d) To minimise alcohol-related harm, to the extent that this can be achieved through a cost recovery regime.
3. We support a consistent and proactive approach to licensing fees, and note that, like Tauranga, an increasing number of other councils have also utilised their bylaw-making powers to allocate realistic costs for these activities.
4. The Sale and Supply of Alcohol Act 2012<sup>3</sup> envisaged a full cost recovery approach for alcohol licensing, and Tauranga City Council, like a number of other councils, have opted for 100% cost recovery.<sup>4</sup> We strongly encourage the Council to implement the prescribe costs set out in the draft bylaw as these fees will cover the current costs. We would further recommend that consideration be given to increasing fees incrementally until the bylaw is reviewed in five years' time.
5. The alcohol licensing regime and fee-setting is part of a package of measures which, when used comprehensively, can create safer environments and significantly minimise rates of hazardous drinking and subsequently alcohol-related harm. This not only includes an Alcohol Fees bylaw, but also the Council's Alcohol Control Bylaw and Local Alcohol Policy.

**NOTES**

- <sup>1</sup> Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013, authorised by section 405 of the Sale and Supply of Alcohol Act 2012. See further clauses 7 and 11 Sale and Supply of Alcohol (Fees) Regulations 2013.
- <sup>2</sup> Under section 404 of the Sale and Supply of Alcohol Act 2012, the Ministry of Justice is required to undertake a five-year review of alcohol licensing fees and of cost recovery by councils. However, the review of the Sale and Supply of Alcohol (Fees) Regulations 2013 is overdue.
- <sup>3</sup> New Zealand Law Commission. Alcohol in Our Lives: Curbing the Harm, New Zealand Law Commission, 2010. NZLC R114. Available from:  
<https://www.lawcom.govt.nz/assets/Publications/Reports/NZLC-R114.pdf>
- <sup>4</sup> For example:
  - Hastings District Council Alcohol Licensing Fees Bylaw 2024. The bylaw has a progressive 100% recovery model with no ratepayer contribution. See:  
<https://www.hastingsdc.govt.nz/assets/Document-Library/Alcohol-Licensing-Fee-Bylaw/Alcohol-Licensing-Fee-Bylaw.pdf>.
  - Porirua City Council Alcohol Fees Bylaw 2024, Council adopted the Alcohol Fees Bylaw in with the intention of full cost recovery of alcohol licensing costs. See:  
[https://storage.googleapis.com/pcc-wagtail-media/documents/Alcohol\\_Fees\\_Bylaw\\_2024.pdf](https://storage.googleapis.com/pcc-wagtail-media/documents/Alcohol_Fees_Bylaw_2024.pdf)
  - Hutt City Council Draft Alcohol Fees Bylaw 2024. The Council has achieved 93% cost recovery and is proposing 100% cost recovery as an option for the 2024 bylaw. See:  
<https://haveyoursay.huttcity.govt.nz/alcohol-fees-bylaw-2024>, 10 December 2024  
[https://huttcity.infocouncil.biz/Open/2024/12/HCC\\_10122024\\_AGN\\_3339\\_AT.PDF](https://huttcity.infocouncil.biz/Open/2024/12/HCC_10122024_AGN_3339_AT.PDF).
  - Hamilton City Council draft Alcohol Fees Bylaw. Commencing with 95% of costs with an increase annually of 3%. See: <https://haveyoursay.hamilton.govt.nz/alcohol-fees-bylaw-2025>.

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Sub No	Name / Organisation	Q1	Comments	Q2	Comments
201	Ashleigh Gee - Gee Hospitality Limited	Do not support	Refer to written submission please	40%	Hospitality plays a pivotal role in tourism and providing places for rate payers to enjoy. In the city centre, hospitality is one of the main draw cards for bringing people to our city and creating vibrancy. Whilst I agree more costs could be covered by the license holders, the good operators are doing their part to add to our overall vibrancy. Perhaps higher rates should apply to those who fail remedy operational issues. Huge costs for new businesses which may deter new operators coming to our city.

**To Whom It May Concern,**

My name is Ashleigh Gee, and I am submitting this response regarding the Draft Alcohol Licensing Fees Bylaw.

Before any fee increases are implemented, I strongly encourage Tauranga City Council to undertake a comprehensive audit of its alcohol licensing processes. By identifying opportunities for greater efficiency, improved communication, and better support for licensees, the Council can ensure that the system works effectively for all stakeholders—licensees, ratepayers, and the licensing team alike. A well-structured, transparent process will not only reduce unnecessary costs but also create a more collaborative and solution-focused approach to alcohol management.

As the owner of a licensed tavern, I currently pay an annual fee of \$1,035 (\$86.25 per month). Under the proposed changes, this would increase to \$3,566.15 annually (\$297.17 per month). While I understand the need for cost recovery, raising fees should be the final step after first ensuring that the licensing system is operating as efficiently as possible. These increases will see our licensees paying the highest rates in the whole of New Zealand.

By conducting an audit, the Council has an opportunity to streamline processes, reduce administrative burdens, and improve engagement with licensees. Many challenges arise from misunderstandings and inefficiencies, leading to unnecessary hearings and disputes. A system that prioritises education, clear guidelines, and proactive communication will benefit not only businesses but also the Council itself by reducing workload and improving compliance.

From my experience as a licensee, I have seen firsthand the potential for a more supportive and structured approach. Since obtaining my liquor license, I have had just one meeting with a Licensing Inspector. While I take pride in being a responsible operator who complies with all regulations, I can only imagine how difficult this process must be for first-time licensees. By fostering a more collaborative relationship with licensees, the Council can enhance compliance while reducing enforcement costs.

To support this goal, I have included specific examples of industry challenges and an audit framework highlighting key areas where improvements can be made. When the Commissioners were in place, they requested that I develop an Alcohol Accord for city centre businesses to help educate and guide license holders. Once an audit is completed, I would welcome the opportunity to review the findings and explore how elements of an Alcohol Accord could be implemented to create long-term cost savings for both licensees and ratepayers.

I appreciate your time in considering this submission and look forward to working together to build a more efficient and supportive licensing framework for Tauranga.

**Sincerely,**  
Ashleigh Gee

**Example**

Miss Gee's Licence expired 7th November 2023

New licence received 28th March 2024

5 months of operating without legal paperwork displayed at the entrance of my business

Intimidation by Police who did not believe that I was awaiting paperwork from the council

Had to show emails from myself to TCC to show the Police that I was telling the truth

*SOLUTION: Licence Renewal processes to start taking place 3-6 months prior to the licence expiring. Ensuring enough time for all areas to be completed including scheduling of DLC meetings with outcomes provided prior to expiry date.*

**Example**

13.10.2023 - Ross Eastlake

Notification sent to TCC re Management Change - Temporary Manager / New Duty Manager Licence

Response received 30.01.2024 (2 months after application)

*SOLUTION: Email notification received from TCC to both the Employee (Duty Manager) and the licensee holder (as we have to nominate a work place upon application). Provide a Application tracker that can be viewed online by licensees or employees so they can determine how their application is processing. Providing clear information and reducing the need for customers to chase up council. Provides a clear picture of application status for council staff and develops an up to date to do list.*

**Example**

19.09.2023 - Ashleigh Gee

Missed my Duty Manager licence renewal - email reminder sent from TCC to my personal email, however no notification sent to Miss Gee's - Licensee

Had to reapply for my Duty Manager licence and begin 1 year renewal process again

Paid for new Duty Manager licence on 15th September - no response

Duty Manager Licence received 20th November 2023 (3 months after application was done and payment made)

*SOLUTION: Notifications of Duty Manager licence renewals NEED to be sent to both the Duty Manager (employee) and the licensee of which they are registered under. At the end of the day, it is up to the Duty Manager or licensee to know their dates for renewals etc, but it could be an easy communication from TCC that shows them being proactive and that they are doing their best to help us run our businesses effectively. Saves on administration time and interview processes.*

**Example**

07.02.2025 - Aimee James

Notification sent to TCC re Management Change - Temporary Manager / New Duty Manager Licence

No response received

**Now 1 month since the application was done and the payment made**

*SOLUTION: Provide an application tracker - just like you do for Consents - up to date information showing progress of applications - reduce the admin time replying to emails letting businesses know their application is 'in progress'.*

**Example**

26.11.2024 - Summer Pinn

Notification sent to TCC re Management Change - Temporary Manager / New Duty Manager Licence

No response received

Duty Manager interview has since been done - however, no notification of Duty Manager licence has been issued, **now 4 months since the application was done and payment made**

*SOLUTION: Investigate why is taking so long to process Duty Manager licenses. Develop a better system to streamline these. Hospitality is a fast paced industry, our governing authority needs to be running at the same pace to ensure confidence.*

**Example**

27.08.2024 - Rhys Nixon

Notification sent to TCC re Management Change - Temporary Manager / New Duty Manager Licence

No response received

Another email sent to Admin@dlc on 4.11.2024

Duty Manager application for staff member that we were hoping to sponsor was not processed in time so we could not apply to sponsor him

Requested a refund due to lack of process being completed but was declined

**Lost a staff member that I had trained up for 6 months to be a Duty Manager because of admin time to process applications**

*SOLUTION: Investigate why is taking so long to process Duty Manager licenses. Develop a better system to streamline these. Hospitality is a fast paced industry, our governing authority needs to be running at the same pace to ensure confidence.*

These are just some quick solutions - understand that I do not know the systems being used by TCC currently to process all of the information, but we are still using paper forms, so something has to be reviewed.

**Audit Report: Tauranga City Council Alcohol Licensing Processes**

**Prepared for:** Tauranga City Council

**Prepared by:** Ashleigh Gee

**Date:** 7th March 2025

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## 1. Executive Summary

This audit report aims to provide a detailed review of Tauranga City Council's current alcohol licensing processes. The objective is to identify inefficiencies, areas of excessive cost, and opportunities for process improvements to ensure a more streamlined, transparent, and cost-effective system.

Key findings suggest that a breakdown in communication and ineffective systems have contributed to an increase in hearings, higher costs, and misinformed licensees. This report outlines recommendations to enhance efficiency, improve engagement with licensees, and ultimately reduce costs for both licensees and general ratepayers.

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## 2. Audit Objectives & Scope

The audit focuses on the following areas:

- Review of current alcohol licensing procedures and associated costs.
  - Identification of inefficiencies and gaps in communication.
  - Evaluation of training and support provided to licensees.
  - Assessment of technological tools and systems used in application processing.
  - Analysis of hearings and dispute resolution processes.
  - Recommendations for cost-saving measures and improved engagement strategies.
- 

## 3. Methodology

The audit was conducted through the following approaches:

- Interviews with key stakeholders, including licensing officers, council members, and licensees.
- Review of application processing times, approval rates, and reasons for disputes.
- Examination of financial records detailing licensing revenue versus expenditure.
- Benchmarking against best practices from other councils in New Zealand.

- Feedback collection from businesses impacted by the licensing process.
- 

## **4. Findings & Analysis**

### **4.1 Inefficiencies in Licensing Process**

- Lack of a streamlined, digital system leading to unnecessary manual work.
- Redundant paperwork and unclear requirements delaying approvals.
- High percentage of applications requiring additional clarification or correction.

### **4.2 Poor Communication & Stakeholder Engagement**

- Licensees report a lack of proactive guidance, leading to incorrect applications.
- Licensing team is reactive rather than proactive in assisting applicants.
- Information is scattered across different channels, causing confusion.

### **4.3 High Costs Associated with Hearings & Appeals**

- Increase in disputes due to misinterpretation of requirements.
- Unnecessary escalation of minor issues to formal hearings.
- Excessive use of external legal resources for hearings.

### **4.4 System & Technology Limitations**

- Lack of a centralized licensing portal with clear tracking of application status.
  - Inefficient internal communication leading to delays in decision-making.
  - Inability to automate standard approvals for low-risk applications.
- 

## **5. Recommendations**

### **5.1 Implement a Centralized Digital Licensing System**

- Develop an online portal for application submission, tracking, and communication.
- Automate standard application approvals for low-risk cases.
- Use AI-driven document verification to reduce errors.

### **5.2 Proactive Licensee Education & Engagement**

- Offer online and in-person training sessions for new licensees.

- Create a comprehensive, easy-to-understand application guide.
- Establish a dedicated support team to assist applicants in real-time.

### 5.3 Streamline Internal Processes

- Reduce paperwork by digitizing all forms and documents.
- Introduce a checklist system to ensure completeness of applications before submission.
- Implement a case management system for tracking ongoing applications and issues.

### 5.4 Reduce Unnecessary Hearings & Disputes

- Develop a mediation process to resolve minor issues before escalation.
- Clearly communicate licensing conditions to prevent misunderstandings.
- Implement a pre-assessment service for complex applications.

### 5.5 Optimize Financial Efficiency

- Conduct a cost-benefit analysis of outsourcing vs. in-house handling of hearings.
- Reduce dependency on legal counsel by training in-house licensing officers.
- Introduce a tiered fee structure based on application complexity to ensure fairness.

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## 6. Expected Outcomes

By implementing the above recommendations, the Tauranga City Council can expect:

- A reduction in licensing processing times.
- Lower operational costs through improved efficiency.
- Improved satisfaction among licensees leading to fewer disputes.
- A more transparent and streamlined application process.
- Reduced burden on general ratepayers by aligning costs with service delivery.

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## 7. Conclusion & Next Steps

This audit highlights significant opportunities for improving Tauranga City Council's alcohol licensing processes. Immediate steps should include:

1. **Developing a roadmap** for implementing the recommended system improvements.
2. **Conducting training workshops** for both council staff and licensees.
3. **Piloting a new licensing portal** to test process improvements before full deployment.
4. **Monitoring key metrics** to track progress and refine strategies over time.

With these steps in place, the Council will move towards a more cost-effective and user-friendly licensing framework that benefits both businesses and the community.

		Q1: Do you support the proposed Alcohol Bylaw to enable us to set alcohol licensing fees in Tauranga, as opposed to using the default fees set in Government legislation?		Q2: Although we are not looking at setting levels of the fees in the proposed bylaw, we want to know your thoughts on how alcohol licensing costs should be funded. This will help inform the next stage of the project. At present 40% of the cost is covered by the license fee and the remaining 60% comes from your rates.  What proportion of the cost to administer, manage and police alcohol licensing in Tauranga do you think should be funded through your rates?	
Sub No	Name / Organisation	Q1	Comments	Q2	Comments
202	Harris Williams - Mount Maunganui Business Association	Strongly do not support	Our primary concern centers on inadequate stakeholder consultation, which we believe is a violation of the requirements outlined in the Sale and Supply of Alcohol Act 2012, specifically the Sale and Supply of Alcohol (Fees Regulations) Order 2013.	0%	We are open to discussion on how to most effectively cover cost, but disagree how this process has been administered to date and the lack of information given

**Submission to Tauranga City Council:**

Response to Proposed Alcohol Licensing Fees  
Bylaw



The Mount Business Association (MBA) submits the following objection to the Tauranga City Council's (TCC) Draft Alcohol Licensing Fees Bylaw. Our primary concern centers on inadequate stakeholder consultation, which we believe is a violation of the requirements outlined in the Sale and Supply of Alcohol Act 2012, specifically the Sale and Supply of Alcohol (Fees Regulations) Order 2013.

**Non-Compliance with Section 405: Stakeholder Consultation Requirements**

Section 405, Consultation, of the Sale and Supply of Alcohol Act 2012 states that, regarding Fees Regulations:

*"Before making a bylaw prescribing fees for any matter for which fees payable to territorial authorities can be prescribed by regulations under this Act, a territorial authority must, to the extent that is reasonably practicable having regard to the circumstances of the particular case, consult the persons the authority has reason to believe are representative of interests likely to be substantially affected by the bylaw."*

It is the position of the MBA that TCC has not fulfilled the consultation obligations stipulated in Section 405. We contend that the extent of consultation undertaken by TCC staff prior to the formulation of the draft bylaw was insufficient to be considered "reasonably practicable" as required by the Act.



Specifically, we believe that the consultation process did not adequately engage with key members in our organization or business owners on our main street who are substantially affected by the bylaw.

Furthermore, it is our position that the *nature* of the consultation was not up to an adequate standard, neglecting to provide or disclose key information that would help affected parties give direct and effective feedback.

To achieve a thorough and careful consideration in the drafting of the bylaw's policies, TCC should have provided and disclosed all relevant information pertaining to:

- Comprehensive disclosures of actual costs incurred by TCC, and why current fees only cover 40% of the total cost.
- Evidence TCC has taken sufficient action to cut costs internally to ensure fee recovery is accurate and fair.

### **Request for Action**

Given the significant concerns regarding non-compliance with Section 405, we formally request that the current draft bylaw be withdrawn. We further request that TCC initiate a new, comprehensive consultation process that fully adheres to the requirements of the Sale and Supply of Alcohol Act 2012. This process must demonstrably engage with, solicit feedback from, and transparently breakdown existing costs with representatives of the businesses and organisations likely to be substantially affected by any proposed changes to alcohol licensing fees.

Sincerely,

**Harris Williams, Business Improvement Manager**  
Mount Mainstreet



		Q1: Do you support the proposed Alcohol Bylaw to enable us to set alcohol licensing fees in Tauranga, as opposed to using the default fees set in Government legislation?		Q2: Although we are not looking at setting levels of the fees in the proposed bylaw, we want to know your thoughts on how alcohol licensing costs should be funded. This will help inform the next stage of the project. At present 40% of the cost is covered by the license fee and the remaining 60% comes from your rates.  What proportion of the cost to administer, manage and police alcohol licensing in Tauranga do you think should be funded through your rates?	
Sub No	Name / Organisation	Q1	Comments	Q2	Comments
203	Luke van Veen - Hospitality New Zealand	Strongly do not support	Please see submission attached	60%	Stay as is, commercial businesses pay a large portion to rates as well, and increases in this area have already happened, so no need to increase in other areas also



## **Hospitality New Zealand**

**TO TAURANGA CITY COUNCIL**

**SUBMISSION ON  
ALCOHOL FEES BYLAW 2025**

**7TH MARCH 2025**

**CONTACT DETAILS:** **Hospitality New Zealand**  
Contact: Luke van Veen, Regional Manager  
Phone: 0800 500 503  
Email: [luke@hospitality.org.nz](mailto:luke@hospitality.org.nz)  
[www.hospitality.org.nz](http://www.hospitality.org.nz)

**About Hospitality New Zealand:**

1. Hospitality New Zealand ("Hospitality NZ") is a member-led, not-for-profit organisation representing around 2,500 businesses, including cafés, restaurants, bars, nightclubs, commercial accommodation, country hotels and off-licences.
2. Hospitality NZ has been advocating on behalf of the hospitality and tourism sector for over 120 years. We work tirelessly on behalf of our members to promote the industry, partner with government to prevent restrictive legislation, protect commercial interests and to spearhead innovation for a sustainable future.
3. As the trusted body, we seek to unlock the industry's full potential as a significant engine for growth in the New Zealand economy and to ensure that the industry's needs are represented by engaging with the Government and wider industry.
4. Hospitality NZ has recently launched the Accommodation Association NZ. The purpose of the Accommodation Association is to ensure that the accommodation sector is well understood by central, local government and the regulators.
5. This submission relates to the Tauranga city council Alcohol Fees Bylaw 2025.
6. Enquiries relating to this submission should be referred to Luke van Veen, Regional Manager, 021 193 9630, [luke@hospitality.org.nz](mailto:luke@hospitality.org.nz).

**General Comments:**

7. Hospitality New Zealand welcomes the opportunity to comment on the Alcohol Fees Bylaw 2025.
8. **Hospitality NZ strongly opposes the proposed fees increases under the Alcohol Fees Bylaw.**
9. We recognise that Council is facing cost pressures – this is true for every organisation across the motu. We note that fees have not increased since 2013 – Council could reasonably consider an increase in line with inflation, around 33%. But we struggle to understand how Council justifies a proposed 244% increase under the guise of cost recovery. In a hospitality context, the proposed increases equates to raising the price of a pint of beer from \$15 to \$36.60 – not something we could justify to customers.
10. We seek further rationale as to why Council considers it appropriate that license holders cover 100% of alcohol licensing costs. While it could be justified that license holders cover a larger proportion of the fees than they do at present, proposing to 'remove all of the costs for ratepayers' ignores that our businesses are ratepayers too. They contribute to the rate take of Tauranga City Council – we therefore deem it appropriate that at least some of the licensing fees can be covered by general rates.
11. The hospitality industry is now more than ever overburdened with unnecessary costs, on top of an unstable economic environment over the past 5 years has seen many struggle to operate

and to now increase these costs at such an exponential rate would again add unnecessary strain on the industry.

12. We note that Council can cover costs incurred through other means – finding efficiencies in their own services. Our members do not have confidence that Council has made every effort to consider these efficiencies before proposing an increase. A more beneficial approach would be to ensure that the costs to council are reviewed for processing these licenses, and that the District Licensing Committee only calls a hearing when required and the license can't be resolved on papers. With a more educational approach to the industry, costs could be cut in this area.
13. We are in support of the submission by Mount Business Association (MBA) that inadequate stakeholder consultation happened, which we believe is a violation of the requirements outlined in the Sale and Supply of Alcohol Act 2012, specifically the Sale and Supply of Alcohol (Fees Regulations) Order 2013.

**Recommendations:**

14. Hospitality New Zealand does not support an Alcohol Fees Bylaw and recommends to continue to charge the alcohol licence fees set by fees regulations.

**Conclusion:**

15. We thank the Tauranga City Council for the opportunity to provide input into the consultation.
16. We would be happy to discuss any parts of this submission in more detail, and to provide any assistance that may be required.

		Q1: Do you support the proposed Alcohol Bylaw to enable us to set alcohol licensing fees in Tauranga, as opposed to using the default fees set in Government legislation?		Q2: Although we are not looking at setting levels of the fees in the proposed bylaw, we want to know your thoughts on how alcohol licensing costs should be funded. This will help inform the next stage of the project. At present 40% of the cost is covered by the license fee and the remaining 60% comes from your rates.  What proportion of the cost to administer, manage and police alcohol licensing in Tauranga do you think should be funded through your rates?	
Sub No	Name / Organisation	Q1	Comments	Q2	Comments
204	Josh Fitzgerald - The Barrio Brothers and Sugo	Do not support	Having a national standard would enable council efficiencies to be measured against standard resource benchmarks.	50%	See letter attached

To Whom It May Concern,

I am writing to express my opposition to the proposed Alcohol Bylaw, which aims to enable local authorities in Tauranga to set alcohol licensing fees independently, rather than using the default fees established by Government legislation.

While the intention to give local councils more control over the revenue from liquor licensing is understandable, I am concerned about the potential implications of this change.

- Local control over licensing fees could lead to arbitrary and possibly excessive increases that may place an increased financial burden on small businesses that already operating on tight margins, leading to a negative economic impact on the community particularly the CBD.
- A lack of standardization in licensing fees could create inconsistencies across different regions, in processing costs and times and making it difficult to measure efficiencies with other regions completing the same task. What are the current KPIs/resources allocated to an application and is there efficiencies to be made here rather than just a possibly unnecessary cost down the line?
- I don't think all licences should be treated equally. Licenced hospitality businesses offer more to the region, than a place to get drink they add to the social and cultural fabric of a place. If anyone should burden more cost, it should be the off licences that make 100% of their money from the sale of liquor.

I urge decision-makers to consider the broader impact of altering the current fee structure and to explore alternative ways to achieve financial objectives without placing additional financial strain on restaurants.

Maintaining a balance between business sustainability and community interests is crucial, and upholding a consistent licensing fee structure as set by national legislation will make this easier.

What costs to we experience that other regions don't in this area?

Thank you for considering my perspective on this matter.

King Regards,

Joshua Fitzgerald

021579002

		Q1: Do you support the proposed Alcohol Bylaw to enable us to set alcohol licensing fees in Tauranga, as opposed to using the default fees set in Government legislation?		Q2: Although we are not looking at setting levels of the fees in the proposed bylaw, we want to know your thoughts on how alcohol licensing costs should be funded. This will help inform the next stage of the project. At present 40% of the cost is covered by the license fee and the remaining 60% comes from your rates.  What proportion of the cost to administer, manage and police alcohol licensing in Tauranga do you think should be funded through your rates?	
Sub No	Name / Organisation	Q1	Comments	Q2	Comments
205	Marisa Bidois - Restaurant Association of New Zealand	Do not want to answer	Our submission attached shares our position in more detail.	30%	



45 Normanby Road  
Mount Eden, Auckland 1024  
[info@restaurantnz.co.nz](mailto:info@restaurantnz.co.nz)  
[www.restaurantnz.co.nz](http://www.restaurantnz.co.nz)

Thursday, 6 March 2025

Tauranga City Council  
Private Bag 12022  
Tauranga 3143

By email: [policy@tauranga.govt.nz](mailto:policy@tauranga.govt.nz)

Tēnā koe,

**Restaurant Association of New Zealand submission on the Tauranga City Council's Draft Alcohol Licensing Fees Bylaw**

The Restaurant Association of New Zealand (the Restaurant Association) welcomes the opportunity to submit on the Tauranga City Council's Draft Alcohol Licensing Fees Bylaw.

Since 1972, the Restaurant Association has worked to offer advice, help and assistance in every facet of the vibrant and diverse hospitality industry, covering the length and breadth of the country. We're passionate about our vibrant industry, which is full of interesting, talented and entrepreneurial people.

**Tauranga City Council proposal**

While the Restaurant Association understands the Council's decision to implement an alcohol licensing fees bylaw, we do not support the Council's proposed draft bylaw, which sets out indicative fees based on full cost recovery. We understand that no decisions have been made on the timing and level of any potential changes to the fees and would like to highlight our priorities for local alcohol fee bylaws as:

- Retaining a minimum 30% of alcohol licensing costs to be paid for through general rates, in recognition of the benefit of a thriving hospitality industry to local communities,
- Where fee increases are proposed, ensuring they are phased in over a reasonable timeframe,
- Ensuring Councils are transparent about the cost of alcohol licensing, including which types of licences incur greater costs to the council, and
- Advocating to Central Government for a review of risk ratings set out in legislation.

**Public benefit of hospitality**

The Restaurant Association submits that all Councils should retain a ratepayer contribution of 30% to alcohol licensing fees, to recognise the contribution of well-managed hospitality venues to the life and economy of communities, and the societal value of having facilities available where people can go to enjoy themselves while drinking safely and responsibly.

Arguments against retaining a ratepayer contribution often cite the user-pays intention of the Act as justification for complete (or almost complete) cost recovery through licensing fees. We submit that ratepayers are part of the user-pays licensing system, and rather than relying on venues to increase prices to cover fee increases, the Council should support access to affordable hospitality for all through its setting of fees.



### Phased fee increases

While we recognise that licensing fees were set by legislation 11 years ago, and that Councils across the country need to recover costs, it is our position that businesses should not be hit with such drastic fee increases simply because their local council had not adopted an alcohol fees bylaw sooner. For that reason we recommend that all councils take a more gradual approach to fee increases, by more evenly distributing the cumulative increase over a longer period. Further, we recommend that a cap on annual fee increases be adopted by the Council, limiting annual alcohol licensing fee increases to a maximum of no greater than 15%

### Council transparency

We are concerned that many Councils across the country use cost recovery as a blanket justification for increasing fees across the board, often without any transparency around actual costs incurred by the Council. It is our position that Councils should provide evidence of the actual cost of processing licences as part of their consultation, so licencees can have confidence that the amount being recovered is accurate and fair. This breakdown should also include the difference in cost of processing on-licences compared to off-licences, with a view to recovering costs on a more proportionate basis in the future.

Finally, we would like to see that Councils have sought to improve efficiencies or cut the internal cost of alcohol licences before passing these costs on to licencees. Businesses are not an endless source of funds that can withstand constant levying by local authorities, and we submit that there must be an attempt on behalf of regulatory bodies across the country to build confidence in their activities.

### Review of current risk ranking

The Restaurant Association recognises the need to ensure the sale and supply of alcohol is undertaken safely and responsibly. However, we are concerned that the rigid risk rating formula contained in legislation is out of date and no longer matches the realities of modern hospitality environments. It is important that legislation and bylaws recognise there is not only a difference between on- and off-licence venues, but that there is also a difference between types of on-licence venue: for example, both a night club and a restaurant are on-licence venues, but prima facie these businesses have two very different risk profiles.

Our more than 2,500-strong membership is made up of hospitality businesses where food is the hero of their operations, with alcoholic beverages offered as a supplement to their culinary experience. We therefore believe that a more fulsome review of the risk rating of premises within the regulations to better reflect the actual risk of harm. We recognise that the setting of risk ratings is not within the control of this Council, and therefore recommend that the Council passes a resolution in support of a Ministry of Justice review of the risk ratings in legislation, to better reflect the risks of different types of licensed premises.

### Conclusion

Thank you for the opportunity to provide feedback on your draft alcohol fees bylaw. We would be happy to discuss any part of this submission in more detail, and to provide any assistance that you may require.

Ngā mihi nui,

A handwritten signature in black ink, appearing to read 'Marisa Bidois', written over a light blue horizontal line.

**Marisa Bidois**  
Chief Executive

		Q1: Do you support the proposed Alcohol Bylaw to enable us to set alcohol licensing fees in Tauranga, as opposed to using the default fees set in Government legislation?		Q2: Although we are not looking at setting levels of the fees in the proposed bylaw, we want to know your thoughts on how alcohol licensing costs should be funded. This will help inform the next stage of the project. At present 40% of the cost is covered by the license fee and the remaining 60% comes from your rates.  What proportion of the cost to administer, manage and police alcohol licensing in Tauranga do you think should be funded through your rates?	
Sub No	Name / Organisation	Q1	Comments	Q2	Comments
206	Renee Bolkowy - Health New Zealand National Public Health Service Te Manawa Taki	Strongly support	See submission.	100%	



7 March 2025

Tauranga City Council  
Private Bag 12022  
TAURANGA 3143  
[policy@tauranga.govt.nz](mailto:policy@tauranga.govt.nz)

Tēnā koutou, Tauranga City Council

### Submission: Draft Alcohol Licensing Fees Bylaw

Thank you for the opportunity for Health New Zealand National Public Health Service (NPHS) Te Manawa Taki to provide a submission on the Draft Alcohol Licensing Fees Bylaw.

National Public Health Service Te Manawa Taki services Taranaki, Waikato, Bay of Plenty, Rotorua, Taupō and Tairāwhiti communities. Our National Public Health Service purpose is:

Manaakitia ngā whānau mō pae ora |  
Enable whānau and communities to lead lives of wellness.

NPHS recognises its responsibilities to improve, promote and protect the health and wellbeing of people and communities of Aotearoa New Zealand under the Pae Ora (Healthy Futures) Act 2022 and the Health Act 1956. To achieve healthy communities and health equity across population groups, we work together across Health NZ and with other sectors to address the determinants of health.<sup>1</sup>

This submission aligns to Health NZ's position to realise healthier and more resilient communities. Incorporating public health commitments will support efforts to reduce inequities and promote the good health and wellbeing of communities along with the environment and places where we grow, live, learn, work and play.

Medical Officers of Health<sup>2</sup> have a responsibility to reduce conditions within their local community which are likely to cause disease. Many of the crucial underlying factors that contribute to improving, promoting, and protecting the health of people and communities are directly influenced by the decisions and activities of Councils. In part, this is undertaken by assisting Councils with their responsibilities pursuant to the Sale and Supply of Alcohol Act to ensure the safe and responsible sale, supply, and consumption of alcohol.

We welcome the opportunity to share public health perspectives in planning and decision-making with Tauranga City Council.

We do not wish to speak to our submission.

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<sup>1</sup> Determinants of health. (2017, February 3). World Health Organisation.

<sup>2</sup> [Section 7A, Health Act 1956](#)

**TeWhatuOra.govt.nz**  
PO Box 2120, Tauranga, 3144  
Waea: 0800 221 555

**Te Kāwanatanga o Aotearoa**  
New Zealand Government

## General Comments

NPHS Te Manawa Taki strongly supports the implementation of a bylaw that allows Tauranga City Council to set its own alcohol licensing fees. This approach aligns with the principles of Local Government being able to charge fees for providing services up to the level of full cost recovery.

### Full cost recovery

The current fees set under the Sale and Supply of Alcohol (Fees) Regulations 2013, have not kept up with the actual costs incurred by the Council. Full cost recovery ensures that the financial burden of alcohol licensing is borne by the alcohol industry rather than the general ratepayers. The proposed bylaw would enable a 'user pays' approach. The fees charged to entities that require a licence to profit from alcohol sales could be set up to a level that fully recovers the associated costs.

Additionally, we acknowledge and support the proposed fee for late applications for special licences and renewals.

### Public health and alcohol-related harm

It is well-known that alcohol causes damage to our health, but alcohol-related harm also has significant social and economic costs. A report by the New Zealand Institute of Economic Research (NZIER) for the Ministry of Health estimates that the total societal cost of alcohol-related harm in New Zealand is approximately \$9.1 billion annually.<sup>3</sup> By ensuring that licensing fees cover the full cost of regulation and enforcement, the Council can better manage and mitigate these harms. This includes funding for compliance checks, public health campaigns, support services, and District Licensing Committee hearings.

Locally, alcohol contributes to increased presentations at emergency departments, family violence, and road traffic injuries. Māori and communities living in high deprivation areas experience a disproportionate burden of alcohol-related harm.<sup>4</sup> Addressing this issue requires strong regulatory measures, including appropriate licensing fees that support monitoring and enforcement.

The recent report on *Tikanga Māori and alcohol licensing proceedings* highlights the importance of integrating Māori perspectives and values into alcohol licensing processes.<sup>5</sup> By adopting a full cost recovery approach, the Council can allocate resources to ensure that Māori communities are meaningfully involved in decision-making processes, and that cultural values and practices are respected and upheld. Thus, preserving Te Tiriti o Waitangi responsibilities and contributing to reducing inequities in alcohol-related harm for Māori.

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<sup>3</sup> NZIER. 2024. Costs of alcohol harms in New Zealand: Updating the evidence with recent research. A report for the Ministry of Health [cited 2025 Feb 17]. Available from [www.health.govt.nz/system/files/2024-06/costs-of-alcohol-harms-in-newzealand-2may24-v2.pdf](http://www.health.govt.nz/system/files/2024-06/costs-of-alcohol-harms-in-newzealand-2may24-v2.pdf)

<sup>4</sup> Hobbs M, Marek L, Wiki J, Campbell M, Deng BY, Sharpe H, McCarthy J, Kingham S. (2020). Close proximity to alcohol outlets is associated with increased crime and hazardous drinking: Pooled nationally representative data from New Zealand. Health & Place. doi: 10.1016/j.healthplace.2020.102397.

<sup>5</sup> Maynard K. (2024). *Tikanga Māori and alcohol licensing proceedings*. Wellington, New Zealand. [cited 2025 Feb 17] Available from [https://www.ahw.org.nz/Portals/5/Resources/Documents-other/2024/3\\_1%20AL1238%20Tikanga%20Maori%20and%20alcohol%20licensing%20proceedings%20report%28154127\\_\\_\\_\\_.pdf](https://www.ahw.org.nz/Portals/5/Resources/Documents-other/2024/3_1%20AL1238%20Tikanga%20Maori%20and%20alcohol%20licensing%20proceedings%20report%28154127____.pdf)

Proposed increases in licensing fees may contribute to reducing alcohol-related harm within the community. The increase in fees may put pressure on outlets, particularly for high and very high risk rated premises which may lead to an increase in the price of alcohol. Ultimately, we may see fewer licensed premises and alcohol consumption decrease as the price of alcohol increases.<sup>6</sup>

#### **Monitoring and evaluation**

NPHS Te Manawa Taki supports that the fees will be reviewed yearly as part of the annual plan consultation. This process should align with the consumers price index. In addition to reviewing the fees annually, we recommend that the Council commit to regularly reviewing the impact of the bylaw on alcohol-related harm. We also recommend TCC commits to continuing engagement with iwi providers, police, and public health agencies in evaluation processes.

#### **International evidence**

Other countries have successfully implemented similar approaches. For example, the UK allows local councils to set their own alcohol licensing fees within a framework established by the Licensing Act 2003. In Australia, states like New South Wales use a risk-based licensing fee system under the Liquor Act 2007. In Canada, provinces such as British Columbia have a cost recovery model under the Liquor Control and Licensing Act. These are examples of full cost recovery models that ensure the costs of regulation and enforcement are covered by the alcohol industry rather than the general public.

### **Conclusion**

NPHS Te Manawa Taki urge TCC to adopt the proposed bylaw and implement a full cost recovery approach for alcohol licensing fees. This will not only align with legislative intent but also support public health objectives by reducing alcohol-related harm in our community.

Nāku iti nei, nā,



#### **Dr Lynne Lane**

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

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<sup>6</sup> Wagenaar AC, Salois MJ, Komro KA. (2009) Effects of beverage alcohol price and tax levels on drinking: a meta-analysis of 1003 estimates from 112 studies. *Addiction*. Feb;104(2):179-90. doi: 10.1111/j.1360-0443.2008.02438.x.

		Q1: Do you support the proposed Alcohol Bylaw to enable us to set alcohol licensing fees in Tauranga, as opposed to using the default fees set in Government legislation?		Q2: Although we are not looking at setting levels of the fees in the proposed bylaw, we want to know your thoughts on how alcohol licensing costs should be funded. This will help inform the next stage of the project. At present 40% of the cost is covered by the license fee and the remaining 60% comes from your rates.  What proportion of the cost to administer, manage and police alcohol licensing in Tauranga do you think should be funded through your rates?	
Sub No	Name / Organisation	Q1	Comments	Q2	Comments
207	Papamoa Residents & Ratepayers Association Inc.		See answers on attached manual submission		



Feedback from Papamoa Residents & Ratepayers Online Poll of members re

**Proposed Alcohol Fees Bylaw for Tauranga**

12 members participated.

**1. Alcohol Licensing Laws**

Should Tauranga should be able to set its own alcohol licensing fees through a bylaw

- Yes 11
- No 1

**2. Who Should pay**

- Who should pay for alcohol licensing in our city ?
- All costs are paid by the licensing applicants 11

Ratepayers subsidise the applicants costs 1

**3. Do we need more liquor outlets in Papamoa?**

Do we need more liquor outlets in Papamoa?

- Yes 0
- No 12

**Interesting Comments**

The real issue is that TCC is creating a nuisance to business, the process to apply and approval is very much Bura-rat top heavy.

The problem with TCC setting costs to do anything then put no limit or control or balance in what TCC Bura-rats then dream up to do...

### 11.3 Dog Registration Fee 2025/2026 Year

**File Number:** A17635159

**Author:** Brent Lincoln, Team Leader: Animal Services  
Fiona Nalder, Principal Strategic Advisor

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

#### PURPOSE OF THE REPORT

1. This report seeks a Council decision regarding the dog registration fee for the 2025/2026 financial year.

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#### RECOMMENDATIONS

That the Council:

- (a) Receives the report "Dog Registration Fee 2025/2026 Year".
- (b) Sets the dog registration fee for 2025/26 at \$129.
- (c) Sets the additional penalty fee for dogs that are not registered by 31 July 2025 at 50% of the standard fee (i.e. a total of \$193.50).
- (d) Notes that Council's Dog Management Policy and Bylaw, and Keeping of Animals Bylaw are scheduled for review later this year.
- (e) Notes that an invitation to participate in an online pre-engagement survey, ahead of the review of Dog Management Policy and Bylaw and Keeping of Animals Bylaw, will be included within the annual invoices for dog registration fees.

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#### EXECUTIVE SUMMARY

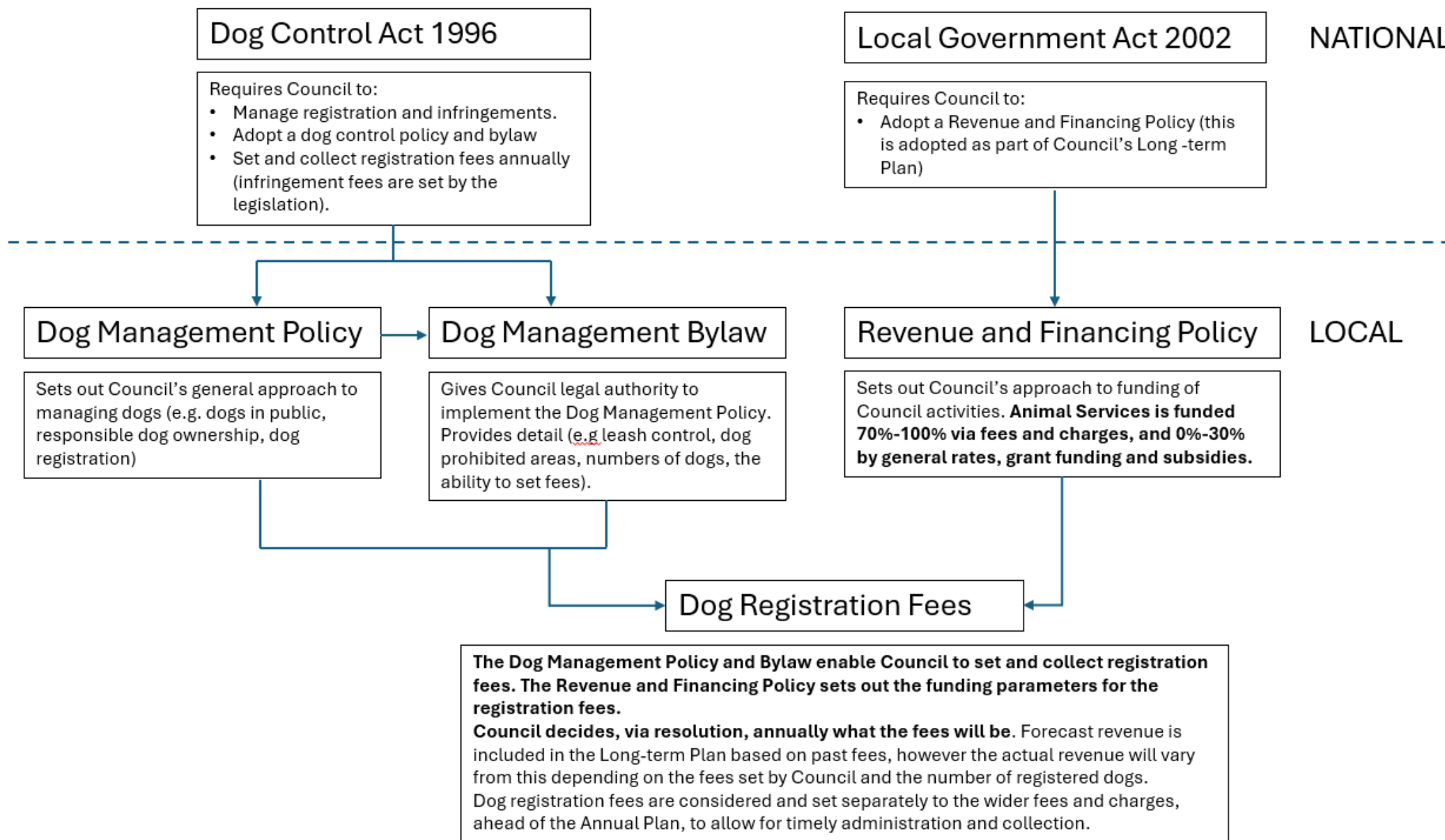
2. This report seeks a Council decision on setting the dog registration fee for the 2025/26 financial year.
3. Council is required to set and collect dog registration fees annually under the Dog Control Act 1996. The Animal Services Activity, which includes dog control and stock control (all other kept animals, including bees and poultry), is funded 70%-100% by fees and charges, and 0%-30% by general rates and other sources.
4. Within the Animal Control Activity, different funding approaches are taken for the different services. Stock control generates little revenue and is funded via the general rate. Dog control services are mostly funded via fees and charges, with approximately 10% of the cost of providing the service met by the general rate. The general rate contribution towards the cost of dog control recognises the public good element of the service. Dog registration fees provide the largest revenue component for the Animal Services Activity.
5. Dog registration fees can only be used to fund those elements of the Animal Services Activity which directly contribute to dog control activities as authorised by the Dog Control Act 1996, e.g. they cannot be used to meet costs related to stock control.
6. The Dog Control Act 1996 enables Council to provide discounted dog registration fees for owners who met certain responsible dog owner requirements. However, Council has traditionally adopted a single fee for all dog owners. Council assumes all owners are responsible unless proven otherwise. This approach reduces administrative costs and simplifies the process for both owners and Council. Exceptions include police dogs and qualified disability assist dogs, which receive a fee waiver.

7. Dog registration fees are increased each year by an amount which covers increases in costs for the Activity. In 2024/25 this resulted in an increase from \$100 to \$125, a larger increase than usual and one which recognised recent cost increases for Council. This cost increase resulted in a lower-than-expected number of dog registrations, a higher-than-expected number of dogs reported as deceased, and higher-than-expected revenue from court fines (resulting from unregistered dogs). Court fines are set by the Dog Control Act 1996, not Council.
8. This report considers four options for dog registration fees in 2025/26
9. Option i. Increase fees to \$129 (Recommended). This is the status quo option which would see fees set at an amount which accommodates cost increases.
  - Pros: Delivers 90% cost coverage via fees and charges for dog control services, maintains financial stability, and aligns with past practices.
  - Cons: Slightly higher costs for owners, potential negative public perception, potentially continued lower-than-expected number of registrations (which can lead to higher compliance costs).
10. Option ii. Maintain fees at \$125 (Not recommended)
  - Pros: Stable costs for owners, potentially better public perception.
  - Cons: Lower budgeted revenue and smaller budget cash surplus, with potential revenue shortfall and potential budget deficits if forecast numbers are not met.
11. Option iii. Decrease fees to \$119 (Not recommended)
  - Pros: More affordable, potentially higher compliance.
  - Cons: Likely to result in a revenue shortfall if there is any drop in forecast registration numbers and/or other fees and charges.
12. Option iv. Increase fees to \$138 (Not recommended). This option would increase dog registration fees to an amount that means no general rate funding would be required to meet the cost of dog control services. General rate funding would still be needed for stock control. There would be a negligible impact on rates (i.e. no noticeable reduction in rates for the ratepayer). This approach does not recognise the appropriateness of using a small amount of general rate funding in acknowledgement of the public good provided by dog control services.
  - Pros: Full cost recovery.
  - Cons: Higher financial burden on dog owners, likely negative public reaction, likely lower compliance, does not recognise the wider public good delivered by the dog control service. Does not deliver any significant savings for ratepayers.
13. All options comply with the Dog Control Act 1996 and Council policies. Council's approach to the funding of the Animal Control Activity was consulted on as part of consultation on Council's Revenue and Financing Policy. The decisions sought by this report are assessed as being of low significance, and no further engagement is required before making a decision.
14. The next step is to implement the decisions of the report, with invoices for 2025/26 dog registration fees scheduled to be sent out on 1 June 2025. As Council's Dog Management Policy and Bylaw, and Keeping of Animals Bylaw are scheduled for review later this year, an invitation to participate in an online pre-engagement survey will be included within the invoices.

## BACKGROUND

15. Council is required under the Dog Control Act 1996 to set and collect dog registration fees annually, and to keep a register of dogs. The diagram below shows how the Dog Control Act, Council's Dog Management Policy and Bylaw, and Council's Revenue and Financing Policy interact in terms of setting dog registration fees.

Figure 1: Interaction between legislation, policy and setting dog registration fees



16. Council's Dog Management Policy sets out Council's approach to managing dogs and the associated Bylaw gives Council the power to implement the Policy, including collecting fees and charges.
17. Council's Revenue and Financing Policy provides Council's approach to the funding of the Animal Services activity as a whole. As per the Revenue and Financing Policy, the Animal Services activity is funded 70%-100% via fees and charges and 0%-30% by general rates, grant funding and subsidies.
18. The Animal Services activity is focused on keeping the community safe from animal related incidents, i.e. it covers more than just dog control. The work includes:
  - Registering dogs and following up on unregistered dogs.
  - Responding to lost, roaming and aggressive dogs, dog nuisance complaints (primarily excessive barking) and wandering stock.
  - Managing the keeping of bees, poultry, goats, pigs, and other stock within city boundaries.
  - Public education regarding interacting with dogs, delivered at events, to schools and organisations, and one-one to dog owners.
19. Dog registration fees are the largest contributor to the 70%-100% of Animal Services revenue which comes from fees and charges. Dog registration fees can only be used to fund those elements of the Animal Services Activity which directly contribute to dog control activities as authorised by the Dog Control Act 1996, e.g. they cannot be used to meet costs related to stock control.

#### **The Dog Management Policy and Bylaw, and the Keeping of Animals Bylaw**

20. Council's Dog Management Policy and Bylaw, and Keeping of Animals Bylaw are scheduled for review later this year. As part of this project, Council staff are planning a pre-engagement survey on several issues to inform the review including:
  - dog rules for estuaries wetlands and marshes, beach dunes, and other special ecological areas
  - dog rules for certain types of open spaces such as city centre spaces, cemeteries, burial grounds, and shared paths
  - the appropriate limits on keeping dogs and animals in urban areas.
21. The survey is being timed to coincide with the annual dog registration period from 1 June 2025. This allows for leverage of planned communications reducing engagement costs; an invitation to participate in the online survey will be included as a link within the annual invoices for dog registration fees. The survey will also be promoted online and through other channels to ensure a wide reach to those who may not own animals.

#### **Council's approach to setting dog registration fees**

22. The Dog Control Act 1996 stipulates that Council must set dog registration fees via resolution. When setting fees, Council may:
  - (a) fix fees for neutered dogs that are lower than the fee for dogs that have not been neutered:*
  - (b) fix fees for working dogs that are lower than the fee for any other dog, and may limit the number of working dogs owned by any person which qualify for lower fees under this section:*
  - (c) fix different fees for the various classes of working dogs:*
  - (d) fix fees for dogs under a specified age (not exceeding 12 months) that are lower than the fee that would otherwise be payable for those dogs:*

*(e) fix, for any dog that is registered by any person who demonstrates to the satisfaction of any dog control officer that that person has a specified level of competency in terms of responsible dog ownership, a fee that is lower than the fee that would otherwise be payable for that dog:*

*(f) fix by way of penalty, subject to subsection (3), an additional fee, for the registration on or after the first day of the second month of the registration year or such later date as the authority may fix, of any dog that was required to be registered on the first day of that registration year:*

*(g) fix a fee for the issue of a replacement registration label or disc for any dog.*

(s37(2), Dog Control Act 1996)

23. Late registrations (after 31 July) can incur an additional cost of up to 50% of the initial registration fee.
24. Although the Dog Control Act 1996 allows Council to set fees lower for those owners who have met certain criteria (such as neutering their dog/s), to-date Council has adopted a single fee for all dog owners.
25. This approach has been taken by Council for the following reasons
  - It assumes all dog owners are 'good' owners, unless proven otherwise.
  - It avoids placing the burden (and costs) on dog owners to obtain and prove the status of their dog and/or ownership status (i.e. to prove that they are 'good' owners).
  - It decreases administration requirements and implementation costs for Council.
  - Dog owners are only financially penalised if their dog is subject to substantiated complaints, infringement notices etc, and this financial penalty system is separate to the registration fees system.
26. The exceptions to this approach are police dogs and certified disability assist dogs, who receive a fee waiver.
27. Additional penalties and fines are imposed in the event an owner does not control their dog as per Council's Dog Management Bylaw. These amounts are set by the Dog Control Act 1996.
28. Council's approach makes it difficult to benchmark Council's dog registration fees, as many councils adopt a tiered fee system. Attachment 1 to this report provides some comparison data (this uses 2024/2025 information sourced from publicly available information).
29. Implementing a tiered fee system is not considered via this paper. If this is something that Council does wish to consider in the future, it can be included in the planned community consultation later this year on Council's Dog Management Policy and Bylaw.

### Setting registration fees for 2025/2026

30. As discussed above, the Animal Control Activity delivers more than just dog related activities, it also provides stock control services (stock, under this definition, refers to the management of all other kept animals within the city boundary, including bees, poultry, goats and pigs).
31. As per Council policy, 70-100% of the Animal Control Activity is fee-funded, and 0-30% is ratepayer funded. The following table shows breakdown of revenue sources over recent years as well as total expenditure. Note that this table is for the Animal Control Activity activity as a whole. The general rate contribution includes the portion that meets the cost of stock control.

**Table 1: Comparison of revenue sources for the Animal Services Activity over recent years**

Year	Dog registration fees	Other*	General rate	Total revenue	Total expenditure
2021/22	\$1,137,049 (67%)	\$128,262 (8%)	\$434,759 (26%)	\$1,700,071	\$2,065,188
2022/23	\$1,405,208 (66%)	\$223,796 (11%)	\$491,169 (23%)	\$2,120,174	\$2,330,844
2023/24	\$1,429,236 (66%)	\$303,847 (14%)	\$442,060 (20%)	\$2,175,144	\$2,084,273
2024/25**	\$1,534,808 (64%)	\$388,008 (16%)	\$468,596 (20%)	\$2,391,412	\$2,312,175

\* e.g. infringement and impounding fees, also included internal interest revenue

\*\* Full year forecast

32. Dog registration fees are Council's primary source of revenue for the Animal Services Activity; however, dog registration fees can only be used to fund dog control related activities. Stock control generates little to no revenue and is funded via the general rate.
33. Minimal general rate funding is used to fund dog control services. Previously dog registration fees have been set at an amount which, together with other dog related revenue (e.g. infringement fees), is forecast to fund 90% of dog control expenditure, with the remaining 10% funded via general rate. Given there is a public benefit to delivering dog control (i.e. not just dog owners benefit from dog control services), it is considered appropriate that a small percentage of the service is funded via the general rate.
34. The Animal Control Activity surveyed other councils in November 2024 regarding their approach to the funding of dog control services and the setting of dog registration fees. Out of the 19 councils that responded, the general rate contribution towards the cost of dog control services varied from 0% to 52%, with an average of 18%, higher than this Council's 10%.
35. Council's dog registration fees were set at \$125 for 2024/25, a \$25 increase upon the previous year's registration fees (\$100). This increase reflected the overall increase in forecast expenditure for the Animal Control Activity, due to the impacts of inflation and increased overhead costs. The total estimated revenue from dog registration fees in 2024/2025, combined with other dog related revenue, was projected to meet 90% of the cost of delivering the dog control services for the city.
36. However, the revenue from dog registration fees in 2024/25 was lower than forecast as fewer dogs were registered than expected, and a higher-than-average number of dogs were reported as deceased. This is thought to be due to the increase in registration fees. The lost revenue has been compensated for via higher than projected court fines from owners of unregistered dogs.
37. This report identifies four potential approaches to setting dog registration fees in 2025/26.
  - i. Increase registration fees as per the standard approach (i.e. increase registration fees to as required to allow forecast dog related fees and charges to meet 90% of the forecast cost for delivering dog control services). This would see registration fees set at \$129. (Recommended and status quo)
  - ii. Maintain registration fees at \$125. (Not recommended)
  - iii. Decrease registration fees to \$119. (Not recommended)
  - iv. Increase registration fees so that when combined with other revenue (e.g. infringement fees) there is no requirement for a general rate contribution towards the cost of dog control services, this would see fees set at \$138. (Not recommended)

## OPTIONS ANALYSIS

### Option i. Increase registration fees to \$129 (RECOMMENDED and status quo)

38. This option would result in fees increasing by 3% from the previous year to meet increases in delivery cost for the activity. Increasing fees by this amount is forecast, along with other dog related revenue, to meet 90% of the cost of delivering dog control services for the city, with the remaining 10% to be met via general rate (recognising the element of wider public good delivered by this activity). This approach aligns with Council's approach to setting dog registration fees over previous years.
39. If the anticipated number of dogs are registered and court fines continue to track above historical levels, this increase has the potential to deliver a modest surplus (\$83,842). Allowing for a modest surplus provides a small buffer if actual revenue is lower than forecast. Any surplus would be held against the activity, future proofing in the event of deficits in subsequent years.
40. Key risk: this is a low-risk option, due to the minimal increase on the previous year's fees. It is not expected that this increase would result in an increase of unregistered dogs or dogs reported as deceased. The primary risk is that the assumed increases in number of dogs registered are not achieved, and there is a shortfall between revenue and expenditure.

Pros	Cons
<ul style="list-style-type: none"> <li>• <u>Revenue alignment</u>: Ensures that 90% of the forecast cost for delivering dog control services is met, maintaining financial stability.</li> <li>• <u>Sustainability</u>: Helps cover increased costs due to inflation and overheads, ensuring continued quality of services.</li> <li>• <u>Complies with policy</u>: This option complies with Council policy which requires 70-100% of the Animal Control Activity is fee-funded</li> <li>• <u>Consistent with past practice</u>: this approach aligns with past practice, sending a consistent message to dog owners that they can expect increases each year commensurate with increases in costs for Council.</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Slightly higher costs for owners</u>: May discourage some owners from registering their dogs, potentially leading to lower compliance.</li> <li>• <u>Public perception</u>: Could be viewed negatively by dog owners, as last year's fee increase was substantial. However, this increase is minimal compared to the previous increase.</li> <li>• <u>Diversion of staff</u>: Lower voluntary registration rates diverts staff away from proactive activities to following up on unregistered dogs.</li> </ul>

#### Option ii. Maintain registration fees at \$125 (NOT RECOMMENDED)

41. This option would maintain fees at the 2025/26 amount. The financial modelling for this option provides a minimal forecast surplus of \$33,481. Council has traditionally increased fees to meet increases in cost delivery, and this approach would be contrary to that. However, it recognises that the previous year's increase was substantial, and that many households are struggling with recent increases in cost of living.
42. Maintaining dog registration fees at \$125 means that dog related revenue risks not meeting 90% of the cost to provide dog control services if the actual number of dog registrations is lower than forecast. This would result in a financial deficit for the Animal Control Activity, which would be held against the activity.
43. Key risk: that expenditure on dog control exceeds the combined revenue streams and a deficit occurs.

Pros	Cons
<ul style="list-style-type: none"> <li>• <u>Owner satisfaction</u>: Keeps costs stable for dog owners, potentially maintaining or</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Revenue shortfall</u>: May not meet the 90% cost coverage target, leading to potential</li> </ul>

<p>improving public perception.</p> <ul style="list-style-type: none"> <li>• <u>Complies with policy:</u> This option complies with Council policy which requires 70-100% of the Animal Control Activity is fee-funded</li> </ul>	<p>budget deficits.</p> <ul style="list-style-type: none"> <li>• <u>Is inconsistent with past practice:</u> may lead to an expectation that fees are not increased regularly/annually in line with cost increases in service delivery.</li> </ul>
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### Option iii. Decrease fees to \$119 (NOT RECOMMENDED)

44. This option would deliver a modest decrease on the 2025/26 fees. This option is modelled on achieving a zero surplus (i.e. if actual revenue matches forecast revenue, there would be neither a surplus nor deficit). Council has traditionally increased fees annually, to meet increases in cost delivery, and this approach would be contrary to that. It recognises that last year's fee increase resulted in an increase in unregistered dogs and a higher than usual number of dogs reported as deceased.
45. Decreasing dog registration fees to \$119 means there is a higher risk, if registrations are lower than expected, that dog related revenue would no longer meet 90% of the cost to provide dog control services, and an increased likelihood that the Animal Control Activity incurs a small deficit.
46. Key risk: that the Animal Control Activity incurs a budget deficit and that fees need to be increased more than they would otherwise in 2026/27.

Pros	Cons
<ul style="list-style-type: none"> <li>• <u>Affordability:</u> Makes registration more affordable, potentially increasing compliance and registration rates.</li> <li>• <u>Positive public response:</u> Likely to be well-received by dog owners, improving public relations.</li> <li>• <u>Complies with policy:</u> This option complies with Council policy which requires 70-100% of the Animal Control Activity is fee-funded</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Revenue shortfall:</u> Is likely to increase the shortfall in covering the costs of dog control services and may incur a budget deficit.</li> <li>• <u>Is inconsistent with past practice:</u> may lead to an expectation that fees are not increased regularly/annually in line with cost increases in service delivery.</li> </ul>

### Option iv. Increase fees to \$138 (NOT RECOMMENDED)

47. This option would increase the 2025/26 fees to a level where general rate funding was not required (note: the Animal Control Activity would still require some general rate funding to cover stock control, but the dog control element of the activity would be fully funded via fees and charges).
48. This option does not recognise the wider public good provided by the dog control. Public good elements include education programmes, providing the capacity to respond to complaints regarding nuisance behaviour (e.g. barking), enhancing nature and biodiversity by reducing the undesirable impacts of dogs on wildlife, and contributing to community safety and wellbeing.
49. Placing the onus on a sub-group to pay for a public good element that benefits the wider community may be considered unfair. For example, it may not be considered fair to incorporate the full cost of investigating dog complaints into the dog registration fees as: most dogs are well-behaved/managed; not all complaints are justified/result in fines; and, having the ability to complain and have it investigated benefits the general ratepayer population.
50. Key risk: that more dogs are unregistered, due to the cost increase.

Pros	Cons
<ul style="list-style-type: none"> <li>• <u>Full cost recovery</u>: Ensures that dog control services are fully funded without any contribution from the general rate.</li> <li>• <u>Complies with policy</u>: This option complies with Council policy which requires 70-100% of the Animal Control Activity is fee-funded</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Lower compliance</u>: Significantly higher fees may deter owners from registering their dogs, leading to lower compliance.</li> <li>• <u>Negative public reaction</u>: Likely to be unpopular among dog owners, potentially leading to dissatisfaction and complaints.</li> <li>• <u>Does not recognise public good</u>: Dog control services provide wider public good, benefiting more than just dog owners, meaning that it is appropriate that the general rate is used to fund a small portion (currently set at approximately 10%) of the service.</li> </ul>

## FINANCIAL CONSIDERATIONS

51. The table below provides further financial detail for each of the options above (assumptions provided at point 49.).

Table 2: Financial details for each of the four options

	Option i. Increase registration fees to \$129	Option ii. Maintain registration fees at \$125	Option iii. Decrease fees to \$119	Option iv. Increase fees to \$138
Total Dog Registration Revenue	\$1,729,049	\$1,678,688	\$1,645,114	\$1,852,273
Other revenue streams (excludes stock control)	\$232,315	\$232,315	\$232,315	\$232,315
Rate payer funding (excludes stock control)	\$207,066	\$207,066	\$207,066	\$0
Total expenditure (excludes stock control)	\$2,084,588	\$2,084,588	\$2,084,588	\$2,084,588
Surplus/Deficit	\$83,842	\$33,481	-\$93	\$0

52. The following assumptions have been made:

- That the known number of dogs (15,910) will increase by 3.6% to 16,516 in 2025/26
- That the penalty registration fee will be set at an additional 50% to the standard fee (i.e. if the standard fee is \$125, the penalty fee will be \$187.50)
- That 4% of dogs will receive a waived registration fee (police and qualified disability assist dogs)
- That 5% of dogs will not be registered
- That 5% of dogs will pay a pro-rate fee (puppies/dogs that die during the year), 86% will pay the standard fee, and 9% will pay the penalty fee.

## STATUTORY CONTEXT

53. Dog control is legislated for at a national level by the Dog Control Act 1996 and implemented at a local level via Council's Dog Management Policy and Bylaw. Dog registration fees must comply with the parameters set by Council's Revenue and Financing Policy.

## STRATEGIC ALIGNMENT

54. This contributes to the promotion or achievement of the following strategic community outcome:

	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"/>

55. Dog control contributes to enhancing nature and biodiversity by reducing the undesirable impacts of dogs on wildlife, as well as contributing to community safety and wellbeing.

## LEGAL IMPLICATIONS / RISKS

56. All options proposed in this report are compliant with the Dog Control Act 1996, Council's Dog Management Policy and Bylaw and Council's Revenue and Financing Policy.

## TE AO MĀORI APPROACH

57. Not applicable. Managing dog registration is a regulatory procedure, as required under the Dog Control Act 1996.

## CLIMATE IMPACT

58. Not applicable. Managing dog registration is a regulatory procedure, as required under the Dog Control Act 1996.

## CONSULTATION / ENGAGEMENT

59. Council's approach to meeting the costs of the Animal Services activity was consulted on as part of the 2024-2034 Long-term Plan (Revenue and Financing Policy).

## SIGNIFICANCE

60. 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.
61. 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.
62. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

**ENGAGEMENT**

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

**NEXT STEPS**

64. Implement the decisions of this report, with invoices for 2025/26 dog registration fees scheduled to be sent out on 1 June 2025.

**ATTACHMENTS**

1. **Attachment 1 - Cross-Council comparison of Dog Registration Fees - A17835885** [↓](#) 

**Attachment 1: Cross-Council comparison of dog registration fees**

<b>Council</b>	<b>Standard Fee (paid by 31 July)</b>	<b>Discounted Fee</b>
Tauranga	\$125	No
Western Bay	\$120	Yes \$90 for neutered dogs
Auckland	\$173	Yes \$124 for neutered dogs \$74-\$87 if holds a 'Responsible Dog Owner Licence' (requires completing a written test plus meeting other conditions) \$75 if holds both a SuperGold and Community Services card.
Hamilton	\$91 (pre-30 June) \$106 (post-30 June, pre-1 August)	No, but higher registration fees apply if you have received any substantiated complaint/s, warnings, impounding, or infringement notices during the last 24 months
Wellington	\$196	Yes \$146 for neutered dogs \$70 if accredited dog owners (requires completing course, a one-off application fee of \$132 and meeting certain property standards)
Christchurch	\$94	Yes \$83 for neutered dogs \$60 if holds 'Responsible Dog Owner' status (requires meeting of certain conditions).
Dunedin	\$115	Yes \$105 for neutered dogs \$64 if holds 'Responsible Dog Owner' status (requires meeting of certain conditions).

## 11.4 Land Transport Management (Time of Use Charging) Amendment Bill - TCC submission

**File Number:** A17909696

**Author:** Sarah Dove, Principal Strategic Transport Planner

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

### PURPOSE OF THE REPORT

1. To present the Tauranga City Council submission on Land Transport Management (Time of Use Charging) Amendment Bill for consideration and approval.

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### RECOMMENDATIONS

That the Council:

- (a) Receives the report "Land Transport Management (Time of Use Charging) Amendment Bill - TCC submission".
- (b) Approves the Tauranga City Council submission (as per attachment 1).
- (c) Requests an opportunity to make an oral submission when responding with the written submission.

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### DISCUSSION

2. The Parliament Transport and Infrastructure Select Committee is currently inviting public submissions on the Land Transport Management (Time of Use Charging) Amendment Bill ([https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCTIN\\_SCF\\_0580BAA4-9E7B-4BF6-6CF8-08DD1E07A2B1/land-transport-management-time-of-use-charging-amendment](https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCTIN_SCF_0580BAA4-9E7B-4BF6-6CF8-08DD1E07A2B1/land-transport-management-time-of-use-charging-amendment)).
3. TCC have obtained a deadline extension from 27 April to 29 April to allow for the draft submission to be approved at the 28 Apr Council meeting.
4. The submission (attached) is in general supportive of the intent of the Bill, to enable a future scheme that could help address peak-time congestion in Tauranga and improve the reliability of the road network.
5. The submission however also sets out a number of concerns, and requests for amendments and clarifications with the proposed legislation. The three most significant matters are:
  - Local authorities being involved in any decision to proceed with a Charging Scheme, rather than NZTA on direction of a Minister making and implementing that decision.
  - Local authorities having the casting vote on the Scheme Board.
  - All revenue from the Scheme to be managed by the relevant local authority and utilised in the area of charging.
6. TCC have provided the draft submission to BOPRC for consideration and the opportunity to support the submission. However, it is noted that BOPRC are also involved in a broader Regional and Unitary Councils Transport Special Interest Group submission.
7. TCC's submission on the Bill is separate to any future decision making by the Council on the initiation of a Time of Use (ToU) charging scheme in the region. Supporting the Bill is not concurrent with supporting the establishment of a ToU charging scheme for the City. That would be considered separately and include public engagement and consultation through a Scheme assessment and design process.

## SIGNIFICANCE

8. 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.
9. 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.
10. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of high significance. However, the decision in this report is of low significance.

## ENGAGEMENT

11. Taking into consideration the above assessment, that the decision is of low significance, and that consultation will occur through the process of development of any future Time of Use Charging Scheme, officers are of the opinion that no further engagement is required prior to Council making a decision on whether to approve the submission on the Bill.

## NEXT STEPS

12. TCC officers will submit TCC's written submission to the Parliament Transport & Infrastructure Select Committee, noting a request to make an oral submission to the committee in addition to this written one.
13. A Hearing / oral submissions will be heard around June/July 2025.
14. Once the new legislation is enacted through Royal Assent, the Bill will become an Act (law), anticipated towards end of 2025. Scheme development will then be enabled, but it is anticipated that establishment of any potential Scheme will take a minimum of a year.

## ATTACHMENTS

1. **LTMA ToU Amendment Bill\_TCC submission\_v3 - A17924863** [↓](#) 



**Submission to the  
Transport & Infrastructure Select Committee**

**Land Transport Management (Time of Use  
Charging) Amendment Bill**

March 2025

## 1. Introduction

- 1.1 Tauranga City Council (TCC) welcomes the opportunity to submit on the Land Transport Management (Time of Use Charging) Amendment Bill (Bill).
- 1.2 TCC don't request to be heard directly by the Committee on our submission.
- 1.3 We are available to discuss our submission further with you or provide additional information if that would be of assistance. Enquires should be directed to:

Andrew Mead, Manager: City Planning & Growth  
027 763 5762  
[andrew.mead@tauranga.govt.nz](mailto:andrew.mead@tauranga.govt.nz)

## 2. Overview of TCC's submission on the Bill

- 2.1 TCC supports the general intent of the Bill, in particular:
  - Recognising its potential role in addressing peak-time congestion and improving the reliability of the road network;
  - Enabling current transport infrastructure to be more efficient and effective in terms of vehicle throughput;
  - Enabling Local Authorities (LA's) to be involved in the design of a Scheme that is fit for purpose for the region it serves;
  - Providing a funding and financing source for future transport infrastructure investment needs in the region where a Scheme is in operation; and
  - Enabling a large variety of Schemes, suitable to meet requirements of each region.
- 2.2 However, TCC has a number of specific submission points that seek to clarify the intent of the legislation or seek minor changes to improve clarity, efficiency and effectiveness. Ensuring that the legislation is coherent, navigable and achieves its intended purpose is essential in ensuring its successful implementation.
- 2.3 There are three main submission points that Tauranga's elected members wish to draw attention to. These are included in the main submission points below, but highlighted here to draw attention to the importance of these matters from a local political perspective.
  - 2.3.1 The 3-year clause in the Bill needs to allow at a minimum input, and preferably agreement, from local authorities rather than NZTA (on instruction of the Minister) stepping in. This is vital to ensure the local authorities involved in a Scheme support implementation and provide assistance with obtaining social licence from the residents they represent.
  - 2.3.2 The Scheme Board 50/50 local authority/NZTA representation is supported. However, TCC elected members have a firm view that the (leading) local authority should have the casting vote rather than NZTA, as representative of the political area within which a Scheme relates to. If this is unable to be supported, then an independent chair should be appointed and hold this responsibility.

- 2.3.3 All revenue from a Scheme (after operational costs) should be managed by the local authorities involved in a Scheme Board. This would not be dissimilar to a rates process and would enable the local authorities to prioritise land transport investment activities within the area of charging, in the best interests of the paying local residents.
- 2.4 TCC's submission on the Bill is separate to any future decision making by the Council on the initiation of a Time of Use Charging scheme in the region, it does not commit TCC to supporting a local scheme.

### 3. Tauranga City context

*Tauranga City Council is a high-growth Council and faces challenges with growth management and transport infrastructure investment.*

- 3.1 Tauranga has experienced sustained levels of high growth primarily driven by strong inward migration a. This strong growth is projected to continue in the future. At June 2022, the resident population of the city was estimated to be around 157,900 people. The population is expected to continue to grow over the next thirty years to 212,700, an increase of 54,800 people.
- 3.2 As one of New Zealand's fastest-growing cities, Tauranga has experienced significant traffic congestion challenges in recent years. A survey indicated that 97% of local respondents identified congestion as a problem.
- 3.3 Projections suggest that without substantial investment in transport infrastructure, congestion in Tauranga could significantly worsen over the next decade. The funding required for transport infrastructure over the next 20 years is estimated at \$10 billion, with current funding estimates at only \$3.5 billion, leaving a \$6.5 billion gap. This shortfall has led to discussions about alternative funding mechanisms, such as road pricing, to manage demand and generate additional funding for transport investment.
- 3.4 TCC has undertaken several studies, including a proof-of-concept study, into variable road pricing (time-of-use charging) in 2023 and 2024. These studies gave both Council and the Community detailed insight into the likely benefits and costs of a scheme and this has informed our submission.

### 4. Overview of submission structure

- 4.1 This submission is structured by seven key topics, as follows:
  - 1) Local Authority involvement and decision making
  - 2) Scheme design and implementation
  - 3) Supporting measures and mitigations
  - 4) Exemptions and equity considerations
  - 5) Revenue allocation and use
  - 6) Governance and operational clarity
  - 7) Funding and future considerations
- 4.2 In addition, a table at the end of the main submission points provides more detail on certain related clauses in the Bill.

## 5. Key topics

### 5.1 Local Authority involvement and decision-making

- 5.1.1 TCC submits that changes to the Bill are made so that any Scheme affecting local roads and public transport must be approved by the relevant local authorities. If approval rights are not provided in the legislation, as a minimum there must be an opportunity for the local authorities involved to be provided all relevant information and be able to provide its view and recommendations. This should be enabled in the step prior to a final decision, when all of the analysis is available. These views and recommendations should then be required to be taken into account in the decision-making process, and a rationale provided where they are not met/adopted. It is highly important that local authorities have approval rights before a Minister-initiated Scheme proceeds.
- 5.1.2 The Scheme Board should operate on a joint decision-making model. As such it is suggested that an independent chair be appointed instead of NZTA holding a casting vote.

### 5.2 Scheme design and implementation

- 5.2.1 We suggest that the Bill clarifies that a Scheme is required to consider affordability, dependent road users, and behaviour change. The Bill could emphasise the need for Schemes to focus on congestion reduction, adaptability, and avoiding unintended impacts such as 'rat-running'.
- 5.2.2 An integrated design approach is needed across local roads and state highways, and the bill should clarify whether (or not) a Scheme could co-exist in tandem with toll roads. It would be useful to have any interaction between this Bill and the current toll road legislation (under the LTMA 2003) addressed in the Bill to avoid charging overlap or conflict uncertainties. This is a significant issue in Tauranga with two existing toll roads, a decision to toll the future Takitimu North Link project and investigations into tolling for SH29 Tauriko improvements. It is suggested that preferably this legislation would supersede the toll road legislation, once a Scheme is implemented. If this is not possible, a discounting is required as a minimum, for financial equity reasons.
- 5.2.3 The Bill is silent on the ability to undertake trials to assist with Scheme design and tailoring. It would be useful to have direction on this matter directly in the bill.
- 5.2.4 The Bill should include a definition of a Scheme to better define what is, and what isn't a time of use charging scheme.

### 5.3 Supporting measures and mitigations

- 5.3.1 Supporting measures and mitigations are needed to enhance and support a scheme, for example improved public transport, active transport investment and traffic calming on local roads, as noted as critical to the success of international schemes for certain user groups or vehicle types. A level of certain supporting measures is required from day one.
- 5.3.2 It is therefore recommended that supporting measure investments are noted as required in the Bill, rather than being solely left to direction from future guidance documents.

- 5.3.3 Social licence is an important element in the success and failure of international schemes and therefore this is recommended to be mentioned in the Bill.

#### **5.4 Exemptions and equity considerations**

- 5.4.1 The exemptions proposed in the Bill are limited to emergency service vehicles only. We feel as though there is benefit to all parties in broader exemptions being considered and determined at the Scheme design phase, for example public transport buses operated by local/regional authorities. It would be useful for the Bill to reflect this and suggest that the Scheme Board could have the authority to propose expanded exemption categories beyond emergency vehicles.
- 5.4.2 Social licence is an important consideration to ensure agreement and success of Schemes that have been enabled through legislation. As such we recommend that the Bill states that Scheme design and assessment should demonstrate clearly how equity impacts will be assessed and mitigated, particularly for low-income groups and access to cultural sites.

#### **5.5 Revenue allocation and use**

- 5.5.1 International schemes demonstrate that the use of revenue is a critical part of achieving public acceptability. As such we suggest that the Bill provides more detail regarding the use of Revenue, and that it be applied to fund supporting measures and mitigation costs incurred by the local authorities and NZTA before surplus funds are allocated to broader regional land transport initiatives. It is also Tauranga City Council's view that the local authority must have control of the revenue in terms of land transport investment prioritisation.
- 5.5.2 It is suggested that the use of revenue should be flexible, allowing investment in public transport, active travel, and urban improvements beyond just land transport activities.
- 5.5.3 The definition of "region" in revenue allocation should be clarified to ensure local investment benefits are focussed correctly.

#### **5.6 Governance and operational clarity**

- 5.6.1 Local roads, public transport and the state highway network are interlinked, requiring joint decision-making for design, operation and oversight. The Bill should therefore clarify the need for LA's to be involved in the decision making where it directly impacts the local network.
- 5.6.2 It is suggested that the Scheme Board would be better responsible for setting charges, notifying the public, and managing operations, rather than NZTA. However, the operational logistics would need to be determined at Scheme design stage. There is an opportunity for the Bill to enable this flexibility.
- 5.6.3 The role of local elected representatives versus local authority managers/staff in Scheme Board membership is not currently clear in the Bill and should be clarified.

## 5.7 Funding and future considerations

- 5.7.1 The Bill is not clear on the availability of funding from NZTA or the Crown to implement Time of Use charging infrastructure and other upfront Scheme pre-implementation costs. Examples from overseas indicate that changes to local infrastructure such as measures to avoid network distributional impacts such as rat-running, or provision of alternative modes of transport, or increasing bus frequencies, are all essential ahead of a scheme to be activated in order to deliver successful outcomes. These up-front costs need to be considered and clarified in the Bill or through further guidance.
- 5.7.2 We suggest that the Scheme assessment component of the Bill should include other key desirable outcomes such as emissions reduction and safety expectations of a Scheme design. Whilst it is expected that the guidance will provide more clarity on these matters, we suggest that including additional key outcomes in the Bill would strengthen the ability to influence Schemes and provide consistency across regions.

## 6. Detailed notes relating to Bill clauses

- 6.1 The following table contains amendment suggestions and clarification requests regarding specific Bill clauses / sections.

	<b>LTM (ToU Charging) Amendment Bill section / clause</b>	<b>Submission</b>	<b>Discussion/Issue</b>
6.1.1	65C	Amendment suggestion	The 3-year clause in the Bill should allow for participation in the decision making process from local authorities rather than NZTA (on instruction of the Minister) stepping in.
6.1.2	65C	Clarify request	Further clarity on how regions will be assessed for requiring an improvement to traffic flow, i.e. economics, productivity, congestion levels, and relevant trigger points would be useful.
6.1.3	65H (e)	Clarify request	Clarity on who is responsible for enforcement if a Scheme includes both local roads and state highways is required.
6.1.4	65P	Amendment suggestion	Consider the Scheme design stage to consider relevant exemptions, following scheme impact assessment, and allow Scheme Board to determine.
6.1.5	65R (94)	Amendment suggestion	Add a mechanism to ensure enforcement fines are adjusted for inflation automatically on regular basis.
6.1.6	65S (2)	Amendment suggestion	Suggestion to provide more detail regarding the use of revenue, and that it should cover supporting measures and mitigation costs incurred by the local authorities and NZTA before surplus funds are allocated to broader regional land transport initiatives. Clarification of the 'scheme region' relating to a prescriptive small

	<b>LTM (ToU Charging) Amendment Bill section / clause</b>	<b>Submission</b>	<b>Discussion/Issue</b>
			urban geographic area would ensure funds are allocated appropriately and not diluted across a broader large region.  There is a strong preference for the local authorities to have control of revenue allocation to land transport investment programs.
6.1.7	65U (4), 65V, 65X	Clarify request	Clarify whether Scheme Board members need to include elected members, or local authority staff members.
6.1.8	65V (1) (2)	Clarify request	It is noted that the NZTA representatives are not elected. Whilst the NZTA operates on behalf of the Minister, this leaves limited political representation at the Scheme Board, i.e. 50% of voting rights is non-elected.
6.1.9	65V (4)	Amendment suggestion	TCC elected members have a firm view that the (leading) local authority should have the casting vote rather than NZTA. If this is unable to be supported, then an independent chair should be appointed and hold this responsibility.
6.1.10	65X	Clarify request	Suggests there could be a Scheme without local authority members, i.e. NZTA as RCA Scheme only. This requires clarification.
6.1.11	65Z (2) (a)	Amendment suggestion	Include reference to expectation regarding level of supporting measures and mitigation prior to the implementation of a Scheme.
6.1.12	65Z (2) (c)	Amendment suggestion	Equity issue needs to be stated along with commitment for addressing.
6.1.12	65Z (2) (d)	Amendment suggestion	The importance of negative network impacts being assessed and mitigated are cited here and this is evidenced from international congestion pricing scheme experience. However, the Bill isn't clear on the funding and financing of these necessary measures.
6.1.13	65Z (2) (g)	Amendment suggestion	Emissions reduction is mentioned however there is no explicit linkage between Time of Use Schemes to emissions/climate targets.
6.1.14	65Z	Amendment suggestion	Suggestion that impact assessments should also include measures such as public satisfaction, mode-shift, safety metrics etc.
6.1.15	65ZG	Clarify request	Clarity regarding NZTA vs Local Authority investigation, establishment, operational and revenue costs and income would be useful.  For example, if a local authority initiates a Scheme how is the pre-imp and implementation funding sourced / approved.

## **7. Conclusion**

- 7.1 TCC appreciates the opportunity to submit and generally supports the proposed amendments.
- 7.2 Our submission sets out key topics through which we suggest changes, or clarifications, to enable the Bill to be efficient and effective in enabling implementation. TCC would be happy to be involved in further engagement to refine the Bill.

## 11.5 Elected Members' Expenses and Resources Policy - proposed leave of absence section

**File Number:** A17127223

**Author:** Jane Barnett, Policy Analyst  
Coral Hair, Manager: Democracy and Governance Services

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

### PURPOSE OF THE REPORT

1. To present the revised Elected Members' Expenses and Resources Policy 2025 and associated proposed amendment to Standing Order 13.3 for Council for consideration and adoption.

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### RECOMMENDATIONS

That the Council:

- (a) Receives the report "Elected Members' Expenses and Resources Policy - proposed leave of absence section".
- (b) Adopts Tauranga City Council's Elected Members' Expenses and Resources Policy 2025 (**Attachment One**) to take effect immediately.
- (c) Adopts the proposed amendment to standing order 13.3 – Leave of Absence (**Attachment Two**).

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### EXECUTIVE SUMMARY

2. Each electoral term, Council is required to adopt an Elected Members' Expenses and Resources Policy (policy). This policy provides the rules for elected members' reimbursement for expenses incurred while on council business and for the payment of allowances.
3. On 15 August 2024 Council adopted the Elected Members' Expenses and Resources Policy 2024 and resolved to review it in February 2025. The review was postponed until after Council's information session on Standing Orders, Leave of Absence and Code of Conduct (held on 13 March 2025).
4. A revised policy (**Attachment One**) is presented to Council for adoption. The revised policy includes a proposed leave of absence section.
5. The proposed leave of absence section sets out:
  - requirement for Councillors and the Mayor to apply for a leave of absence if they do not expect to be participating in council business for 14 days or longer
  - Mayor has delegated authority to decide on leave of absence applications that are between 14 days and 30 days and to decide whether this leave, if approved, is to be paid or not
  - Councillors' requests for leave of absence for periods longer than 30 days, including if any approved leave will be paid or not, will be decided by Council

- Council will make decisions on the Mayor's request for leave of absence for periods longer than 14 days. Approved leave between 14 days and 30 days will be paid, and Council will decide if any approved leave of absence of 30 days or longer will be paid.
  - That for Mayor's leave of absence of more than 30 days without pay, the Deputy Mayor, while acting as the Mayor, will receive the Mayor's remuneration, allowances and benefits in accordance with the Local Government Members (2024/25) Determination 2024 and associated guidance.
6. There are no financial implications in adopting the revised Elected Members' Expenses and Resources Policy.
  7. A consequence of the proposed leave of absence section is that Standing Order 13.3 will also require amendment. **Attachment Two** sets out the proposed amendment to ensure alignment with the policy. The adoption of any amendment to standing orders requires a vote of not less than 75% of the members present (cl. 27(3) Schedule 7, Local Government Act 202).
  8. If Council decides to adopt the revised policy and amend Standing Order 13.3, the policy and amended standing orders will be placed on Council's website and take effect immediately.

## BACKGROUND

9. When Council adopted the policy on 15 August 2024 the following changes were made to the previous policy:

Key change	Reason for change
Inclusion of public transport travel section	To promote the use of public transport.
Provision for media subscription	To provide access to news content and analysis.
Changes to fees for hearings	To align with the current Local Government Members Determination.
Changes to the receipt of gifts	To align with the pecuniary interest requirements in section 54F (1) (b) Local Government Act 2002.

## STATUTORY CONTEXT

10. The Remuneration Authority requires Council to include all approved allowances for their elected members in an expenses policy and publish this on its website.

## OPTIONS ANALYSIS

11. The revised policy includes the following changes (shown in red in the revised policy).

Proposed Change	Reason for Change
Inclusion of leave of absence section	To set out the criteria for considering leave of absence and delegation for considering if any leave of absence is paid or not paid.

12. The table below sets out the advantages and disadvantages of adopting the revised Elected Members' Expenses and Resources Policy 2025.

Option	Advantages	Disadvantages
1 Adopt the revised Elected Members' Expenses and Resources Policy 2025. <b>Recommended</b> (Resolution (b))	<ul style="list-style-type: none"> <li>• The policy will provide guidance on making decisions on leave of absence.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>

Option	Advantages	Disadvantages
2 Do not adopt the revised Elected Members' Expenses and Resources Policy 2025.	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>The policy will not incorporate leave of absence provisions.</li> </ul>

13. If Council decide to adopt the revised Elected Members' Expenses and Resources policy, consideration will also need to be given to the proposed amendment to Standing Order 13.3 set out in attachment 2. The proposed changes ensure the standing orders are consistent with the new leave of absence section in the revised policy. The table below sets out the advantages and disadvantages of adopting the proposed amendment to Standing Order 13.3 leave of absence.

Option	Advantages	Disadvantages
1 Adopt the proposed amendment to standing order 13.3.  <b>Recommended</b> (Resolution (c))	<ul style="list-style-type: none"> <li>Ensures the Elected Members' Expenses and Resources policy and Standing Orders have a consistent position on leave of absence.</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
2 Do not adopt the proposed amendment to Standing Order 13.3.	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>The Elected Members' Expenses and Resources policy and Standing Orders will be inconsistent.</li> </ul>

## FINANCIAL CONSIDERATIONS

14. The financial implications for the proposed policy are covered within existing budgets.

## LEGAL IMPLICATIONS / RISKS

15. The expenditure that is subject to this policy is sensitive expenditure. The policy needs to withstand community scrutiny.
16. Each member's expenses are provided to the community on the council's website and audited annually by Audit New Zealand.
17. There are no identified legal implications with the proposed changes to the policy.

## TE AO MĀORI APPROACH

18. Decisions on elected members' expenses are not directly impacted by the Te Ao Māori approach.

## CLIMATE IMPACT

19. The current policy supports the use of public transport including micro mobility vehicles (such as ebikes and escooters). While there are cost efficiency reasons for this, it also demonstrates climate impact awareness and aligns with Council's commitment to reduce emissions.
20. There are no direct or specific climate change impacts resulting from adopting the revised Elected Members' Expenses and Resources Policy 2025.

## SIGNIFICANCE

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

## ENGAGEMENT

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

## NEXT STEPS

25. If Council decide to adopt the Revised Elected Members' Expenses and Resources Policy and amend Standing Order 13.3, the policy and amended standing orders will be placed on Council's website and take effect immediately.

## ATTACHMENTS

1. **Revised Elected Members' Expenses and Resources Policy 2025 - A17789683** [↓](#) 
2. **Proposed amendment to Standing Order 13.3 - A17846561** [↓](#) 

## DRAFT ELECTED MEMBERS' EXPENSES AND RESOURCES POLICY 2025



<b>Policy type</b>	City		
<b>Authorised by</b>	Council		
<b>First adopted</b>	20 December 2010	<b>Minute reference</b>	<b>M10/84.2</b>
<b>Revisions/amendments</b>	23 August 2011 30 October 2012 2 September 2013 9 May 2016 11 February 2020 15 August 2024 28 April 2025	<b>Minute references</b>	<b>M11/62.4</b> <b>M12/71.3</b> <b>M13/56.4</b> <b>M16/25.7</b> <b>P03/20/4</b> <b>CO16/24/6</b>
<b>Review date</b>	Following the local election or as required by the Local Government Members Determination.		

### 1. PURPOSE

#### 1.1 The purpose of this policy is to:

- Identify elected members' allowances and entitlements.
- Set out the approval process for reimbursement of expenses incurred by elected members whilst undertaking their duties.

### 2. SCOPE

#### 2.1 This policy applies to all Elected Members of Tauranga City Council.

### 3. DEFINITIONS

Term	Definition
Absence without leave	A period of time when an elected member is not fulfilling their responsibilities as an elected member and is doing so without formal approval from the mayor.
Actual	Means as evidenced by the original receipt attached to the claim form.
Council business	Formal Council, committee meetings, workshops, seminars, statutory hearings, training courses, conferences, site visits, meetings with staff, meetings with community groups, meetings with members of the public and social activities where a member attends as a Council representative.
Determination	The most recent Local Government Members Determination issued by the Remuneration Authority.

Term	Definition
Expenses	Personal money spent by elected members whilst going about their official duties as elected members and includes mileage claims.
Expense rules	The type of expenses that are able to be claimed because they have been approved by the Remuneration Authority.
Hearings	As defined in the most recent Local Government Members Determination issued by the Remuneration Authority.
Leave of absence	A period of time, <del>approved by the mayor</del> , for which <del>an elected member</del> is on leave from the duties of being an elected member. <del>This means not participating in council business at all i.e. not attending meetings or workshops, dealing with constituent queries, speaking publicly or representing any issues. in the case of the mayor where the Council has approved an application by the mayor for a period of leave from duties.</del>
Personal communications	Any communication that does not represent the official view of Council.
Reasonable	Within the amount specified by the policy or as deemed reasonable by the mayor and chief executive
Remuneration Authority	Independent body established under the Local Government Act 2002, part of whose responsibilities are to determine remuneration and expense rules for local authority members.
Resources	Goods and services normally used by Council to support its business, that are provided to elected members for their personal use to assist them in fulfilling their responsibilities as elected members.
Travel time allowance	The current definition and rate determined by the Remuneration Authority
Vehicle mileage allowance	The current definition and rate determined by the Remuneration Authority.

#### 4. PRINCIPLES

- 4.1 Elected members should be reimbursed for actual and reasonable expenses they incur in carrying out their official duties.
- 4.2 Reasonable resources should be made available to elected members to enable them to more efficiently carry out their responsibilities.
- 4.3 Reimbursement of expenses and use of resources apply only to elected members personally and only while they are acting in their official capacity as elected members.
- 4.4 Elected members' expense expenditure must have a justifiable business purpose, be moderate and conservative having regard to the circumstances, be made transparently and is appropriate in all respects.

- 4.5 Transparency and accountability guide the reimbursement of elected members' expenses.

## 5. POLICY STATEMENT

### 5.1 What Expenses May be Claimed?

#### Travel

- 5.1.1 Travel expenditure and travel-related expenditure should be economical and efficient, having regard to purpose, distance, time, urgency, and consider the environment and safety and wellbeing of those travelling. All travel and related expenditure must have a clear business purpose.
- 5.1.2 The table below outlines the air travel and accommodation and meal expenses elected members may claim while carrying out their official roles and duties.

Expense type	Description
Air Travel	Where practical, air travel should be booked well ahead of the actual travel, so that expenditure is the most cost-effective possible. The lowest practically priced airfare is to be used for all journeys (domestic and other) unless there is at least five hours or more of uninterrupted flight duration, a heavy work schedule on arrival, or personal health, known health conditions, safety, or security reasons, where premium economy may be used.
	International air travel paid for by council must be authorised by resolution of Council.
	Membership of any airline club is restricted to the mayor.
Accommodation and meals	<p>When it is necessary to stay away from home overnight on Council business, the actual and reasonable costs of accommodation, meals and parking (if not provided free by the accommodation provider) are paid for by Council.</p> <p>If an elected member chooses to stay at private accommodation, a maximum allowance of \$100.00 can be paid to the person who provided the accommodation.</p> <p>Accommodation, meals and incidental expenditure must have a clear business purpose, be cost-effective, and take into consideration the following:</p> <ul style="list-style-type: none"> <li>• The geographic location of the accommodation relative to where the elected member(s)' business is.</li> <li>• The standard of accommodation.</li> <li>• Safety and security considerations.</li> <li>• That additional mileage or taxi expenses are not usually required.</li> </ul> <p>When meals do not form part of a 'package', they may be claimed on presentation of an actual and itemised receipt (not a credit card statement or photocopy). The following maximum limits for meals apply:</p> <ul style="list-style-type: none"> <li>• Breakfast - \$25.00 (GST inclusive) per elected member per meal. Any costs over this limit are the responsibility of the individual.</li> </ul>

Expense type	Description
	<ul style="list-style-type: none"> <li>Lunch - \$25.00 (GST inclusive) per elected member per meal. Any costs over this limit are the responsibility of the individual.</li> <li>Dinner– \$50.00 (GST inclusive) per elected member per meal. Any costs over this limit are the responsibility of the individual.</li> </ul> <p>When meals are provided as part of a 'package', additional meal expenses cannot be claimed.</p> <p>In accordance with section 5.2.1 alcohol cannot be claimed as part of a meal expense.</p> <p>An elected member's ability to claim any daily or overnight accommodation expenses ends at the conclusion of the conference/forum or when the elected member leaves the conference/forum.</p>

#### Use of Private Vehicle

- 5.1.3 Elected members may only claim for mileage when using their own vehicle to travel outside of the Tauranga City Council area to undertake Council business. All claims for mileage must also meet the criteria for eligible travel as defined in the determination.
- 5.1.4 Council will not pay for travel by private motor vehicle where travel by other means is more practical and cost-effective.

#### Public Transport Travel

- 5.1.5 To promote alternative modes of transport apart from private vehicle use, elected members using public transport, including micro mobility vehicles (such as ebikes and escooters), when travelling for Council business, will be reimbursed for actual and reasonable costs on presentation of receipts or evidence satisfactory to the Manager: Democracy and Governance Services.
- 5.1.6 Elected members may be issued pre-paid public transport cards for example, Bay of Plenty Regional Council 'Bee Card' or other such cards. These pre-paid public transport cards can only be used:
- By the elected member it has been issued to; and
  - For travel to and from Council business.

Pre-paid travel cards remain the property of council and must be return at the completion of the term.

- 5.1.7 End of trip facilities for elected members using alternative modes of transport, such as biking to work, will be provided at Council's administration building.

#### Use of taxis and ridesharing services

- 5.1.8 Taxis or ridesharing services may be used for Council business, instead of private vehicle or public transport, for the following reasons:
- Work is past a reasonable hour.
  - Safety reasons.

- When outside Tauranga on Council business if a taxi or ridesharing service is the most appropriate form of transport.

5.1.9 Costs must be paid for by the individual and will be reimbursed on presentation of actual receipts.

#### **Other travel allowances**

5.1.10 Elected members cannot claim a travel time allowance as travel time is considered to be a component of the remuneration for elected members.

5.1.11 Private travel before, during or at the end of travel paid for by Council is the responsibility of the individual and at no additional cost to Council. The cost of any stopover paid for by council must have a clear business purpose and be pre-approved by the mayor (or deputy mayor in the case of the mayor) and chief executive.

5.1.12 The Remuneration Authority's rules on the mayoral car are to apply.

#### **Childcare**

5.1.13 An Elected Member is entitled to claim a childcare allowance on an annual basis, as per the determination rules, as a contribution towards expenses occurred by the member for childcare provided while the member is on Council business. The claim must set out the actual costs incurred and paid by the member and must include a receipt or other appropriate record of payment of the annual amount paid for the childcare services provided.

#### **Hearings**

5.1.14 An elected member who acts as a chairperson or a member who is sitting as part of a hearing is entitled to be paid a fee per hour of hearing time related to the hearing as per the relevant [Local Government Members Determination](#).

5.1.15 Hearings fees as additional payment to remuneration are not available to the mayor or acting mayor.

### **5.2 What Expenses May Not be Claimed?**

5.2.1 The following expenses are the responsibility of individual Elected Members and cannot be claimed:

- Medical insurance.
- Staff discounts.
- Life insurance.
- Accident insurance.
- Income replacement insurance.
- Travel, meals, and all entertainment incurred by the Elected Member's spouse or partner.
- Alcohol, including as part of meals and entertainment costs, and mini bars.
- Tips.
- Any fines (parking or traffic offences).

**5.3 When Expenses May and May Not be Claimed**

5.3.1 For the purpose of clarity, elected members may claim expenses approved by the Remuneration Authority, while carrying out council business, except those that:

- Are incurred before they are sworn in as members of Council, or after they officially leave office.
- Are incurred while not acting in their official capacity.
- Are incurred on a trip outside of the sub-region without specific approval from the mayor or a standing committee prior to the travel.
- Are incurred while on leave of absence.
- Are incurred while absent without leave.
- Are incurred while holding office illegally.
- Are related to activities that are incidental to and not the main reason for a trip or event.

**5.4 When Expenses Are Paid**

5.4.1 Expenses claimed are to be paid monthly, to coincide with a payment of the elected member's salary, provided an elected members' Expenses Claim Form with receipts attached is received in sufficient time to be included in the normal process.

5.4.2 All claims must be made within 60 days of expenditure occurring with the aim to keep expenditure within the year in which it occurs and is budgeted for.

5.4.3 All expense claims, receipt of personal gifts, and mayoral credit card expenses are published on Council's website.

**5.5 Use of Resources**

5.5.1 The equipment requirements for elected members are deemed to be:

- A mobile phone.
- A laptop.
- A personal internet service.
- A compatible scanner and printer

5.5.2 Elected members are provided with a laptop and mobile phone for all Council-related work.

5.5.3 Elected members cannot claim an allowance for personal computer or personal mobile phone use.

5.5.3 Councillors may choose to be reimbursed for use of personal internet services and printer as per the current determination.

5.5.4 Elected members are provided with the New Zealand Herald premium media subscription service.

5.5.6 Elected members may use the following internal services to a reasonable level as determined by the chief executive:

- Word processing and secretarial services.
- Postage and external courier.

- GIS products.
- Property files.
- Photocopying.
- Information technology advice and assistance.
- Meeting rooms.

5.5.7 The above services, equipment or consumables are provided at no cost to elected members, to assist them in carrying out their official responsibilities and are available only:

- When holding office.
- When not on leave of absence.
- When not absent without leave.

5.5.8 None of the above is to be used by elected members for non-Council business, electioneering purposes, personal communications to or through any communications medium or any communications associated with Council-run referenda.

## **5.6 Authorisation for Conferences or professional development - New Zealand and Overseas**

5.6.1 Attendance by elected members at conferences or professional development training in New Zealand or overseas, at Council's cost, is to be approved by the mayor or chief executive. Attendance by the mayor at conferences or professional development trainings will be approved by the deputy mayor or the chief executive.

5.6.2 Following attendance at a conference, elected Members must provide a monitoring report back to the relevant Council committee, including costs and a synopsis of the conference.

## **5.7 Car Parking**

5.7.1 Allocated car parking is provided free of charge for elected members to use while on Council business at council buildings.

**5.8 Receipt of Gifts**

5.8.1 In accordance with the Local Government Act a description of each gift (including hospitality and donations in cash or kind but excluding any donation to cover expenses in an electoral campaign) received by the elected member must be recorded in the elected member' pecuniary interest register if:

- The gift has an estimated value of \$500; or
- The combined value of all gifts from the donor is more than \$500.

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**5.9 Leave of Absence*****Councillors' leave of absence***

- 5.9.1 Councillors must apply to the Mayor for a leave of absence if they will not be participating in council business at all for 14 days or longer.
- 5.9.2 If the duration of the leave of absence for a Councillor is expected to be less than 14 days the Mayor must be notified in writing. For clarity this leave of absence will be recorded as an apology in the minutes for any meetings not attended and will be paid.
- 5.9.3 The Mayor has the delegated authority, as set out in Standing Order 13.3, to approve or not approve leave of absence applications between 14 days to 30 days and decide if this leave is to be paid or not. If paid leave is approved, the Mayor will decide if the level of remuneration is to be set at EITHER the remuneration paid to the member at the time of making the application OR at the councillor minimum allowable remuneration. In the absence of the Mayor the Deputy Mayor may exercise this authority.
- 5.9.4 If the duration of the leave of absence is more than 30 days Council will decide if the leave shall be approved or not approved and decide if the leave is paid or not paid. If paid leave is approved, Council will decide if the level of remuneration is to be set at EITHER the remuneration paid to the member at the time of making the application OR at the councillor minimum allowable remuneration.

***Mayor's leave of absence***

- 5.9.5 The Mayor must apply to the Council for a leave of absence if the Mayor will not be participating in council business at all for 14 days or longer.
- 5.9.6 If the duration of the leave of absence for the Mayor is expected to be less than 14 days the Deputy Mayor must be notified in writing. For clarity this leave of absence will be recorded as an apology in the minutes for any meetings not attended and will be paid.

- 5.9.7 If the duration of the leave of absence is between 14 days to 30 days the Council will decide if the leave shall be approved or not approved. If approved the leave of absence will be paid.
- 5.9.8 If the duration of the leave of absence is more than 30 days the Council will decide if the leave shall be approved or not approved and if the leave is to be paid or not paid.
- 5.9.9 When the Mayor is on leave of absence of less than 30 days, the Deputy Mayor is not eligible to receive the Mayor's remuneration, allowances and benefits.
- 5.9.10 For Mayor's leaves of absence of more than 30 days without pay, the Deputy Mayor while acting as the Mayor, will receive Mayor's remuneration, allowances and benefits and use of the mayoral vehicle as set out in the determination.

**Criteria to consider**

- 5.9.11 The following criteria will be considered when making decisions on leave of absence and deciding on whether this leave is to be paid or not :
- impact on the capacity of the council to conduct its business
  - other members' leave of absence applied for or granted
  - length of service
  - main income source for family
  - degree of certainty member will return to full participation
  - risk of precedent setting
  - reputational risk
  - whether a By-election cannot be held (twelve months out from a triennial election)
  - alignment with Code of Conduct principles
  - any unusual circumstances that could not be predicted
- 5.9.12 During a leave of absence elected members are not entitled to receive any allowances or be reimbursed for expenses.

**5.10 Exceptions**

- 5.9.1 There may be exceptional circumstances, or disputes, regarding elected members expenses and resources which need to be dealt with on a case by case basis. Such cases will be dealt with by the mayor and chief executive, and any exceptions be reported back to Council. If the case concerns the mayor, the case will be dealt with by the deputy mayor and chief executive.

**6. RELEVANT DELEGATIONS**

- 6.1 The chief executive has delegated authority to implement this policy and to sub delegate their authority.
- 6.2 All claims made under this policy are to be made using the appropriate form and authorised by the mayor and chief executive for the manager: democracy services to administer.

- 6.3 All claims made under this policy by the mayor are to be made using the appropriate form and authorised by the deputy mayor and one other elected member for the manager: democracy services to administer.

**7. REFERENCES AND RELEVANT LEGISLATION**

7.1 The following are the relevant references and legislation:

- The most current Local Government Elected Members Determination.
- Local Government Act 2002, Section 54 and Schedule 7, Section 6.
- Controlling Sensitive Expenditure – Guidelines for Public Entities (Controller And Auditor General).

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**Attachment Two: Amendment to Standing Order 13.3**

<b>Current Standing Order 13.3 Leave of absence</b>	<b>Proposed Amendment</b>
<p>A council may grant a member leave of absence following an application from that member. The council delegates the power to grant a leave of absence to the Mayor in order to protect a members' privacy.</p> <p>The Mayor may approve a members' application, and the Council may approve an application from the Mayor. The Mayor will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.</p>	<p>Council has a leave of absence policy as set out in the Elected Members' Expenses and Rules Policy for dealing with leave of absence requests by the Mayor and councillors.</p> <p>Where the leave of absence policy requires the Council to make a decision to grant a leave of absence, with or without remuneration, the Mayor will bring the request to the Council for a decision.</p> <p>The Council delegates the power to the Mayor to grant a leave of absence for a councillor, with or without remuneration, based on the leave of absence policy. In the absence of the Mayor, the Deputy Mayor may exercise this authority in order to protect members' privacy.</p> <p>The Mayor or in their absence, Deputy Mayor, will inform all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has a leave of absence as an apology for that meeting.</p>

**12 DISCUSSION OF LATE ITEMS**

**13 PUBLIC EXCLUDED SESSION**

Nil

**14 CLOSING KARAKIA**