



**Western Bay of Plenty**  
**District Council**



**Tauranga City**

## Western Bay of Plenty District Council / Tauranga City Council

### Reorganisation Scheme for a Boundary Alteration between Western Bay Of Plenty District and Tauranga City (Pyes Pa West and Tauriko Industrial Area)

---

Pursuant to clause 12(1) of Schedule 3 of the Local Government Act 2002, the Joint Governance Committee established by the Western Bay of Plenty District Council (WBOPDC) and the Tauranga City Council (TCC) has approved a reorganisation scheme as follows:

#### COMMENCEMENT

1. Commencement
  - 1.1 This Scheme shall come into force on the date fixed by the Order in Council giving effect to this Scheme.

#### BOUNDARY ALTERATION

2. Boundary alteration
  - 2.1 The boundary between Western Bay of Plenty District and Tauranga City is altered to exclude an Affected Area from Western Bay of Plenty District and to include the Affected Area within Tauranga City, as shown on the plan contained in the Schedule.

**3. Wards**

- 3.1 The Affected Area shall be excluded from the Kaimai Ward of Western Bay of Plenty District and included in the Te Papa-Welcome Bay ward of Tauranga City.

## TRANSITIONAL MATTERS

**4. Resource Management Act 1991**

- 4.1 In accordance with section 81 of the Resource Management Act 1991, the operative district plan and proposed district plan in respect of the Affected Area shall continue to apply as the operative district plan and proposed district plan of the Affected Area in force until such time as TCC adopts an operative district plan or notifies a proposed plan to provide for the Affected Area.

- 4.2 Any other matters under the Resource Management Act 1991, including proceedings before, or initiated by or against, WBOPDC shall have effect as matters before, or initiated by or against, TCC.

**5. Long-term Council Community Plan and Annual Plan**

- 5.1 The following provisions of WBOPDC's long-term council community plan and annual plan prepared under the Local Government Act 2002 shall continue in force in respect of the Affected Area until such time as TCC amends or adopts a long-term council community plan and annual plan to provide for the Affected Area, and TCC may act in respect of the Affected Area in reliance on these provisions of these plans as if they form part of TCC's long-term council community plan and annual plan:

- a. No capital works are planned for the Affected Area.
- b. The PBC-01 Kennedy Road seal extension has been cancelled.
- c. There will be ongoing maintenance requirements for Belk, Wintrebre, Kennedy and Gargan roads.
- d. Any development contributions policy adopted by WBOPDC and applying to the Affected Area

**6. Functions and responsibilities**

- 6.1 TCC has, and may exercise, and is responsible for, in respect of the Affected Area,—

- a. all the powers, duties, acts of authority, and responsibilities that were previously exercised by WBOPDC, or that would have been exercised by it if it had remained in control of the Affected Area:
- b. all the liabilities, obligations, engagements, and contracts that were previously the responsibility of WBOPDC, or that would have been its responsibility if it had remained in control of the Affected Area:
- c. all the actions, suits, and proceedings pending by or against WBOPDC, or that would have been its responsibility if it had remained in control of the Affected Area.

6.2 The responsibilities, duties, and powers of the Mayor and Chief Executive Officer of WBOPDC in respect of the Affected Area must be exercised by the Mayor and Chief Executive Officer of TCC.

#### **7. Rates, Levies and other money payable**

7.1 All rates or levies and other money payable set and assessed or owing to WBOPDC in respect of the Affected Area prior to the commencement date shall continue to be payable to WBOPDC.

7.2 All rates or levies and other money payable set and assessed from the commencement date to the following 30 June shall be paid by WBOPDC to TCC as soon as practicable after receipt.

7.3 TCC and WBOPDC shall enter into a subsequent agreement for the delivery of services within the Affected Area over a transitional period to be specified in that said agreement, and shall also specify appropriate levels of funding for those services.

#### **8. Bylaws**

8.1 The bylaws of TCC apply to the Affected Area.

8.2 The bylaws of WBOPDC cease to apply to the Affected Area.

#### **9. Assets and liabilities**

9.1 TCC and WBOPDC shall enter into a subsequent agreement for the apportionment of assets, liabilities and in accordance with clause 69 of Schedule 3 of the Local Government Act 2002.

Date 27 August 2008  
File Reference  
Subject Reorganisation Scheme for a Boundary Alteration between Western Bay Of Plenty District and Tauranga City (Pyes Pa West and Tauriko Industrial Area)

---

9.2 Part of Belk Road and unformed parts of Keenan Road become boundary roads. The agreement reached under clause 9.1 must include amendment to the current maintenance agreement for boundary roads between WBOPDC and TCC to take account of this change

**10. Provisions that apply to all reorganisation schemes**

10.1 Except as provided for in this Scheme, clause 67 of Schedule 3 of the Local Government Act 2002 shall apply in respect of this Scheme.

Mayor Stuart Crosby

Tauranga City Council, Chair of the Tauranga City Council/Western Bay of Plenty District Council Joint Governance Committee

27 August 2008