

AGENDA

Ordinary Council meeting Tuesday, 7 October 2025

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

Date: Tuesday, 7 October 2025

Time: 9.30am

Location: Tauranga City Council Chambers Mareanui

Level 1 - 90 Devonport Road

Tauranga

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

Marty Grenfell
Chief Executive

Terms of reference – Council

Membership

Chair Mayor Mahé Drysdale

Deputy Chair Deputy Mayor Jen Scoular

Members Cr Hautapu Baker

Cr Glen Crowther Cr Rick Curach Cr Steve Morris Cr Marten Rozeboom Cr Kevin Schuler Cr Rod Taylor Cr Hēmi Rolleston

Quorum Half 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

odd.

Meeting frequency Three weekly or as required

Role

- To ensure the effective and efficient governance of the City.
- To enable leadership of the City including advocacy and facilitation on behalf of the community.
- 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:
 - o 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
 - o 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:
 - o 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 statutory duties in regard to Council-controlled organisations, including reviewing statements of intent, with the exception of the Local Government Funding Agency where such roles are delegated to the City Delivery Committee. (Note that monitoring of all Councilcontrolled organisations' performance is undertaken by 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.

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).

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- 1 OPENING KARAKIA
- 2 APOLOGIES

3 PUBLIC FORUM

3.1 Graham Wilkinson on behalf of Generus Living

ATTACHMENTS

Nil

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

7 CONFIRMATION OF MINUTES

7.1 Minutes of the Extraordinary Council meeting held on 15 August 2025

File Number: A18843566

Author: Caroline Irvin, Governance Advisor

Authoriser: Jeremy Boase, Head of Strategy, Governance & Climate Resilience

RECOMMENDATIONS

That the Minutes of the Extraordinary Council meeting held on 15 August 2025 be confirmed as a true and correct record.

ATTACHMENTS

1. Minutes of the Extraordinary Council meeting held on 15 August 2025

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MINUTES

Extraordinary Council meeting Friday, 15 August 2025

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MINUTES OF TAURANGA CITY COUNCIL EXTRAORDINARY COUNCIL MEETING HELD AT THE TAURANGA CITY COUNCIL CHAMBERS, L1, 90 DEVONPORT ROAD, TAURANGA ON FRIDAY, 15 AUGUST 2025 AT 8:03 AM

PRESENT: Mayor Mahé Drysdale (Chair), Deputy Mayor Jen Scoular (online via audio

link for parts of the meeting), Cr Hautapu Baker, Cr Glen Crowther, Cr Rick Curach, Cr Steve Morris, Cr Marten Rozeboom, Cr Kevin Schuler, Cr Rod

Taylor, Cr Hēmi Rolleston

IN ATTENDANCE: Marty Grenfell (Chief Executive), Christine Jones (General Manager: Strategy, Growth & Governance), Gareth Wallis (General Manager: City

Strategy, Growth & Governance), Gareth Wallis (General Manager: City Development & Partnerships), Kathryn Sharplin, (Manager: Finance), Stephen Burton (Transformation Lead: Water Services), Fiona Nalder (Principal Strategic Advisor), Cathy Davidson (Manager: Directorate Services), Charles Lane (Team Leader: Commercial Legal), Stacey Mareroa-Roberts (Manager: Strategic Māori Engagement), Wally Potts (Head of City Waters), Clare Sullivan (Senior Governance Advisor), Caroline

Irvin (Governance Advisor),

EXTERNAL: Ian Morton (Thames Coromandel District Council)

Jaron Shaw and Cameron Walker (Department of Internal Affairs)

Timestamps are included beside each of the items and relate to the recording of the meeting held on 15 August 2025 at TCC Website

ONLINE ATTENDANCE

Due to online connection difficulties, Deputy Mayor Scoular was present for the vote on resolution (b) (i) but not present for any of the remaining votes (resolutions - parts 1 to 6) that made up the substantive motion.

1 OPENING KARAKA

Cr Rolleston opened the meeting with a karakia

2 APOLOGIES

Nil

At 8.06am the meeting adjourned.

At 8.09am the meeting reconvened.

3 PUBLIC FORUM

Timestamp: 15:53 minutes

3.1 Cr John Grant - Thames Coromandel District Council

- Cr Grant noted that elected members and staff from Thames Coromandel District Council (TCDC) had undertaken robust financial analysis on four options for a water services model. Consultation showed that 51% supported the lower cost model which would be a joint water services delivery plan.
- Financial analysis had shown that a Tauranga City Council (TCC)/Western Bay Of Plenty
 District Council (WBOPDC)/Thames Coromandel District Council Water Services model was
 in the best interests of their communities.
- TCDC had spent considerable time working through a proposed partnership with TCC and WBOPDC.
- Cr Grant, on behalf of TCDC, felt that the best solution for the three Councils was a joint Water Services Organisation.

4 DECLARATION OF CONFLICTS OF INTEREST

Nil

RECOGNITION

- The Mayor recognised the following staff who were leaving their employment at Tauranga City Council and thanked them for their contribution to the city during their employment: Ceilidh Dunphy, Coral Hair, Dan Smith and Paul Davidson. He acknowledged that Paul Davison had completed 20 years of service with Council.
- The Mayor also noted that Mr Nigel Tutt, Chief Executive of Priority One, was leaving to take up another position elsewhere.

5 BUSINESS

Timestamp: 30.16 minutes

5.1 Local Waters Done Well - Update Report

Staff Christine Jones, General Manager Strategy, Growth & Governance

Kathryn Sharplin, Manager; Finance

Charles Lane, Team Leader, Commercial Legal

External Jaron Shaw and Cameron Walker, Department of Internal Affairs

Ian Morton, Thames Coromandel District Council, Project Director

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Local Waters Done Well Update Report".
- (b) After taking into consideration the information contained in this 'Local Waters Done Well Update Report':

Either

i) Reconfirms the resolution of 5 August 2025 that the Water Service Delivery Plan will be prepared for the duration to deliver through an in-house model.

Or

ii) Other ...

A MOTION WAS PROPOSED

Moved: Cr Rolleston Seconded: Cr Crowther:

That the Council:

- (b) After taking into consideration the information contained in this 'Local Waters Done Well Update Report':
 - i) Reconfirms the resolution of 5 August 2025 that the Water Service Delivery Plan will be prepared for the duration to deliver through an in-house model.

For: Deputy Mayor Jen Scoular, Cr Hautapu Baker, Cr Glen Crowther, Cr Rick Curach

and Cr Hēmi Rolleston

Against: Mayor Mahé Drysdale, Cr Steve Morris, Cr Marten Rozeboom, Cr Kevin Schuler

and Cr Rod Taylor

EQUAL 5/5

The vote was declared a tie. Pursuant to Standing Order 19.3, the Mayor used his casting vote and voted **against** the motion.

LOST

A FURTHER MOTION WAS PROPOSED

Moved: Cr Steve Morris

Seconded: Cr Marten Rozeboom

That the Council:

- (a) Receives the report "Local Waters Done Well Update Report".
- (b) After taking into consideration the information contained in this 'Local Waters Done Well Update Report':

- ii) Notes that the establishment of a multi-council water organisation will be subject to the partner councils being satisfied with the results of the due diligence process, and in particular that Western Bay of Plenty District Council is satisfied that the concerns expressed by iwi within the WBOPDC (WBOPDC) rohe area have been appropriately considered.
- iii) Receives the letter from Mayor James Denyer of 6 August 2025, outlining his view that WBOPDC is "not in a position to be able to submit a Water Services Delivery Plan by the 3 September deadline" and his request that Council considers a "multi-council CCO with WBOPDC with a stand-up date of 1 July 2027.
- iv) Receives the letter from Mayor Len Salt and members of the Thames-Coromandel District Council (TCDC) Local Waters Done Well (LWDW) working group of 13 August 2025, outlining their view that a TCDC in-house delivery model "is not in the best long-term interest for our community."
- v) Notes that on 12 August, Mayor Denyer requested a Crown facilitator be appointed to WBOPDC and that members of the TCDC LWDW working group requested TCDC form part of the facilitator's remit.
- vi) Requests staff prepare a Water Services Delivery Plan (WSDP) on the basis that services will be delivered through status quo arrangements until:
 - a. 30 June 2027
- vii) And thereafter through a three-waters multi-council CCO with
 - a. Western Bay of Plenty District Council

AND

- b. Thames-Coromandel District Council
- viii) Notes that the WSDP includes stormwater, and that due to a combination of practical constraints and the statutory deadline for submission of the WSDP that
 - a. further work will be done to consider other aspects of stormwater management including assets, ownership, charging and following further information Council may, at a later date, decide to retain stormwater in-house.
- ix) Confirms the due diligence process will include detailed comparative analysis of inhouse and CCO options.
- x) Requests a project plan on the implementation of these resolutions through until September 2028 for Council approval and that staff report quarterly to Council on engagement, progress against the project plan, what has been completed in the last quarter and what is proposed in the following. Reports will include tracking to budget and highlighting any risks.
- xi) Considers holding joint council meetings with partnering councils and meetings with iwi partners on decisions relating to subregional waters in the future.

The motion was taken in parts in the following order:

RESOLUTION CO/25/0/1

Part 1

Moved: Cr Steve Morris Seconded: Cr Marten Rozeboom

That the Council

(b)

- viii) Notes that the WSDP includes stormwater, and that due to a combination of practical constraints and the statutory deadline for submission of the WSDP that
 - a. further work will be done to consider other aspects of stormwater management including assets, ownership, charging and following further information Council may, at a later date, decide to retain stormwater in-house.

For: Mayor Mahé Drysdale, Cr Steve Morris, Cr Marten Rozeboom, Cr Kevin Schuler

and Cr Rod Taylor

Against: Cr Hautapu Baker, Cr Glen Crowther, Cr Rick Curach and Cr Hemi Rolleston

CARRIED

RESOLUTION CO/25/0/2

Part 2

Moved: Cr Steve Morris Seconded: Cr Marten Rozeboom

That the Council:

- (a) Receives the report "Local Waters Done Well Update Report".
- (b) After taking into consideration the information contained in this 'Local Waters Done Well Update Report':
- ii) Notes that the establishment of a multi-council water organisation will be subject to the partner councils being satisfied with the results of the due diligence process, and in particular that Western Bay of Plenty District Council is satisfied that the concerns expressed by iwi within the Western Bay of Plenty District Council rohe area have been appropriately considered.
- iii) Receives the letter from Mayor James Denyer of 6 August 2025, outlining his view that WBOPDC is "not in a position to be able to submit a Water Services Delivery Plan by the 3 September deadline" and his request that Council considers a "multi-council CCO with WBOPDC with a stand-up date of 1 July 2027.
- iv) Receives the letter from Mayor Len Salt and members of the Thames-Coromandel District Council (TCDC) Local Waters Done Well (LWDW) working group of 13 August 2025, outlining their view that a TCDC in-house delivery model "is not in the best long-term interest for our community."
- v) Notes that on 12 August, Mayor Denyer requested a Crown facilitator be appointed to WBOPDC and that members of the TCDC LWDW working group requested TCDC form part of the facilitator's remit.

RESOLUTION CO/25/0/3

Part 3

Moved: Cr Steve Morris Seconded: Cr Marten Rozeboom

That the Council:

(b)

- vi) Requests staff prepare a Water Services Delivery Plan (WSDP) on the basis that services will be delivered through status quo arrangements until:
 - b. 30 June 2027

CARRIED

RESOLUTION CO/25/0/4

Part 4

Moved: Cr Steve Morris Seconded: Cr Marten Rozeboom

That the Council:

(b)

vii) And thereafter through a three-waters multi-council CCO with

c. Western Bay of Plenty District Council

For: Mayor Mahé Drysdale, Cr Hautapu Baker, Cr Rick Curach, Cr Steve Morris, Cr

Marten Rozeboom, Cr Kevin Schuler and Cr Rod Taylor

Against: Cr Glen Crowther, and Cr Hemi Rolleston

CARRIED

RESOLUTION CO/25/0/5

Part 5

Moved: Cr Steve Morris Seconded: Cr Marten Rozeboom

That the Council:

(b)

vii) AND

d. Thames-Coromandel District Council

For: Mayor Mahé Drysdale, Cr Steve Morris, Cr Marten Rozeboom, Cr Kevin Schuler

and Cr Rod Taylor

Against: Cr Hautapu Baker, Cr Glen Crowther, Cr Rick Curach and Cr Hēmi Rolleston

RESOLUTION CO/25/0/6

Part 6

Moved: Cr Steve Morris Seconded: Cr Marten Rozeboom

That the Council:

(b)

- ix) Confirms the due diligence process will include detailed comparative analysis of inhouse and CCO options.
- x) Requests a project plan on the implementation of these resolutions through until September 2028 for Council approval and that staff report quarterly to Council on engagement, progress against the project plan, what has been completed in the last quarter and what is proposed in the following. Reports will include tracking to budget and highlighting any risks.
- xi) Considers holding joint council meetings with partnering councils and meetings with iwi partners on decisions relating to subregional waters in the future.

CARRIED

6 CLOSING KARAKIA

Cr Rolleston closed the meeting with a karakia.

The meeting closed at 11.38 am.

The minutes of this meeting were confirmed at the Ordinary meeting of the Tauranga City Council held on 7 October 2025.

7.2 Minutes of the Council meeting held on 16 September 2025

File Number: A18922824

Author: Clare Sullivan, Senior Governance Advisor

Authoriser: Jeremy Boase, Head of Strategy, Governance & Climate Resilience

RECOMMENDATIONS

That the Minutes of the Council meeting held on 16 September 2025 be confirmed as a true and correct record.

ATTACHMENTS

1. Minutes of the Council meeting held on 16 September 2025

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MINUTES

Ordinary Council meeting Tuesday, 16 September 2025

Order of Business

1	Opening karakia				
2	Apologies				
3	Public forum				
4	Acceptance of late items				
5	Confi	dential business to be transferred into the open	4		
6	Chang	ge to the order of business	4		
7	Confi	Confirmation of minutes			
	7.1	Minutes of the Council meeting held on 26 August 2025	4		
8	Decla	ration of conflicts of interest	5		
9	Deput	ations, presentations, petitions	5		
	Nil				
10	Recor	nmendations from other committees	5		
	Nil				
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MINUTES OF TAURANGA CITY COUNCIL ORDINARY COUNCIL MEETING HELD AT THE TAURANGA CITY COUNCIL CHAMBERS, MAREANUI, LEVEL 1 - 90 DEVONPORT ROAD, TAURANGA ON TUESDAY, 16 SEPTEMBER 2025 AT 9.30AM

MEMBERS PRESENT: Mayor Mahé Drysdale, Deputy Mayor Jen Scoular, Cr Hautapu Baker,

Cr Glen Crowther, Cr Steve Morris, Cr Marten Rozeboom, Cr Kevin

Schuler, Cr Rod Taylor, Cr Hēmi Rolleston

IN ATTENDANCE: Marty Grenfell (Chief Executive), Barbara Dempsey (Acting General

Manager: Operations & Infrastructure (City Ops & Spaces and Places), Nic Johansson (Acting General Manager: Operations & Infrastructure (Waters & Transport)), Christine Jones (General Manager: Strategy, Partnerships & Growth), Kathryn Sharplin (Acting COFO (Chief Financial Officer)), Andrew Mead (Head of City Planning & Growth), Cashy Ball (Principal Advisor to the Executive), Mike Naude (Portfolio Manager: Civic Development), Alison Law (Head of Spaces & Places), Ross Hudson (Manager: Strategic Planning & Partnerships), Cayley McLean (Principal Strategic Waste Planner), Wally Potts (Director of City Waters), Keren Paekau (Acting Head of Strategic Māori Engagement), Cynthia Hamel (Acting Team Leader), Ange Webster (Māori Engagement – City Waters), Anahera Sadler (Pou Matauranga), Shawn Geard (Manager: Transport Systems Operations), Mike Seabourne (Head of Transport), Holly Riddell (Corporate Planner), Clare Sullivan (Senior Governance

Advisor), Anahera Dinsdale (Governance Advisor).

EXTERNAL: Kaumatua Des Tata, Wi Piahana, Puhirake Ihaka and Ms Kura

Martin, Spencer Webster (CEO – Ngā Pōtiki), Sam Toulin (Apollo).

Timestamps are included beside each of the items and relate to the recording of the meeting held on 16 September on the Council website

The Mayor opened the meeting and acknowledged that it was the 50th anniversary of Te Wiki o te Reo Māori

1 OPENING KARAKIA

Deputy Mayor Jen Scoular opened the meeting with a karakia.

2 APOLOGIES

APOLOGY

RESOLUTION CO/25/24/1

Moved: Deputy Mayor Jen Scoular

Seconded: Cr Steve Morris

That the apology for absence received from Cr Curach be accepted.

CARRIED

3 PUBLIC FORUM

Timestamp: 4 minutes

Naming of Building - Mareanui

- Cr Rolleston welcomed kaumatua of Ngai Tamarāwaho and Ngati Tapu and members of the Otamataha Trust.
- Kaumatua Wi Piahana and Des Tata gifted the name Mareanui to the building at 90 Devonport Road. The name was the name of a pa site in this area. The name reflects the many mara (gardens) that were in the area and fed the 'multitudes of people' that occupied this space.

4 ACCEPTANCE OF LATE ITEMS

Nil

5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN

Nil

6 CHANGE TO THE ORDER OF BUSINESS

The Mayor advised that lunch would be taken at approximately 12.15pm.

7 CONFIRMATION OF MINUTES

Timestamp: 21 minutes

7.1 Minutes of the Council meeting held on 26 August 2025

RESOLUTION CO/25/24/2

Moved: Cr Rod Taylor Seconded: Cr Steve Morris

That the Minutes of the Council meeting held on 26 August 2025 be confirmed as a true and correct record.

8 DECLARATION OF CONFLICTS OF INTEREST

Nil

9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

11 BUSINESS

Timestamp: 23 minutes

11.1 Te Maunga Site - Council Activities and Ngā Pōtiki Relationship

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

External Spencer Webster, CEO – Ngā Pōtiki

RESOLUTION CO/25/24/3

Moved: Mayor Mahé Drysdale Seconded: Cr Steve Morris

That the Council:

- (a) Receives the report "Te Maunga Site Council Activities and Ngā Pōtiki Relationship".
- (b) Acknowledges the cultural and environmental concerns raised by Ngā Pōtiki regarding Council activities on the Te Maunga Site.
- (c) Recognises the relationship that Ngā Pōtiki has with its culture and traditions with respect to their ancestral lands and cultural landscapes and seascapes, and notes that this includes the Te Maunga site and Te Tāhuna o Rangataua.
- (d) Agrees to progress discussions with Ngā Pōtiki, with the view of developing a Memorandum of Understanding for the Te Maunga site and incorporating co-design principles for environmental and cultural restoration, site management, and community interface, where appropriate and practical. Technical design and operation of core infrastructure (e.g. wastewater treatment) will continue to be led by Council.
- (e) Notes that while many existing activities at Te Maunga cannot be practically or feasibly relocated due to significant prior investment, operational dependencies and regulatory or contractual constraints, some **solid waste facilities**¹ are nearing end of life and could be relocated as part of the future approach to the solid waste network (currently under review).
- (f) Endorses staff to:

(i) Progress and report back a Solid Waste Programme Business Case in the assessment of options with final decisions on preferred approaches to be made by Council.

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- (ii) Explore and progress opportunities for land acquisition and alternative sites to enable the transition of "offensive" solid waste activities from Te Maunga.
- (g) Notes that:
 - (i) The definition of "offensive" solid waste activities will be informed by engagement with Ngā Pōtiki.
 - (ii) Indicative timeframes for relocation of facilities and activity decisions will be incorporated into the Solid Waste Programme Business Case, which is expected to be presented to Council for consideration and approval in early 2026; with transition anticipated over 8-12 years.
 - (iii) This applies only to **solid waste facilities** deemed appropriate to be relocated and does not include the closed landfill, wastewater or stormwater activities or Bay Venues activities on the Te Maunga site.

For the purposes of this report, **solid waste** refers to non-liquid materials such as general refuse, recyclables, green waste, construction and demolition materials, and special or hazardous solid wastes, consistent with the broad definition of waste under the Waste Minimisation Act 2008. It excludes wastewater, stormwater, sewage, biosolids and other liquid discharges, which are managed under separate infrastructure and regulatory frameworks. The term **solid waste** *facilities* refer specifically to the land and associated infrastructure at Te Maunga currently occupied by the transfer station, Material Recycling Facility (MRF), untreated timber processing area, and the unused organic composting facility, as shown in **Attachment 1**: Map of Waste Facilities at Te Maunga.

For: Mayor Mahé Drysdale, Deputy Mayor Jen Scoular, Cr Hautapu Baker, Cr Glen

Crowther, Cr Steve Morris, Cr Hemi Rolleston, Cr Kevin Schuler and Cr Rod Taylor

Against: Cr Marten Rozeboom

CARRIED

At 10.40AM the meeting adjourned.

At 10.47AM the meeting reconvened.

Timestamp: 1 hr 18 minutes

11.2 Memorial Park Aquatic Centre Update

Staff Alison Law, Head of Spaces & Places

Mike Naude, Portfolio Manager: Civic Development

External Sam Toulin, Apollo

Action

 That the Chief Executive review and report back on the previous report and discussion at the Council meetings on 24 October 2024 and 12 November 2024 and any outstanding invoices for MPAC.

Key Points

Staff clarified the following points:

- Options 1 & 2 analysis outlining the key advantages and disadvantages for the location of the centre were from a previous report and not relevant to the Geotech report for the alternative location. The Geotech results for the alternative location over the existing pool were no worse than the current site.
- The Geotech report for the new site had similar findings as the Memorial Hall/QR2 site.
- There were advantages for traffic and parking with the new site with an entrance/exit off Devonport Road.
- The spend of \$4.7 million included invoices received after the report presented in October 2024 and was made up of \$1.64M Opex and \$3.1M Capex.

RESOLUTION CO/25/24/4

Moved: Cr Rod Taylor

Seconded: Mayor Mahé Drysdale

That the Council:

- (a) Receives the report "Memorial Park Aquatic Centre update" with the corrections noted.
- (b) Receives the preliminary geotechnical report: Memorial Pool Aquatic Centre Alternative Site Feasibility Study prepared by Apollo Projects dated 29 August 2025; and
- (c) Agrees to advance the Memorial Park Aquatics Centre project to concept stage with an in-principle decision that the Centre would be constructed over the current Memorial Pool. Noting the intention for construction to start in 2027/28 on a re-designed, value for money indoor and outdoor facility that can provide for lane swimming, aquatic sports, learn-to-swim, hydrotherapy and play.
- (d) Endorses the next steps being:
 - (i) Establish a Memorial Pool Aquatic Centre Project Steering Group including Elected Members (to be advised), to develop scope from the ground up and develop the engagement process.
 - (ii) Progression of the design, based on concept principles developed by the Steering group, through concept stage at a design fee of \$50,000 excl. GST.
- (e) Confirms the engagement of Apollo Projects to complete the Concept Design and Concept Estimate Stage of the Project.
- (f) Notes that in making an in-principle decision that the site of the existing Memorial Park pool is the preferred location for the Memorial Park Aquatic Centre, Council confirms its intention to retain the existing Queen Elizabeth Youth Centre and Memorial Hall facility, and instructs Bay Venues to identify the lowest investment required (capital and operational expenditure) to keep that facility operating until earthquake strengthening upgrades are required (currently 2041).

Timestamp: 2 hrs 2 minutes

11.3 Mount Parking Management Plan - Consultation Summary and Options

Staff Shawn Geard, Manager: Transport Systems Operations Mike Seabourne, Head of Transport

Actions

- Staff to contact staff from Bay of Plenty Regional Council raising the idea of a hop-on-hop-off bus in the Mount Maunganui area for who it might be considered by discussed at the Joint Transport Committee.
- Staff to find and circulate feedback from the community from an engagement completed in 2020 on the Mount Maunganui plan.

Consideration on this item was paused to welcome and acknowledge Mr Mikaere Sydney at 12:08pm.

At 12.26pm the meeting adjourned.

At 1.14 pm the meeting reconvened.

The recommendations were taken in parts:

RESOLUTION CO/25/24/5

Part 1

Moved: Cr Marten Rozeboom

Seconded: Cr Rod Taylor

That the Council:

- (a) Receives the report "Mount Parking Management Plan Consultation Summary and Options".
- (b) Requests staff to proceed with development of a detailed plan for implementation of:
 - (i) Sailsbury Avenue/ The Mall bylaw changes to support cruise ship tour operator traffic management
 - (ii) Additional time restrictions for Victoria Road, Marine Parade, and The Mall, and development of an increased enforcement programme
 - (iii) Fixed License Plate Recognition enforcement along Mount Maunganui main street
- (c) Directs staff to proceed to community engagement on the Miro Street one-way with additional parking plan

RESOLUTION CO/25/24/6

Part 2

Moved: Cr Marten Rozeboom

Seconded: Cr Rod Taylor

That the Council

- (d) Requests staff to develop a Mount Maunganui Parking Management Plan to support future investment decisions including, but not limited to, options for:
 - (i) Angled parking on The Mall
 - (ii) Paid parking at TCC owned offstreet carparks
 - (iii) A new offstreet carpark in the vicinity of Coronation Park

For: Mayor Mahé Drysdale, Cr Hautapu Baker, Cr Glen Crowther, Cr Hēmi Rolleston Cr

Steve Morris, Cr Marten Rozeboom, Cr Kevin Schuler and Cr Rod Taylor

Against: Deputy Mayor Jen Scoular

CARRIED

RESOLUTION CO/25/24/7

Part 3

Moved: Cr Marten Rozeboom

Seconded: Cr Rod Taylor

That the Council

- (d) Requests staff to develop a Mount Maunganui Parking Management Plan to support future investment decisions including, but not limited to, options for:
 - (iv) Development of a business plan supporting financially sustainable parking in Mount Maunganui

For: Mayor Mahé Drysdale, Cr Hautapu Baker, Cr Glen Crowther, Cr Hēmi Rolleston

Cr Marten Rozeboom, Cr Kevin Schuler and Cr Rod Taylor

Against: Deputy Mayor Jen Scoular and Cr Steve Morris

Timestamp: 4 hrs, 7 minutes

11.4 City Centre Parking - Short Term Incentive Options

Staff Shawn Geard, Manager: Transport Systems Operations Mike Seabourne, Head of Transport

RECOMMENDATIONS

That the Council:

- (a) Receives the report "City Centre Parking Short Term Incentive Options".
- (b) Requests Staff to proceed with:
 - (i) Status quo (recommended)

Or

Alternatives (individually or a mix of):

- (ii) Further assessment of financial impacts associated with 60 minutes free and paid thereafter
- (iii) User engagement on price changes associated with Free after 3pm (off-street parking only)
- (iv) Development a Dynamic pricing programme
- (v) Implementation of an initial 30-minute free period through changing the provided no-payment grace time
- (vi) Installation of additional 'P5' loading bays and mobility spaces, including business engagement on appropriate locations

A MOTION WAS PROPOSED:

Moved: Mayor Mahé Drysdale

Seconded: Cr Rod Taylor

That the Council:

- (a) Receives the report "City Centre Parking Short Term Incentive Options".
- (b) Requests Staff to proceed with:
 - (v) Implementation of an initial 20-minute free period through changing the provided no-payment grace time
 - (vi) Installation of additional 'P5' loading bays and mobility spaces, including business and accessibility sector engagement on appropriate locations
 - (vii) Report back on options for parking validation including potential models, costs, and benefits.

AN AMENDMENT WAS MOVED:

Moved: Cr Glen Crowther Seconded: Cr Steve Morris

That the Council:

(i) Change the pricing in the City Fringe zone to \$1 per hour for the first 7 hours, with a daily maximum charge of \$7.

For: Cr Glen Crowther, Cr Steve Morris

Against: Mayor Mahé Drysdale, Cr Hautapu Baker, Cr Glen Crowther, Cr Hēmi Rolleston

Cr Marten Rozeboom, Cr Kevin Schuler and Cr Rod Taylor

Abstain Deputy Mayor Jen Scoular

LOST

The substantive motion was put to the meeting:

RESOLUTION CO/25/24/8

Moved: Mayor Mahé Drysdale

Seconded: Cr Rod Taylor

That the Council:

- (a) Receives the report "City Centre Parking Short Term Incentive Options".
- (b) Requests Staff to proceed with:
 - (v) Implementation of an initial 20-minute free period through changing the provided no-payment grace time
 - (vi) Installation of additional 'P5' loading bays and mobility spaces, including business and accessibility sector engagement on appropriate locations
 - (vii) Report back on options for parking validation including potential models, costs, and benefits.

CARRIED

Timestamp: 5 hours:23 minutes

11.5 Transport Resolutions Report No.57

Staff Shawn Geard, Manager: Transport Systems Operations Mike Seabourne, Head of Transport

RESOLUTION CO/25/24/9

Moved: Cr Hautapu Baker Seconded: Cr Glen Crowther

That the Council:

- (a) Receives the report "Transport Resolutions Report No.57".
- (b) Resolves to adopt the proposed traffic and parking controls associated with general safety, operational or amenity purposes as outlined in Appendix A, Attachments 7.1 7.2, 7.7, 7.9, 7.11, 7.16 and 7.23. The changes are to become effective on or after the 16 September 2025 subject to installation of appropriate signs and road markings, where appropriate.

CARRIED

At 2.59pm the meeting adjourned.

At 3.05pm the meeting reconvened.

Timestamp: 5 hours: 36 minutes

11.6 Tauranga Eastern Link Tolling Submission

Staff Andrew Mead, Head of City Planning & Growth Christine Jones, General Manager, Strategy, Partnerships & Growth

RESOLUTION CO/25/24/10

Moved: Cr Marten Rozeboom Seconded: Cr Hautapu Baker

That the Council:

- (a) Receives the report "Tauranga Eastern Link Tolling Submission".
- (b) Retrospectively approves Tauranga City Council's 'Tauranga Eastern Link Tolling' submission.

For: Mayor Mahé Drysdale, Deputy Mayor Jen Scoular, Cr Hautapu Baker, Cr Glen Crowther, Cr Hēmi Rolleston Cr Marten Rozeboom, Cr Kevin Schuler and Cr Rod Taylor

Against: Cr Steve Morris

Timestamp 5 hours:45 minutes

11.7 Fees and Charges Review: Confirmation of scope

Staff Holly Riddell, Corporate Planner

Christine Jones, General Manager, Strategy, Partnerships & Growth

Action

 That staff provide Councillors with information on the review of certain fees and charges that will be a focus for the financial year 2026/27, for the purposes of discussing with constituents.

RESOLUTION CO/25/24/11

Moved: Cr Kevin Schuler Seconded: Cr Marten Rozeboom

That the Council:

- (a) Receives the report "Fees and Charges Review: Confirmation of scope".
- (b) Confirms the review of the following user fees and charges will be a focus for the 2026/27 financial year:
 - · Parks and Recreation
 - Use of Council Land
 - · Cemetery and Crematorium
 - Libraries
 - Baycourt
 - Animal Services
 - Alcohol Licensing
 - Trade Waste
 - Building Services.
 - Cost recovery for illegal dumping
 - Boat ramp parking
 - Overweight vehicle permits
 - Section 224 sign-off inspections

Timestamp: 5 hours 53 minutes

11.8 Status update on actions from prior Council meetings

Staff Christine Jones, General Manager, Strategy, Partnerships & Growth

RESOLUTION CO/25/24/12

Moved: Cr Rod Taylor Seconded: Cr Kevin Schuler

That the Council:

- (a) Receives the report "Status update on actions from prior Council meetings".
- (b) Attachment 2 can be transferred into the open when the report that generated the action is no longer confidential.

CARRIED

12 DISCUSSION OF LATE ITEMS

Nil

13 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

RESOLUTION CO/25/24/13

Moved: Deputy Mayor Jen Scoular

Seconded: Cr Rod Taylor

That the public be excluded from the following parts of the proceedings of this meeting at 3.25 pm.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.1 - Asset Realisation Reserve - Disposal of Surplus Properties	s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) - The withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

Confidential				
Attachme	ent 2 -	11.8 -		
Status	update	on		
actions	from	prior		
Council meetings				

s7(2)(h) - The withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities

s48(1)(a) the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

The meeting resumed in open from 3.56 pm.

14 CLOSING KARAKIA

Deputy Mayor Scoular led the Council in a karakia to close the meeting.

The meeting closed at 3.58pm.

The minutes of this meeting were confirmed as a true and correct record at the Ordinary Council meeting held on 7 October 2025.

Mayor Mahé Drysdale
CHAIR

- 8 DECLARATION OF CONFLICTS OF INTEREST
- 9 DEPUTATIONS, PRESENTATIONS, PETITIONS

Nil

10 RECOMMENDATIONS FROM OTHER COMMITTEES

Nil

11 BUSINESS

11.1 Omanawa Falls Reserve name change

File Number: A15393616

Author: Ana Hancock, Team Leader: Design

Authoriser: Barbara Dempsey, Acting General Manager Infrastructure and

Operations

PURPOSE OF THE REPORT

1. To request approval to rename Omanawa Falls Reserve to Te Rere o Ōmanawa in accordance with Council's Naming Policy 2020.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Omanawa Falls Reserve name change".
- (b) Approves changing the name "Omanawa Falls Reserve" to "Te Rere o Ōmanawa".

BACKGROUND

- 2. The Ōmanawa Falls Reserve is owned and managed by Tauranga City Council ("Council") and lies within Western Bay of Plenty District, and within the rohe of Ngāti Hangarau.
- 3. Ōmanawa Falls Reserve is managed as a Heritage Reserve under the Tauranga Reserves Management Plan (TRMP), although is not formally classified as a reserve under the Reserves Act.
- 4. Council has been working closely with Ngāti Hangarau on the Ōmanawa Falls Safe Access project since 2019. The three streams of this project included providing physically and culturally safe public access to the falls, supporting the development of a cultural tourism experience and working towards co-management and/or co-governance. All three streams are guided by the Ōmanawa Principles (provided in Attachment 1). The Ōmanawa Principles were developed by Ngāti Hangarau in 2020 with support from Council's Pou Takawaenga team and first shared with Council at the 27 October meeting in 2020.
- 5. The Ōmanawa Falls Governance Group, made up of Ngāti Hangarau, Tourism Bay of Plenty and Council recommend that Ōmanawa Falls Reserve is renamed as Te Rere o Ōmanawa which is supported by the Ōmanawa Principles. 'Ōmanawa' translates into English as 'of the heart', and the full name means 'the waterfall of the heart'.

STRATEGIC / STATUTORY CONTEXT

- 6. Council adopted a revised Naming Policy in May 2020. The policy encourages locally significant Māori names for streets, reserves, community facilities and other public places in Tauranga and to enable greater visibility of mana whenua connections to Tauranga. Since adoption of the policy, Council staff have placed greater emphasis on identifying and promoting historically and culturally significant names in our public places.
- 7. Council's Naming Policy allows for the renaming of existing reserves where a new name would better meet the objectives of the policy to promote local identity and mana whenua connections. Council is responsible for all decisions to approve or decline requests to rename or dual name existing streets, reserves, community facilities and other public places.

8. Appropriately recognising known cultural values is included in the mission statement of the Tauranga Reserve Management Plan which has management statements for Ōmanawa Falls Reserve.

DISCUSSION

Significance of Ōmanawa Falls to Ngāti Hangarau

- 9. The name for the falls existed before European arrival, the development of the hydro power station and the creation of the reserve.
- 10. The Ōmanawa Falls are of particular importance to Ngāti Hangarau as explained in 'Significance of Ōmanawa Falls Excerpts from a statement prepared by Ngāti Hangarau offered as evidence for the resource consent hearing for the Ōmanawa Falls project' (Attachment 2). In summary, Ōmanawa means of the heart. Unlike some of the other waterfalls in the rohe, Ōmanawa Falls were a sign of good luck and were a place for fortune telling and for healing, as such the waterfall and the pool of water below are recognised by Ngāti Hangarau as wāhi tapu.
- 11. Ngāti Hangarau have provided the name Te Rere o Ōmanawa for use on the site signage (as well as te reo names for viewing platforms and the like). Renaming the Ōmanawa Falls Reserve to Te Rere o Ōmanawa, and the use of other Mana Whenua names is supported by the Ōmanawa Principles (Section 2):
 - 2. WHAKAPAPA: NAMES & NAMING
 - i) Restoration of Mana Whenua names at Ōmanawa, acknowledging significant sites, whenua/waterways and heritage including historic networks, interactions and relationships.
 - ii) Mātauranga ā hapū acknowledged. Inspiration for names is drawn from Ngāti Hangarau knowledge base and systems.
 - iii) Education to support the uptake of mātauranga ā hapū. Names, whakapapa and heritage education will be supported with resource/content creation onsite at Ōmanawa, online and in the wider community.

Why renaming is proposed instead of dual naming

- 12. Renaming the reserve is proposed for the following reasons:
 - (a) Ōmanawa Falls was originally a te reo name which was then anglicised. Renaming Ōmanawa Falls to Te Rere o Ōmanawa reverts to the original name however will continue to be recognisable to the local community as the Ōmanawa name is retained in both versions.
 - (b) The Ōmanawa Falls Safe Access Project has created a space with a strong cultural presence, with pouwhenua, a tomokanga and palisade fencing. The signage also has a distinctive cultural presence, with te reo names for each of the three lookouts. Renaming the reserve to Te Rere o Ōmanawa is in keeping with the look and feel of the site.
 - (c) Te Rere o Ōmanawa has already been in use on site signage, the council webpage and in media releases. Officially changing the name will formalise this existing use.
 - (d) The reserve has not had a long-standing relationship with the community. Up until about 2011 the reserve and the Falls themselves were not well known with the exception of the immediate Ōmanawa community and adventurous tourists. The reserve was closed in January 2016 and reopened on 1 December 2023.
 - (e) Under the naming policy (section 5.3.3) dual naming may be preferable in some circumstances to maintain local identity. In this case it is considered that the local identity for the reserve as a reserve is not high, as outlined above.
- 13. The Ōmanawa Falls Governance Group considers that renaming the reserve supports Mana Whenua connections and does not diminish local identity.

- 14. It is noted that the Naming Policy specifies that the naming of heritage reserves will reflect the historical significance of the area. Renaming Ōmanawa Falls Reserve to Te Rere o Ōmanawa is considered to enhance those historic values.
- 15. Ngāti Hangarau has advised that they intend to apply to the New Zealand Geographic Board to also rename the actual waterfall. The Governance Group will provide a letter of support to Ngāti Hangarau as part of their application and provide any other assistance as required. The Council may also wish to lend their support to Ngāti Hangarau in seeking this name change.

SIGNIFICANCE / ENGAGEMENT

- 16. Ngāti Hangarau and Tourism Bay of Plenty have been engaged in the renaming proposal for Te Rere o Ōmanawa and provide their full support.
- 17. Western Bay Council have also provided a letter of support for the name change which is included in Attachment 3.
- 18. Councils Naming Policy was adopted on 5 May 2020 following a public and stakeholder engagement process.
- 19. Further consultation and engagement with the wider public is not required as per clause 5.1.2 of the Naming Policy:
 - "In order to recognise the significance of names provided by mana whenua, Council does not consult on names proposed by mana whenua for the purposes of obtaining wider community approval."
- 20. Renaming Ōmanawa Falls to Te Rere o Ōmanawa does not meet the test of significance in the Significance and Engagement Policy requiring consultation. While it is of medium significance, due to the reasons outlined in paragraph 12 above, officers are of the opinion that no further engagement is required prior to Council making a decision.

NEXT STEPS

- 21. If approved, the name Te Rere o Ōmanawa will be formally recognised on supporting documents and records.
- 22. The Ōmanawa Falls Governance Group and potentially Council will support Ngāti Hangarau with their planned application to the New Zealand Geographic Board to officially rename the waterfall to Te Rere o Ōmanawa.

ATTACHMENTS

- 1. Omanawa Principles A15459791 🗓 🖫
- 2. Significance of Omanawa Falls Excerpts from Ngati Hangarau Statement A15459792
- 3. Letter of Support for name change from Western Bay A18767046 🗓 🖺

ŌMANAWA PRINCIPLES

1. MANA RANGATIRATANGA/AHIKAAROA – AUTHORITY

- i) Ka riro whenua atu, me hoki whenua mai.
 - For Ngāti Hangarau to exercise rangatiratanga over Ōmanawa with the return of lands to Ngāti Hangarau.
 - Ngāti Hangarau Mana rangatiratanga recognition of authority over water ways i.e., co-governance to have influence over flow rate, water take etc.
 - Ngāti Hangarau Spiritual authority recognised over Ōmanawa, spiritual practices exercised by Ngāti Hangarau i.e., rāhui, whakatapu, whakanoa.
- ii) Intellectual Property: Ngāti Hangarau owns the mātauranga at Ōmanawa.
 - Mātauranga ā hapū is acknowledged and protected i.e., place names, terms for flora and fauna, pūrākau etc.
- iii) Ngāti Hangarau will maintain rangatiratanga at Ōmanawa with collaboration and cocreation for any planning and development in Ōmanawa (IAP2).
- iv) Recognition of Ngāti Hangarau as exclusive authority for Resource Management Act as determined in Treaty of Waitangi.
 - To work with Bay of Plenty Regional Council and Western Bay of Plenty District Council for this principle to be acknowledged e.g., via consents and monitoring.

2. WHAKAPAPA: NAMES & NAMING

- i) Restoration of Mana Whenua names at Ōmanawa, acknowledging significant sites, whenua / waterways and heritage including historic networks, interactions and relationships.
- ii) Mātauranga ā hapū acknowledged.
 - Inspiration for names is drawn from Ngāti Hangarau knowledge base and systems.
- iii) Education to support the uptake of mātauranga ā hapū.
 - Names, whakapapa and heritage education will be supported with resource / content creation onsite at Ōmanawa, online and in the wider community.

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3. TAIAO: THE NATURAL ENVIRONMENT

- i) All projects and initiatives in the Ōmanawa area should actively restore Ōmanawa to its pre-European state.
 - Restoring and replanting taonga species of flora and fauna to Ōmanawa.
- ii) All projects, initiatives, and developments in the Ōmanawa area will be environmentally sustainable.
 - Solar powered, rainwater catchment for reuse etc.
- iii) <u>Kaitiakitanga: Ngāti Hangarau have exclusive authority to exercise kaitiakitanga at</u>
 <u>Ōmanawa as per the Resource Management Act and Treaty of Waitangi.</u>
 - Biosecurity, cultural monitoring etc.
- iv) Acknowledgement of Ngāti Hangarau kaitiakitanga as per 'Ngā wai whakaihi o ngā tupuna'.

4. MAURI TŪ, MAURI ORA: ENVIRONMENTAL HEALTH

- i) <u>Wairuatanga: Me hāngai ki te taha wairua, whakataha te taha tangata.</u>
- ii) <u>Recognition of 'indicators of life-giving essence' according to Ngāti Hangarau</u> mātauranga.
 - Acknowledgement of Ngāti Hangarau 'Mauri model' i.e., Te Oro o Ōmanawa, Te
 Oro o Te Wai e.g., rivers need to flow at a sustainable rate indicating Mauri Ora.
 Te Oro o te ngahere e.g., native bird song.
- iii) Ngāti Hangarau exercise rangatiratanga (see Principle 1) and wairuatanga, spiritual authority at Ōmanawa.
 - Maintaining spiritual protocols including whakanoa, whakatapu and rāhui to ensure the mauri of the area and spiritual safety for all.

5. TOHU WHENUA/MOANA: THE WIDER CULTURAL LANDSCAPE

- i) Whakamanahia! ALL sites are significant at Ōmanawa.
 - All sites are linked intrinsically together and embody the mana of Ngāti Hangarau, its people, stories, relationships and heritage.
- ii) Tohu (Signage)
 - Ngāti Hangarau korero (intellectual property) is acknowledged and protected now and into the future.
 - Tohu/taonga (pou, toi whakairo etc) are enduring and adequate time, resourcing and materials are provided.
- iii) Co-maintenance of current and future taonga with Ngāti Hangarau.

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6. MAHI TOI: CREATIVE EXPRESSION

- i) ALL creative expression will be sourced from Ngāti Hangarau.
 - Ngāti Hangarau mātauranga is acknowledged and uri are engaged for cocreation from beginning to end (as per principle 1; Rangatiratanga).
- ii) <u>Māturanga ā hapū (Ngāti Hangarau) and Ōmanawa taiao specific design elements acknowledged and represented over generic design.</u>
 - e.g., tuna/kupenga rather than pātiki.
- iii) Ngāti Hangarau/Mana whenua Intellectual Property is protected (as per principle 1; Rangatiratanga).

7. AHI KAA: THE LIVING PRESENCE.

- i) Active areas are identified & co-developed.
 - Multipurpose facility, landing viewing platform, entrance, ngā huarahi hīkoi etc.
- ii) Ngāti Hangarau uri are prioritised for projects/initiatives at Ōmanawa.
 - e.g., ranger, human resources, training, professional development.
- iii) Succession in practice.
 - Internships, apprenticeships and/or mentoring opportunities are provided for Ngāti Hangarau uri.

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ATTACHMENT 2

Significance of Ōmanawa Falls Excerpts from a statement prepared by Ngāti Hangarau offered as evidence for the resource consent hearing for the Omanawa Falls project.

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BEFORE THE BAY OF PLENTY REGIONAL COUNCIL AND THE WESTERN BAY OF PLENTY DISTRICT COUNCIL

UNDER The Resource Management Act 1991

IN THE MATTER of a resource consent application by Tauranga City Council and Ngāti Hangarau to authorise works to create physically and culturally safe access to Omanawa Falls, and to provide for a commercial tourism experience (involving guided tours and a supporting visitor centre with ancillary activities) and special events / hui / wananga, at 1031 Omanawa Road, Omanawa.

STATEMENT OF KORO NICHOLAS (Pirirākau, Ngāti Hangarau) AND TIMOTHY MICHAEL O'BRIEN ON BEHALF OF NGĀTI HANGARAU

28 MARCH 2022

CooneyLeesMorgan

ANZ Centre

Level 3, 247 Cameron Road

PO Box 143 TAURANGA 3140 Tel: (07) 578 2099 Fax: (07) 578 1433

Partner: Mary Hill mhill@clmlaw.co.nz

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1

INTRODUCTION

- 1. This korero provides evidence relating to:
 - 1.1 The historical association / cultural connection of Ngāti Hangarau with Omanawa Falls; and
 - 1.2 The position and role of Ngāti Hangarau in relation to the proposed works to create physically and culturally safe access to Omanawa Falls and provide for a commercial tourism experience (involving guided tours and a supporting visitor centre with ancillary activities), and special events.
- This k\u00f6rero draws on our knowledge of and relationship to the whenua, and we present this k\u00f6rero in accordance with tikanga M\u00e4ori as representatives of Ng\u00e4ti Hangarau.
- 15. Ngāti Hangarau are mana whenua in the Omanawa Falls area. We have primacy of mana over any other hapū, iwi or other entity in this area. The primacy of our mana at Omanawa has remained intact and unchallenged throughout our history.
- 16. The Omanawa river to Ngāti Hangarau is an extremely important watercourse within our rohe. There were 2 important waterfalls upon this river, the Omanawa falls and the Otukehu Falls.
- 17. The Otukehu falls, further upriver from Omanawa, have now fallen silent and dry because the waterflow was directed away during the construction of the Kaimai Hydro Scheme. The Omanawa and Otukehu falls were considered to have an inverse relationship. When one fall was giving signs of good fortune, the other would promote caution.
- 18. Our rivers and falls in the Kaimai are all important to us. We consider Omanawa Falls to be part of a connected system of waterbodies in this area. Each river and stream has value and significance and the communication with those bodies of water would usually occur at their major falls.
- 19. The names of our rivers, falls, pā and kāinga in the greater Kaimai area would often be named after parts of the body. For instance our village and waterfall Te Kaki which means neck. Other significant sites include the name for throat, womb, and manawa which means heart. From this explanation it is easy to see that the Omanawa (of the heart) falls are of paramount importance to us.

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Item 11.1 - Attachment 2

- 24. The whenua at Omanawa Falls has been the exclusive domain of Ngāti Hangarau for most of known history. Following Ngāti Hangarau's defence of our land at the battles of Pukehinahina and Te Ranga in April and June of 1864, and following the scorched earth campaign in the Kaimai hinterland in 1867 known unfondly as Te Weranga (the burning), the land was confiscated from us.
- 25. The title to the land has been passed on to many different entities since those times, but now it sits with Tauranga City Council, although it is in the rohe of the Western Bay District Council.
- 26. The principal marae of Ngāti Hangarau is at Bethlehem. In recent decades, as much of our land in Omanawa was lost to us through various means, our marae at Bethlehem has become our main centre of cultural expression. We have never lost the desire to continue our cultural practices in our significant areas such as Omanawa.
- 27. Ngāti Hangarau continue to believe that a close relationship with our awa, our whenua, our ngahere and our moana is an essential condition of maintaining a healthy environment.
- 28. The language, the epistemologies, the culture and the traditions of Ngāti Hangarau have been seeded, fertilised and propagated within this particular region of our planet. Our onomatopoeias are influenced by the calls of our local kōkako. Our generosity, like the sweet karaka berry, is given to those who respect the proper ways of interaction. Our aunties have mood shifts like our waterfalls either a soft murmuring spray, or a raging torrent.
- 29. Therefore the language of Ngāti Hangarau is the language of Omanawa. The tikanga of the Omanawa falls, is the tikanga of Ngāti Hangarau. No other people or culture throughout history can make this assertion.
- 30. The mana whenua status of Ngāti Hangarau compels us to do what is right by the whenua and the awa, to look after their interests and to speak with their voice. We are also obliged to dissuade other groups from enacting processes which may be contrary to, belittle, or place restrictions upon the expression of Omanawa tikanga.
- 31. Omanawa falls are one of the most significant falls in the rohe of Ngāti Hangarau. Our koroua Kaikohe Rolleston said:

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Item 11.1 - Attachment 2

7

"Omanawa and Te Korokoro falls were used to prophesy good luck and ill fortune and death. When Koro Koro sounded, it was a sign of bad luck and sometimes death, while Omanawa Falls were a sign of good luck"

- 32. Our people interact with the falls. We attune our senses to the subtle intricacies of the timbre, the lilt, the tone, the texture and the pitch of the sounds of the water and air. Our senses and our knowledge through experience help us to deduce, interpret and unveil the fortunes hidden within the water, the earth and the air.
- Omanawa falls is not just beautiful and picturesque, it is as vitally important of our identity as Ngāti Hangarau, as Ngāti Ranginui, as Takitimu waka.
- 36. Kaikohe goes on to explain his disdain of people who remain ignorant to the special character of this place:

"We are proud of our fortune tellers which foretold the luck of the Tribe. When you go into this land and treat it as common earth you make yourselves vandals in our eyes."

- 37. Apart from having a mystical association with fortunes, Omanawa falls has always been known amongst our hapū as a place of healing. As our people would seasonally migrate between the foreshore and the hinterlands, they would follow the rivers. Omanawa falls is a place where healing ceremonies were conducted to heal and purify travellers. Once the healing settled upon them, they would continue on.
- 38. Healing the mind was an important part of Omanawa Falls. When warriors would return from battlegrounds, before returning to their children and whānau, it was important to observe the cleansing rituals (pure/whakanoa) to release any tapu.
- 39. Possibly as a result of the healing rituals that take place at Omanawa falls, the local flora there is known to have strong healing properties rongoa. Kawakawa and karamu are often harvested from Omanawa to help with healing people.

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Item 11.1 - Attachment 2

¹ Kaikohe Roretana(Ngāti Hangarau) (1980).



07 March 2024

The Commissioners
Tauranga City Council

Tēnā koutou

Western Bay of Plenty District Council 1484 Cameron Road, Greerton, Tauranga 3112 P 0800 926 732 E info@westernbay.govt.nz

westernbay.govt.nz

Renaming of Ōmanawa Falls Reserve to Te Rere o Ōmanawa

We acknowledge the recent work at the Ōmanawa Falls Reserve, a significant project carried out by your Council together with Ngāti Hangarau and Tourism Bay of Plenty. Now it can be enjoyed safely by locals and visitors alike.

We understand the Ōmanawa Falls project Governance Group (which includes all those involved in the project at Ōmanawa Falls) would like to rename the reserve to Te Rere o Ōmanawa. The name Te Rere o Ōmanawa as we understand it, is the traditional name for the area and reflects the significance of it to Ngāti Hangarau. The renaming of the reserve would also align with the distinct cultural presence there following the recent placing of pouwhenua, a tomokanga, palisade fencing and the gifting of Te Reo names for each of the lookouts.

All these things go to the restoration of mana for Tangata Whenua and a wider understanding among the community of the knowledge systems and practices of iwi and hapū. Some of our naming policies here at Western Bay of Plenty District Council also provide the opportunity to have names that reflect the history and significance of areas for Tangata Whenua for the same reasons.

While we acknowledge that this reserve is in our district, the land is owned by Tauranga City Council and the relationship with local hapū in managing the reserve also sits with you, a relationship that has seen so much achieved already. For all these reasons we are fully supportive of the renaming of Ōmanawa Falls Reserve to Te Rere o Ōmanawa.

Ngā mihi,

John Holyoake

Chief Executive Officer

Western Bay of Plenty District Council

James Denyer

Mayor

Western Bay of Plenty District Council

Lonesgenger

A6015650

Te Kαunihera α rohe mai i ngā Kuri-α-Whārei ki Ōtamarākau ki te Uru

11.2 Elected Members' Code of Conduct

File Number: A14299755

Author: Clare Sullivan, Senior Governance Advisor

Jeremy Boase, Head of Strategy, Governance & Climate Resilience

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

PURPOSE OF THE REPORT

1. The purpose of the report is to consider and approve an updated Code of Conduct for elected members and for those appointed to Council committees or sub-committees.

RECOMMENDATIONS

That the Council:

(a) Receives the report "Elected Members' Code of Conduct".

and

EITHER

- (b) Adopts the updated Code of Conduct (Attachment 1 of this report); and
- (c) Agrees that the Independent Investigator's recommendations are

EITHER

(i) Binding on the Council

OR

- (ii) Non-binding on the Council
- (d) Provides for a committee to consider and decide on complaints of breaches under the Code of Conduct and

EITHER

(i) establishes a committee as soon as possible to consider and decide on complaints of breaches under the Code of Conduct (either binding or non-binding on the Council)

OR

(ii) defers establishing a committee to consider and decide on complaints of breaches under the Code of Conduct (either binding or non-binding on the Council).

OR

(e) Reconfirms the existing Code of Conduct included (Attachment 3 of this report).

EXECUTIVE SUMMARY

- 2. The Council is required to have a Code of Conduct under Clause 15, Schedule 7 of the Local Government Act 2002 (LGA 2002). The existing Code of Conduct was adopted in July 2020 and remains in operation unless and until replaced.
- 3. A Code of Conduct provides a framework where governance is undertaken with the highest degree of integrity, standards of behaviour are agreed, and where good debate and free expression of all views is carried out in a civil and respectful way. It also provides a framework for resolving situations that cannot be resolved in an informal and amicable way.
- 4. An updated Code of Conduct is recommended to be adopted based on the Local Government New Zealand (LGNZ) template incorporating best practice and recommendations from the Local Government Commission and includes recent legislative changes, including the Local Government (Pecuniary Interests Register) Amendment Act 2022.
- 5. Information sessions have been held with elected members regarding the Code of Conduct on 13 March 2025 and 4 September 2025. Elected members' feedback includes emphasis on informal resolution, team cohesion and respectful conduct.
- 6. It is recommended that the draft Code of Conduct be adopted, with or without amendments, as this:
 - aligns with sector best practice and recent legislation
 - · clarifies unacceptable behaviour
 - strengthens governance through clearer processes and independent complaint handling
 - distinguishes between trivial and serious breaches of the Code and avoids spending time and resources on hearing complaints on inconsequential matters
 - enhances transparency via updated interest and gift registers
 - prepares Council for transition to a national Code of Conduct if that occurs.
- 7. Failure to adopt an updated Code of Conduct may undermine public trust, and deferring adoption prolongs reliance on an outdated framework. Material breaches may impact on Council's reputation if not managed transparently and the updated Code continues with the independent investigator approach.
- 8. The Council has decisions to make including:
 - **Binding recommendations**: Does the Council opt to be bound by an independent investigator's findings?
 - **Committee establishment:** Does the Council opt to set up an independent committee now or provide for the ability to set up a committee at a later date? Does the Council opt to be bound by an independent committee's recommendations?
 - Council makes decisions on breaches of the Code of Conduct: Does the Council
 opt to retain decision making on recommendations from an independent investigator
 and/or independent committee?
- 9. The previous elected Council established a Code of Conduct Committee comprising of independent members to decide on complaints referred to it.
- 10. Next steps include:
 - publishing the adopted Code of conduct on council's website and distribute to members

- monitoring the release of any national Code of Conduct by the Secretary of Local Government
- depending on the Council's decision to establish an independent Committee, determining the terms of reference and call for expressions of interest for membership
- the Chief Executive compiling a list of independent investigators to be agreed in consultation with the elected members.
- 11. The Local Government (System Improvements) Amendment Bill, if enacted as currently drafted, provides the opportunity for the Secretary of Local Government to issue a standardised Code of Conduct. If the Secretary issues such a Code of Conduct, all councils will be required to adopt it. The Local Government Commission has been tasked with preparing a draft standardised Code of Conduct and has recently consulted on its draft. The latest information we have is that the Bill is likely to be enacted before the end of 2025 and that the Local Government Commission will report to the Minister on their draft standardised Code of Conduct on a similar timeframe.
- 12. An alternative recommendation (recommended resolution (d)) has been provided to reaffirm the existing Code of Conduct if Council believes this approach is sufficient in light of a potential standardised Code of Conduct being mandated in 2026.

BACKGROUND

- 13. A Code of Conduct is designed to promote effective working relationships between elected members, the Chief Executive and staff, and the community and contributes to:
 - good governance of the city
 - effective decision-making and community engagement
 - building community confidence in our systems and processes and increasing the credibility and accountability of the Council with its communities
 - building a culture of mutual trust and respect between elected members and with the Chief Executive and the Executive Team.
- 14. The Code of Conduct is not a means of preventing members from expressing their views provided they are clearly signalled as personal views. Rather the Code of Conduct is designed to promote good debate and free expression of all views by providing a framework to ensure the means of debate is carried out in a civil and respectful way. It works alongside other mechanisms, like Standing Orders, that provide rules for the conduct of meetings, while a Code of Conduct governs the day to day and less formal relationships.
- 15. The Code of Conduct sets boundaries on standards of behaviour and is based on elected members committing to developing meaningful relationships, working well together and working as a team.
- 16. The TCC Code of Conduct was adopted in July 2020 and remains in force until it is replaced. The Code is outdated as there have been legislative changes that are not reflected in it, and also an updated template issued by LGNZ which includes some best practice matters. It is timely to review and update the Code of Conduct.
- 17. TCC's current Code of Conduct distinguishes between trivial and serious breaches of the code and the draft Code provides more clarity around this.
- 18. It also provides a framework for situations when resolution cannot be reached between parties. A complaint regarding a breach of the Code can only be made by members themselves, or the Chief Executive, who can make a complaint on behalf of their staff.

STRATEGIC / STATUTORY CONTEXT

- 19. Clause 15 of Schedule 7 of the Local Government Act 2002 states that a council must adopt a Code of Conduct for members and that it may be amended or replaced at any time but may not be revoked without replacement and requires a vote of at least 75 percent of members present at the meeting. An elected member must comply with the Code of Conduct.
- 20. If Council chooses not to adopt an amended Code of Conduct, the current Code of Conduct will remain in place. Recommended resolution (d) has been provided to formalise this as a positive action, though such a resolution is not strictly necessary as the effect of passing no resolution will be the same (i.e. the existing code continues).
- 21. The Local Government (System Improvements) Amendment Bill ("the Bill") published on 14 July 2025 is due to be enacted before the end of 2025. Under the Bill a national Code of Conduct may be issued by the Secretary of Local Government (Chief Executive of the Department of Internal Affairs) under Schedule 7 of the LGA 2002 and, if issued, this Code of Conduct will be required to be adopted by all councils. There is no definite timeframe for the Secretary to do this and each council's Code of Conduct will continue to have effect after the Bill is enacted until the Secretary approves and issues a national Code of Conduct. The Bill states that this is to strengthen council transparency and accountability. Currently each council adopts their own Code, mostly based on templates developed for the sector, and these reflect each council's decisions and preferences.

STRATEGIC ALIGNMENT

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

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

CODE OF CONDUCT

LGNZ Template

- 23. LGNZ issued a <u>new template</u> in 2022 which includes best practice and recommendations identified in the 2021 <u>Local Government Commission's report</u> to the Minister of Local Government on Local Government Codes of Conduct. The Office of the Auditor General had <u>reported on Codes of Conduct</u> in 2006 and had noted there were a number of issues with managing Code of Conduct breaches but found that overall councils' compliance was high and councils see value in having a Code of Conduct.
- 24. A significant change in the LGNZ 2022 template is the emphasis on managing specific types of behaviours, such as bullying and harassment, regardless of where the member is engaging, such as social media, in meetings, or other types of interactions between members. The following has been included in the template:
 - An explicit description of unacceptable behaviours.
 - An acknowledgement of Te Tiriti o Waitangi as the foundational document for Aotearoa New Zealand and a description of Te Tiriti principles and how they apply to councils

- An acknowledgement of the principles of good governance²
- An amended approach to investigating and assessing alleged breaches designed to ensure the process is independent and focused on serious rather than minor or trivial complaints.
- 25. The LGNZ template recommends adopting a policy for dealing with alleged breaches of the Code of Conduct with a choice of doing this at the same time as adopting the Code of Conduct or separately. The draft Code of Conduct includes a policy in section 9.
- 26. The Local Government Commission in their report stated that "codes should provide for the proactive release of investigation outcomes in a timely manner and consistent fashion, in line with LGOIMA". The draft Code of Conduct clearly states that all reports from the Chief Executive, including the full independent investigator's report, will be received in a public meeting, unless grounds exist for the exclusion of the public in section 48 of the Local Government Official Information and Meetings Act 1987 (LGOIMA).
- 27. The LGNZ template provides case studies for assessing potential breaches. The LGNZ template will be made available on TCC's website for members' and the public's information and reference. The case studies have not been included in the draft Code of Conduct.

Tauranga City Council's Code of Conduct

- 28. An elected members briefing was held on 13 March 2025 to consider a new Code of Conduct and the key changes to the LGNZ template to gauge whether these amendments should be incorporated into the new Code of Conduct. A follow-up briefing was held on 4 September 2025.
- 29. Elected members' feedback was that the focus should be on supporting members to develop and strengthen positive and meaningful relationships and working well together as a team. Any issues arising between parties should firstly be facilitated in an informal, proactive and conciliatory way.
- 30. A Code of Conduct also identifies a process to follow if a more serious breach of the Code of Conduct occurs or where resolution between parties was not possible.
- 31. A clean copy of the draft Code of Conduct is set out in **Attachment 1** for ease of reading. A tracked changed version of the current Code of Conduct in **Attachment 2** sets out the changes, additions and deletions recommended to be adopted. For completeness, a clean copy of the existing Code of Conduct is included as **Attachment 3**. Commentary on each section in the draft Code of Conduct is set out below.

Introduction - Section 1

- 32. The Introduction section of the Code of Conduct includes wording from the LGNZ template sections "Why a code of conduct?" and "Review and amendment" and summarises the templates appendix on legal requirements for a Code of Conduct without repeating the wording of the legislation. It includes wording from the current Code of Conduct's Scope (section 3) and retains the declaration of office made by members from the current Code of Conduct.
- 33. The draft TCC Code of Conduct keeps the same format as the previous Code of Conduct and does not follow the LGNZ template which has parts and appendices attached to each part. The proposed format is considered easier to read.

https://www.gov.uk/government/publications/the-7-principles-of-public-life

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² Referred to as the Nolan principles, drawn from the UK Government's Committee on Standards in Public Life and the findings of the 1994 Nolan Inquiry

Members' commitment – Section 2

34. This is a new section taken from the LGNZ template and sets out what members are committing to when adopting the Code of Conduct.

Definitions – Section 3

35. This is a new section taken from the LGNZ template. The current section 3, Scope, has been moved in part to the Introduction section of the draft Code of Conduct. The Code of Conduct will apply to an elected or appointed member of the Council or any committee or sub-committee. A section on definitions helps to understand who the Code of Conduct applies to.

Te Tiriti o Waitangi - Section 4

- 36. This is a new section taken from the LGNZ template and sets out a commitment for the Council to operate in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi.
- 37. This section sets out the Council's obligations in decision-making to provide for Māori participation in local authority decision-making, as set out in Principle 14(1) (d) and section 81 of the LGA 2002.
- 38. The Council has the option of alternative wording, for example referring to TCC's Our Direction, Te Ao Māori approach.
 - "Tauranga City Council will understand and apply key Māori concepts to enhance outcomes for our communities, thereby bringing to life the principles of Te Tiriti o Waitangi. These are set out in Our Direction, Te Ao Māori Approach. Te Ao Māori is the Māori world, where the world is perceived holistically, acknowledging the interconnectedness and interrelationships of all living and non-living things. When in balance, this supports healthy environments and healthy communities. These life giving principles are acknowledged and underpin all aspects of Māori society:
 - Manaakitanga ahurutanga/haumarutanga a strong duty of care and safety for our people
 - Rangatiratanga mana motuhake self determination; tikanga best practice; tāuutuutu reciprocity
 - Kaitiakitanga stewardship of the natural environment
 - Whanaungatanga relationships and network support systems
 - Wairuatanga mana atua & whakapono a well-grounded belief system that supports instinct and intuition in line with whāia te tika – the pursuit of the right way forward
 - Tūmanako the objectives and aspirations of the community whai rawa/ōhanga financial sustainability, economic health and business strategy
 - **Te Reo Māori** active commitment to protect and promote this taonga, the Māori language, for future generations of all New Zealanders"

Principles of good governance - Section 5

- 39. This section was previously called "Values" and the principles taken from the LGNZ template are similar to the values. The track change version highlights where the current values line up with the LGNZ principles and where these have been moved to the Behaviours Section 6.
- 40. The principle of free speech from the current Code of Conduct has been reworded to "Free speech: members will respect and foster the free exchange of information and the expression of diverse opinions by other members."

- 41. The wording of the Free Speech principle aligns with the Bill that intends add two new governance principles:
 - Fostering the free exchange of information and expression of opinions by elected members; and
 - Fostering the responsibility of a local authority's elected members to work collaboratively to set its agenda, determine its policy and make decision on behalf of its communities.

Behaviours - Section 6

- 42. The current TCC Code of Conduct includes a section on roles and responsibilities. This is not included in the LGNZ template and it is recommended that this section be deleted. This information is held in other documents such as the Local Governance Statement. The new section "Behaviours" sets out the standards of conduct that members agree to whenever they are on Council business and includes explicit descriptions of unacceptable behaviours. In doing so the Code of Conduct sets boundaries on standards of behaviour.
- 43. These behaviours are covered under the headings of:
 - Respect
 - Bullying, harassment, and discrimination
 - Sharing information
 - Expressing personal views publicly
 - Provide equitable contribution
 - Disrepute
 - Use of position for personal advantage
 - Impartiality
 - Maintaining confidentiality
- 44. Social media protocols in Appendix A are recommended to be included in the draft Code of Conduct. The LGNZ template refers members to the LGNZ Good Governance Guide for social media protocols, however the Guide does not specify social media protocols. The Guide provides helpful information for members on using social media and keeping safe.

Register of Interests – Section 7

- 45. The requirement for elected members to declare pecuniary (financial) interests has tightened up since the current Code of Conduct was adopted, with new legislation passed in 2022³ which supersedes this section of the Code of Conduct.
- 46. The new legislation did not require members to declare the pecuniary interests of their associates (defined as as a spouse or domestic partner or any family members living with them) or require declarations of non-pecuniary (non-financial) interests, both of which are covered by the Local Authorities (Members' Interests) Act 1968 ("LAMIA").
- 47. To meet both laws we have developed a form for members to complete that includes two sections, one section to cover the pecuniary interest requirements as set out in the LGA 2002 and one section to cover the non-pecuniary interest requirements as set out in LAMIA. TCC was previously providing a summary of both pecuniary and non-pecuniary information to the public on the Council website to promote transparency, and this has been continued. Appendix C is no longer fit for purpose and will be deleted. Appendix B has details of the new and existing legislation relating to declarations of interest.

³ Local Government (Pecuniary Interests Register) Amendment Act 2022 that amended the LGA (sections 54A-I) introduced the compulsory requirement for elected members to complete a pecuniary interest form and for a summary of the forms to be made publicly available.

48. It is recommended that a section on Register of Interests is retained and updated to refer to the new legislation rather than relying on members finding the information in Appendix B.

Regulatory Register

- 49. TCC's current Code of Conduct includes a requirement to complete a Regulatory Register (in section 9.2) where there is potential for elected members to be seen to be influencing a regulatory and/or compliance outcome.
- 50. The inclusion of the Regulatory Register was designed to:
 - promote greater transparency for the public and staff working in the regulatory and compliance areas of Council.
 - provide protection for elected members from perceived conflicts of interest.
 - provide protection for staff from perceived pressure and interference in regulatory and compliance decisions.
- 51. This register was rarely used, and it is recommended that the Regulatory Register requirement be deleted from the Code of Conduct.

Gift Register - Section 7.2

52. The Local Government (Pecuniary Interests Register) Amendment Act 2002 also supersedes this section of the Code of Conduct and requires a description of gifts of more than \$500 to be declared as well as travel outside of New Zealand that is not paid for by the member or their family. It is recommended that this section be retained and amended to refer to the new legislation rather than relying on members finding the information in Appendix B

Dress Code

53. The LGNZ template does not include any commentary on members' dress code, and it is recommended that the TCC Code of Conduct follow this lead and remain silent on members' dress code. It is recommended that this section be deleted.

Undischarged Bankrupt - Section 8

54. The Council has a choice under Clause 5 of Schedule 15 of the Local Government Act 2022 to include a requirement for a member to declare whether or not they are an undischarged bankrupt. TCC's current Code of Conduct includes this requirement, and it is recommended that this section remains in the Code of Conduct.

Policy on dealing with alleged breaches of the Code - Section 9

- 55. The LGNZ template states that to be effective a Code of Conduct needs to be 'owned' by elected members and that members must be comfortable with the content and the processes for investigating breaches. The LGNZ template has outlined a process for investing and assessing alleged breaches that is independent and focused on serious rather than minor or trivial complaints.
- 56. TCC's current Code of Conduct already distinguishes between minor or non-material and serious or material breaches. The definition of materiality was included in the TCC Code of Conduct to provide for this distinction. This definition does not appear in the LGNZ template, but the intent is similar. It is recommended that the definition of materiality be retained.
- 57. Members at the time the Code of Conduct was adopted in 2020 had experience of breaches occurring and spent time on the breaches section to ensure it fitted with their lived experience. New Appendix C sets out the steps when a complaint has been received and there are minor changes proposed to the current appendix.
- 58. The principles that will guide any investigation have been re-worded in the LGNZ template but essentially stay the same.

Independent Investigator - Section 9.4

- 59. The LGNZ template gives two options, a single step or two step assessment process to be followed after a complaint is received. Both are independent of the Council.
- 60. A **single step process**, in which the chief executive refers all complaints to an independent investigator who determines whether the complaint is valid and, if so, recommends an action(s) appropriate to the level of materiality or significance of the breach.
- 61. A **two-step process**, in which the chief executive refers all complaints to an initial assessor who determines whether the complaint is valid and, if so, can refer the complaint to a mayor/ chair or recommend that the parties undertake mediation. Where the nature of a breach is significant and where mediation is not an option (or not agreed to) then the initial assessor will refer the complaint to an independent investigator, who may also re-assess the complaint.
- 62. It is recommended that a single step process is included in the draft Code of Conduct to avoid double handling.

Independent Investigator's Powers - section 9.4.2

- 63. The LGNZ template gives options for the recommendations of the independent investigator to be binding or non-binding on the Council, or the committee with the delegated powers to make decisions. The LGNZ rationale for opting for the recommendations to be binding are:
 - "A key principle is that the process for investigating an alleged breach must be politically independent and be seen to be so. The proposal for investigating and making recommendations is designed to achieve that independence, however, the perception of independence and objectivity may be lost if it is elected members who decide the nature of the action to be taken when a complaint is upheld, particularly in councils with small numbers of elected members.
 - One solution is for a local authority to agree to be bound by an independent investigator's recommendations. A slight variation would be to create an independent committee to consider an independent investigator's recommendations and either endorse or amend them. The local authority would agree to be bound by that external committee's recommendations."
- 64. The draft Code of Conduct provides for either/or wording depending on the decision of the Council to be bound or not bound by the independent investigator's recommendations, and these are highlighted in yellow in both the track change version and clean copy of the draft Code of Conduct.

Code of Conduct Committee

- 65. The Council can establish an independent committee to consider and decide on complaints referred to it.
- 66. The Office of the Auditor General (OAG) was critical of the failure to guard against the risk of members with an interest in a complaint taking part in the decision on whether or not to uphold a complaint. Those members who are interested parties in the complaint should not take part in discussions on the matter or decide or determine penalties.
- 67. To avoid that situation and ensure processes are free of bias, especially when all councillors might be seen to be interested parties, it was recommended by the OAG that councils consider establishing an independent committee to consider and decide on complaints of breaches of the code.
- 68. The Code of Conduct Committee was established in September 2020 after calling for expressions of interest. Six people were appointed, and the idea was that a three-person committee would meet, based on their availability and experience, to consider the outcome of any breach. The Committee did not meet. Information on this Committee is available on the Council's website.
- 69. The terms of reference for the Code of Conduct Committee were:

- (a) To consider and decide on Code of Conduct complaints referred to the Committee, including the findings of an independent investigator, and determine whether or not a penalty or action should be imposed, and if so, the nature of that penalty or action;
- (b) To refer the final Code of Conduct Committee decisions to the Chief Executive for implementation;
- (c) To consider any matters relating to the Code of Conduct and/or the behaviour of elected members referred to it by the Council for advice.
 - And that in fulfilling the terms of reference the Code of Conduct Committee will:
- (d) In considering a report from the Chief Executive, ask, if necessary, the investigator to provide briefing on their findings and invite the complainant and respondent to speak to any written submissions that might have been made;
- (e) Conduct its business in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, in which case it will be a closed meeting;
- (f) Ensure that penalties or actions recommended in response to a serious breach of the Code are proportionate to the breach and consistent with the actions set out in the Code.
- 70. The draft Code of Conduct refers to a committee with delegated responsibility to consider the independent investigator's recommendations relating to complaints of breaches of the Code. This enables the Council to establish a committee now or at a later stage, without having to change the Code of Conduct to do so.
- 71. If the Council does set up a committee with delegated responsibility the Council will need to decide if the Council would agree to be bound by that committee's recommendations.
- 72. The recommendations have an either/or choice to establish a committee as soon as possible or defer establishing a committee.

Actions that may be applied when a breach has been confirmed – section 19.6

73. Actions that may be taken against a member found to be in breach are set out in section 19.6. and is taken from the LGNZ template. This section includes a set of principles and a fuller list of actions than the current Code of Conduct and a note on which actions would typically be reported to a public meeting.

OPTIONS ANALYSIS

74. The Council has the following options:

Option	Advantages/disadvantages
Option 1 – Adopt the draft Code of Conduct <i>(recommended)</i>	The Code is based on a best practice template. Aligns the Code with up-to-date legislation relating to elected members.
	Consistent with Codes adopted by other councils.
Option 2 - Do not adopt the draft Code of Conduct	Members may require more time to consider the draft Code. This would result in a delay to introducing a new Code and the continuation of the current out of date Code. This may undermine public trust, and deferring adoption prolongs reliance on an outdated framework.
Option 3 – Adopt the draft Code of Conduct with amendments	Members can opt to make changes to the draft Code.

FINANCIAL CONSIDERATIONS

75. Costs relating to complaints will be met within the Governance budget where possible.

LEGAL IMPLICATIONS / RISKS

- 76. The current Code of Conduct continues in place until an amended Code of Conduct is adopted by the Council. An elected member must comply with the Code of Conduct.
- 77. A breach of the Code of Conduct does not constitute an offence under the Local Government Act 2002.
- 78. If a complaint is potentially a legislative breach, and outside the scope of the Code of Conduct, the Chief Executive will refer the complaint to the relevant agency. If a member is convicted of a criminal offence punishable by two or more years imprisonment, or if they cease to be or lose their status as an elector then an elected member is automatically disqualified from office. Prosecution by the Audit Office for breaches of the Local Authorities (Members' Interests) Act 1968 which leads to conviction can also lead to the member losing office.
- 79. Inviting the Auditor-General to prepare a report on any financial loss or damage suffered by a local authority as a result of a breach could potentially lead to the member having to personally make good the loss or damage.
- 80. Material breaches may impact on Council's reputation if not managed transparently.
- 81. Codes of Conduct are helpful in clarifying the requirements about members' conduct in relation to staff and are considered to play an important role in reducing legal risk for councils in the area of employment disputes with chief executives and employment law risks.

TE AO MĀORI APPROACH

82. The adoption of the Code of Conduct aligns with all the principles of Te Ao Māori. The Code sets out a commitment for the Council to operate in a manner that recognises and respects the significance of the principles of Te Tiriti o Waitangi.

CLIMATE IMPACT

83. The adoption of Code of Conduct is an administrative requirement and does not impact on the climate.

CONSULTATION / ENGAGEMENT

84. There is no requirement to consult or engage the community about the contents of the Code of Conduct.

SIGNIFICANCE

- 85. 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.
- 86. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the matter.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.

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

ENGAGEMENT

88. 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

- 89. Next steps are:
 - publish the adopted Code of Conduct on TCC's website and distribute to members
 - monitor the release of any national Code of Conduct by the Secretary of Local Government
 - depending on the Council's decision to establish an independent Committee, determine the terms of reference and call for expressions of interest for membership
 - the Chief Executive to compile a list of independent investigators to be agreed in consultation with the elected members.

ATTACHMENTS

- 1. Code of Conduct 2025 Draft without track changes A18538213 (Separate Attachments 1)
- 2. Code of Conduct 2025 Draft with track changes A18499588 (Separate Attachments 1)
- 3. Code of Conduct final adopted 14 July 2020 A11610616 (Separate Attachments 1)

11.3 Standing Orders

File Number: A17100981

Author: Clare Sullivan, Senior Governance Advisor

Jeremy Boase, Head of Strategy, Governance & Climate Resilience

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

PURPOSE OF THE REPORT

1. The purpose of the report is to adopt an updated Standing Orders based on a plain English version and decide on the Standing Orders which are discretionary.

RECOMMENDATIONS

That the Council:

(a) Receives the report "Standing Orders ".

EITHER

- (b) Adopts the Standing Orders (Attachment 1 of this report) with the following retentions and changes:
 - (i) Based on the plain English version based on Local Government New Zealand's template which includes additions to the "principles" section and retains the free speech principle.
 - (ii) Change the time frame when the Council must resolve to continue a meeting from eight to six hours (Standing Order 4.2 (b))
 - (iii) Retain the delegation to the Chief Executive during the election interregnum period (Standing Order 6.6)
 - (iv) Add new Standing Orders 8.9 to 8.12 relating to urgent meetings following an election that may be called as set out in the legislation but not previously in Standing Orders.
 - (v) Add quorum provisions for the Mayor appointed as a member of a joint committee solely due to section 41A (5) of the Local Government Act 2002 (where the Mayor is a member of each committee) they are not counted towards the quorum (Standing Order 11.4).
 - (vi) Retain the leave of absence provisions in Standing Order 13.3.
 - (vii) Retain the apologies provisions in Standing Order 13.5.
 - (viii) Retain the right for members to attend by audio-visual link (Standing Order 13.7)
 - (ix) Add quorum provisions which enables members to be counted towards a quorum when attending meetings by electronic link (Standing Order 13.8).
 - (x) Change time limits for public forum/delegations' speakers to five minutes (excluding questions) with a limit of two speakers per organisation and tighten up restrictions on who can speak at the Mayor/Chair's discretion (Standing Orders 15.1, 15.2, 16.1 and 16.2).
 - (xi) Add that for petitions presented in an electronic format, the petitioner must indicate as best they can when presenting the petition how many signatories live within the Tauranga City Council boundaries (Standing Orders 17.1 (b)).
 - (xii) Retain the casting vote provision for the Mayor/Chair (Standing Order 19.3).
 - (xiii) Retain the recording of a division if the vote is not unanimous (Standing Order 19.4 (e)).
 - (xiv) Retain the ability to use a suitable electronic voting system (Standing Order 19.4)
 - (xv) Add references to Code of Conduct previously removed in 2021 as these did not apply to Commissioners (Standing Orders 20.2 20.3).
 - (xvi) Add time limits of five minutes when speaking to motions and amendments (Standing Order 21.2).
 - (xvii) Retain Option C for motions and amendments (Standing Order 22.4) and Appendix 5.
 - (xviii) Add new Standing order 23.5 enabling the meeting to amend a motion subject to the agreement of the mover and seconder.

- (xix) Add additional "reasons for not accepting an amendment" to Standing Order 23.6
- (xx) Add in where "reasons for decisions" are able to be included in a resolution (Standing Order 23.13).
- (xxi) Add criteria on what is included in Minutes, agreed at the Council workshop on 3 December 2024 (Standing Order 28.2).
- (xxii) Retain Appendix 8 on workshops and add a few additional points as set out in the Guide to Standing Orders relating to workshops.

OR

(c) Retain the existing Standing Orders (Attachment 3 of this report).

EXECUTIVE SUMMARY

- 2. Council is asked to adopt updated Standing Orders based on Local Government New Zealand's (LGNZ) plain English template, incorporating legislative updates and discretionary provisions. The revised Standing Orders set out in **Attachment 1** aim to improve clarity, accessibility, and alignment with current legal requirements.
- 3. The updated Standing Orders:
 - align with best practice and statutory obligations and ensures Council processes remain lawful and consistent
 - enhances transparency and inclusivity for the public
 - reinforces behaviour standards and promotes governance integrity by reinstating Code of Conduct references
 - provides for operational efficiency by including time limits for speakers
 - facilitates modern governance tools (e.g. electronic voting)
- 4. The current Standing Orders were adopted on 22 February 2021. Standing Orders stay in place until changed with a 75% majority of members present and voting. If members choose not to adopt these draft Standing Orders the current ones will continue to apply. The updated version includes legislative changes since the previous version was adopted and this legislation applies even when the standing orders have not been updated but it is best practice to adopt standing orders that are consistent with the current legislation.
- 5. The Council is asked to make decisions on discretionary matters. These are set out in more detail in the Options section of the report. Feedback from elected members on these discretionary matters has been included in the updated version. The main discretionary matters for the Council to decide on are:
 - Right to attend by audio or audio-visual link recommend retain
 - Quorum provisions which enable members to be counted towards a quorum when attending meetings by electronic link – recommend add
 - Mayor/chair casting vote recommend retain
 - Option for speaking to and moving motions and amendments recommend retain Option C
 - Time limits for speaking to motions and amendments recommend add 5 minutes
 - Time limits for public forum and deputations recommend add 5 minutes (excluding questions)
 - Code of Conduct provisions recommend add these back in

- Electronic voting provisions recommend these be retained
- Criteria for electronic petitions to determine how many signatories live in Tauranga
 City recommend add
- Formalising what is included in minutes recommend add
- 6. Minor changes proposed to be included or retained in the updated Standing Orders are itemised in the report and in the recommendations.
- 7. LGNZ also produced a Guide to Standing Orders (see **Attachment 2**) which includes non-essential matters transferred from the previous Standing Orders template. This Guide discusses individual clauses and is helpful to be read alongside the Standing Orders. The Guide discusses the discretional matters for councils to consider and provides commentary on workshops/briefings which are included in Appendix 8. Staff intend that this Guide be added to the Council's **Standing Orders website**.
- 8. Next steps include publishing the updated Standing Orders and Guide on Council's website, distributing these electronically to elected and appointed members and monitoring and reviewing the electronic petition provisions after one year.
- 9. These Standing Orders will continue to have effect until Council amends them or a national set of Standing Orders are issued by the Secretary of Local Government which will be required to be adopted by all councils. This change is proposed in the Local Government (System Improvements) Amendment Bill that will likely be enacted before the end of 2025. Standards New Zealand is currently developing a set of standardised Standing Orders at the request of the Minister. It is not clear when any new set of standardised Standing Orders will be issued once the Bill has been enacted.

BACKGROUND

- Standing Orders adopted on 22 February 2021 (see Attachment 3), continue to apply to the meetings of the Council and its committees and stay in place until changed with a 75% majority of members present and voting.
- 11. Standing Orders contain rules for the conduct of the proceedings of local authorities, committees and subcommittees. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner which contributes to greater public confidence in the quality of local governance. Standing Orders are also a means of recording the Council's agreed principles of behaviour within meetings.
- 12. The Standing Orders are structured in three parts:
 - Part 1 deals with general matters
 - Part 2 deals with pre-meeting procedures
 - Part 3 deals with meeting procedures
 - Appendices
- 13. An updated version of Standing Orders was released by Local Government New Zealand (LGNZ) and this version is used as the basis for the draft Council's Standing Orders recommended for adoption. This puts standing orders into plain English so that everyone can understand them. This version has been updated with new legislation or legislation that was not previously included. The design is more user friendly and makes it easier to navigate by shifting non-essential matters to the Standing Orders Guide. There is no track change version from the current Standing Orders as there are many changes however the standing orders referred to in this report are highlighted in yellow for easy reference.
- 14. LGNZ also produced a Guide to Standing Orders which includes non-essential matters transferred from the previous template e.g. protocols for livestreaming of meetings. This Guide discusses individual clauses and is helpful to be read alongside the Standing Orders. The Guide discusses the discretional matters for councils to consider and provides commentary on workshops/briefings. It also discusses appointment of co-chairs. The Guide

- looks at local government's obligations under Te Tiriti o Waitangi and gives examples of what could be included in standing orders e.g. holding meetings on marae, inviting mana whenua organisations to appoint representatives on council committees and working parties.
- 15. Three sessions have been held with elected members relating to Standing Orders including a training session on 27 August 2024, a workshop on minutes on 3 December 2024 and a briefing session on Standing Orders and Code of Conduct on 13 March 2025. Feedback from elected members has been included in the draft Standing Orders.

STATUTORY CONTEXT

- 16. The Council is required by <u>Clause 7</u>, <u>Schedule 7</u> of the LGA 2002 to adopt a set of Standing Orders that control the way the Council's meetings are conducted. The Standing Orders must not contravene the Local Government Act 2002 (LGA 2002), the Local Government Official Information and Meetings Act 1987 (LGOIMA) or any other Act. All members of a local authority must abide by standing orders.
- 17. Amendments to Standing Orders require a vote of not less than 75% of members present and voting. Members must comply with Standing Orders.
- 18. Much of what is covered in Standing Orders capture the statutory requirements around meetings, and references are made at the end of each Standing Order to the legislative provisions in both LGA 2002 and LGOIMA. However, there are those standing orders which are not statutory requirements, and these could be suspended at any given meeting.
- 19. If the Council decides to suspend any of the non-statutory standing orders during a meeting, the reason for the suspension must be stipulated and resolved by 75% of those present and voting.
- 20. <u>Clause 16, Schedule 7</u> of the LGA 2002 states that a member of a council must abide by the standing orders.
- 21. The Mayor or Chair has the power to decide on any matter that is raised in the meeting and for any matter that is not specifically stated in the Standing Orders.
- 22. The Local Government (System Improvements) Amendment Bill (the Bill) published on 14 July 2025 is due to be enacted before the end of 2025. Under this Bill a national set of Standing Orders, and a national Code of Conduct, may be issued by the Secretary of Local Government (Chief Executive of the Department of Internal Affairs) under Schedule 7 of the LGA 2002 and, if so, these will be required to be adopted by all councils. There is no definite timeframe for the Secretary to do this and the council's set of Standing Orders continue to have effect after the Bill is enacted until the Secretary approves and issues a national set. The Bill states that this is to strengthen council transparency and accountability. Currently each council adopts their own Standing Orders, mostly based on templates developed for the sector, and these reflect each council's decisions on discretionary matters and preferences.
- 23. Standards New Zealand has been requested by the Minister to develop draft standardised Standing Orders for consideration once the Bill has been enacted. At this stage it is unclear on what timeframe such standardised Standing Orders would be approved by the Secretary and issued to the sector for implementation.

STRATEGIC ALIGNMENT

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

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

П

We are a city that supports business and education

OPTIONS ANALYSIS

25. Council needs to decide on discretionary Standing Orders and these are set out below.

Resolution to continue a meeting

26. Standing Order 4.2(b) Meeting duration, currently requires a meeting to resolve to continue after eight hours. The updated version recommends this is reduced to six hours.

Delegation to Chief Executive during election interregnum period

27. Provision has been included in Standing Order 6.6 since 2020 for the Chief Executive to make decisions on urgent matters in the period when the election result has been declared but the Mayor and Councillors have not been sworn in. Any decision is made in consultation with the Mayor elect and reported to first meeting of new council. This is a long-standing practice and is adopted generally by local government. Including this provision stops the need for a report to the Council at the end of each term to get this delegation and for this reason is recommended to be included.

Leave of absence

- 28. Standing Order 13.3 sets out the provisions relating to members leave of absence. The Council considered a report at its 28 April 2025 meeting on a leave of absence policy (as part of the Elected Members' Expenses and Resources Policy) and left the report to lie on the table until further discussions had been held.
- 29. A report including a recommended revised Elected Members' Expenses and Resources Policy is elsewhere on this meeting's agenda. The revised policy on leave of absence does not require any changes to the provisions in Standing Order 13.3.

Recording of apologies

30. Standing Order 13.5 sets out the provisions relating to recording apologies. It is recommended that the current provisions for members to be recorded as absent on council business or if they request absent due to sickness or other relevant reasons beyond the member's control be retained.

Right to attend by audio or audio-visual link

- 31. Members' and the public's (for deputations and public forum) right to attend by audio or audio-visual link (Standing Orders 13.7 to 13.16) is included in the current Standing Orders. It is recommended that these provisions continue as they provide for meetings to be held remotely and gives flexibility for all members to attend and vote remotely at any time.
- 32. Since 1 October 2024, the legislation was changed permanently to enable members who join by audio or audio-visual means to be counted as part of the quorum. Previously emergency provisions during Covid and civil defence emergencies applied but these were temporary. Standing Order 13.8 clarifies the legislation. This provision is not discretionary if the Council agrees to include Standing Orders 13.7 to 13.16.
- 33. If the Council does not wish to have this provision Standing Order 13.7-13.16 must be deleted before the Standing Orders are adopted.

Time limits for public forum and deputations

34. Public Forums are a defined period of time, usually at the start of a meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the council. In the case of a committee or subcommittee, any issue, idea or matter raised in a public forum must fall within the terms of reference of that committee.

- 35. A time of 30 minutes is provided for at the beginning of each meeting to hear from the public. Individuals and organisations have time limits and asking questions of speakers is optional. It is recommended that the public forum continues and is set at 30 minutes.
- 36. Currently there is a time limit of five minutes for speakers (including questions) with a limit of two speakers per organisation in Standing Orders 15.1 and 16.1. The LGNZ version suggests a time limit of 5 minutes (excluding questions). It is recommended that the LGNZ provision applies. The Council has the option to decide on a different time limit.
- 37. The Mayor/Chair has discretion of extending or restricting speaking times and to decline to hear a speaker or terminate a presentation. Mayor/Chair discretion in Standing Orders 15.2 and 16.2 has been extended.

Criteria for electronic petitions

- **38.** The Council has been receiving the majority of petitions in electronic formats and this trend is likely to continue. These petitions do not provide information on whether signatories live within the Tauranga City Council boundaries and the elected members have requested that this information be provided.
- **39.** The format of electronic petitions available online require only an email address, not a physical address and generally this information is not gathered using existing online petition formats.
- **40.** It is recommended that Standing order 17.1 (b) be added so that petitioners must indicate as best they can when presenting electronic petitions how many signatories do live within the Tauranga City Council boundaries. It will be up to the petitioner to create a petition that will ensure this information is gathered or when presenting the petition, they have contacted each signatory and asked them where they reside.
- 41. It is not a staff responsibility to check petitions to determine this information. It is only statutory demands for polls under the Local Electoral Act 2001 that require the Council to check the address of each signatory and make sure they are on the electoral roll.
- 42. The Council has the option of including this provision and seeing how this works in practice and reviewing it after a year.

Mayor/Chair casting vote

- 43. Standing Order 19.3 allows for the Mayor/Chair to exercise a casting vote where there is an equality of votes. A casting vote in a council's Standing Orders is optional under cl. 24 (2) Schedule 7, LGA 2002. The casting vote option has been included to enable a meeting to conduct and conclude important business without the risk that a vote might be tied and as a result, a significant statutory timeframe might not be met. The Council can decide whether the casting vote provision continues, is removed, or is limited.
- 44. The limited provision option would enable a casting vote to be used only for prescribed types of decisions. This option could specify, for example, that a casting vote can only be used for the adoption of statutory plans, such as the Annual Plan and Long-Term Plan.
- 45. If the Council decides not to have a casting vote, then Standing Order 19.3 must be deleted before the Standing Orders are adopted.

Electronic voting

- **46.** The audio system installed in the new Council Chambers at 90 Devonport Road has the functionality to allow electronic voting, although it has yet to be enabled or tested. To use the functionality the Standing Orders must provide for that to occur.
- **47.** The current Standing Orders 19.4 (c) provides for an electronic system to be used (where a suitable system is available) instead of a show of hands, vote by voices or division. The result must be publicly displayed and notified to the chair who must declare the result.
- **48.** If meetings are held off-site the electronic voting functionality will most likely not be available.

49. It is recommended that Standing Order 19.4 (c) that enables a suitable electronic voting system to be used is retained.

Method of Voting - Divisions and electronic voting

- 50. Standing Order 19.4 (e) states that when a vote is not unanimous, the names of the members voting for or against or abstaining are to be recorded in the minutes.
- 51. The audio system installed in the new Council Chambers at 90 Devonport Road has the functionality to allow electronic voting which includes recording for, against and abstain.
- 52. It is recommended that this provision be retained.

Code of Conduct

53. The references to the Code of Conduct in Standing Orders 20.2 and 20.3 were removed when the Commissioners were in office as they were not elected members, and these did not apply. It is recommended that Standing Orders 20.2 and 20.3 be added back in. These relate to behaviour at meetings being consistent with the Code of Conduct and retractions and apologies where comments have contravened the Council's Code of Conduct.

Time limits for speaking to motions and amendments

- 54. Commissioners removed Standing Order 21.2 relating to time limits on speaking to motions and amendments. Previously this was five minutes. The Council has the option to include a time limit of five minutes, or a different time limit.
- 55. It is recommended that a time limit is included to enable Council and Committee meetings to be more efficient. Time limits can be extended by a resolution of Council or at the chair's discretion.

Option for speaking to and moving motions and amendments

- 56. The LGNZ standing orders template offers councils a choice of three frameworks, Options A, B or C, for speaking to and moving motions and amendments.
 - (a) Option A is more formal and restricts the number of times members can speak and move amendments. For example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion, and only members who have not spoken to the motion, or substituted motion, may move or second an amendment to it.
 - (b) Option B has less restrictions than Option A. While limiting the ability of movers and seconders to move amendments, this option allows other members, regardless of whether they have spoken to the motion or a substituted motion, to move or second an amendment.
 - (c) Option C (Standing Order 22.4) is more flexible than the other two options as it removes the limitation on movers and seconders and is suitable for councils with smaller numbers of decision makers. Option C is the option in the current standing orders. For these reasons Option C is recommended.

Amendments to motions

57. A new Standing Order 23.5 has been added to the LGNZ template to enable the meeting to amend a motion provided the mover and seconder of the original motion agree to its amendment. It is recommended that this new Standing Order be included as this is an efficient way of amending motions.

Amendments to be relevant and not direct negatives

58. A statement has been added to Standing Order 23.13 to clarify when "reasons for decisions" are to be included in the minutes. This was agreed at the minutes workshop with elected members.

- "If a resolution is different to the staff report and the "why" this decision was made is unclear, the resolution can include "reasons for decision".
- **59.** Reasons for not accepting an amendment have been added to Standing Order 23.6 in the LGNZ template and it is recommended these be accepted as they provide clarity around amendments.

Minutes

- **60.** Following a workshop on 3 December 2024 it was agreed that the minutes of Council and Committee meetings would record decisions only. Further matters to be included in minutes were also subsequently agreed and these have been added to Standing Order 28.2 (v) to (x).
 - (v) the timestamp for each report on the livestream recording be included in the minutes for ease of reference;
 - (w) discussion on concerns raised at the meeting as requested by the chair at times are to be recorded in the minutes;
 - (x) actions requested during the meeting are recorded in the minutes and the chair states clearly what these actions are during the meeting (note these are not resolutions).
- 61. There were business practices that were agreed at the minutes workshop which have not been included in the Standing Orders as they fall outside the scope. For example, it is now a practice that a follow-up action list is attached to the agenda for those actions requested in (x) above to show progress and completion and the Executive Summary section in each report is now fuller to enable elected members to rely on reading this to understand what they are being asked to decide on.
- **62.** The current minutes have been following this format since December 2024 and the changes to the Standing Orders will formalise this format.

Appendix 8 Workshops

63. The LGNZ template does not include Appendix 8 relating to workshops. This information is included in the Guide. It is recommended that Appendix 8 be retained and is supplemented by additional information from the Guide. This helps provide clarity to members and the public around workshops and is more conveniently located in Standing Orders.

Non-discretionary Standing Orders

64. Other additions to standing orders which are not discretionary are listed in the table below:

Standing Order	Commentary
8.9-8.12 An urgent meeting may be called	Provisions for calling urgent meetings after an election are set out in the legislation but not previously recorded in Standing Orders.
11.4 Quorum for Mayor as member of a joint committee	New standing order to clarify when a Mayor is counted towards a quorum of a joint committee. If the Mayor is a member solely due to s 41A (5) of the Local Government Act 2002 (where the Mayor is a member of each committee) the Mayor is not counted as a member of the committee for determining a quorum. However, if the Mayor has been appointed to a joint committee due to their role or experience that is named as a council representative on the joint committee, then they will count as part of the quorum. This is set out in Clause 6A of Schedule 7 LGA 2002.

FINANCIAL CONSIDERATIONS

65. There are no financial considerations relating to the adoption of Standing Orders.

LEGAL IMPLICATIONS / RISKS

- 66. The LGNZ template has been developed in conjunction with members of Taituarā's Democracy and Participation Working Party and is based on the 2003 model standing orders published by the Te Mana Tautikanga o Aotearoa Standards Authority and updated every three years.
- 67. The new template includes legislative changes since the previous version of Standing Orders. The legislation applies even when the standing orders have not been updated. It is best practice to adopt standing orders that are consistent with the legislative changes since the previous version was adopted.

TE AO MĀORI APPROACH

68. The adoption of Standing Orders aligns with the principle of manaakitanga, a strong duty of care and safety for people as it is considered best practice both from a Western and a Te Ao Māori perspective to have open, transparent and inclusive meetings.

CLIMATE IMPACT

69. The adoption of Standing Orders is an administrative requirement and does not impact on the climate.

CONSULTATION / ENGAGEMENT

70. Elected members were engaged on discretionary elements of the Standing Orders however there is no requirement to consult or engage the public on changes to Standing Orders.

SIGNIFICANCE

- 71. 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.
- 72. 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.
- 73. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of low significance.

ENGAGEMENT

74. 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

- 75. The updated Standing Orders and the Guide to Standing Orders will be published on the Council's website and provided electronically to members and appointed members on committees. Staff will monitor and review the electronic petition provisions after one year.
- 76. Implement the proposed national set of Standing Orders if they are issued by the Secretary of Local Government.

ATTACHMENTS

- 1. Standing Orders Draft July 2025 A17718219 (Separate Attachments 1)
- 2. LGNZ Guide to 2025 Standing Orders Template A17718163 (Separate Attachments 1)
- 3. Standing Orders Final adopted 22 February 2021 A12465166 (Separate Attachments 1)

11.4 Elected Members' Expenses and Resources Policy - proposed leave of absence section

File Number: A18770216

Author: Jeremy Boase, Head of Strategy, Governance & Climate Resilience

Jane Barnett, Policy Analyst

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

PURPOSE OF THE REPORT

1. To present the revised Elected Members' Expenses and Resources Policy 2025 for Council consideration and adoption.

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 1) to take effect immediately.

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. When a draft revised policy was presented to the Council meeting of 28 April 2025 it was left to lie on the table. Since then, a second information session was held with elected members on 4 September 2025.
- 5. A draft revised policy (**Attachment 1**) is presented to Council for adoption. The revised policy includes a proposed leave of absence section.
- 6. The proposed leave of absence section sets out criteria to be considered by either the mayor or Council when deciding on a leave of absence request and/or when considering whether the period of leave of absence should be remunerated.
- 7. The draft revised policy also updates some administrative delegations to staff to reflect changed roles as a result of the recent organisational reset.
- 8. There are no financial implications in adopting the revised Elected Members' Expenses and Resources Policy.
- 9. If Council decides to adopt the revised policy, the policy will be placed on Council's website and will take effect immediately.

BACKGROUND

10. When Council adopted the policy on 15 August 2024 the following changes were made to the previous policy:

Key change in 2024	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.	

11. Standing Orders provide for the concept of a 'leave of absence' for elected members, to be determined by Council or the mayor under specifically delegated authority. Council determined that it wished to include additional guidance on decision-making regarding leaves of absence within the Elected Members' Expenses and Resources Policy. Following two information-sharing sessions with Council on 13 March 2025 and 4 September 2025, those provisions have now been included in the attached draft or consideration.

STATUTORY CONTEXT

12. 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

13. 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.	
	As a result of the organisational reset, relevant responsibilities of the Manager: Democracy Services role have been assumed by the Head of Governance, Strategy & Climate Resilience role.	

14. The table below sets out the advantages and disadvantages of adopting the revised Elected Members' Expenses and Resources Policy 2025.

Ol	otion	Advantages	Disadvantages
1	Adopt the revised Elected Members' Expenses and Resources Policy 2025. Recommended (Resolution (b))	The policy will provide guidance on making decisions on leave of absence.	• None
2	Do not adopt the revised Elected Members' Expenses and Resources Policy 2025.	• None	The policy will not incorporate leave of absence provisions.

FINANCIAL CONSIDERATIONS

15. The financial implications for the proposed policy are covered within existing budgets.

LEGAL IMPLICATIONS / RISKS

- 16. The expenditure that is subject to this policy is sensitive expenditure. The policy needs to withstand community scrutiny.
- 17. Each member's expenses are provided to the community on the council's website and audited annually by Audit New Zealand.
- 18. There are no identified legal implications with the proposed changes to the policy.

TE AO MĀORI APPROACH

19. Decisions on elected members' expenses are not directly impacted by the Te Ao Māori approach.

CLIMATE IMPACT

- 20. 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.
- 21. There are no direct or specific climate change impacts resulting from adopting the revised Elected Members' Expenses and Resources Policy 2025.

SIGNIFICANCE

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

ENGAGEMENT

25. 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

- 26. If Council decide to adopt the revised Elected Members' Expenses and Resources Policy, the policy will be placed on Council's website and take effect immediately.
- 27. A report will be brought to an upcoming Council meeting relating to the Local Government Elected Members (2025/26) Determination 2025, made by the Remuneration Authority. This will include options relating to the inclusion of an allowance for elected members for home security and the consequential impacts on the policy.

ATTACHMENTS

1. Revised Elected Members' Expenses and Resources Policy 2025 - A17789683 🗓 🖼

DRAFT ELECTED MEMBERS' EXPENSES AND RESOURCES POLICY 2025



Policy type	City		
Authorised by	Council		
First adopted	20 December 2010	Minute reference	M10/84.2
Revisions/amendments	23 August 2011 30 October 2012 2 September 2013 9 May 2016 11 February 2020 15 August 2024 7 October 2025	Minute references	M11/62.4 M12/71.3 M13/56.4 M16/25.7 P03/20/4 CO16/24/6
Review date	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.	

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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, approved by the mayor, for which an elected member is on leave from the duties of being an elected member—and in the case of the mayor where the Council has approved an application by the mayor for a period of leave from duties. 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.	
Personal communications	Any communication that does not represent the official view of Tauranga City Council.	
Reasonable	Within the amount specified by the policy or as deemed reasonable by the mayor and chief executive	
Remuneration Authority	whose responsibilities are to determine remuneration and expense rules to	
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.

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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	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.	
	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.	
	Accommodation, meals and incidental expenditure must have a clear business purpose, be cost-effective, and take into consideration the following:	
	The geographic location of the accommodation relative to where the elected member(s)' business is.	
	The standard of accommodation.	
	Safety and security considerations.	
	That additional mileage or taxi expenses are not usually required.	
	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:	
	Breakfast - \$25.00 (GST inclusive) per elected member per meal. Any costs over this limit are the responsibility of the individual.	

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Expense type	Description
	Lunch - \$25.00 (GST inclusive) per elected member per meal. Any costs over this limit are the responsibility of the individual.
	Dinner– \$50.00 (GST inclusive) per elected member per meal. Any costs over this limit are the responsibility of the individual.
	When meals are provided as part of a 'package', additional meal expenses cannot be claimed.
	In accordance with section 5.2.1 alcohol cannot be claimed as part of a meal expense.
	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.

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 The 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 head of strategy, governance & climate resilience.
- 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.

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- 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 renumeration 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).

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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.

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- 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

5.9.1 Standing Orders include provisions for elected members' leave of absence.

Criteria to consider

- 5.9.2 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
 - whether 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.
- 5.9.3 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 head of strategy, governance & climate resilience 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 head of strategy, governance & climate resilience 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.

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 Controlling Sensitive Expenditure – Guidelines for Public Entities (Controller And Auditor General).



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11.5 Street Use and Public Places Bylaw Review: Issues and Options

File Number: A18201153

Author: Jane Barnett, Policy Analyst

Shawn Geard, Manager: Transport System Operations

Authoriser: Sarah Omundsen, General Manager: Regulatory and Community

Services

PURPOSE OF THE REPORT

1. To seek Council's direction on the issues identified through the review of the Street Use and Public Places Bylaw 2018.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Street Use and Public Places Bylaw Review: Issues and Options".
- (b) Approves the following options for the purpose of developing a draft bylaw:

No.	Issue	Option	
1	Definition of pedestrian way	Option 1B: Amend the pedestrian way definition to 1.8 metres wide and located 1.5 metres from any shop front, unless otherwise specified by Council resolution.	
2	Definition of a mobile shop	Option 2B: Amend the definition of a mobile shop to include services – 'a vehicle from which goods or services are offered for sale.'	
3	Approach to setting rules for street dining	, ·	
		Or	
		Option 3B : Require <i>all businesses</i> across the city to have an LTO for any street dining.	
		Or	
		Option 3C: Allow <i>businesses in non LTO zones</i> to use a set area and anything in addition would require an LTO.	
		Or	
		Option 3D: Allow <i>all businesses</i> (including current LTO areas) to use a set area and any additional area would require an LTO.	
4	Approach to setting rules for retail displays	Option 4A : Current approach of allowing an area up to 1.5 square metres and not extending more than 1.5 metres from the shop. (Status quo)	
		Or	
		Option 4B: In addition to Option 4A, allow for Council resolutions to set areas that require permits for retail display.	
		Or	
		Option 4C : Require a permit for retail display across the city.	
		Or	
		Option 4D: Allow some area for retail display and require a permit/LTO for any additional area.	
5	Approach to set rules for non-retail displays	Option 5A : Require permission for anything to be displayed on council owned land. (<i>Status quo</i>)	
	Totali diopiayo	Or	
		Option 5B : Allow other types of displays and advertising activations to be displayed in the area (up to 1.5 square metres and not extending more than 1.5 metres from the shop) specified for retail displays.	

		Or
		Option 5C: Option 5B, with the addition of allowing for Council to make resolutions to set areas that require permits for non-retail displays.
		Or
		Option 5D : Require a permit for all non-retail displays across the city.
		Or
		Option 5E : Allow a set area for non-retail display and require a permit/LTO for any additional area.
6	Approach to setting rules for	11
	signs	Note: As part of the review process the general sign conditions in the bylaw will be clarified and updated.
7	Approach to setting rules for to include: Option 7B: Clarify the current rules by amending the to include:	
	real estate signs	a definition of a real estate sign
		a maximum number of real estate signs for each premises
		placement, number and duration conditions for open homes and auctions signs
		conditions of an open home or auction real estate sign

(c) Request that a draft bylaw be prepared based on the direction provided and then presented to Council for consideration prior to adoption for consultation.

EXECUTIVE SUMMARY

- The Street Use and Public Places Bylaw 2018 (bylaw) sets the rules for public spaces in Tauranga to ensure public safety, accessibility and enjoyment for the community. It covers a wide range of activities including signage, trading, street dining, skating and scooter use, and busking.
- 3. On 24 March 2025, Council directed staff to review the bylaw, with a focus on street dining and broader footpath use. The initial review has identified several issues for Council to consider, including the definitions of 'pedestrian way' and 'mobile shop', as well as how to set rules for street dining, retail displays, other types of displays, and signage.
- 4. The report recommends changing the definitions of 'pedestrian way' and 'mobile shop' to improve clarity, consistency and enforceability. Options for street dining, displays and signs reflect two approaches to regulation: either allowing the under set conditions outlined in the bylaw, or requiring separate approval through a licence or permit application.
- 5. Allowing activities under set conditions is easy to understand, cost effective to manage, and less costly for businesses. However, it lacks flexibility and does not allow for fees to be charged for the activity.

- 6. Requiring a permit or licence provides greater flexibility, and the ability to set fees, but it can be more complex and costly to administer.
- 7. Staff recommend retaining the approach of allowing signs under set conditions. The implementation costs of a permit approach for signage would outweigh any benefits from being able to set fees for this use of council owned land.
- 8. No recommendations are presented for street dining and displays (both retail and non-retail) because both regulatory approaches result in the same safety outcome, and the costs and benefits depend on the level of fees set for a licence or permit for these activities.
- 9. The bylaw aligns with Tauranga City Council's strategic community outcomes and reflects the principles of manaakitanga and kaitiakitanga by helping to ensure public spaces are safe and accessible, and the environment and community assets are protected.
- 10. There are no immediate financial implications from Council deciding on the options presented in this report. However, if the outcome of the review results in additional activities requiring a licence or permit, there may be financial implications. These potential costs are not yet known, as the associated fees have not been established. Fees, if any, will be considered and set through the Council's Annual Plan process.
- 11. Initial engagement with Fire Emergency NZ (FENZ), Police, Mount Mainstreet, Downtown Tauranga, Te Rangapū's policy subcommittee and the chair of Ngā Poutiriao ō Mauao has been undertaken.
- 12. Council's direction on the issues will inform the development of a draft bylaw. A draft bylaw will be presented to Council on 29 October 2025 for adoption for community consultation.

BACKGROUND

- 13. Tauranga has many public places for our communities to connect, relax and enjoy the outdoors. These spaces also support movement, whether walking, cycling or using mobility aids, especially along footpaths and shared walkways. However, because these spaces are shared, different uses can sometimes conflict, causing safety issues or impacts on people's enjoyment.
- 14. The bylaw aims to balance these competing needs by setting rules to ensure footpaths and other public places are safe, accessible and enjoyable. Some activities like hosting an event or street dining need permission to ensure they are safe and do not conflict with other uses. While other activities, such as retail display and signage, are generally allowed by default under certain conditions.

Current bylaw rules

- 15. The bylaw's primary footpath rule is that the pedestrian way must always remain unobstructed. The pedestrian way is the portion of the footpath intended exclusively for pedestrian use. It is currently defined as 2.5 metres wide and positioned 1.5 metres from any shop front, unless otherwise specified by Council resolution⁴.
- 16. The bylaw allows for businesses, in non-licence to occupy zones, to place a restricted number of tables and chairs outside their premises⁵ and allows Council to set areas (by resolution) where a licence to occupy (LTO) is required for street dining. There are currently four LTO zones for street dining across the city⁶.

⁴ The Council resolution made on 29 April 2024 specified a 1.5m pedestrian way width for Maunganui Road, Pacific Avenue, Prince Avenue, Banks Avenue and Salisbury Avery to reflect current use.

⁵ All businesses operating from fixed premises are permitted to place a maximum of 2 tables each with 1 umbrella and 4 chairs on the footpath. Food and beverage businesses may place additional tables, chairs and umbrellas subject to conditions.

⁶ Inner City Centre, South City Centre, Mount Main Street and Mount Central.

- 17. The bylaw allows for businesses to display merchandise outside their shop. Businesses can use an area up to 1.5 square metres and not extending more than 1.5 metres from the shop.
- 18. Businesses can also have one business sign (and additional magazine signs) with the placement and size set out in the bylaw. Different types of signs such as real estate, garage sale, election and community signs are also allowed across the city provided they comply with the provisions in the bylaw. The provisions for election signs are set out in the Local Elections Policy which is due for review in the first quarter of next year.
- 19. Other types of displays and fixtures (coin activated machines, planter boxes, temporary fences, and advertising activations) are not permitted on Council owned land without written permission from Tauranga City Council Staff.
- 20. The bylaw also covers building identification, trading, mobile shops, fences and trees that may impact public places and general nuisance, safety and damage to public places. A copy of the bylaw is attached in **Attachment 1** and a summary of the provisions is provided for reference in **Attachment 2**.
- 21. Tauranga Council staff use a mix of education, warnings and enforcement to help people understand and comply with the bylaw. Staff engage with our customers in the first instance to educate them and provide an opportunity to be voluntarily compliant and only take the appropriate enforcement action if necessary.

Consideration of LTO fees triggered a wider bylaw review

- 22. On 24 March 2025, Council resolved to review the bylaw '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'. In considering LTOs Council also discussed the broader commercial use of council owned landed. As a result, the review has focused on street dining, retail display, other types of displays and signs.
- 23. The Local Government Act 2002 (LGA) requires existing bylaws to be reviewed every 10 years. As the bylaw is due for review in 2028, undertaking a full review now while looking at LTO provisions is efficient and avoids duplication.
- 24. The review aims to determine whether the bylaw is still needed, aligns with current legislation, community needs and is effective and easy to understand. The review also provides an opportunity to inform and consult with the community on the rules for our public places.

Issues for consideration

- 25. This report presents issues identified during the initial stages of the review. These issues have been identified through the Council resolution from 24 March 2025, feedback from staff across the organisation and pre-engagement with Fire Emergency New Zealand (FENZ), the Police, Mount Main Street, Downtown Tauranga, Te Rangapū policy subcommittee and the chair of Ngā Poutiriao ō Mauao.
- 26. The issues can be split into two broad categories: Issues around clarifying the language and improving structure of the bylaw, and issues focused on use of the road reserve, and particularly the footpath, including:
 - pedestrian way
 - mobile shops
 - street dining
 - retail displays
 - non-retail displays
 - general signage
 - real estate signs.

- 27. Staff are seeking Council's direction on these issues.
- 28. As the clarity and structural issues do not impact the bylaw's content or intent, they will be addressed during the drafting process of the bylaw. These proposed changes will include clearer language, clarified definitions, and the addition of a contents page and explanatory notes.

STATUTORY CONTEXT

- 29. The ability for Council to make a bylaw comes from legislation that sets out the purpose for which the bylaw can be made. This bylaw is made under the Local Government Act 2002 (LGA), the Health Act 1956 and the Litter Act 1979. Generally, bylaws are made to:
 - protect the public from nuisance;
 - protect, promote and main public health and safety; and to
 - minimise the potential for offensive behaviour in public places.
- 30. The LGA sets out the process and consultation requirements for making and reviewing a bylaw. Section 155 sets out that Council must determine whether a bylaw is the most appropriate and proportionate way of addressing the perceived problem and does not give rise to any implications under the New Zealand Bill of Rights Act 1990. This analysis will be included when a draft bylaw is presented to Council for adoption for community consultation.
- 31. The special consultative procedure must be used when amending a bylaw unless the proposed changes are minor or are correcting errors.
- 32. Staff are considering making both the pedestrian way (refer to paragraph 40) and mobile shop (refer to paragraph 42) provisions under the Land Transport Act 1998 (LTA) in addition to the LGA. Any bylaw made under the LTA must be sent to the Minister, who may at any time disallow the bylaw or any part of it. This requirement may mean the bylaw may take longer to be adopted than if these provisions were only made under the LGA.

STRATEGIC ALIGNMENT

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

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

- 34. The bylaw aligns with all five community outcomes. It contributes to:
 - an inclusive city by ensuring public access and enjoyment of public spaces
 - valuing, protecting and enhancing the environment by setting rules around pollution and damage of public places including trees and plants
 - a well-planned city by setting rules for furniture, signage and trading in public places including mobile shops
 - being able to move around the city easily by protecting pedestrian access, regulating footpath use, prohibiting the unsafe use of skateboards and scooters and ensuring visibility and safety around intersections and crossings
 - being a city that supports business and education by allowing business signs, retail display and street dining to support commercial activity.

35. Reviewing the bylaw provides an opportunity to ensure the bylaw aligns with these strategic community outcomes.

OPTIONS ANALYSIS

- 36. The purpose of the bylaw is to ensure the safety and enjoyment of everyone using our public spaces, as well as to protect our community assets. There are two approaches to setting rules to achieve this:
 - setting a general default rule/allowance, or
 - requiring approval in the form of a permit or licence.
- 37. Table One summarises the advantages and disadvantages of each approach. The options presented for regulating street dining, retail displays, and non-retail displays include the two approaches, as well as a combination of both.

Table One: Comparison of general rules and requiring approval.

Approach	Advantages	Disadvantages
General allowance – no permission	Simple to understand and communicate.	Less flexibility to accommodate individual circumstances.
required as	Simpler to monitor.	Could be seen as overly restrictive.
permission is provided for in	Lower administrative costs for businesses and Tourse as City Coursell	No scope to recover monitoring and enforcement costs through fees.
the bylaw	Tauranga City Council.	No ability to charge fees for the use of council land.
Require approval in the	Allows for a case-by-case assessment if required.	More complex and costly to administer.
form of permit or licence	Can include conditions tailored to specific situations.	May discourage some businesses from activating the street.
	Greater flexibility for changing the permit or licence conditions compared with changing the bylaw.	
	Allows for fees to be charged.	

Issue One: Pedestrian way

- 38. A clear pedestrian way is essential for creating safe, accessible and efficient public spaces. It ensures people can more freely without obstacles, reducing the risk of accidents and improving accessibility for all users, including those with mobility challenges. Unobstructed pedestrian ways are also crucial for emergency access.
- 39. It is important to have a pedestrian way that works for our city. The current bylaw's definition goes beyond what is necessary for safe pedestrian movement and is not practical given the physical constraints of many of Tauranga's footpaths. Staff propose amending it in line with NZTA's pedestrian network guidance.
- 40. Staff are also proposing to make the provisions around keeping the pedestrian way clear under the Land Transport Act 1998⁷ in addition to the LGA. This would allow for infringement fines to be available as an enforcement tool for any breaches.

Table Two: Pedestrian way definition options

⁷ Land Transport Act 1998, section 22AB (1) (zk).

Options	Advantages	Disadvantages
Option 1A: Retain the current: 2.5 metres wide and located 1.5 metres from any shop front, unless otherwise specified by Council.	 No advantages identified with this option. 	Does not reflect the physical constraints of most footpaths in the city.
(Status quo)		Enforcement is not possible in all locations across the city.
Option 1B: Amend the pedestrian way definition to 1.8 metres wide and located 1.5 metres from any	 Consistent with NZTA's pedestrian network guidance. 	No disadvantages identified with this option.
shop front, unless otherwise specified by Council resolution. Recommended.	 Reflects the physical constraints of most footpaths in the city. 	
	 Easier for people to comply with and be enforced. 	

Issue Two: Mobile shops

- 41. Under the bylaw, mobile shops are required to have a licence in Tauranga, and the licence conditions set out the rules for operating a mobile shop in the city. These conditions include areas where a mobile shop must not trade, as well as general conditions prohibiting operating in locations that would obstruct or be likely to obstruct traffic or views of other road users.
- 42. Over the past year, we have received 85 customer communications directly related to mobile shops (see **Attachment 3**). Most of these are around mobiles shops obstructing pedestrian areas and parking spaces, safety concerns and operating in prohibited locations or without a licence.
- 43. Some mobile shops provide services but do not have a licence to do so. The bylaw defines a 'mobile shops' as 'a vehicle from which merchandise can be sold'. This creates both ambiguity for service based mobile shop operators and enforcement challenges.
- 44. Staff recommend changing the definition to include services. This proposed change aligns with the definition of a mobile shop in the LTA which would allow any mobile shop provision to be made under the LTA. This would mean that the infringement fees (under the LTA) could be used as a tool to help improve compliance.
- 45. Changing the definition also addresses concerns raised by Te Rangapū, that traditional Māori healing practitioners are precluded from having a mobile shop licence under the current definition.
- 46. Advantages and disadvantages of expanding the definition of a mobile shop to include services are outlined below.

Table Three: Mobile shop definition options

Options	Advantages	Disadvantages
Option 2A: Retain the current definition. (Status quo)	No advantages identified with this option.	 Those wanting to provide serves from a mobile shop are not able to apply for a mobile shop licence. Does not allow for

Options	Advantages	Disadvantages
		infringement fees under the Land Transport Act to be applied to help improve compliance.
Option 2B: Amend the definition of a mobile shop to include services – 'a vehicle from which goods or services are offered for sale' Recommended.	 Allows for infringement fees under the Land Transport Act to be applied to help improve compliance. Allows for the mobile shop licence conditions to apply to mobile shops offering services. Responds to feedback from Te Rangapū to consider the definition of a mobile shop. 	No disadvantages identified with this option.
	 Provides a consistent approach to mobile shops. 	

Issues Three: Street dining

- 47. On the 24 March 2025, Council directed staff to review the bylaw to consider a full city implementation of street dining LTOs. This is presented as **Option 3B** in Table Four below.
- 48. Alternatives include retaining the current rules, allowing businesses *outside of LTO zones* to use a set area with the option to apply for an LTO if they wish to use additional area and applying this approach to *all businesses* not just those outside the current LTO zones.
- 49. Feedback from the Te Rangapū policy subcommittee raised concern around street dining (and other commercial activities) occurring on significant Māori sites. Requiring LTOs for street dining allows for more flexibility to consider compared with automatically allowing it under set conditions in the bylaw.

Table Four: Street dining options

Options	Advantages	Disadvantages
Option 3A: Set allowance for street dining in non LTO areas and the ability for Council to set additional LTO zones. (Status quo)	 May be simpler for businesses already operating street dining as there will be no change. No additional cost or administration for businesses outside the current LTO areas – as current street dining provisions will remain. Less administration costs for businesses and Tauranga City Council. Allows Council to set additional LTO zones in the future if required. 	 Inconsistent rules across the city may lead to confusion or perceived unfairness. Does not allow for street dining fees to be charged in areas where LTOs are not required.
Option 3B:	·	• Increased administrative costs for
Require <i>all</i>	 Consistent approach across 	 Increased administrative costs for businesses and Tauranga City

Options	Advantages	Disadvantages
businesses across the city to have an LTO for any street dining.	the city. Potential for Tauranga City Council to better manage public space — including accessibility. Allows for consideration of significant Māori areas and archaeological sites when assessing applications. Allows option for fees to be charged across the city. Consistent with the approach used by other metro councils. Provides greater flexibility to change rules via licence conditions if required.	Council. Likely to be more difficult to monitor. May discourage small or new businesses from offering street dining.
Option 3C: Allow businesses in non LTO zones to use a set area and anything in addition would require an LTO.	 Allows for street dining while maintaining the ability to set LTO conditions for larger areas. Reduces costs for businesses, in non LTO zones, wanting to use only the set area. 	 Requires a new implementation system. Inconsistencies between LTO and non LTO areas. Could be difficult to monitor and enforce the 'set area' and the LTO area. Additional costs for those businesses in non LTO zones wanting to use additional space. Potential for increased administrative costs for Tauranga City Council. Less scope to consider significant Māori areas and archaeological sites in the set areas.
Option 3D: Allow all businesses (including current LTO areas) to use a set area and any additional area would require an LTO.	 Sets a uniform rule across the city. Simplifies the process for businesses only wanting to use the set area for street dining. Potential lower costs for businesses in current LTO zones that only want to use the set area. 	 Requires new implementation system. Transition arrangements for businesses with current LTOs. Additional administration costs. Additional costs for those businesses in non LTO zones wanting to use additional space. Could be difficult to monitor and enforce the 'set area' and the LTO area. Less scope to consider significant Māori areas and archaeological sites in the set areas.

50. No staff recommendation has been made on the preferred approach to regulating street dining, as all options achieve the same safety and accessibility outcomes.

Issue Four: Retail display

- 51. While considering LTO fees for street dining at their 24 March 2025 meeting, Council noted their intention to explore licences/permits for other uses of Council owned land. One such use is retail display. The bylaw allows a specified area⁸ outside a business to be used for retail display.
- 52. Table Five below sets outs the different options for regulating retail display across the city. Option 4B retains the current allowance but introduces the ability for Council to designate, by resolution, areas where a permit is required. This approach aligns with the existing framework for street dining. Alternative options include requiring a permit for all retail display (Option 4C) or allowing a standard display area for all businesses with the option to apply for a permit to use additional space (Option 4D).

Table Five: Retail display options

Table Five: Retail d Options	Advantages	Disadvantages	
Option 4A: Current approach of allowing an area up to 1.5 square metres and not extending more than 1.5 metres from the shop. (Status quo)	Maintains current expectations for businesses. No additional administrative costs for businesses and Tauranga City Council. Provides a clear allowance for footpath use.	 Does not account for site specific constraints or high pedestrian areas. Does not allow the option of fees for the use of council land. Inconsistent with the current approach for street dining in LTO zones. Does not allow for significant Māori areas and archaeological sites to be 	
Option 4B: In addition to Option 4A, allow for	Provides a clear allowance for footpath use.	 considered. In areas where set areas are provided for there would be no ability to set fees. 	
Council resolutions to set areas that require permits for retail display.	 Allows flexibility to adapt requirements based on local conditions. Consistent with the current general framework for street dining – particularly if permits were required in the same zones as the street dining LTOs. Allows the option for some fees to be charged for use of council land if a permit system is introduced in some areas. 	Potential to be seen to be unfair if some places in the city required a retail display permit and others did not.	
Option 4C: Require a permit for retail display across the city.	Potential for greater control and oversight as assessments can be carried out based on	 Increased administrative costs. Potential barrier for small businesses wanting to utilise the footpath. 	

⁸ An area up to 1.5 square metres and not extending more than 1.5 metres from the shop.

Options	Advantages	Disadvantages
	 location, safety and amenity. Allow for significant Māori areas and archaeological sites to be considered. Allows option of fees to be charged for displays across the city. Consistent with street dining LTOs. Provides greater flexibility to change rules via the licence conditions if required. 	Likely to be more difficult to monitor.
Option 4D: Allow some area for retail display and require a permit/LTO for any additional area.	 Supports small scale display activities. Allows for greater oversight based on scale and impact. Allows option for fees to be charged for areas that extend beyond a set area. 	 Increased administrative costs. Likely to be more difficult to monitor. Less coverage for fees for using council land. Inconsistent with the current approach for street dining in LTO zones.

53. Staff have not identified a preferred option for retail display, as all approaches deliver the same safety and accessibility outcomes.

Issue Five: Non-retail displays

- 54. Although the bylaw permits retail displays under defined conditions, it does not explicitly address other types of non-retail displays like coin activated trading machines and other advertising activations. However, it includes a provision requiring written approval for any material or object to be deposited or placed in a public area.
- 55. Many of these types of displays across the city do not currently have written permission to be located on council owned land.
- 56. Table Six sets out different options for addressing other types of displays. Many of these options and their associated advantages and disadvantages depend on the direction given for retail display. For example, if Council decide to allow a set area for retail display, then Option 5B (allowing non-retail displays to be placed in this set area) applies. However, if Council decide on permits for retail display this option is no longer valid.

Table Six: Options for non-retail displays and fixtures

Options	Advantages	Disadvantages
Option 5A: Require permission for anything to be displayed on council owned land.	 Allows option for some fees to be charged for use of council land. 	 May be seen as inconsistent if retail displays are allowed for.
Note: Redrafting of the bylaw would make it clearer that this provision includes other types		 Potential costs for businesses.
of displays and temporary	the display or	

Options	Advantages	Disadvantages
fixtures, including trading devices and advertising activations. (Status quo)	 advertising activation. Allows for significant Māori areas and archaeological sites to be considered. 	
Option 5B: Allow other types of displays and advertising activations to be displayed in the area (up to 1.5 square metres and not extending more than 1.5 metres from the shop) specified for retail displays. Note: This option is only valid if either options 4A or 4B for retail display are aproved.	 Maintains current expectations for businesses. No additional administrative costs for businesses and Tauranga City Council. Provides a clear allowance for footpath use. 	 Does not account for site specific constraints or high pedestrian areas. Does not allow for the appropriateness of the display or advertising activation to be considered. Does not allow the option of fees for the use of council land. Inconsistent with the current approach for street dining in LTO zones. Does not allow for significant Māori areas and archaeological sites to be considered.
Option 5C: In addition to Option 5B, allow for Council to make resolutions to set areas that require permits for non-retail displays.	 Provides a clear allowance for footpath use. Allows flexibility to adapt requirements based on local conditions. Consistent with the current general framework for street dining – particularly if permits were required in the same zones as the street dining LTOs. Allows option for some fees to be charged for use of council land if a permit system is introduced in some areas. 	 In areas where set areas are provided for there would be no ability to set fees. Potential to be seen to be unfair if some places in the city required a permit and others did not.
Option 5D: Require a permit for all non-retail displays across the city.	Potential for greater control and oversight as assessments can be carried out based on location, safety	 Increased administrative costs. Potential barrier for small businesses wanting to utilise

Options	Advantages	Disadvantages
	 and amenity. Allows for significant Māori areas and archaeological sites to be considered. Allows option of fees to be charged for displays across the city. Consistent with street dining LTOs. Provides greater flexibility to change rules via the licence conditions if required. 	the footpath. • Likely to be more difficult to monitor.
Option 5E: Allow a set area for non-retail display and require a permit/LTO for any additional area.	 Supports small scale display activities. Allows for greater oversight based on scale and impact. Allows option for fees to be charged for areas that extend beyond a set area. 	 Increased administrative costs. Likely to be more difficult to monitor. Less coverage for fees for using council land. Inconsistent with the current approach for street dining in LTO zones.

57. Staff have not identified a preferred option, as all approaches deliver the same safety and accessibility outcomes.

Issue Six: Signs

- 58. Signs support businesses and provide information to the community but can also impact safety, accessibility and the enjoyment of public spaces.
- 59. There are many types of signs across the city and the bylaw specifically mentions business signs, magazine signs, real estate signs, garage sale signs, election signs⁹ and community signs. Many signs do not comply with the bylaw provisions because of where they are located.
- 60. We have received just under 90 customer communications around signage over the past year (see Attachment 3). The concerns raised related to whether the signage had the required approvals, interference with public spaces, including parking and pedestrian access and visual amenity, and safety concerns.
- 61. Tauranga City Council staff currently take a primarily reactive approach to sign breaches, starting with education and progressing to the seizure of signs when compliance cannot be achieved, or the owner cannot be identified.

⁹ The specific sites where election sites are permitted are set out in the Local Elections Policy. This policy is on the schedule to be reviewed and will be presented to the City Futures Committee for consideration early next year.

62. Table Seven sets out the advantages and disadvantages of the different options for signs. Option 6A is recommended because the implementation costs of a permit approach are not likely to be recovered by the potential fees that could be charged.

Table Seven: Options for signs

Table Seven: Options for si Options	Advantages	Disadvantages
Option 6A: Current approach with general conditions and permission for set types of signs. Recommended. Note: Under this option, staff propose to clarify and update the general sign conditions in the bylaw including a provision on illumination, luminescence and the movement of material that may cause distraction such as flashing or revolving lights and lasers.	 Maintains current expectations for businesses. Sets a consistent rule for signs on council land across the city. Simpler to monitor. Less administrative costs. 	 Does not allow scope for fees to be charged for using council land for signage. Does not allow for significant Māori areas and archaeological sites to be considered.
Option 6B: Option 6A with the addition of the ability for Council to make resolutions to set areas that require approval/permits for signs.	 Allows flexibility to adapt requirements based on local conditions. Consistent with the current general framework for street dining – particularly if permits were required in the same zones as the street dining LTOs. Allows option for some fees to be charged for use of council land if a permit system is introduced in some areas. 	 Potential to be seen to be unfair if some places in the city required a permit for a sign and others did not. Any approval or permit approach would be costly for council and businesses. Any fees charged for signs would be unlikely to cover the administration and implementation costs of a permit system.
Option 6C: Require approval/permits for all signs across the city.	 Allows for greater oversight and flexibility based on location and impact. Allows option for fees to be charged for signage on council land for all types of signs. Provides greater flexibility to change rules via the licence conditions if required. 	 Increased administrative and monitoring costs. Potential permit fees are unlikely to recover implementation costs. Increased costs for businesses wanting to put signage on Council land. Difficult to monitor.
Option 6D: Combination of Option 6A and 6C where some signs are provided for in the bylaw	Sets a consistent rule for some types of signs on council land across the	May be difficult to justify why particular types of signs require permission

Options	Advantages	Disadvantages
and other types require a permit.	 city. Allows for greater oversight of some types of signs. Allows for fees to be charged for some types of signage on council land. 	 and others do not. May be inconsistent across different types of signs. Difficult to monitor. Could be confusing for businesses.
Option 6E: Other - changing the type/number of signs permitted.		
Note: Refer to issue seven, real estate signs below.		

Issue Seven: Real estate signs

- 63. The bylaw allows real estate signs to be placed outside the property being sold and be removed two weeks after the property is sold. It also allows open home and auction signs to be displayed 3 hours prior to and up to the end of the open home or auction.
- 64. Recently there has been an increase in the number of non-compliant real estate signs, in particular private viewing signs. The bylaw review provides an opportunity for Council to consider and clarify the rules for real estate signs.
- 65. The options available will depend on the direction given on the broader topic of signs in issue six above. If Council opts for an approval-based approach for all signs, including real estate signs, no decision is required on the options below.

Table Eight: Options for real estate signs

Options	Advantages	Disadvantages
Option 7A: Retain current approach for real estate signs.	Maintains current expectations for real estate businesses.	Does not allow scope for fees to be charged for using council land.
Note: This option is not applicable if option 6C has been selected for issue six on signs above.	Less administrative costs.	Does not clarify the current rules for real estate signs.
		Does not address the increasing number of real estate signs being displayed on council land.
Option 7B: Clarify the current rules by amending the bylaw to include:	 Provides greater clarity around the conditions for real estate signs. 	Changes may be confusing for businesses.
 a definition of a real estate sign a maximum number of real estate signs for each premises placement, number and duration conditions for 	 Ensures safety and amenity value is maintained by setting a maximum number of signs. Allows more time for open day and auction signs to be displayed. 	Could be viewed as overly restrictive.

Options	Advantages	Disadvantages	
open homes and auctions signs Conditions of an open home or auction real estate sign Recommended Note: If a permit approach is chosen for all signs (option 6C) these clarifications could be included in the permit conditions.			
Option 7C: Require approval for all real estate signs on Council land.	 Allows for greater oversight and flexibility based on location and impact. Allows option for fees to be charged for real estate signs on council land. Provides greater flexibility to change rules via the licence conditions if required. 	 New system required to manage approval requests. Increased implementation costs. Potential permit fees are unlikely to recover implementation costs. Increased costs for businesses/vendors wanting to put real estate signs on Council land. Difficult to monitor. 	
Option 7D: No real estate signs permitted on Council land but allow for permission to be sought to place a sign on the closest possible council land location, if the property has no street visibility.	 Reduces safety risks of signs. Reduces negative amenity impacts of signs. Supports equitable marketing opportunities across different property types. Simple to understand and monitor. 	 Increased administrative costs. Increased costs for businesses/vendors wanting to place real estate signs on Council land. Could be viewed as overly restrictive. Could be seen as inconsistent if other types of business signs are permitted on Council owned land. 	

FINANCIAL CONSIDERATIONS

- 66. The cost of reviewing the bylaw will be funded from the existing policy and bylaws budget.
- 67. There are no immediate financial implications from Council deciding on the options presented in this report. However, if the outcome of the review (the adopted bylaw) results in additional activities requiring a licence or permit, there may be financial implications. These potential costs are not yet known, as the associated fees have not been established. Fees will be considered and set through the Council's Annual Plan process.

LEGAL IMPLICATIONS / RISKS

68. There is a risk that some of the options considered will be perceived negatively by businesses and the wider community. This risk will be managed through effective engagement and consultation.

TE AO MĀORI APPROACH

- 69. The review of the bylaw reflects the principles of Manaakitanga by ensuring public spaces are safe, accessible, and welcoming for all. It also aligns with the principle of Kaitiakitanga through supporting the protection of the environment. The bylaw regulates activities that may damage trees, distribute soil or contribute to pollution while protecting the environment and community assets.
- 70. The proposed amendment to the mobile shop definition enables traditional Māori healing practices such as mirimiri¹⁰ and romiromi¹¹ to be offered from mobile shops, responding to feedback from Te Rangapū and supporting Māori-led enterprise.
- 71. The Te Rangapū policy subcommittee raised the importance of ensuring the cultural appropriateness of allowing activities like street dining on significant Māori and archaeological areas. An approval-based approach has more scope for considering this.
- 72. The bylaw review will also consider amending the bylaw to support culture and Te Ao Māori values in public spaces by clarifying that approval for waiata is not required on Mauao. The bylaw currently requires written permission from council staff for preaching, singing, performing music, lectures or busking in a public place.

CLIMATE IMPACT

73. There are no direct or specific climate change impacts resulting from considering the options in the bylaw review. However, the bylaw itself provides an important regulatory tool to help protect environmental assets in public spaces, in particular trees and vegetation, that help contribute to climate resilience.

CONSULTATION / ENGAGEMENT

- 74. Staff have engaged with Fire Emergency New Zealand (FENZ), the Police, Mount Main Street, Downtown Tauranga, Te Rangapū policy subcommittee and the chair of Ngā Poutiriao ō Mauao.
- 75. Conversations with FENZ focused on the building identification provisions in the bylaw and staff engaged with Police on the areas where skateboards and roller skates are prohibited.
- 76. Discussions with the chair of Ngā Poutiriao ō Mauao focused on the bylaw's application to Mauao to ensure this remained appropriate. The bylaw was seen to still have value as a tool to help protect Mauao especially the natural environment. Any requests for activities on Mauao would be guided by the reserve management plan and consultation with Ngā Poutiriao ō Mauao. The importance of waiata on Mauao was highlighted and how the bylaw could recognise this. Staff will incorporate this feedback into the draft bylaw.
- 77. Mount Mainstreet expressed significant concern around Council considering additional fees for businesses in the Mount given the current business environment and the increase in rates and recent LTO fees. They note that 'there has been a notable increase in commercial vacancies on Mount Mainstreet, which traditionally has very low store vacancies with 10 businesses either closing or relocating since January 2025. Feedback from members

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¹⁰ Mirimiri is a Māori Maori healing practice that targets physical, mental, emotional and spiritual imbalances, tension and pain.

¹¹ Romiromi is a Māori bodywork tradition that fcuses on clearing blockags in the body's energy systems and restoting physical alignment.

- indicates mounting pressure due to a combination of declining consumer demand and rising operational costs.'
- 78. Downtown Tauranga expressed their desire for any changes to be fair and equitable. They want the same rules to apply to all businesses in Tauranga regardless of where they are located. In considering displays they favour allowing a set area for this, provided it is not less than the current set area for retail display, with the option on applying for a permit for additional space. Downtown Tauranga supports the current approach for signs but consideration for a permit to display extra signs depending on the size of the shop.
- 79. As part of the development of the Use of Council Land policy in 2020 almost 500 people were asked what they thought businesses should pay for the ongoing commercial use of public space. The survey used the example of tables and chairs outside a cafe/restaurant next door to a reserve and found that most people (around 70%) would like council to charge market value. A further 24% supported council charging a small fee.
- 80. Community consultation on the Street Use policy, carried out in late 2023, asked whether people supported phasing in street dining charges for businesses using public streets and footpaths. Of the 317 submitters, views were mixed: 48 percent disagreed or strongly disagreed, while 42 percent agreed or strongly agreed. Those opposed to charging cited the need to support vibrant street dining and struggling businesses. Supporters felt that commercial use of public space should be charged, noting that street dining can inconvenience other users and encroach too much on pedestrian areas.

SIGNIFICANCE

- 81. 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.
- 82. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the issue.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
- 83. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue of the bylaw is of medium significance, however direction on the options presented in this report is of low significance.

ENGAGEMENT

- 84. In accordance with the legal requirement in the LGA, community consultation will be carried out on the draft bylaw, using the special consultative procedure¹².
- 85. The special consultative procedure requires a Statement of Proposal, the opportunity for people to present their views to Council, and a consultation period of no less than a month.

NEXT STEPS

86. Council's direction on the issues will be incorporated into the development of a draft bylaw. The draft bylaw will be bought back to Council on 29 October 2025 for adoption approval for community consultation.

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¹² Local Government Act 2002 s.83

87. If Council adopts the draft bylaw for community consultation, this will to be carried out in November/December 2025.

ATTACHMENTS

- 1. Street Use and Public Places Bylaw 2018 A18778575 🗓 🖫
- 2. Summary of provisions in the Street Use and Public Places Bylaw A18878570 4
- 3. Summary of customer communications A18878608 🗓 🖫

STREET USE AND PUBLIC PLACES BYLAW (2018)



First adopted	8 December 2005	Minute reference	M05/142
Revisions/amendments	18 March 2013	Minute references	M13/12
	20 November 2018		M18/101.6
	27 February 2020		CO2/20/3
Review date	2028		
Engagement required	Special Consultative Procedure		
Associated documents	Beaches Bylaw 2018		
Relevant legislation	This bylaw is made under the Local Government Act 2002, the Health Act 1956 and the Litter Act 1979.		

1. TITLE

1.1 This Bylaw is the Street Use and Public Places Bylaw 2018.

2. COMMENCEMENT

2.1 This Bylaw comes into force on 1 April 2019.

3. APPLICATION

- 3.1 This Bylaw applies to Tauranga. Except as herein expressly provided this Bylaw shall apply to the whole of the District.
- 3.2 Every schedule to the Bylaw and the several parts thereof shall be deemed to form part of this Bylaw.

4. PURPOSE

4.1 The purpose of this Bylaw is to ensure public health and safety is maintained, protect the public from nuisances, minimise the potential for offensive behaviour and to manage Public Places for the wellbeing and enjoyment of the public.

It covers a diverse range of activities including commercial activity such as trading and the promotion of goods and services, busking and entertainment activities and events, and the use of Footpaths for tables and chairs and retail displays.

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5. **DEFINITIONS**

- 5.1 For the purposes of this Bylaw words which refer to the singular include the plural and the plural includes the singular.
- 5.2 For the purposes of this Bylaw the following definitions shall apply:

Term	Definition
Bylaw	refers to the Tauranga City Council Street Use and Public Places Bylaw.
Community Event Sign	means any Sign advertising an event (regardless of frequency) or community message.
Council	means Tauranga City Council or any Committee, Sub Committee or elected member of Council or officer or other person authorised to exercise the authority of Council.
District	means the district of Tauranga City Council.
Enforcement Officer	means any person appointed and/or authorised by Council for the purpose of enforcing the provisions of this part of the Bylaw.
Election Sign	means any Sign identifying or promoting a person or political party in a parliamentary or local authority election. That may be a Local Election Sign or a General Election Sign.
Filming	means the recording of images, moving or still, for commercial purposes or at a scale that might unduly obstruct use of a public place.
Food and Beverage Business	means any business such as a café, restaurant or bar that produces and sells food and/or beverages for consumption on its premises.
Footpath	means a path or way principally designed for and used by pedestrians and includes a footbridge.
Frontage	means the area directly between the Shop Front and the road kerb.
Furniture	means tables, chairs and umbrellas that businesses are permitted to place on the Footpath. It does not include temporary fencing or furniture cordons.
General Election Signs	means any Sign identifying or promoting a person or political party for a parliamentary election under the Electoral Act 1993. Election signs are hoardings and include vehicles parked for the purposes of advertising.
Local Election Signs	means any Sign identifying or promoting a person for a local body election. This includes Council elections, Regional Council elections, and District Health Board, or other local body election. Election signs are hoardings and include vehicles parked for the purposes of advertising.

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Magazine Sign	means any portable Sign independently supported by means such as a post or wall.
Mainstreet	means an organisation that represents the interests of businesses in a geographically defined town centre, that has an agreement with Council for the provision of outcomes in support of that centre and that has authority to levy a rate on businesses for the delivery of those outcomes.
Merchandise	means any goods offered for sale, and includes both food and non-food items.
Mobile Shop	means a vehicle from which Merchandise can be sold.
Nuisance	has the same meaning as Section 29 of the Health Act 1956 and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.
Person	includes a corporation sole, a body corporate, and an unincorporated body.
Pedestrian Way	means the thoroughfare along a Footpath for use by pedestrians which, unless otherwise specified by Council in any particular case, is the part of the Footpath 2.5 metres in width measured 1.5 metres from and running parallel to any adjacent Shop Front.
Public Place	means a place under the control of Council that at any time is open to or is being used by the public, whether free or for payment of a charge and includes every road, street, Footpath, court, alley, pedestrian mall, cycle track, lane, accessway, thoroughfare, Reserve, park, domain, beach, foreshore, and any other place of public recreation or resort.
Reserve	means a reserve under the Reserves Act 1977.
Reserve Management Plan	means a plan prepared under section 41 of the Reserves Act 1977.
Shop Front	means the common boundary between the legal road and the adjacent shop or other business.
Sign	means any display or device whether or not placed on land or affixed to a building, stationary vehicle or structure, intended to attract attention for the purposes of directing, identifying, and informing, or advertising, and which is visible from a public place.

6. OBSTRUCTIONS IN PUBLIC PLACES

- 6.1 A person shall not obstruct:
 - (a) the Pedestrian Way
 - (b) the entrance to or exit from a Public Place.
- 6.2 Except where otherwise provided in this Bylaw, no person shall place or leave any

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material or thing, including a Sign, in a Public Place without the written permission of Council and then only in accordance with any conditions imposed by Council.

7. OUTDOOR SEATING

- 7.1 All businesses operating from fixed premises are permitted to place Furniture on the Footpath, subject to the following conditions:
 - (a) subject to clauses 7.2 and 7.3, each business may place a maximum of 2 tables, each with 1 umbrella and 4 chairs
 - (b) the Furniture can only be placed in the Frontage of the business
 - (c) the Furniture must not be placed in or otherwise obstruct the Pedestrian Way
 - (d) the Furniture may only be placed on the Footpath during the business's hours of operation
 - (e) the tables and chairs must be made available for use by any member of the public
 - (f) unless otherwise authorised by Council, the Furniture may not be placed:
 - (i) within 1.5 metres of any tree trunk or any Council street furniture (e.g. public bench)
 - (ii) within 1 metre of any road kerb
 - (g) the Furniture shall not obstruct access to parking meters, rubbish bins, blind guidance strips, bus stops or shelters, mobility spaces, pedestrian crossings, vehicular entrances or hinder visibility to or of road traffic
 - (h) the Furniture shall not encroach into the frontages of adjacent businesses unless all parties concerned agree in writing and have provided written notification to Council of their agreement
 - (i) the Furniture must be removed from the Footpath:
 - (i) outside the business's hours of operation
 - (ii) between the hours of 3am and 7am
 - (iii) when requested by Council to facilitate street works, services, repairs, or other public utilities, or to ensure the health and safety of the public
 - (j) any business placing Furniture on the Footpath must:
 - (i) keep the Furniture clean and in good order and repair
 - (ii) ensure that all waste, water and rubbish on or near the Furniture is removed
 - (iii) comply with all statutes, regulations and ordinances regarding the conduct of the business and the use of the Footpath for that purpose.

7.2 Food and Beverage Businesses

- (a) Food and Beverage Businesses, excluding Mobile Shops, may place tables, chairs and umbrellas on the Footpath:
 - (i) additional to those permitted by clause 7.1 (a), but subject to compliance with clauses 7.1(b) to (j) in respect of the additional Furniture as well
 - (ii) during Council approved special events, where permitted by Council and with

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no rental charge applied for the additional area occupied.

7.3 Food and Beverage Businesses – Licence to Occupy Locations

- (a) Not withstanding clauses 7.1 and 7.2 above, Council may by resolution determine locations in the District where no business shall place furniture on the Footpath without first obtaining a licence to occupy the Footpath from Council.
- (b) To avoid doubt, all clauses of this Bylaw apply to businesses granted a licence pursuant to clause 7.3 (a), except that:
 - (i) despite clauses 7.1 (d) and (i), a business which holds a licence to occupy the Footpath may leave its Furniture on the Footpath outside the business's hours of operation
 - (ii) despite clause 7.1 (e), a business which holds a licence to occupy the Footpath shall have exclusive use of its tables and chairs.

8. MERCHANDISE DISPLAY

- 8.1 Merchandise may only be displayed within the Frontage of the business to which the Merchandise relates.
- 8.2 Subject to clauses 8.5 and 8.6, Merchandise displays shall not exceed a total floor area of 1.5 square metres and shall not protrude more than 1.5 metres from the Shop Front of the business.
- 8.3 Merchandise displays shall not obstruct the Pedestrian Way.
- 8.4 Merchandise displays shall not obstruct access to parking meters, rubbish bins, blind guidance strips, bus stops or shelters, mobility spaces, pedestrian crossings or vehicular entrances, and shall not hinder visibility to or of road traffic.
- 8.5 Council may grant a licence for Merchandise displays to exceed 1.5 square metres, subject to payment of the amount set by Council for rental of the additional area occupied. Clauses 8.3 and 8.4 must be complied with in relation to any such extended Merchandise display.
- 8.6 Merchandise displays may exceed 1.5 square metres on a Mainstreet organised or Council approved market days or events provided that clauses 8.3 and 8.4 are complied with.
- 8.7 Merchandise displays must be removed from the Footpath:
 - (a) outside the business' hours of operation
 - (b) between the hours of 3am and 7am
 - (c) when requested by Council to facilitate street works, services, repairs, or other public utilities, or to ensure the health and safety of the public.

9. SKATEBOARDS AND SCOOTERS

- 9.1 No person shall ride or use a skateboard, scooter, roller skates or similar device in any Public Place in such a manner as to be dangerous or cause a nuisance.
- 9.2 Council may by resolution determine areas where riding or using a skateboard, scooter, roller skates or similar device is prohibited (a **Prohibited Area**). Council may prohibit one or more of these wheeled recreational devices for example, skateboards but not scooters.
- 9.3 No person shall ride or use a skateboard, scooter, roller skates or a similar device in

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- any Prohibited Area.
- 9.4 A fine of \$55 is applicable for any breach of clauses 9.1 or 9.3.

10. GENERAL REQUIREMENTS FOR SIGNS

- 10.1 Except as provided for elsewhere in this Bylaw, no Sign shall be displayed in any Public Place without the written permission of Council. This includes Signs attached in any way to poles, fences, street furniture or other public utilities on or in any Public Place.
- 10.2 All Signs and their supporting structures shall be constructed, fixed, placed and maintained in a manner so they do not pose a danger to property or the public. This shall be the responsibility of the Sign owner and the owner of the building on which the Sign is placed.
- 10.3 Signs attached beneath street verandas shall have a minimum of 2.5 metres clearance from the Footpath below.
- 10.4 No Sign shall be placed or shall remain in a Public Place where in the opinion of Council that Sign would:
 - (a) obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal
 - (b) distract unduly or be likely to distract unduly the attention of road users
 - (c) constitute or be likely to constitute in any way a danger to road users.
- 10.5 Council may by notice in writing (or without notice if the Sign is deemed to be dangerous by an Enforcement Officer), require the owner or user of any non-complying or unsafe Sign to remove the offending Sign from any Public Place.

11. BUSINESS SIGNS

- 11.1 Businesses operating from fixed premises are permitted to place Signs on the Footpath subject to compliance with clauses 11.2 and 11.3.
- 11.2 Siting of Business Signs:
 - (a) businesses with one street front entrance shall be permitted one Sign in addition to Magazine Signs
 - (b) businesses with more than one street front entrance may have a maximum of two Signs in addition to Magazine Signs
 - (c) Magazine Signs shall be placed against the Shop Front
 - (d) Signs, other than Magazine Signs, shall be located:
 - (i) within the frontage of the shop or business being advertised
 - (ii) in the area within 1.5 metres from the Shop Front or within 1 metre from the kerb line
 - (iii) in no case within the Pedestrian Way
 - (e) businesses using common entrance ways may only have a composite Sign encompassing all businesses therein unless individual businesses within the arcade or mall have their own street frontage.

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- 11.3 Dimensions of Business Signs
 - (a) the maximum size of a free standing Sign (including a composite Sign) shall be 1200mm high x 800 mm wide
 - (b) the maximum size of an upright fabric banner style Signs shall be 1200mm high x 800 mm wide
 - (c) the maximum size of a Magazine Sign shall be 0.5 square metres.

12. MOBILE SHOP SIGNS

- 12.1 Mobile Shops are permitted to have two roadside Signs displayed. Any other advertising must be directly attached to the Mobile Shop. Mobile Shop Signs must meet the general requirements for Signs in Clause 10 of this Bylaw.
- 12.2 Mobile Shop Signs shall be no larger than one square metre and must not be located further than 100 metres from the Mobile Shop.

13. REAL ESTATE SIGNS

- 13.1 Real Estate Signs may only be placed directly outside the property to which the signage refers and as close to the street front boundary of that property as practicable. To avoid doubt, Real Estate Signs include flags attached to parked vehicles outside the property advertising an auction of real estate or open home.
- 13.2 In addition to the above, real estate "open home" and "auction" Signs are permitted in Public Places in the period starting 3 hours prior to the open home or auction and finishing at the end of the open home or auction, provided clauses 10.2 to 10.5 of this Bylaw are met.
- 13.3 Real Estate Signs must be removed two weeks after the property has sold.

14. ELECTION SIGNS

- 14.1 Approval must be obtained from Council for the siting of Election Signs on or in a Public Place.
- 14.2 The maximum size of any Local Election Sign shall be 1.5 square metres in area.
- 14.3 Local Election Signs must comply with:
 - (a) clause 10 of this Bylaw
 - (b) Council's Local Elections Policy.
- 14.4 General Election Signs must:
 - (a) comply with clause 10 of this Bylaw
 - (b) only be displayed between the period nine weeks before polling day and the close of the day before polling day.

15. COMMUNITY SIGNS

15.1 Council may, on application, permit the display in a Public Place of Community Event Signs publicising charitable and non-commercial events or events where (in Council's opinion) the benefit to the community outweighs any commercial considerations.

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- 15.2 Community Signs can only relate to events taking place in the Tauranga City Council and/or Western Bay of Plenty District Council districts.
- 15.3 Approved Community Signs may only be erected at sites or on frames specifically reserved by Council for that purpose. Signs must comply with Reserve Management Plans and any specifications for reserve signage.
- 15.4 An application for permission to display a Community Sign must be made in writing to Council and in granting permission Council may impose conditions including payment of fees for hiring the site or frame, and removal and maintenance of signs.

16. GARAGE SALE SIGNS

- 16.1 Subject to clause 16.2, Signs advertising garage sales are permitted in a Public Place provided clauses 10.2 to 10.5 of this Bylaw are complied with.
- 16.2 Signs advertising garage sales are only permitted to be displayed in the period starting 24 hours prior to the commencement of the garage sale and finishing at the end of the garage sale.

17. TRADING IN A PUBLIC PLACE

- 17.1 Except as provided elsewhere in this Bylaw, no person shall use any portion of any Public Place to display, distribute, provide, sell or offer for sale any goods or services or solicit subscriptions or collect donations without first obtaining written permission of Council. This includes promotional activities offering free goods and services, and filming. In granting permission, Council may impose conditions, including payment of a fee.
- 17.2 Permission will generally not be granted for commercial activities except where such activities are:
 - (a) part of a Council approved event
 - (b) part of a Council approved market (see *Operation of Markets and Stalls Policy*)
 - (c) a Mobile Shop (see Operation of Mobile Shops Policy)
 - (d) a permitted activity on a reserve site through a lease or licence agreement from Council (in accordance with the Reserves Act 1977)
 - (e) a permitted activity in accordance with Council's Temporary Commercial Activities on Reserve Land Policy
 - (f) undertaken for the specific purpose of fundraising for a community or charitable organisation – such as a sausage sizzle or the sale of raffle tickets
 - (g) predominately public entertainment in nature such as busking.
- 17.3 No person shall distribute printed or written advertising material in any Public Place without prior written permission from Council.
- 17.4 No person shall within the District wash or clean the windows of any vehicle or vehicles that are temporarily stopped on any roadway for payment donation or subscription.

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18. MARKETS

- 18.1 No person may organise or operate a market in a Public Place without first obtaining written permission of Council. In granting permission, Council may impose conditions, including payment of a fee.
- 18.2 The organiser of such a market is responsible for ensuring all stall holders comply with any conditions issued by Council to the market organiser that are relevant to the operation of the stall. Market organisers are to ensure all stall holders hold any licences that they may be required to have including those relating to food handling, food registration and alcohol.

19. MOBILE SHOPS

- 19.1 Subject to clause 16.3, trading from Mobile Shops may occur in Public Places provided the operator of the Mobile Shop has obtained a licence from Council to do so. The terms and conditions of the licence will be set by Council from time to time, including any fee. The licence must be made available for inspection upon the request of an Enforcement Officer.
- 19.2 A Mobile Shop licence is personal to the licensee and may not be transferred.
- 19.3 Council may, by publicly notified resolution from time to time:
 - (a) Prohibit all operators of Mobile Shops from trading or carrying on business in any specified road or part of a road or Public Place within the District
 - (b) Limit the hours or day or days of the week during or on which operators of Mobile Shops may carry on business
 - (c) Vary, revoke or alter any such prohibitions or restrictions including the terms of the Mobile Shop Policy.

20. NUISANCE, PUBLIC SAFETY AND DAMAGE TO PUBLIC PLACES

- 20.1 No person, without the prior written permission of Council shall:
 - (a) cause or allow any material or thing to be deposited or dropped onto a Public Place
 - (b) place or leave any materials or thing or substance in a Public Place which is likely to be hazardous or injurious to any person, or likely to create a nuisance
 - (c) deposit in or around a public litter receptacle any household, business or trade refuse
 - (d) preach, sing, make or perform music, lecture or busk in a Public Place
 - (e) damage, interfere with, destroy or remove any natural feature, grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it in a Public Place
 - (f) pollute, damage, deface or disfigure, apply posters, stickers or advertising devices to, or interfere with any ornament, statue, building, Footpath, kerb, road (including road berm), structure, or facilities in a Public Place
 - (g) cause or permit to be done any act whatsoever by which damage is caused to any Public Place, or any work or thing in, on, over or under the Public Place

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- (h) use any vehicle or be in control of an animal which damages any part of a Public Place
- (i) ride or take a bicycle or motorcycle or any other vehicle on or around Mauao (The Mountain).
- 20.2 No person may light any fire in any Public Place without first obtaining approval from Council. This provision shall not apply to barbecues (meaning a fixed or portable electric or gas fired appliance or device, designed or intended for the cooking of food in the open air); or fireworks (having the same meaning as the Hazardous Substances (Fireworks) Regulations 2001); or emergency flares; or fires lit in accordance with the Beaches Bylaw 2018, subject to prohibitions or restrictions on the lighting of fires imposed by Fire and Emergency New Zealand.

21. FENCES AND TREES ADJACENT TO A PUBLIC PLACE

- 21.1 Where any fence, wall or retaining wall adjacent to a Public Place is in a state of disrepair as to be in the opinion of an Enforcement Officer dangerous to persons passing within the Public Place, the Enforcement Officer may give notice in writing requiring the owner or occupier of the land to repair or remove the fence, wall or retaining wall to the satisfaction of the Enforcement Officer. The owner or occupier shall comply with such a notice.
- 21.2 No owner or occupier of land shall allow trees or shrubs growing on such land to overhang or encroach by their roots or branches onto any Public Place so as to obstruct access to the Public Place or cause a nuisance. At the discretion of an Enforcement Officer, such trees or shrubs may be trimmed back to the property boundary.

22. EVENTS, PARADES AND ASSEMBLY

- 22.1 No person shall in any Public Place, without the prior written permission of Council, combine with other persons or take part in any assembly or organise, hold or conduct any public meeting, gathering, demonstration, or any parade or procession (whether in vehicles or on foot), or organise or conduct any display or event (referred to below as an activity) in such a way as to:
 - impede pedestrian or vehicular traffic access to or along any Public Place or to any shops or premises facing on to any Public Place
 - (b) cause a public nuisance
 - (c) endanger public health and safety (including traffic safety)
 - (d) be offensive.
- 22.2 Permission will not be unreasonably withheld and reasons will be given by Council where permission is refused. Permission may be refused in circumstances where Council reasonably believes the activity will or is likely to:
 - (a) unreasonably impede pedestrian or vehicular traffic access
 - (b) cause a public nuisance
 - (c) endanger public health and safety (including traffic safety)
 - (d) be offensive
 - (e) conflict with another activity for which permission has already been granted.

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- 22.3 In determining whether or not to grant permission Council may consider any relevant matter including:
 - (a) the time, location and duration of the activity
 - (b) the expected number of participants in, and any spectators of, the activity
 - (c) the impact the activity may have on the normal use of the Public Place including other users of that Public Place
 - (d) cumulative effects of activities
 - (e) whether the activity may give rise to some public disorder for example whether, viewed objectively, it may have a reasonable likelihood of dissuading others from enjoying their right to use the Public Place (by entering or remaining in it).
- 22.4 Council shall also consider whether any proposed refusal of permission is demonstrably justifiable in light of:
 - (a) the rights and freedoms protected by the New Zealand Bill of Rights Act 1990
 - (b) the significance of the problem being addressed (namely the impeding of access or the public nuisance or danger to public health or safety or offensiveness)
 - (c) whether the proposed refusal is a proportionate response to that problem
 - (d) whether that response interferes with any relevant right or freedom as little as is reasonably possible in the circumstances.

23. BUILDING AND STRUCTURES

- 23.1 No person without the prior written consent of Council, shall, except where otherwise provided for in the City Plan or relevant Reserve Management Plan.
 - (a) erect, construct, or place any building, dwelling or other structure or erection whatsoever, or any part thereof under, on, above, or across any Public Place
 - (b) put any veranda, projecting window, balcony, wall, lamp, door-step, cellar door, signboard, window shutter, gate-post, curtain, awning, blind or other obstruction, enclosure or projection of any kind whatsoever in such a position as to interfere with or cause obstruction in any Public Place
 - (c) hang, or allow to be hung, any door or gate abutting on any Public Place so as to render it capable of being swung over or across such Public Place. This clause 20.1 (c) does not restrict any fire or emergency access as required by any Act or Regulation
 - (d) omit or neglect to secure and maintain the foundations of any building or any wall or fence, or cause or permit any encroachment by any building, wall, or fence abutting on any Public Place, in a way that the Public Place is or may be damaged or obstructed
 - (e) mix concrete or carry out any other work upon any Public Place so as to deface or create an obstruction in the Public Place.

24. ROAD AND BUILDING IDENTIFICATION

24.1 No person shall give any name to or affix, set up, or paint any name on any street, or

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- Public Place without the prior permission in writing of Council.
- 24.2 Council may from time to time cause to be painted or affixed on a conspicuous part of some house or building at or near the end, corner, or entrance of every street, and in the direction of the line of such street, the name of such street.
- 24.3 The owner or occupier of every building shall mark such building in the way specified in clause 24.4 with such numbers as Council shall direct or approve, and shall renew the numbers as often as they are obliterated or defaced, or as Council shall order or direct, replacement but no longer than one month from the date of Council ordering such replacement.
- 24.4 The size of the numbers required to mark every building shall be not less than 50mm in height for residential dwellings and not less than 150 mm in height for all other buildings. The numbers shall be displayed in such a position as to be readily visible from any street fronted by that building or access way to that building.
- 24.5 Council shall have power at any time to:
 - (a) alter the number of any building where it may be in Council's opinion necessary or advisable to do so
 - (b) affix or apply a number to any premises in such manner and position as it thinks fit.
- 24.6 No person shall wilfully or maliciously destroy, pull down, obliterate, or deface the name of any street, or the number of any building.

25. COUNCIL FACILITIES

25.1 Council may display at the main entrance to any Public Place, Library, Public Swimming Pool or other Council facility, rules regulating the use by members of the public. Every person shall comply with such rules or the reasonable request of an Enforcement Officer about conduct at these facilities.

26. LICENCES

- 26.1 The form of any application for and grant of any permission, licence or approval required under this Bylaw will be determined by Council.
- 26.2 Council may attach to any permission, approval or licence any terms or conditions as it thinks fit.
- 26.3 No application for a licence from Council, and no payment of or receipt for any fee paid in connection with such application or licence, shall confer any right, authority or immunity on the person making such application or payment.
- 26.4 Suspending or Revoking Licences:
 - (a) Council may revoke or suspend a licence granted under this Bylaw if it reasonably believes the licence holder:
 - (i) has acted or is acting in breach of the licence
 - (ii) is unfit in any way to hold such a licence.
 - (b) Council may require the licence holder to attend a hearing to explain why the licence should not be revoked or suspended. Council may revoke or suspend the licence at its discretion if either:

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- (i) the licence holder does not attend the hearing
- (ii) if after the hearing Council is satisfied the licence holder has been in breach of the licence or is unfit to hold the licence.
- (c) Council may suspend any licence granted under this Bylaw for a period not exceeding 72 hours during the staging of any special event, by giving the licence holder 10 days' notice in writing. Council may suspend any such licence for the purposes of protecting the public from nuisance or for protecting, promoting or maintaining public health and safety.

27. FEES

27.1 Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges payable for any certificate, licence, approval, permit or consent form or inspection made by Council under this Bylaw.

28. NOTICES

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

29. ENFORCEMENT POWERS

29.1 Council may use its powers under the Local Government Act 2002, the Litter Act 1979, and the Health Act 1956 to enforce this Bylaw.

29.2 Removal of material or things

- (a) In addition to the powers conferred on it by any other enactment, Council may remove or cause to be removed from any public place any material or thing using that public place in breach of the Bylaw.
- (b) Council may recover from the person who committed the breach of this bylaw the appropriate costs in connection with the removal of the material or thing.

29.3 Removal of construction

Council may, pursuant to section 163 of the Local Government Act 2002, remove or alter a work or thing that has been constructed in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

30. OFFENCES AND PENALTIES

- 30.1 A person who fails to comply with this Bylaw commits a breach of this Bylaw and is liable to a penalty under the Local Government Act 2002.
- 30.2 A person who commits a breach of this Bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.

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30.3 A fine of \$55 is applicable for any breach of clauses 9.1 or 9.3.

31. DISPENSING POWERS

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

32. SERVING OF NOTICES AND DOCUMENTS

- 32.1 Except as otherwise expressly provided for in any Act, where any notice, order, or other document is required to be served on any person for the purposes of Bylaw, Council may serve notice by:
 - (a) delivering it personally
 - (b) sending it by messenger
 - (c) sending it by registered post to the person's last known place of residence or business.
- 32.2 If that person is absent from New Zealand, the notice may be sent to his or her agent instead of to that person.
- 32.3 If that person has no known name or address or is absent from New Zealand and has no known agent, and the notice relates to any land or building, the notice may be served on the occupier, or if there is no occupier the notice may be put on some conspicuous part of the land or building without the notice naming the owner or occupier.
- 32.4 If that person has died, the notice may be served on his or her personal or legal representative or executor.
- 32.5 Where a notice is sent by registered post it will be sent to arrive in the normal course no later than the notice is required to be served and will be deemed to have been served at the time when the registered letter would be delivered in the ordinary course of post.

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ATTACHMENTS TO TAURANGA STREET USE AND PUBLIC PLACES BYLAW 2018

The Tauranga Street Use and Public Places Bylaw 2018 allows Council by resolution to determine:

- (a) areas where riding or using a skateboard, scooter, roller skates or a similar device are prohibited (Prohibited Areas)
- (b) areas where a license to occupy is required to place tables, chairs and umbrellas on the Footpath (Licence to Occupy Areas).

These proposed attachments are provided for information only and do not form part of the Bylaw itself.

ATTACHMENT A

Council resolution: 20 November 2018

By Council resolution under clause 9.2 of the Bylaw riding or using the following wheeled recreational device:

Skateboard or Roller Skates

Are prohibited in the following areas:

Tauranga Central Area:

Prohibited on Road and Footpath:

- 1. Hamilton Street from Durham Street to Willow Street (inclusive)
- 2. Wharf Street from Durham Street to Willow Street (inclusive)
- 3. Spring Street from Durham Street to Willow Street(inclusive)
- 4. Civic Centre Arcade including public thoroughfares
- 5. Spring Street Carpark Building
- 6. Elizabeth Street Carpark Building
- 7. Hamilton/Harington Carpark Building.

Prohibited on Footpath only:

- 1. Wharf Street from Willow Street to the Strand (inclusive)
- 2. Grey Street from Elizabeth Street to Spring Street (inclusive)
- 3. Devonport Road from Elizabeth Street to Spring Street (inclusive)
- 4. The Strand from Spring Street to Harington Street (inclusive).

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Mount Maunganui Central Area:

Prohibited on Footpath only:

- 1. Maunganui Road from Pacific Avenue to its intersection with Tawa Street
- 2. Prince Avenue from Victoria Road to Maunganui Road.

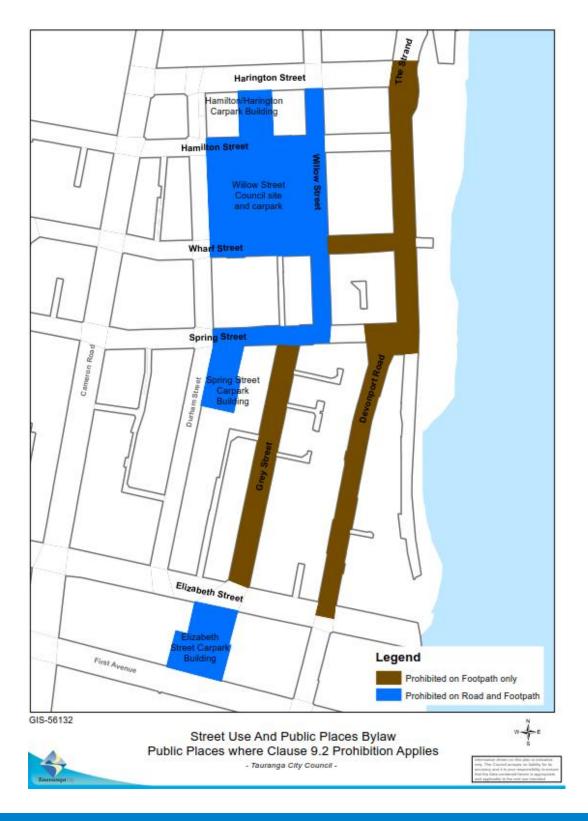
Greerton Commercial Area:

Prohibited on Road and Footpath:

- Cameron Road from intersection with Cornwall Street to intersection with Pooles Road
- Chadwick Road from intersection with Mitchell Street to intersection with Hayes Avenue
- Greerton Road from intersection with Emmett Street to northern boundary of the Greerton Road carpark
- 4. Greerton Road carpark
- 5. Lincoln Terrace Walkway and Greerton Village Square and linking walkways.

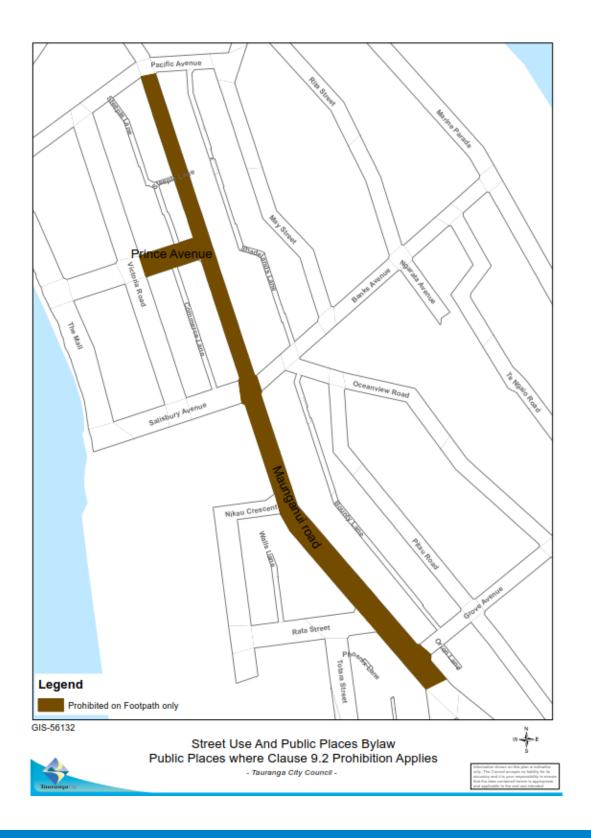
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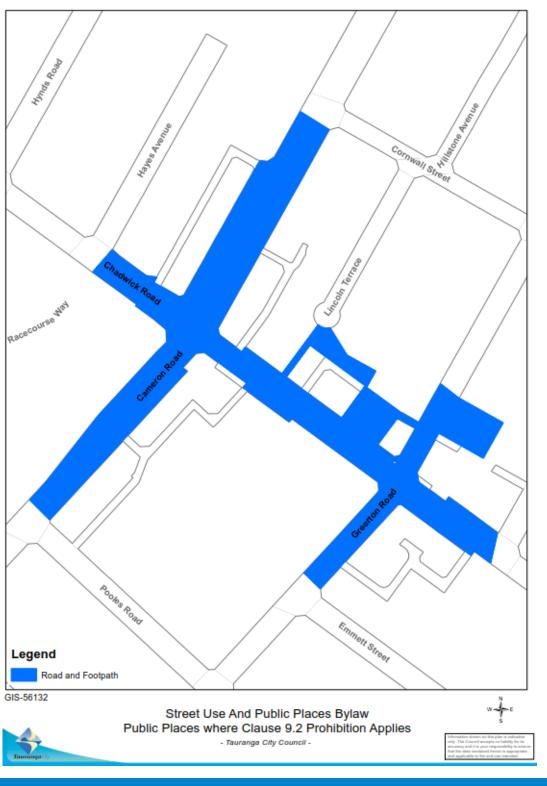
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ATTACHMENT B

Areas where a licence to occupy is required to place tables, chairs and umbrellas on the Footpath (Clause 7.3 of the Bylaw) as per council resolution CO9/24/8 made 29 April 2024.

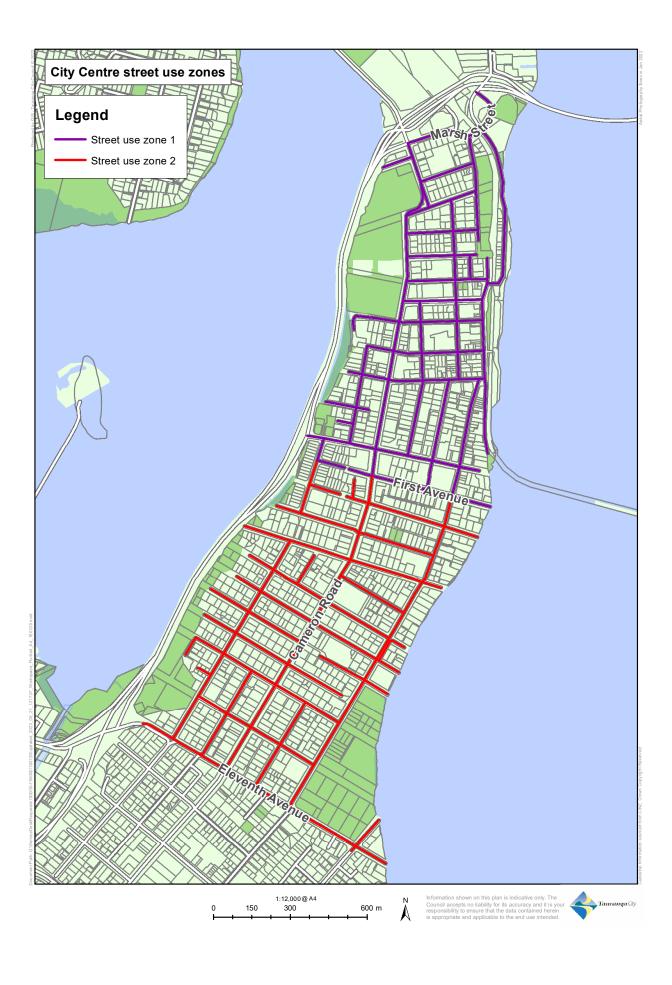
Zone A – Inner City Centre, South of Marsh Street to First Ave (inclusive) as outlined in the City Centre street use zones map

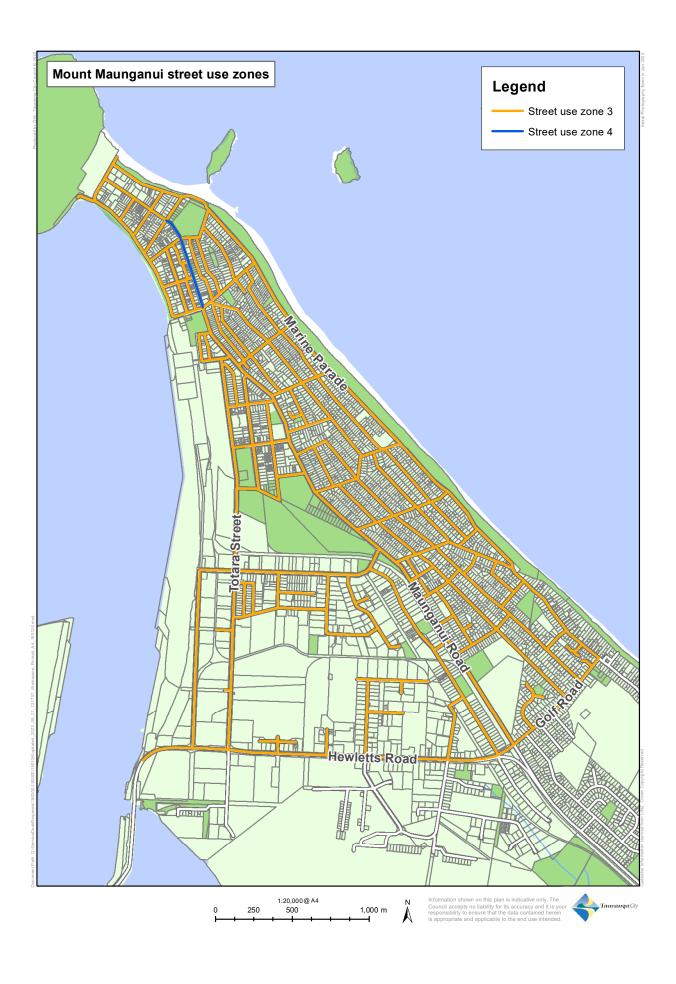
Zone B – South City Centre, Second Ave to Eleventh Ave (inclusive) as outlined in the City Centre street use zones map

Zone C – Mount Mainstreet, Maunganui Road from Grace Road to Salisbury Avenue (inclusive) as outlined in the Mount Maunganui street use zones map

Zone D – Mount Central, North of SH2, Hewletts Road and Golf Road (inclusive) but excluding Maunganui Road from Grace Road to Salisbury Avenue, as outlined in the Mount Maunganui street use zones map as outlined in the Mount Maunganui street use zones map

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Attachment Two: Summary of provisions in the Street Use and Public Places Bylaw 2018

Key bylaw provisions

Topic	Summary of bylaw provision
Pedestrian way	2.5 metres wide and located 1.5 metres from shop front, unless otherwise specified by Council.
	Council resolution CO9/24/1: 29 April 2024 specified a 1.5m pedestrian way width for Maunganui Road, Pacific Avenue, Prince Avenue, Banks Avenue and Salisbury Avery to reflect current use.
Street dining	Businesses not in a licence to occupy (LTO) area are permitted to place tables and chairs outside their premises.
	Allows Council to set areas where a LTO is required for street dining.
	Four LTO areas for street dining across the city.
Display	Merchandise display in an area up to 1.5 square metres and not extending more than 1.5 metres from the shop.
	All other displays and different types of fixtures require approval.
Skateboards,	Not to be used in a dangerous way or in a manner that causes nuisance.
scooters, roller skates or similar	Council may designate specific areas where use if these devices are prohibited.
Of Sillina	A fine of \$55 applies for any breach.
Signs	Council permission required unless provided for in bylaw.
	General conditions for signs.
	Business – 1 street front sign and magazine signs (set location and max. size)
	Mobile shop – 2 roadside signs (set max. size and location from shop)
	Real estate – time and location limits
	Election – approval required, max. size and refers to local elections policy
	Community – set sites available for booking
	Garage sale – 24 hours prior to start of garage sale
Trading	Permission required.
Mobile shops	Licence required and licence sets the conditions.
Nuisance, public safety	No person may do the following in a public place without written permission from Council:
and damage	Deposit or drop materials (e.g. rubbish, objects).
to public places	Leave hazardous or nuisance-causing items.
	Dump household, business, or trade waste in or near public litter bins.
	 Perform or speak publicly (e.g. preaching, singing, music, busking, lecturing).
	Damage or remove natural features (e.g. plants, trees, labels).
	Deface or interfere with public property (e.g. posters on buildings, graffiti).
	Cause damage to any public place or infrastructure.

Topic	Summary of bylaw provision
	Use vehicles or animals in a way that causes damage.
	 Ride bicycles, motorcycles, or vehicles on Mauao.
Lighting fires	Fires are prohibited unless Council approval is obtained. but no approval is needed for:
	Barbecues (electric or gas, portable or fixed).
	 Fireworks (as defined by Hazardous Substances regulations).
	Emergency flares.
	 Fires permitted under the Beaches Bylaw 2018, subject to Fire and Emergency NZ restrictions.
Fences and trees	If any structure next to a public place is in disrepair and deemed dangerous by a Council Enforcement Officer, the owner or occupier must repair or remove to the officer's satisfaction.
	Owners or occupiers must not allow vegetation (trees, shrubs, roots and branches) to:
	Overhang or encroach onto public places.
	Obstruct access or cause a nuisance.
Events, parades and assembly	No one can organise or participate in any public activity (meeting, parade, demonstration or event) in a public place without written permission if it: • Impacts access for pedestrians or vehicles
	Causes a nuisance
	Endangers public health and safety
	Is offence
Building and structures	No person may, without prior written consent from the Council, do any of the following in a public place (unless otherwise allowed by the City Plan or a Reserve Management Plan): • Erect or place any structure (e.g. buildings, dwellings, or parts thereof) under, on, above, or across a public place.
	Install any projections or obstructions such as:
	Verandas, balconies, windows, awnings, blinds
	Signboards, lamp posts, gateposts, cellar doors
	Any item that interferes with or obstructs public access
	 Hang doors or gates that swing over a public place (except for emergency access).
	 Neglect to maintain building foundations, walls, or fences in a way that causes damage or obstruction to a public place.
	Mix concrete or perform work that defaces or obstructs a public place.
Road and building identification	No person may, without prior written permission from Council, name or label any street or public place or affix, paint or set up any street name independently.
	Owners/occupiers must display numbers as directed by Council and maintain or replace numbers if they become damaged or unreadable.

Attachment Three:

Summary of Customer Communications - 1 July 2024 to 11 August 2025

To help identify some of the key concerns in our community, we reviewed customer communications data. This analysis offers a useful starting point, but it's important to note its limitations.

The way customer feedback is currently categorised does not directly align with the specific issues in the bylaw review. As a result, some concerns may not be fully captured, and others may be grouped in ways that don't reflect the nature of the concern or cover more than one issue. For example, communications about street dining are also relevant to the pedestrian way as some are concerned with the tables and chairs blocking the footpath and each individual communication is treated as a separate communication even if it is about the same issue. This means the findings should be seen as indicative, rather than a complete of definitive picture

It's also important to note that even if the capture of customer communications were able to align with the bylaw issues, communications alone don't always reflect the full scale or impact of an issue. Some problems may affect many people but generate few formal communications, while others may prompt more feedback from a smaller number of individuals.

Topic	Estimated No.	Key issues
Pedestrian way	22	Obstruction and condition of footpath
Street dining and other street furnture – including retail display	15	Obstruction, safety and compliance with bylaws 'it is complelety blocking acceces to the footpath meaning you now have to walk on the road to get around' 'street dining too close to the kerb- no proptective barrier'
Signs	87	Obstruction and safety concerns 'signs very far out on the footpaths and it is obstructing drivers view of the cyle lane' 'signs have blown over often and today one hit a man standing on the footpath' Queries whether signs are permitted in specific locations
Mobile shops	85	Obstructuion and safety concens Whether a mobile shop has a licence Impacts on other businesses

11.6 Endorsement for New Civil Defence Emergency Management Controllers & Recovery Managers

File Number: A18878039

Author: Daniel Pearce, Team Leader - Emergency Management

Authoriser: Sarah Omundsen, General Manager: Regulatory and Community

Services

Please note that this report contains confidential attachments.

Public Excluded Attachment	Reason why Public Excluded
Item 11.6 - Endorsement for New Civil Defence Emergency Management Controllers & Recovery Managers - Attachment 2 - Controllers Recovery endorsement letter - Sept 2025	protect the privacy of natural persons, including that of deceased

PURPOSE OF THE REPORT

1. To seek endorsement from Council to appoint Local Controllers and Recovery Managers for Tauranga City Council as required under the Civil Defence Emergency Management Act 2002.

RECOMMENDATIONS

That the Council:

- (a) Receives the report "Endorsement for New Civil Defence Emergency Management Controllers & Recovery Managers".
- (b) Endorse the appointment of the following Local Controllers for Tauranga City Council:
 - (i) Tom McEntyre City Operations Delivery Manager
 - (ii) Deidre Ewart Head of Regulatory Support & Compliance Services
 - (iii) Steve Pearce Head of Building Services
 - (iv) Gareth Wallis Head of Community Hubs, Arts, Heritage & Events
- (c) Endorse the appointment of the following Local Recovery Managers for Tauranga City Council:
 - (i) Nelita Byrne Manager of Venues and Events
 - (ii) Alana Rapson Team Leader Community Development
 - (iii) Daniel Pearce Team Leader Emergency Management

Attachment 2 is to stay in public excluded to protect the privacy of natural persons.

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EXECUTIVE SUMMARY

- 2. Tauranga City Council are required to appoint Local Controllers and Local Recovery Managers by the Civil Defence Emergency Management Act 2002 and the CDEM Amendment Act 2016.
- 3. This paper seeks endorsement to appoint staff to these key roles to enable effective emergency management during response and recovery activities.
- 4. The specific functions and powers of Local Controllers and Local Recovery Managers are delegated via the Bay of Plenty CDEM Group Joint Committee through the 5-yearly Bay of Plenty CDEM Group Plan.

BACKGROUND

- 5. Controller and Recovery Manager appointments are required by and given effect through the Civil Defence Emergency Management Act 2002 and the CDEM Amendment Act 2016. They policy for appointments is provided in Attachment 1.
- 6. Tauranga City Council currently has two appointed Local Controllers and two Local Recovery Managers.
- 7. To increase our capability and capacity to effectively plan for, respond to and deliver emergency management activities, it is imperative that Council's pool of suitably qualified and trained Controllers and Recovery Managers is maintained at an adequate level.
- 8. The Tauranga City Council staff identified below have been identified as meeting the personal and professional requirements to hold the position of either Local Controller or Local Recovery Manager.
 - (a) Local Controller:
 - (i) Tom McEntyre City Operations Delivery Manager
 - (ii) Deidre Ewart Head of Regulatory Support & Compliance Services
 - (iii) Steve Pearce Head of Building Services
 - (iv) Gareth Wallis Head of Community Hubs, Arts, Heritage & Events
 - (b) Local Recovery Manager:
 - (i) Nelita Byrne Manager Venues and Events
 - (ii) Alana Rapson Team Leader Community Development
 - (iii) Daniel Pearce Team Leader Emergency Management
- 9. A brief summary of relevant experience is provided in Attachment 2.

STATUTORY CONTEXT

10. Appointment of Controllers & Recovery Managers is outlined within the Civil Defence Emergency Management Act 2002.

STRATEGIC ALIGNMENT

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

	Contributes
We are an inclusive city	
We value, protect and enhance the environment	
We are a well-planned city	✓

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We can move around our city easily	
We are a city that supports business and education	

12. Apart from being a legislative requirement, having a robust and sustainable group of appointed Controllers and Recovery Managers ensures that the city can successfully plan for, respond to and manage the impacts of emergencies when they occur.

FINANCIAL CONSIDERATIONS

- 13. There are some externally facilitated training courses that will be required for the appointed staff however this will be managed within existing training and development budgets.
- 14. These roles also carry a level of financial delegation and ability to make decisions during response and recovery activities that may impact Council operational expenditure.

LEGAL IMPLICATIONS / RISKS

15. There is an identified risk that by not having an adequate number of appointed Local Controllers and/or Recovery Managers that Council may not be able to meet the legislative requirements to effectively manage emergency response and subsequent recovery activities.

SIGNIFICANCE

16. The proposal is of low significance.

ENGAGEMENT

17. The proposal is of low significance and no further engagement is required prior to Council making a decision.

NEXT STEPS

18. Once endorsement is received from Council, the nominations will be forwarded to the Bay of Plenty Civil Defence Emergency Management Group Joint Committee for statutory appointment.

ATTACHMENTS

- 1. Bay of Plenty CDEM Group Policy for Recovery Managers and Controllers A18882562 1
- 2. Controllers Recovery endorsement letter Sept 2025 A18878115 Public Excluded

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A safe, strong Bay of Plenty, together Toi Moana, kia haumaru, kia kaha, mā tātau katoa

Bay of Plenty CDEM Group

Policy for the Appointment of Controllers and Recovery Managers

Objective ID# A4695696 Version 1.0

Bay of Plenty Civil Defence Emergency Management Group Policy for Appointment of Controllers and Recovery Managers

Authority:

This policy has been issued by the Bay of Plenty Civil Defence Emergency Management Group pursuant to s17(1) (d) of the Civil Defence Emergency Management (CDEM) Act 2002.

Date of issue:

30 September 2024

Version Control

Any updated version of this document following amendment or review will be recorded in the table below and advice of reissues will be distributed by the Group. Recipients should take all appropriate action to ensure they are in possession of the most recent version and that previous versions in both hard copy and electronic forms are archived accordingly.

Version No.	Amendment	Approval Date	Approved by
1.0		27 September 2024	BOP CDEM Group
			Joint Committee

Review Date: September 2029

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1 Introduction

1.1 About this Policy

The **purpose** of this policy is to outline the processes required for the appointment of Controllers and Recovery Managers, and their roles within the Bay of Plenty Civil Defence Emergency Management Group (BOP CDEM Group).

The policy applies to all local authority member agencies of the BOP CDEM Group and highlights the BOP CDEM GROUP's associated obligations and commitments.

This policy should be read alongside the "Bay of Plenty Civil Defence Emergency Management Group Delegations Manual" and the "Bay of Plenty Civil Defence Emergency Management - Guideline for the development of Controllers and Recovery Managers".

1.2 Emergency Management Context

The emergency and recovery continuum (Figure 1) gives an indication of the timeline of needs that people and communities are likely to have following an emergency and therefore the role expectations on both Controllers and Recovery Managers. The functional flow of services needed and subsequently or pre-emptively performed, resulting from an emergency onset through transition to recovery, to exiting recovery, are highly connected.

The performance of the Controller through response and the transition to Recovery can set in place substantive influence on the early direction of recovery. Equally the role of Recovery Manager acting early in response and establishing recovery strategies will also be influential to the outcomes of community. recovery.

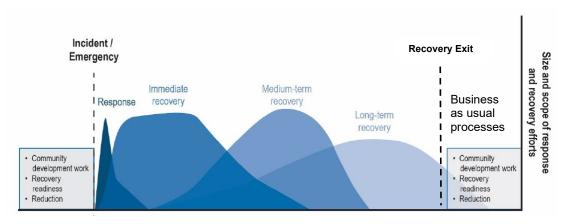


Figure 1 – The Recovery Continuum

These roles and functions, and the persons assigned to them, are key for the BOP CDEM Group to not only deliver on its legislative obligations but also in delivering accountable actions and outputs that enhance the community's ability to recover.

The capacity of the CDEM Group to perform well requires scalability which in turn requires a "cadre" of experienced and trained personnel (or in development) with the appropriate leadership qualities and traits.

This policy highlights the importance of capability and capacity for the Group to be able to perform to the level expected by its communities.

¹ Adapted from Federal Emergency Management Agency 2016 National Disaster Recovery Framework 2nd edition

2 Appointment of Controllers and Recovery Managers

2.1 Requirement to Appoint Controllers and Recovery Managers

The requirement for the Civil Defence Emergency Management Group to appoint Controllers and Recovery Managers are detailed as below:

2.1.1 Controller Appointments

'A Civil Defence Emergency Management Group must appoint, either by name or by reference to the holder of an office, a suitably qualified and experienced person to be the Group Controller for its area.' [s26(1)]

'A Group must appoint, either by name or by reference to the holder of an office, at least 1 suitably qualified and experienced person to be the person or persons who are to perform the functions and duties and exercise the powers of the Group Controller on the occurrence of a vacancy in the office of group controller or the absence from duty of the Group Controller for any reason, for the duration of the vacancy or the absence.' [s26(2)]

'A Civil Defence Emergency Management Group may appoint 1 or more persons to be a Local Controller, and direct that person or persons to carry out any of the functions and duties of, or delegated to, that Group's Group Controller and to exercise the powers of Controllers in the area for which the Group Controller is appointed, including, but not limited to, the powers in sections 86 to 94.' [s27(1)]

2.1.2 Recovery Manager Appointments

"A Civil Defence Emergency Management Group must appoint, either by name or by reference to the holder of an office, a suitably qualified and experienced person to be the Group Recovery Manager for its area." [s29(1)].

"A Group must appoint, either by name or by reference to the holder of an office, at least 1 suitably qualified and experienced person to perform the functions and duties and exercise the powers of the Group Recovery Manager on the occurrence of a vacancy in the office of Group Recovery Manager or in the absence from duty of the Group Recovery Manager for any reason, for the duration of the vacancy or absence."[s29(2)]

"A Civil Defence Emergency Management Group may appoint, either by name or by reference to the holder of an office, 1 or more suitably qualified and experienced persons to be a Local Recovery Manager, and direct that person or those persons to perform any of the functions and duties of, or delegated to, the Group Recovery Manager of the Group and to exercise the powers of the Group Recovery Manager in the area for which the Group Recovery Manager is appointed, including, but not limited to, the powers in sections 94H,94I, and 94K to 94N."

2.2 Distinct and dedicated roles

The roles of Controller and Recovery Manager are required to be distinct and separate roles within an organisation. This ensures that these functions adequately meet their obligations not only during response and transition to recovery, but also for readiness planning.

It is preferable that Elected Officials, Chief Executives and Local Authority Senior Managers who undertake response and recovery functions within their substantive roles are not also appointed as Controllers or Recovery Managers. This:

- enables a separation of duties;
- recognises the significate time commitment required to be proficient in the Controller and Recovery Manager roles;
- recognises these staff will likely to be required to undertake their substantive role during an emergency response and/or recovery.

Where it is identified that an individual with response and recovery functions in their substantive role (including Emergency Management Officers) is best placed to be appointed as a Controller or Recovery Manager, their organisation should undertake planning to ensure their substantive roles can be backfilled during response/recovery.

An exception to this approach for recovery would be where a Recovery Manager is seconded fully to the role during a recovery event.

2.3 Identification and Nomination

The appointment of Controllers and Recovery Managers (and their alternates) is a significant decision for the CDEM Group and its members.

Statutory appointment of all roles is achieved by resolution of the Bay of Plenty CDEM Group Joint Committee, however in support of the Joint Committee decision making processes robust identification and nomination process are required.

Due to differing statutory requirements, roles and powers² the process for identification and nomination differs by role and function.

- Group Controller the role of Group Controller will be filled by a staff member from Emergency Management Bay of Plenty (EMBOP) as a core component of their role. This position will therefore be identified through the normal appointment processes as per Bay of Plenty Regional Council policies.
- Alternate Group Controllers: may be identified from Emergency Management Bay of Plenty (EMBOP) staff or Bay of Plenty Regional Council (BOPRC) staff.
 - EMBOP where this position is a core component of their role, these individuals will be identified through the normal appointment processes as per Bay of Plenty Regional Council policies.
 - BOPRC these staff will be identified by the BOPRC Coordinating Executive Group Representative in consultation with the Group Controller and then requires formal BOPRC Council endorsement
 - Other suitably qualified and experienced individuals employed by, or contracted to the CDEM Group
- Local Controllers are nominated by the relevant Territorial Authority Chief Executive, supported by the Group Controller, and receive formal endorsement from the relevant Territorial Authority Council.
- Group Recovery Managers: the role of Group Recovery Manager will be filled by a staff member from Emergency Management Bay of Plenty (EMBOP) as a core component of their role. This position will therefore be identified through the normal appointment processes as per Bay of Plenty Regional Council policies.
- Alternate Group Recovery Managers: may be identified from Emergency Management Bay of Plenty staff or Bay of Plenty Regional Council (BOPRC) staff.
 - EMBOP where this position is a core component of their role, these individuals will be identified through the normal appointment processes as per Bay of Plenty Regional Council policies.
 - BOPRC these staff will be identified by the BOPRC Coordinating Executive Group Representative in consultation with the Group Recovery Manager and then requires formal BOPRC Council endorsement.
- Local Recovery Managers are nominated by the relevant Territorial Authority Chief Executive, and
 receive formal endorsement from the relevant Territorial Authority Council

2.4 Instatement Process

Preliminary

Process

- Need for role identified (note that there is an obligation on the associated local authority for any vacant role (refer Section 5.3 Allocated Resources) to be filled as soon as practicable
- Potential candidate(s) identified
- •Discussion with the CDEM Group Controller or CDEM Group Recovery Manager (as appropriate) on proposed nomination. Group Controller (for Controllers) or Group Recovery Manager (for Recovery Managers) endorsement is required.
- •Terroritial Authority CEO and CEG Rep selection and assessment (note that the guideline for selection is attached at Appendix A

Formal <u>End</u>orsement

- Nominating authority seeks formal Council Endorsement for appointment
- Where a nominating authority is seeking a shared appointment then an endorsement from both Councils is required.
- •CEG Representative presents nomination to CEG for endorsement and recommendation to Joint Committee

Figure 2 -



- Joint Committee appoints or declines controller or recovery manager nomination
- •CE and Individual advised of appointment
- •Schedule of appointments updated and publically available on: https://www.bopcivildefence.govt.nz/documents/
- •Role included into their BAU job description

Instatement Process

Note:

When appointing more than one alternate into a role, a clear order must be included, e.g. 1st, 2nd and 3rd alternate, to ensure it is clear where powers are held in the absence of the primary appointee. This order will then appear in the Schedule of Appointments (refer section 2.5).

2.5 Schedule of Appointments

The approved schedules of appointments for Controllers and Recovery Managers under the requirements of the CDEM Act 2002, as amended by the CDEM Amendment Act 2016 and ratified under this policy by the Bay of Plenty CDEM Group Joint Committee, are publicly available on: https://www.bopcivildefence.govt.nz/documents/

2.6 Variation to an appointed person's position description

This policy is required to be referenced as part of the key material and requirements for the position descriptions for the roles of Controller and Recovery Manager.

Position descriptions are detailed at Appendix B.

The associated local authority should include key components of the role functions and commitments as a variation to the approved persons "business as usual" employment contract/position description. This recognises the organisations commitment to the function, the statutory powers that may be used during events, and also recognises the individual's role, functions, and time commitments required.

2.7 Ongoing Reviews and Assessments

The annual review process and form is contained within the "CDEM BOP Guideline for Development of Controllers and Recovery Managers:

The review of controllers² and recovery managers will occur annually, or after any declared emergency event.

The review aims to confirm the current levels of training, professional development, stakeholder engagement, and roles performed in exercises, responses and/or recovery events.

Where an unsatisfactory review occurs then an improvement programme will be required.

2.8 BOP CDEM Group Delegations

Delegations to Controllers and Recovery Managers are detailed in the "Bay of Plenty CDEM Group Delegations Manual"

² The Group Controller and Group Recovery Manager's review process will follow the usual performance review process for BOPRC

3 BOP CDEM Controllers and Recovery Managers Relationships

3.1 Functional Relationships

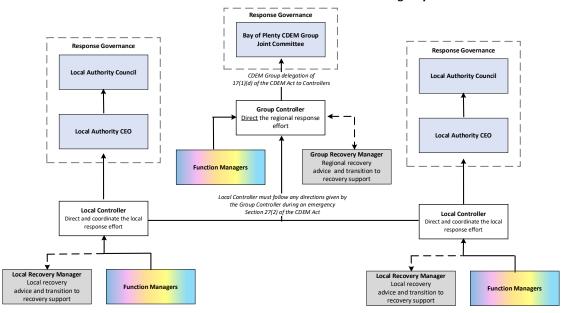
The functional relationships outlined in the diagrams below highlight the lines of reporting and accountability in:

- An emergency
- · A state of local emergency
- A state of national emergency
- A local transition period
- · A national transition period

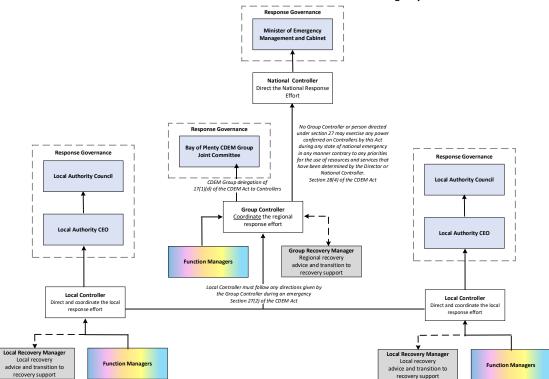
Further to the response and recovery relationships, controllers and recovery managers as appropriate will also engage with the individuals and entities detailed in this section during 'readiness' to ensure effective management of response activities. (refer Section 6.3 for readiness activities)

CDEM Command Lines in an Emergency Response Governance Bay of Plenty CDEM Group Joint Committee Response Governance Response Governance Local Authority Council CDEM Group delegation of 17(1)(d) of the CDEM Act to Controllers **Local Authority Council** Group Controller Coordinate the regional response effort Local Authority CEO Local Authority CEO Regional recovery advice and transition to recovery support Local Controller must follow any directions given by the Group Controller during an emergency Section 27(2) of the CDEM Act Local Controller Direct and coordinate the loc Local Controller and coordinate the local response effort response effort Local Recovery Manager Local recovery advice and transition to Local Recovery Manager Local recovery advice and transition to recovery support

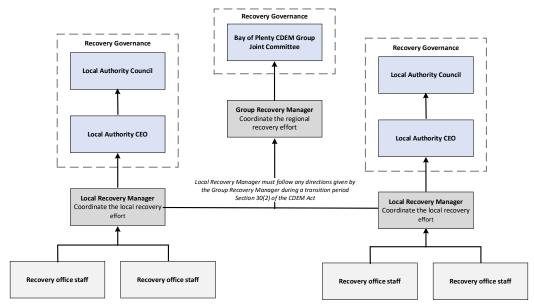
CDEM Command Lines in a state of local emergency



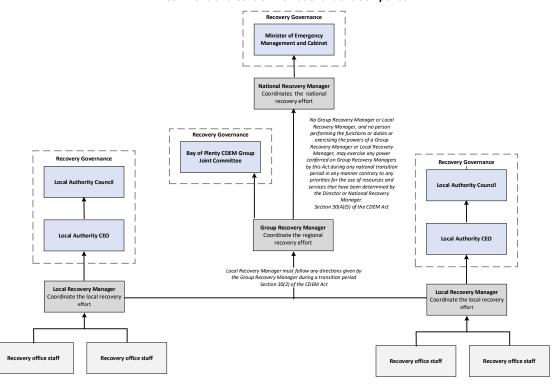
CDEM Command Lines in a state of national emergency



Command and Control in a local transition period



Command and Control in a national transition period



4 Organisational and Individual Commitments & Duties

4.1 Values and Guiding Principles

When selecting controllers and recovery managers it is important that the leadership qualities, behaviors, and traits of the individuals align with the values and principles of the CDEM Group as detailed in the "Bay of Plenty CDEM Group Plan 2023-2028":

- Whanaungatanga (maintaining connections)
- Whakapono (trust & transparency)
- Mana Motuhake (empowerment)

4.1.1 Guiding Principles

The following nine principles (section 4.1.1.1) specifically for controllers and recovery managers, provide additional detail on how these principles are achieved in response and recovery.

These principles are aspirational and it is acknowledged that in some circumstances during response and recovery, overriding or minimising the extent to which these principles can be effectively applied will be required. This will most likely occur due to a requirement to act within a limited period of time for the preservation of life such as ordering evacuations.

4.1.1.1 Principles³

Do no harm

Avoid exposing people to additional risks through our actions – even if they are well-meaning. This may occur through overreaching professional training and capability, insufficient training, or going beyond the scope and mandate of services to be provided.

Whānau ora

Supporting whānau to respond and recover to their maximum ability during and following an emergency. The approach is whānau centred and involves providing support to strengthen whānau to do what they need to live healthily and contribute to each other's wellbeing.

Equity

Acknowledging that different types and levels of support may be required for equitable outcomes. This principle also applies to culturally and linguistically diverse (CALD) peoples and those with disabilities and vulnerabilities. Improving access to services will be a key contribution towards achieving equity.

Self determination

This principle is concerned with the right of individuals and whānau to be informed and have control over their own recovery. Full involvement in decision-making helps increase peoples' capacity for self-management in support of greater autonomy and less dependence.

Indigeneity

Indigeneity relates to the status and rights of Māori as indigenous peoples. We need to support, recognise and retain Māori identity, the participation of Māori in decision-making, and emergency and recovery actions based on the aspirations of Māori. In this context, the indigeneity lens generally comprises: The Treaty of Waitangi recognising & supporting the principles of partnership, protection, and participation, te ao Māori, and whānau-centred thinking.⁴

³ Bay of Plenty CDEM Navigators Guide 2022

⁴ An Indigenous Approach to the Living Standards Framework – Te Puni Kōkiri and the Treasury January 2019

Ngā kaupapa tuku iho

Ngā kaupapa tuku iho requires acknowledgment and respect for Māori values, beliefs, responsibilities, protocols, and knowledge that are relevant to Māori and may guide emergency and recovery planning.

Inclusive

Acknowledgment and respect for diverse cultures, values, beliefs, and protocols, that may guide emergency and recovery support.

Whole-of-System responsibility

Achieving best outcomes for individuals and whānau and overall equity is a whole-of-system responsibility.

Professional conduct

Applying accepted professional values when undertaking operations and support to vulnerable people including but not limited to trustworthiness, honesty, respect, cultural appropriateness, adherence to the law, and accountability.

4.2 Skills and Attributes

The following minimum skills and attributes are essential for Controllers and Recovery Managers. These need to also align with the values and guiding principles outlined in section 4.1.

For a detailed list of skills and attributes, refer to: "Bay of Plenty CDEM Group - Guideline for the development of Controllers and Recovery Managers."

Leadership	 Credible leader with the confidence of the organisation, CE, strategic partners including Government agencies, lwi and peers. Competently manages the phases of the emergency Defines strategic vision and directs objectives Creates environment for others to succeed Positive motivation and influence for staff and agencies Delegates clear direction Ability to positively influence direction Practised team leader Confident and remains calm and focussed under pressure
Communication	 Clear, consistent, timely, and accurate communication with partners, communities, the organisation, and staff. Leads public messaging and community engagement Competent with media interaction and messaging
Relationship Management	 Develops strong working relationships Credible influencer and negotiator Competent in conflict resolution Empowers others to build and maintain relationships for effective outcomes Highly practised in multi-agency team coordination and highly cognisant in roles and responsibilities.
Other	 Informed decision making Understands hazards and risks to assess impacts and able to forward plan and determine consequences Ensures plans are coordinated and integrated Proactively leads ad engages in professional development

4.3 Controller and Recovery Manager Organisational Responsibilities

When controllers and recovery managers represent their organisation and/or the Group, the following practicable and necessary steps must be taken:

- Ensure the safety, health, and wellbeing of themselves, their colleagues, visitors, suppliers, contractors, the
 public and the environment.
- Act in the interests of the organisation when using organisational resources.
- Maintain or enhance the reputation of the organisation. Controllers and Recovery Managers must ensure that no action or inaction on their part brings the reputation of our organisations or our peoples into disrepute.

4.4 Engaging in Readiness

There are a number of areas where the BOP CDEM Group and its designated Controllers and Recovery Managers and Alternates will engage in readiness activities that will improve their ability to be prepared for response and recovery. For the Bay of Plenty CDEM Group, Controller and Recovery Manager engagement and expectations for readiness covers five (5) areas:

1. Ownership of outcomes.

- 2. Participation in planning and decision making.
- 3. Advocacy in appropriate forums.
- 4. Maintaining awareness that readiness is being undertaken appropriately.
- 5. Contribution and participating in ongoing improvement and development.

Controllers, Recovery Managers, and Alternates have responsibilities to contribute to and participate in readiness activities that support CDEM capability development and knowledge. Activities include (but are not limited to):

- Building relationships with Coordination Centre teams, elected officials, agencies, iwi and other relevant stakeholders in advance of an emergency.
- Supporting in ensuring that the Emergency Operating Centre (EOC), Group Emergency Coordination Centre (GECC), Group and Local recovery offices remain fit for purpose and ready to operate as relevant.
- Monitoring the capability and capacity of EOC/GECC/Recovery Office teams as appropriate.
- Participation in the development, execution and review of exercises.
- Identification of gaps during response and recovery, and develop, implement, and monitor corrective actions.
- Ensuring a comprehensive understanding and seamless transition to recovery activities from response
- Supporting the development of a Group/Local Recovery Office if required that is suitably transitioned with knowledge and support from response functions.
- Sharing knowledge/experience with the wider pool.
- Undertake further readiness activities when developed or specified (guidelines and/or manuals)
- Participating in response and recovery reviews for continuous improvement

4.5 Training, Development, and Review

The details of ongoing development and reviewing the Controllers and Recovery Managers may be found in the "Bay of Plenty CDEM Group - Guideline for the development of Controllers and Recovery Managers". This may be subject to change in accordance with National or Regional direction and requirements.

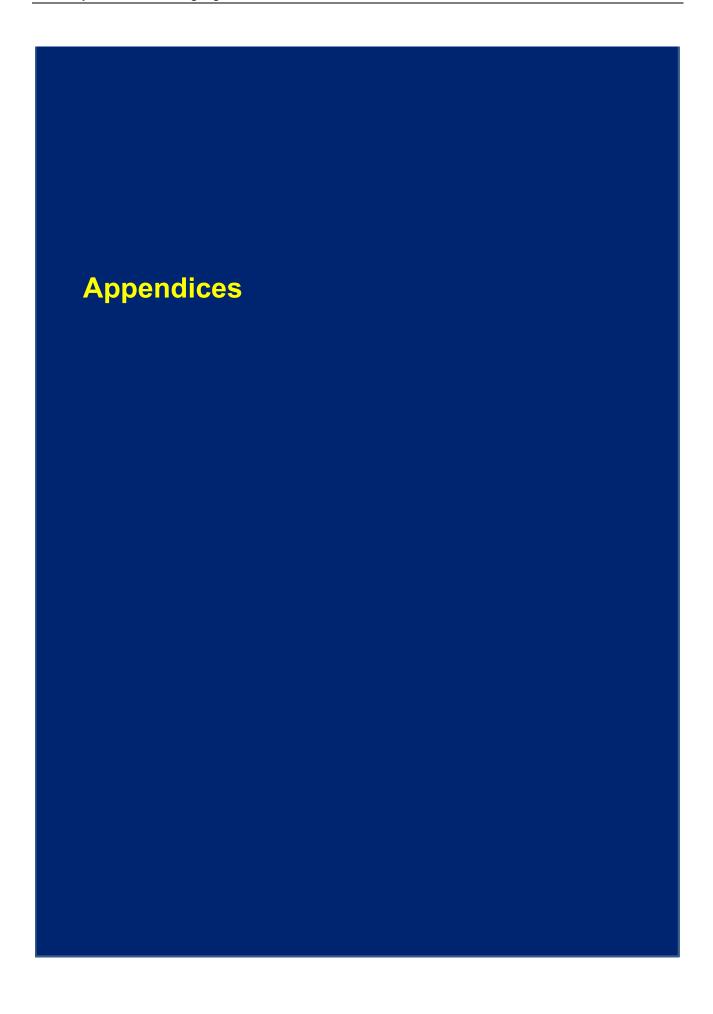
4.6 Time Commitments

Appointed recovery managers, controllers, and alternates should allow for a <u>minimum</u> 4 hours per week each to participate in readiness, exercises, reviews, training, and professional development activities.

Specific professional development (eg RRANZ) will be required to ensure individuals are suitably trained, supported and connected within the CDEM professional community. This professional development is detailed in the Controller and Recovery Management development pathway and is subject to change in accordance with National or Regional direction and requirements.

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Appendix A – Initial Selection Checklist Guideline

This checklist guideline is provided so as to compliment an organisations selection criteria and due diligence process.

Attribute	Yes	Partial	No
1.Relationship Management			
Develops necessary relationships quickly			
Able to effectively resolve conflict			
Credible influencer and negotiator			
Able to participate in diverse cultural environments and ensures positive lwi relationships			
2.Information Management			
Able to identify information need, system functionality and capability			
Able to analyse wide ranging information to inform situational awareness and strategy			
3.Risk Management			
Able to understand hazard risk and determine community impact			
4.Planning			
Ensures plans are coordinated and integrated across all levels and partners			
Able to forward plan and assess consequential risk			
5.Communication			
Communicates with clarity with partners, communities, media, and lwi			
Leads and owns public information messaging and engagement with communities			
6.Capability Development			
Able to proactively engage in professional development ⁵ for self and staff			
7.Leadership			
Able to provide positive participative leadership in an emergency that influences others towards the achievement of timely objectives			
Able to create and maintain the strategic vision, motivate staff and delegate direction			
8.Response / Recovery			
Understands and works within legislative parameters			
Able to quickly analyse information and risk and define credible planning objectives			
Can work with or within multi-agency teams and is cognisant of differing roles/functions			
9.Personal			
Addresses impact of the role on own family			
Medically fit to work in a high stress environment			
Self-confident and remains calm under pressure			
Has the confidence of elected representatives, CEO, senior management and agencies			
Is politically astute			
Has good knowledge of local area and communities			
Has high professional ethics			
Demonstrates the guiding values and principles outlined in section 6.2 of the "Policy for the Appointment of Controllers and Recovery Managers"			

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 $^{^{\}rm 5}$ Professional development includes courses, workshops, forums, meetings and exercises

Appendix B – **Roles Descriptions**

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B1 Group Controller

The role of the Group Controller is a component of a professional staff member's job description and has a separate job description.

B1.1 Overview of Role

This position will be required to:

- Provide leadership and direction in the coordination of any emergency event managed by the Group Emergency Coordination Centre as required under the CDEM Act 2002.
- Provide leadership, guidance and support to Local Controllers in the management of emergency events from local Emergency Operation Centres.
- Contribute to the planning, implementation and monitoring of CDEM activities across the spectrum of reduction, readiness and recovery, and operational readiness across the Group.

B1.2 Responsibilities

The Group Controller has the following responsibilities:

- Proactive engagement in the activities described under Key Tasks.
- Active management of own personal development in the Group Controller role, including establishing controller KPI's in 'business as usual/core role' work programme.
- Engagement with CEG Chair, relevant CEO's, Joint Committee, Local Controllers and Alternate Group Controllers regarding delivery Controller outcomes.
- Display the skills and attributes when performing this role.
- Requirement to undertake professional development as outlined in the "Bay of Plenty CDEM Group Guideline for the development of Controllers and Recovery Managers".

B1.3 Key Tasks – Group Controllers

Strategic Environment	Operational Environment	Tactical Environment
Establish and maintain effective multi agency relationships by engaging and consulting with key stakeholders within the Bay of Plenty and wider New Zealand CDEM environment	Contribute to the development of planning processes that ensures operational plans are joined up, monitored, tested, reported, and reviewed	Provide appropriate and timely advice and support to local controllers
Ensure an effective and inclusive information flow between local CDEM needs and national CDEM direction	Ensure that plans are developed in a coordinated manner by including all CDEM teams, partner agencies and other relevant groups	Liaise with controllers of neighbouring groups as appropriate
Support and champion Bay of Plenty CDEM Group's professional development	Lead in the development and maintenance of a Controller professional development programme	Provide confidence to the national controller that the coordination of emergency events are effectively managed
Lead in the provision of emergency management guidance to CEG, key stakeholders and the Joint Committee in the development of strategic plans, identification of strategic risk and	Ensure that Alternate Group Controllers maintain an awareness of CDEM readiness work programmes	Direct GECC operations in accordance with: SOPs and Plans CDEM Act 2002. Group Controller's objectives.
integration of emergency management within CDEM corporate planning processes	Lead in maintaining the GECC to a CEG approved standard (including people, place, and process components) at all times	Ensure the involvement and contribution of partner organisations in an emergency response as per CDEM group plan, national CDEM plan and CDEM Act (2002)
Engage in national best practice, forward planning methodology and process	Participate in planning of the process of transition from response to recovery and ensure effective recovery transition	Monitor and adjust the operating structure to reflect the scale of activity, and identify surge and escalation points to address critical vulnerabilities
	Lead the planning of warning systems and procedures	Approve priorities, action plans and warnings

B2 Alternate Group Controller

The role of Group Controller is a component of a professional staff member's job description and has a separate job description.

B2.1 Overview of Role

This position will be required to:

- Provide stand in support to the Group Controller by managing the coordination of any emergency in his/her absence from the Group Emergency Coordination Centre.
- Assume the role of Group Controller under the CDEM Act 2002 including leading the CDEM Group response to emergencies when the Group Controller is unavailable.
- Support CDEM activities across the spectrum of reduction, readiness and recovery, and operational readiness across the Group.

B2.2 Responsibilities

Alternate Group Controllers have the following responsibilities.

- Proactive engagement in the activities described under Key Tasks.
- Active management of own personal development in the Alternate Group Controller role, including establishing controller KPI's in 'business as usual/core role' work programme.
- Engagement with CEG Chair, relevant CEO, Joint Committee, Local Controllers and Group Controller regarding delivery of Alternate Group Controller outcomes.
- · Display the skills and attributes when performing this role.
- Requirement to undertake professional development as outlined in the "Bay of Plenty CDEM Group Guideline for the development of Controllers and Recovery Managers".

B2.3 Key Tasks – Alternate Group Controllers

Strategic Environment	Operational Environment	Tactical Environment
Establish and maintain effective multi agency relationships by engaging and consulting with key stakeholders within the Bay of Plenty and wider New Zealand CDEM environment	Support Group Controller in planning processes that ensures operational plans are joined up, monitored, tested, reported, and reviewed	Provide appropriate and timely advice and support to local controllers
Support Group Controller in the provision of effective and inclusive information flow between local CDEM needs and national CDEM direction	Support Group Controller in ensuring that plans are developed in a coordinated manner by including all CDEM teams, partner agencies and other relevant groups	Liaise with controllers of neighbouring groups as appropriate
Support and champion Bay of Plenty CDEM Group's professional development	Support the development and maintenance of a Controller professional development programme	Provide confidence to the national controller that the coordination of emergency events are effectively managed
Contribute to the provision of emergency management guidance to CEG, key stakeholders and the Joint Committee in the development of strategic plans, identification of strategic risk and integration of	Support the Group Controller by maintaining an awareness of CDEM readiness work programmes	Direct GECC operations in accordance with SOPs. Plans. CDEM Act 2002. Group Controller's objectives.
emergency management within CDEM corporate planning processes	Support the Group Controller in maintaining the GECC to a CEG approved standard (including people, place, and process components) at all times	Ensure the involvement and contribution of partner organisations in an emergency response as per CDEM group plan, national CDEM plan and CDEM Act (2002)
Engage in national best practice, forward planning methodology and process	Participate in planning of the process of transition from response to recovery and ensure effective recovery transition as required	Monitor and adjust the operating structure to reflect the scale of activity, and identify surge and escalation points to address critical vulnerabilities
	Support the Group Controller with the planning of warning systems and procedures	Advise the Group Controller about priorities, action plans and warnings

B3 Local Controller

B3.1 Overview of role

- Fulfil the role of Local Controller under the Civil Defence Emergency Management Act 2002 and will lead the local CDEM response to emergencies.
- Provide support to the Group Controller in his/her coordination of an emergency as per section 27 of the Civil Defence Emergency Management Act (2002).
- Support CDEM activities across the spectrum of reduction, readiness and recovery and operational readiness within their Local Authority.

B3.2 Responsibilities

Local controllers have the following responsibilities:

- Proactive engagement in the activities described under Key Tasks.
- Active management of own personal development in the Local Controller role, including establishing controller KPI's in 'business as usual/core role' work programme.
- Engagement with CE, CEG representative, and Group Controller regarding delivery of Local Controller outcomes.
- Display the skills and attributes when performing this role.
- Requirement to undertake professional development as outlined in the "Bay of Plenty CDEM Group Guideline for the development of Controllers and Recovery Managers".

B3.3 Key Tasks – Local Controllers

Strategic Environment	Operational Environment	Tactical Environment
Establish and maintain effective multi agency relationships by engaging and consulting with key stakeholders within the Bay of Plenty	Support Group Controller in planning processes that ensure operational plans are joined up, monitored, tested, reported, and reviewed	Provide appropriate and timely advice and support to the group controller
Support Group Controller in the provision of effective and inclusive information flow between local CDEM needs and national CDEM direction	Support Group Controller by ensuring that local plans are developed in a consistent coordinated manner by including all local EOC staff, partner agencies and other relevant groups	Liaise with controllers of neighbouring territorial authorities as appropriate
Support and champion Bay of Plenty CDEM Group's professional development	Engage in the Controller professional development programmes	Provide confidence to the group controller that the coordination of emergency events is effectively managed
Engage in national best practice, forward planning methodology and process	Maintain an awareness of CDEM readiness work programmes	Direct EOC operations in accordance with:SOPs and PlansCDEM Act 2002.
Contribute to the provision of emergency management guidance to the CEO, key stakeholders, and the Council in the development of strategic plans, identification of strategic risk and integration of emergency management within CDEM corporate planning processes	Maintain an oversight of EOC standards (including people, place, and process components) at all times	Ensure the involvement and contribution of partner organisations in an emergency response as per CDEM group plan, national CDEM plan and CDEM Act (2002)
	Participate in planning of the process of transition from response to recovery and ensure effective transition to recovery as required	Monitor and adjust the operating structure to reflect the scale of activity, and identify surge and escalation points to address critical vulnerabilities
	Gain an understanding of the vulnerability of communities to local and regional hazards	Set and review local response priorities and ensure they are aligned with CDEM Group priorities
	Ensure promulgation of information and its flow are maintained appropriately in an EOC environment	Approve the local response Action Plan and ensure it aligns with the CDEM Group Action Plan
	Ensure appropriate warning mechanisms are in place and that local warning procedures align with CDEM Group procedures	Direct local warnings in accordance with the CDEM Group Controller's direction and Group Warning SOP

B4 Alternate Local Controller

B4.1 Overview of role

This position will be required to:

- Provide stand-in support to the Local Controller by managing the coordination of an emergency in his/her absence from the Local Emergency Operating Centre.
- Assume the role of Local Controller under the Civil Defence Emergency Management Act 2002 including leading the local CDEM response to emergencies when the Local Controller is unavailable. (In this instance, the key tasks described in the position description of the CDEM Local Controller will apply).
- Support CDEM activities across the spectrum of reduction, readiness and recovery and operational readiness within their Territorial Authority.

B4.2 Responsibilities

Alternate Local controllers have the following responsibilities:

- · Proactive engagement in the activities described under Key Tasks.
- Active management of own personal development in the Alternate Local Controller role, including establishing controller KPI's
 in 'business as usual/core role' work programme.
- Engagement with CE, CEG representative, and Local Controller regarding delivery of Alternate Local Controller outcomes.
- Display the Skills and Attributes when performing this role.
- Requirement to undertake professional development as outlined in the "Bay of Plenty CDEM Group Guideline for the development of Controllers and Recovery Managers".

B4.3 Key Tasks – Alternate Local Controllers

Strategic Environment	Operational Environment	Tactical Environment
Establish and maintain effective multi agency relationships by engaging and consulting with key stakeholders within the Bay of Plenty	Support Local Controller in planning processes that ensure operational plans are joined up, monitored, tested, reported, and reviewed	Provide appropriate and timely advice and support to the Local controller
Support Group Controller in the provision of effective and inclusive information flow between local CDEM needs and national CDEM direction	Support Local Controller by ensuring that local plans are developed in a consistent coordinated manner by including all local EOC staff, partner agencies and other relevant groups	Liaise with controllers of neighbouring territorial authorities as appropriate
Support and champion Bay of Plenty CDEM Group's professional development	Engage in the Controller capability development programme	Provide confidence to the group controller that the coordination of emergency events are effectively managed
Engage in national best practice, forward planning methodology and process	Support the Local Controller by maintaining an awareness of CDEM readiness work programmes	 Direct EOC operations in accordance with SOPs and Plans CDEM Act 2002. Local Controller's objectives.
Contribute to the provision of emergency management guidance to the CEO, key stakeholders, and the Council in the development of strategic	Support Local Controller in maintaining an oversight of EOC standards (including people, place, and process components) at all times	Ensure the involvement and contribution of partner organisations in an emergency response as per CDEM group plan, national CDEM plan and CDEM Act (2002)
plans, identification of strategic risk and integration of emergency management within CDEM corporate planning processes	Participate in planning of the process of transition from response to recovery and ensure effective transition to recovery as required	Monitor and adjust the operating structure to reflect the scale of activity, and identify surge and escalation points to address critical vulnerabilities
	Gain an understanding of the vulnerability of communities to local and regional hazards	Advise the Local Controller about warnings priorities, action plans and warnings
	Ensure promulgation of information and its flow are maintained appropriately in an EOC environment when standing in for Local Controller	
	Support Local Controller in ensuring appropriate warning mechanisms are in place and that local warning procedures align with CDEM Group procedures	

B5 Group Recovery Manager

B5.1 Overview of Role

The role of Group Recovery Manager is a component of a professional staff member's job description and has a separate job description.

This position will be required to:

- Provide leadership and direction in the coordination of any recovery event managed by the Group Recovery Office as required under the CDEM Act 2002.
- Provide leadership, guidance and support to Local Recovery Managers in the management of recovery events from their local Recovery Office.
- Support CDEM recovery activities across the spectrum of reduction, readiness and response across the Group.
- Exercise the functions and powers of Recovery Manager under the Civil Defence Emergency Management Act 2000 in an appropriate way.

B5.2 Responsibilities

The Group Recovery Manager has the following responsibilities:

- Proactive engagement in the activities described under Key Tasks.
- Active management of own personal development in the Group Recovery Manager role.
- Engagement with EMBOP Director, CEG Chair, relevant CEO's, Joint Committee, Local and Alternate Recovery Managers and Alternate Group Recovery Managers, and agencies regarding delivery of recovery management outcomes
- Display the skills and attributes required when performing this role.
- Requirement to undertake professional development as outlined in the "Bay of Plenty CDEM Group Guideline for the development of Controllers and Recovery Managers".

B5.3 Key Tasks – Group Recovery Manager

Strategic Environment	Operational Environment	Tactical Environment
Establish and maintain effective multi agency relationships by engaging and consulting with key stakeholders within the Bay of Plenty and wider New Zealand CDEM recovery environment	Lead in the development of planning processes that ensures recovery plans are joined up, monitored, tested, reported and reviewed	Provide appropriate and timely advice and support to local Recovery Managers
Ensure an effective and inclusive information flow between Group and Local CDEM recovery needs and national CDEM recovery direction	Ensure that plans are developed in a coordinated manner by including all CDEM teams, partner agencies and other relevant recovery groups	Liaise with Recovery Managers of neighbouring groups as appropriate
Support and champion Bay of Plenty CDEM Group's professional development	Lead in the development and maintenance of a Recovery Manager professional development programme	Provide confidence to the national recovery manager that the coordination of recovery from emergency events are effectively managed
Lead in the provision of recovery management guidance to CEG, key stakeholders and the Joint Committee in the development of strategic plans, recognition of strategic risk and integration of recovery management within CDEM corporate planning	Ensure that Alternate Group Recovery Managers maintain an awareness of CDEM recovery work programmes	Work within GECC operations in accordance with: SOPs and Plans. CDEM Act 2002. Group Recovery Manager's objectives.
processes	Lead in planning the Group Recovery Office (GRO) to an efficient and effective standard (including people, place and process components) at all times	Ensure the involvement and contribution of partner organisations in an emergency recovery as per CDEM group plan, national CDEM plan and CDEM Act (2002)
Engage in national best practice, forward planning methodology and process	Ensure effective transition to recovery as required. Participate in planning of the Exit strategy and process to transition from recovery to business-as-usual	Monitor and adjust the operating structure to reflect the scale of activity, and identify surge and escalation points to address critical vulnerabilities

B6 Alternate Group Recovery Manager

B6.1 Overview of Role

This position will be required to:

- Provide stand-in support to the Group Recovery Manager by managing the coordination of any recovery in his/her absence from the Group Recovery Office.
- Assume the role of Group Recovery Manager under the CDEM Act 2002 including leading the CDEM Group recovery when the Group Recovery Manager is unavailable.
- Support CDEM recovery activities across the spectrum of reduction, readiness and response, and operational readiness across the Group.

B6.2 Responsibilities

Alternate Group Recovery Managers have the following responsibilities.

- Proactive engagement in the activities described under Key Tasks.
- Active management of own personal development in the Alternate Group Recovery Manager role
- Engagement with EMBOP Director, CEG Chair, relevant CEO, Joint Committee, Local Recovery Managers and Group Recovery Manager regarding delivery of Alternate Group Recovery Manager outcomes.
- Display the skills and attributes when performing this role.
- Requirement to undertake professional development as outlined in the "Bay of Plenty CDEM Group Guideline for the development of Controllers and Recovery Managers".

B6.3 Key Tasks – Alternate Group Recovery Managers

Strategic Environment	Operational Environment	Tactical Environment
Establish and maintain effective multi agency relationships by engaging and consulting with key stakeholders within the Bay of Plenty and wider New Zealand CDEM recovery environment	Support Group Recovery Manager in planning processes that ensure recovery plans are joined up, monitored, tested, reported and reviewed	Provide appropriate and timely advice and support to local Recovery Managers
Support Group Recovery Manager in the provision of effective and inclusive information flow between local CDEM needs and national CDEM direction	Support Group Recovery Manager in ensuring that plans are developed in a coordinated manner by including all CDEM teams, partner agencies and other relevant groups	Liaise with Recovery Managers of neighbouring groups as appropriate
Support and champion Bay of Plenty CDEM Group's professional development	Support the development and maintenance of a Recovery Manager professional development programme	Provide confidence to the group recovery manager that the coordination of recovery from emergency events is effectively managed
Contribute to the provision of emergency management guidance to CEG, key stakeholders and the Joint Committee in the development of strategic plans, recognition of strategic risk and integration of emergency management within CDEM corporate planning processes	Support the Group Recovery Manager by maintaining an awareness of CDEM recovery work programmes	Work within GECC operations in accordance with SOPs and Plans CDEM Act 2002. Group Recovery Manager's objectives.
	Support the Group Recovery Manager in maintaining the Group Recovery Office (GRO) to an efficient and effective standard (including people, place and process components) at all times	Ensure the involvement and contribution of partner organisations in an emergency recovery as per CDEM group plan, national CDEM plan and CDEM Act (2002)
Engage in national best practice, forward planning methodology and process	Ensure effective transition to recovery as required. Participate in planning of the Exit Strategy and process to transition from recovery to business-as-usual	Monitor and adjust the operating structure to reflect the scale of activity, and identify surge and escalation points to address critical vulnerabilities

B7 Local Recovery Manager

B7.1 Overview of role

The position will be required to:

- Fulfil the role of Local Recovery Manager under the Civil Defence Emergency Management Act 2002 and will lead the local CDEM recovery to emergencies.
- Provide support to the Group Recovery Manager in his/her coordination of an emergency as per section 27 of the Civil Defence Emergency Management Act (2002).
- Support CDEM activities across the spectrum of reduction, readiness and recovery and operational readiness within their Territorial Authority.

B7.2 Responsibilities

Local Recovery Managers have the following responsibilities:

- Proactive engagement in the activities described under Key Tasks.
- Active management of own personal development in the Local Recovery Manager role.
- Engagement with CE, CEG representative, and Group Recovery Manager regarding delivery of Local Recovery Manager outcomes.
- Display the skills and attributes when performing this role.
- Requirement to undertake professional development as outlined in the "Bay of Plenty CDEM Group Guideline for the development of Controllers and Recovery Managers".

B7.3 Key Tasks – Local Recovery Manager

Strategic Environment	Operational Environment	Tactical Environment
Establish and maintain effective multi agency relationships by engaging and consulting with key stakeholders within the Bay of Plenty	Support Group Recovery Manager in planning processes that ensure operational plans are joined up, monitored, tested, reported and reviewed	Provide appropriate and timely advice and support to the group recovery manager
Support Group Recovery Manager in the provision of effective and inclusive information flow between local CDEM needs and national CDEM direction	Support Group Recovery Manager by ensuring that local plans are developed in a consistent coordinated manner by including all local EOC staff, partner agencies and other relevant groups	Liaise with Recovery Managers of neighbouring territorial authorities as appropriate
Support and champion Bay of Plenty CDEM Group's professional development	Engage in the Recovery Manager professional development programme	Provide confidence to the group recovery manager that the coordination of recovery from emergency events is effectively managed
Engage in national best practice, forward planning methodology and process	Maintain an awareness of CDEM readiness work programmes	Work within EOC operations in accordance with: SOPs and Plans CDEM Act 2002.
Contribute to the provision of emergency management guidance to the CE, key stakeholders and the Council in the development of strategic plans, identification of strategic risk and	Maintain an oversight of EOC recovery function standards (including people, place and process components) at all times	Ensure the involvement and contribution of partner organisations in an emergency recovery as per CDEM group plan, national CDEM plan and CDEM Act (2002)
integration of strategic risk and integration of emergency management within CDEM corporate planning processes	Participate in planning of the process of transition from recovery to recovery Ensure effective transition to recovery	Monitor and adjust the operating structure to reflect the scale of activity, and identify surge and escalation points to address critical vulnerabilities
	as required Gain an understanding of the vulnerability of communities to local and regional hazards	Set and review local recovery priorities and ensure they are aligned with CDEM Group priorities
	Ensure promulgation of information and its flow are maintained appropriately in an EOC environment	Approve the local recovery Action Plan and ensure it aligns with the CDEM Group Recovery Action Plan

B8 Alternate Local Recovery Manager

B8.1 Overview of role

This position will be required to:

- Provide stand-in support to the Local Recovery Manager by managing the coordination of an emergency in his/her absence from the Local Emergency Operating Centre.
- Assume the role of Local Recovery Manager under the Civil Defence Emergency Management Act 2002 including leading the local CDEM recovery to emergencies when the Local Recovery Manager is unavailable. (In this instance, the key tasks described in the position description of the CDEM Local Recovery Manager will apply).
- Support CDEM activities across the spectrum of reduction, readiness and recovery and operational readiness within their Territorial Authority.

B8.2 Responsibilities

Alternate Local Recovery Managers have the following responsibilities:

- Proactive engagement in the activities described under Key Tasks.
- · Active management of own personal development in the Alternate Local Recovery Manager role.
- Engagement with CEO, CEG representative, and Local Recovery Manager regarding delivery of Alternate Local Recovery Manager outcomes.
- · Display the Skills and Attributes when performing this role.
- Requirement to undertake professional development as outlined in the "Bay of Plenty CDEM Group Guideline for the development of Controllers and Recovery Managers".

B8.3 Key Tasks – Alternate Local Recovery Managers

Strategic Environment	Operational Environment	Tactical Environment
Establish and maintain effective multi agency relationships by engaging and consulting with key stakeholders within the Bay of Plenty	Support Local Recovery Manager in planning processes that ensure operational plans are joined up, monitored, tested, reported and reviewed	Provide appropriate and timely advice and support to the Local recovery manager
Support Group Recovery Manager in the provision of effective and inclusive information flow between local CDEM needs and national CDEM direction	Support Local Recovery Manager by ensuring that local plans are developed in a consistent coordinated manner by including all local EOC staff, partner agencies and other relevant groups	Liaise with Recovery Managers of neighbouring territorial authorities as appropriate
Support and champion Bay of Plenty CDEM Group's professional development	Engage in the Recovery Manager capability development programme	Provide confidence to the group recovery manager that the coordination of recovery from emergency events is effectively managed
Engage in national best practice, forward planning methodology and process	Support the Local Recovery Manager by maintaining an awareness of CDEM readiness work programmes	Work within EOC operations in accordance with SOPs and Plans. CDEM Act 2002. Local Recovery Manager's objectives.
Contribute to the provision of emergency management guidance to the CEO, key stakeholders and the Council in the development of strategic plans, identification of	Support Local Recovery Manager in maintaining an oversight of EOC recovery standards (including people, place and process components) at all times	Ensure the involvement and contribution of partner organisations in an emergency recovery as per CDEM group plan, national CDEM plan and CDEM Act (2002)
strategic risk and integration of emergency management within CDEM corporate planning processes	Participate in planning of the process of transition from recovery to recovery and ensure effective transition to recovery as required	Monitor and adjust the recovery operating structure to reflect the scale of activity, and identify surge and escalation points to address critical vulnerabilities
	Gain an understanding of the vulnerability of communities to local and regional hazards	Advise the Local Recovery Manager about warnings priorities, action plans and warnings
	Ensure promulgation of information and its flow are maintained appropriately in an EOC environment when standing in for Local Recovery Manager	



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12 DISCUSSION OF LATE ITEMS

13 PUBLIC EXCLUDED SESSION

Resolution to exclude the public

RECOMMENDATIONS

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
Confidential Attachment 2 - 11.6 - Endorsement for New Civil Defence Emergency Management Controllers & Recovery Managers	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

14 CLOSING KARAKIA