

# MEETING — AGENDA —

*Ngā Take*

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Western Bay of Plenty  
District Council

# COUNCIL

*Te Kaunihera*

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**C21**  
**Thursday, 1 November 2018**  
**Council Chambers**  
**Barkes Corner, Tauranga**  
**9.30am**

# Notice of Meeting No C21 Te Karere

## Council Te Kaunihera

**Thursday, 1 November 2018**  
**Council Chambers**  
**Barkes Corner**  
**9.30am**

His Worship the Mayor  
Deputy Mayor

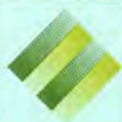
G J Webber (Chairperson)  
M Williams

Councillors:

G Dally  
M Dean  
M Lally  
P Mackay  
K Marsh  
D Marshall  
M Murray-Benge  
J Palmer  
J Scrimgeour  
D Thwaites

Media  
Staff

Miriam Taris  
**Chief Executive Officer**  
**Western Bay of Plenty District Council**



*Western Bay of Plenty*  
*District Council*

Te Kaunihera a rohe mai i nga Kuri-a-Whareki ki Otamarakau ki te Uru

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# Council Delegations

## Mangai o Te Kaunihera

### Quorum:

The quorum for this meeting is six members.

### Role:

- To exercise all powers and functions to deal with statutory and procedural matters, to carry out civic duties and responsibilities, and to exercise all non-delegated functions.
- To delegate authorities as appropriate to Council committees and the Chief Executive Officer.
- To delegate any authorities which may be additional to the roles required under the Local Government Act 2002 to Community Boards, and to appoint Councillors to Community Boards.
- To establish Joint Committees of Council, and appoint elected members and/or others to these committees.
- To make all financial decisions not otherwise delegated or included in Council's Long Term Plan and/or Annual Plan.
- To maintain, monitor and direct an overview of Council's finances including but not limited to:
  - The financial progress of major capital works projects including those considered in the Long Term Plan and Annual Plan processes.
  - Implementation of Council's risk management.
  - Approval of new debt and/or new facilities.
  - Receiving exception reports on Council's financial performance at least quarterly.
  - Undertaking all financial monitoring of performance against the Long Term Plan and Annual Plan.
  - Ensuring treasury management within the limitations of the Treasury Policy as set by the Long Term Plan.
  - Allowing for variations from Council's key treasury policy ratios.
- To exercise all non-delegated functions being:
  - (a) The power to make a rate
  - (b) The power to make a bylaw
  - (c) The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan
  - (d) The power to adopt a long term plan, annual plan, or annual report
  - (e) The power to appoint a chief executive
  - (f) The 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
  - (g) The power to adopt a remuneration and employment policy
  - (h) The power to enter into contracts otherwise than in accordance with the provisions of Section 4 of the Public Bodies Contracts Act 1959
  - (i) The power to initiate any proceedings in the High Court that are not injunctive proceedings
  - (j) The power to remove the Deputy Mayor subject to Schedule 7 (18) of the Local Government Act 2002

- (k) The power to discharge or reconstitute any committee established by the Mayor subject to Schedule 7 (30) of the Local Government Act 2002
- (l) Powers as conferred by the Minister of Conservation under the Reserves Act 1977

### **Procedural Matters:**

- Confirmation of all Standing Committee minutes excluding the District Plan Committee, Regulatory Hearings Committee and District Licensing Committee minutes
- Receipt for information all Community Board minutes
- Receipt for information all District Plan Committee, Regulatory Hearings Committee minutes and District Licensing Committee minutes
- Adoption and amendment of Standing Orders.
- Establishment of and delegations to Joint Committees, Sub Committees and any other governance body that the Council deems necessary.
- Purchase, sell and dispose of Council property other than delegated in accordance with all of the following:
  - the Long Term Plan
  - the Significance Policy
  - Council's Asset Management Plans
  - Council's Reserve Management Plans
  - Committee or appropriate delegations
- Councillor and Council appointments to other organisations.
- Approval of elected member training/conference attendance.

Any other procedural matters as required under the Local Government Act 2002 or any other Act.

### **Mayor's Delegation:**

Should there be insufficient time for Council to consider approval of elected member training/conference attendance that this be delegated to the Mayor/Deputy Mayor with a report back to Council at the next scheduled meeting.

Should there be insufficient time for Council to consider approval of a final submission to an external body that the signing off of the submission on behalf of Council be delegated to the Mayor/Deputy Mayor provided that the final submission be reported to Council or the relevant Committee at the next available meeting.

### **Mayor and Councillors' Delegations:**

Pursuant to Clause 32(1) of Schedule 7 of the Local Government Act 2002, to each of the Mayor and Councillors, whether individually or collectively, the power to listen to and receive the presentation of views by people pursuant to Section 83(1)(d) of the Local Government Act 2002 in relation to any processes Council undertakes to consult on under the Special Consultative Procedure as required by the Local Government Act 2002 or any other Act.

# Agenda for Meeting No. C21

Pages

**Present  
In Attendance  
Apologies**

## **Public Excluded Items**

The Council may by resolution require any item of business contained in the public excluded section of the agenda to be dealt with while the public are present.

## **Public Forum**

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address Council for up to three minutes on items that fall within the delegations of Council provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Mayor by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Mayor has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

C21.1

## **Receipt of Community Board Minutes**

Please refer to minutes of the meetings of the Community Boards as circulated separately with this agenda.

## **Recommendation**

*THAT the minutes of the following meetings be received:*

- 1. Minute no. WB16 of the Waihi Beach Community Board held on 8 October 2018*
- 2. Minute no. OM16 of the Omokoroa Community Board held on 9 October 2018*
- 3. Minute no. K16 of the Katikati Community Board held on 10 October 2018*
- 4. Minute no. MC16 of the Maketu Community Board held on 16 October 2018*
- 5. Minute no. TP16 of the Te Puke Community Board held on 18 October 2018*

C21.2

### **Minutes of Council and Committee Meetings for Confirmation**

Please refer to minutes of the meetings of the Council and its Standing Committees as circulated separately with this agenda.

#### **Recommendation**

*THAT the minutes of the following meetings as circulated separately with the agenda are confirmed and are a true and correct record:*

- 6. Minute no. C19 of the Western Bay of Plenty District Council held on 3 September 2018*
- 7. Minute no. C20 of the Western Bay of Plenty District Council held on 20 September 2018*
- 8. Minute no. CC13 of the Community Committee held on 11 October 2018*
- 9. Minute no. PP14 of the Policy Committee held on 6 August 2018 and 27 September 2018*
- 10. Minute no. PP15 of the Policy Committee held on 18 October 2018*
- 11. Minute no. RUR10 of the Rural Committee held on 25 September 2018*
- 12. Minute no. OP15 of the Operations and Monitoring Committee held on 25 October 2018*

C21.3

### **Minutes for Receipt**

Please refer to the minutes as circulated separately with this agenda.

#### **Recommendation**

*THAT the minutes of the following meetings as circulated separately with the agenda are received:*

- 13. Minute no. RH13 of the Regulatory Hearings Committee held on 8 October 2018*
- 14. Minute no. PF5 of the Māori Partnership Forum held on 2 October 2018*
- 15. Minute no. JG6 of the Joint Governance Committee held on 17 October 2018*

C21.4            **Information for Receipt**

Please refer to the Minute Index and Information Pack as circulated separately with this agenda.

**Recommendation**

*THAT the information items included in the Minute Index and Information Pack dated 1 November 2018 as circulated separately with the agenda be received.*

C21.5            **Recommendatory Report from the Policy Committee - (Deliberations on the Draft Reserves and Facilities Bylaw 2018)**            10-42

Attached is a report from the Group Manager Policy, Planning and Regulatory Services dated 4 October 2018.

C21.6            **Pukehina Surf Rescue Lifeguard Service Incorporated – Lease Area Extension**            43-48

Attached is a report from the Reserves and Facilities Manager dated 18 September 2018.

C21.7            **Katikati Boating Club – Alternative Lease Site for Shipping Container**            49-86

Attached is a report from the Reserves and Facilities Manager dated 18 September 2018.

C21.8            **Application to Alter the Boundary between Western Bay of Plenty District Council and Tauranga City Council**            87-148

Attached is a report from the Project Manager – Tauriko West dated 15 October 2018.

C21.9            **Amendment to the Terms and Conditions for the Supply of Water**            149-174

Attached is a report from the Policy Analyst dated 1 November 2018 2018.

C21.10 **Schedule of Meetings – 2019**

A report from the Customer Relationship Manager setting out the meeting programme for 2019 will be circulated separately

C21.11 **Chief Executive Officer's Report to Council – October 2018** 175-188

Attached is a report from the Chief Executive Officer dated 23 October 2018

**Local Government Official Information and Meetings Act**

**Exclusion of the Public**

**Schedule 2A**

**Recommendation**

*THAT the public be excluded from the following part of this meeting namely:*

- *In Confidence Council and Committee minutes for Confirmation.*
- *In Confidence Minute Index and Information Pack*
- *In Confidence Recommendatory Report from the Tauranga City Council/Western Bay of Plenty District Council Joint Governance Committee – Appointment of Board member to Tourism Bay of Plenty 2018*
- *Annual General Meeting of the Local Government Funding Agency Limited*
- *In Confidence Chief Executive Officer's Report – October 2018*
- *In Confidence Mayor's Report to Council – October 2018*

*The general subject to 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(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:*

<b><i>General subject of each matter to be considered</i></b>	<b><i>Reason for passing this resolution in relation to each matter</i></b>	<b><i>Ground(s) under Section 48(1) for the passing of this resolution</i></b>
<i>In confidence Community Board Minutes</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>For reasons previously stated on the relevant minutes.</i>



<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
<i>In Confidence Council and Committee minutes for Confirmation</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>For reasons previously stated on the relevant minutes.</i>
<i>In Confidence Council and Committee minutes for receipt</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>For reasons previously stated on the relevant minutes.</i>
<i>In Confidence Minute Index and Information Pack</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>For reasons previously stated on the relevant minutes.</i>
<i>In Confidence Recommendatory Report from the Tauranga City Council/Western Bay of Plenty District Council Joint Governance Committee – Appointment of Board member to Tourism Bay of Plenty 2018</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>Protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>In Confidence 2018 Annual General Meeting of the Local Government Funding Agency Limited</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>Protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>In Confidence Chief Executive Officer's Report – 23 October 2018</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>Maintain legal professional privilege. Protect the privacy of natural persons, including that of deceased natural persons.</i>
<i>In Confidence Mayor's Report to Council - 2 October 2018</i>	<i>THAT the public conduct of the relevant part of the proceedings of the meeting would likely result in the disclosure of information for which good reason for withholding would exist.</i>	<i>Protect the privacy of natural persons, including that of deceased natural persons.</i>

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## Western Bay of Plenty District Council

### Council

## Recommendatory Report from the Policy Committee Deliberations on the Draft Reserves and Facilities Bylaw 2018

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### Summary

Council is required to consider the recommendations and resolve accordingly. The following options are available to Council and where appropriate the preferred option has been recommended.

Please note the following is a recommendation only.

The Council to resolve to:

- a. adopt as recommended
- b. to modify
- c. refer to another Committee
- d. to decline (giving reasons) and refer back to the Policy Committee

### Recommendation from the Policy Committee - 27 September 2018

PP14.4            **Deliberations on the Draft Reserves and Facilities Bylaw 2018**

**Resolved:**            Marshall / Dean

5. *THAT the Policy Committee recommends to Council for adoption the Reserves and Facilities Bylaw 2018 inclusive of the following amendments:*

***Issue 1: Horses at Tuapiro Point***

*Option 1C:*

*Amended status quo (Appendix C) including the options outlined below:*

Permitted area amendments

*Continue to permit horses at Tuapiro Point subject to conditions outlined in Clause 13.*

*Amend Schedule 1 of the bylaw to reflect proposed changes to permitted horse riding areas around Tuapiro Point including clarification regarding the parking area for horse floats and access to the permitted area connecting the public road to the foreshore.*

*Reasons:*

- *Seeks to achieve a compromise between the issues raised by Ngati Te Wai and the issues raised by the horse riding community.*
- *Tuapiro Point is a popular location for horse riders.*
- *Majority of submissions did not support removing Tuapiro Point as a permitted site (96%).*
- *Continues to provide six locations for horse riders to access in accordance with the Bylaw.*
- *A range of potential improvements could be made within the bylaw and operationally (many suggested by submissions) to better manage the impact of the use of the area by horse riders.*

Code of conduct

*Develop horse riders code of conduct in conjunction with horse riding representatives and include code of conduct information in the bylaw, on Council's website and in Council communications.*

*Reasons:*

- *Sets out clear expectations of use.*
- *Approach successfully used in Auckland Regional Parks.*
- *Can be used by different clubs to encourage responsible use by their members.*

**Issue 4: Drones***Option 4B:*

*Continue as per proposed bylaw (Appendix A)*

*Reasons:*

- *Reflects existing Council direction on this issue.*
- *Recognises that there have been no known issues regarding the use of RPAS on Council land.*
- *Clear and simple approach to allowing for this use to occur, avoiding confusion about where RPAS can and cannot fly.*
- *Ensures compliance with CAA regulations and provides flexibility should these regulations change in the future.*

***Issue 5: Vehicles on Beaches****Option 5B:**Amendments to Clause 10 of operative bylaw**Reasons:*

- *Ensures community are aware that regional provisions may also apply.*
6. *THAT pursuant to s155 of the Local Government Act 2002, the Policy Committee recommends to Council that the Reserves and Facilities Bylaw 2018 as amended is the most appropriate way of addressing the perceived problem, is the most appropriate form of bylaw, and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.*
  7. *THAT the Policy Committee recommends to Council that the Reserves and Facilities Bylaw 2018 become effective on 9 November 2018 and that the Reserves and Facilities Bylaw 2012 be revoked as at that date.*
  8. *THAT the Policy Committee direct staff to develop a Decision Story that gives effect to the resolutions from this meeting, and recommends to Council that the Decision Story be adopted alongside adoption of the final bylaw and provided to submitters as a formal response to submissions made.*

**Staff Comments - Senior Policy Analyst (Consultant)**

Staff support the recommendation in accordance with the report titled Deliberations on the Reserves and Facilities Bylaw 2018 as considered by the Policy Committee on 27 September 2018

**Recommendation**

- 1. THAT pursuant to s155 of the Local Government Act 2002, Council adopts the Reserves and Facilities Bylaw 2018 inclusive of the following amendments:**

***Issue 1: Horses at Tuapiro Point******Option 1C:***

***Amended status quo (Appendix C) including the options outlined below:***

***Permitted area amendments:***

***Continue to permit horses at Tuapiro Point subject to conditions outlined in Clause 13.***

***Amend Schedule 1 of the bylaw to reflect proposed changes to permitted horse riding areas around Tuapiro Point including clarification regarding the parking area for horse floats and access to the permitted area connecting the public road to the foreshore.***

***Code of conduct:***

***Develop horse riders code of conduct in conjunction with horse riding representatives and include code of conduct information in the bylaw, on Council's website and in Council communications.***

***Issue 3: Broader Review of Horse Riding Areas***

***To add to Clause 13.1 (c) In a reserve or on a beach where there is dedicated signposted horse riding trails.***

***Issue 4: Drones******Option 4B:***

***Continue as per proposed bylaw (Appendix A of the PP14 Additional Items Pack) which reflects Council's current position on the use of RPAS on Council owned land.***

***Issue 5: Vehicles on Beaches******Option 5B:***

***Amend Clause 10 of the operative bylaw to include reference to the exclusion of approved environmental programmes from vehicle restrictions, and the inclusion of an advice note to reference that the Regional Coastal Environment Plan has rules which apply to vehicles within the foreshore or seabed and that some activities may require resource consent.***

- 2. THAT pursuant to s155 of the Local Government Act 2002, Council resolves that the Reserves and Facilities Bylaw 2018 as amended is the most appropriate way of addressing the perceived problem, is the most appropriate form of bylaw, and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.***
- 3. THAT Council resolves that the Reserves and Facilities Bylaw 2018 become effective on 9 November 2018 and that the Reserves and Facilities Bylaw 2012 be revoked as at that date.***

4. ***THAT Council adopt the Decision Story alongside adoption of the final bylaw and provide to submitters as a formal response to submissions made.***
5. ***THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.***



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Rachael Davie  
**Group Manager Policy, Planning and  
Regulatory Services**



# **Reserves and Facilities Bylaw 2018**

## **Explanatory Note**

The purpose of the Reserves and Facilities Bylaw is to provide for the orderly management and control of Council facilities and reserves vested in or under the control of Council for the benefit and enjoyment of all users of those facilities and reserves.

# Western Bay of Plenty District Council

## Reserves and Facilities Bylaw 2018

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## Title

This Bylaw is the Reserves and Facilities Bylaw for Western Bay of Plenty District Council and shall come into force on 9 November 2018.

## Bylaw Structure

This Bylaw comprises this document and attached schedules.

## Revocation

At the coming into force of this Bylaw, the Western Bay of Plenty District Council Reserves and Facilities Bylaw 2012 is revoked.

## Scope

This bylaw shall apply to the whole of the district administered by Western Bay of Plenty District Council, and other locations that are controlled by Western Bay of Plenty District Council, now and in the future.

## Validation

The Western Bay of Plenty District Council Reserves and Facilities Bylaw 2018 was duly made at a meeting of the Western Bay of Plenty District Council held after completion of the Special Consultative Procedure and will come into force on 9 November 2018.

The Common Seal of the Western Bay of Plenty District Council was affixed pursuant to a resolution of Council on xxxxx in the presence of:

\_\_\_\_\_  
**Chief Executive Officer**

**Seal**

Date \_\_\_\_\_

# Western Bay of Plenty District Council

## Reserves and Facilities Bylaw 2018

### 1. Introduction

#### 1.1 Definitions

**Authorised Officer** – means an officer or other person appointed by the Council to perform duties required under this bylaw, irrespective of the designation given to that officer or person and includes any Police Officer.

**Beach** – means any land in the Council's district adjacent to any seacoast which is part of the foreshore, or is land contiguous to and used in connection with the foreshore, and to which the public has a right of access. For the purposes of this bylaw, the beach includes the foreshore which is the part of the bed, shore or banks of tidal water between mean high water springs and mean low water springs.

**Bylaw** – means a bylaw of the Local Authority for the time being in force, made under the provisions of any Act or authority enabling the Local Authority to make Bylaws.

**Controlling Officer** - means a person for the time being who is officially in charge of the facility or reserve area.

**Council** or **District Council** - means the Western Bay of Plenty District Council or a duly Authorised Officer of the Council.

**District** – means the area administered by the Western Bay of Plenty District Council

**Facility** – means any public toilet, public swimming pool or other recreational or administrative facility provided by and/or administered by Council.

**Remotely Piloted Aircraft Systems (RPAS)** – includes Unmanned Aerial Vehicles, Unmanned Aerial Systems, remote controlled model aircraft and drones.

**Reserve** – means any open space, playing field, plantation, park, garden or ground set apart for public recreation or enjoyment which is under the management or control of the Council and includes any Facility, structure or building within those reserves.

**Vehicle** – has the same meaning as in the Land Transport Act 1998.

**Vessel** – means any ship or boat and includes a motor vessel (such as a standardised motorised private launch boat), any yacht, inflatable rubber boat, kayak, jet ski and any fishing boat.

## 2. General

2.1 The Council may from time to time, by resolution:

- (a) Adopt a policy for the purpose of protecting, maintaining, preserving, developing or enhancing the Council facilities and reserves under its control;
- (b) Set the terms and conditions applicable to the granting by Council of any licence, right, permit or approval in respect of any activity in or about any Council facility or reserve under its control;
- (c) Establish and fix fees for any licence, right or permit given in connection with any Council facility or reserve; or
- (d) Establish and fix fees for admission to or use of any Council facility or reserve.

2.2 Any person who is granted any licence, right or permit, or approval by Council in respect of any activity on or in any Council facility or reserve shall comply with any attached conditions. Any person who fails to comply with such conditions shall be guilty of an offence against this bylaw.

## 3. Conduct in Facilities

3.1 In any Council facility no person shall:

- (a) Pollute, damage or interfere with any facility or deface or disfigure any surface, structure or exhibit within a facility;
- (b) Fail to comply with all reasonable requests of any officer of the Council or appointee of Council on duty at the facility;
- (c) Smoke tobacco or any other substance, or consume food or any liquid, other than water, within a facility except in areas where this is specifically permitted;

- (d) Consume any intoxicating liquor, except in areas set apart for the purpose, or at an authorised function;
  - (e) Consume, inject or inhale any mind-altering substance or offer or sell such substance to any person;
  - (f) Permit any animal under their control or ownership to enter a facility, provided disability assist dogs may be permitted to enter;
  - (g) Enter a restricted area or an area set apart for staff at or in a facility without permission of a staff member;
  - (h) At or in a facility, deposit or throw any litter, or any substance or article that is likely to be of a dangerous or offensive nature, except in a place or receptacle provided for that purpose; or
  - (i) Behave in any way that could interfere with or prevent another person's enjoyment of the facility.
- 3.2 No child under the age of 10 (ten) years shall be allowed to enter or remain in any facility unless such child is accompanied by a person over the age of 14 years, or where the controlling officer gives approval for that child to enter or remain.
- 3.3 Any person who in the opinion of the controlling officer is not in a fit state to be admitted shall not enter, or having entered, shall leave a facility when requested to do so by the controlling officer or any site attendant.

## 4. Ordering out

- 4.1. Any person who in the opinion of the controlling officer:
- (a) Is contravening or has contravened any of the provisions of this bylaw or any rules made pursuant to the bylaw; or
  - (b) Is not a bona fide user of the facility for the purpose for which it is intended; or
  - (c) Has acted in an unlawful or disorderly manner in or on a facility:
    - i. shall upon the request of the controlling officer immediately leave; and
    - ii. the person shall be liable to be prosecuted for any contravention of this bylaw.
- 4.2. Any person who fails to leave a Council facility when so requested by the controlling officer commits a further offence against this bylaw.
- 4.3. A controlling officer may exclude any person requested to leave a facility from the facility permanently or for such time as the controlling officer shall think fit.

- 4.4. The Council may restrict access by the public to all of (or certain areas of) a facility at specified times for the private use of a particular person or for the holding of a private function.

## **5. Access to Reserves**

- 5.1 Subject to the provisions of this Bylaw and the Reserves Act 1977, all reserves will be open to the public.
- 5.2 The Council may determine the times during which a reserve or any part of a reserve, will be closed to the public.
- 5.3 No person, other than an authorised officer, may enter or remain in a reserve, or any part of a reserve, while it is closed to the public.
- 5.4 No person shall enter or leave any reserve except through the openings, gateways, entrances or exits provided for the purpose.
- 5.5 No person shall willfully obstruct any of the approaches, entrances, exits, thoroughfares, or walks of any reserve.
- 5.6 No person shall enter any reserve unless the reserve is open for public admission.

## **6. Leased or Licensed Premises in Reserves**

- 6.1 Subject to the provisions of the Reserves Act 1977, the Council may lease premises in a reserve to any organisation or member of the public, or license any organisation or member of the public to use premises in a reserve, upon any conditions the Council considers.
- 6.2 No person may enter or use any building in a reserve that is subject to a lease or a licence other than the authorised officer or any other person in accordance with a lease or licence.

## **7. No Entry into Restricted Areas or Places in Reserves**

- 7.1 The Council may specify any area or place in a reserve to be a restricted area or place.
- 7.2 No person may enter a restricted area or place without the prior written permission of Council.
- 7.3 Every person to whom the Council grants permission under clause 7.2 must comply with any conditions imposed by the Council in that written submission.

## **8. Prohibited and Restricted Activities in Reserves**

- 8.1 No person shall interfere with any inscription, signage or any labels attached to or connected with any article, tree, shrub or other plant, or any notice used to indicate or exhibit any name, regulation or bylaw.
- 8.2 No person shall remove, damage, destroy, or attempt to remove, damage or destroy, any structure or fitting within any reserve.
- 8.3 No person shall, without prior written permission, take, deposit, remove or disturb any soil, shrub, tree or other growth, or take any seed, cutting or interfere with or pick or otherwise remove any flowers, ferns or greenery.
- 8.4 No person shall enter any area set apart for the cultivation of plants and growing of plants, including flowerbeds, nurseries and planted gardens.
- 8.5 No person shall deface by writing or otherwise or in any other manner damage the walls or any building or structure in any reserve, or therein act or use these buildings or structures in an inappropriate manner.
- 8.6 No person shall post or interfere with any placard, sign or noticeboard in, on or within any reserve without the prior written permission of an authorised officer of the Council, nor without such permission distribute any handbill or notice at the entrances to any reserve.

## 9. Litter

- 9.1. No person shall leave any litter within any reserve except in the litter bins provided.

## 10. Vehicles on Beaches

- 10.1. Except with the prior written permission of the Council or an authorised officer, and in accordance with any conditions that may be required, a person shall not park or drive any vehicle (excluding bicycles), motorcycle, or land yacht on any part of the beach.

- 10.2. Clause 10.1 shall not apply to:

- (a) Any vehicle driven along an authorised access way or parked in any authorised parking area; or
- (b) Any vehicle used solely for the purpose of launching or retrieving any vessel; provided that:
  - i. the vehicle uses an authorised access way to go onto and leave the beach; and
  - ii. moves across the beach to and from the water using the shortest practicable route; and
  - iii. leaves the beach immediately once the vehicle has finished launching or retrieving a vessel.

- 10.3. Those vehicles referred to in clause 10.2 shall not be driven:

- (a) On any part of the beach at a speed in excess of 15 km/h
- (b) Without due care and attention or without reasonable consideration for other persons using the beach; or
- (c) In such a manner as to cause damage to the beach.

- 10.4. Any restrictions contained in the preceding clauses shall not apply to:

- (a) Law Enforcement Officers;
- (b) Surf Patrol, Fire Rescue or Emergency Services Personnel;
- (c) Council Officers (including Bay of Plenty Regional Council Officers and those involved in approved environmental programmes);
- (d) Honorary Rangers (appointed by Council).

Provided they are in the course of carrying out their official duties.

**ADVICE NOTE FOR CLAUSE 10:**

In addition to this Bylaw, the Regional Coastal Environment Plan has rules to manage vehicles within the foreshore or seabed and some activities may require resource consent. For further information please contact the Bay of Plenty Regional Council.

## **11. Vehicles in Reserves**

- 11.1 No person shall, without permission, park, ride or drive any vehicle, motorcycle, or bicycle on any reserve except on those areas set aside specifically for such purpose.
- 11.2 No person shall drive any vehicle in any reserve:
- (a) At a speed in excess of 15 km per hour or as otherwise indicated by signage (provided that this restriction shall not apply to those parks or reserves within which there are specifically designated areas for motorsport activities such as motorcycling, rallying or 4x4); and
  - (b) Without due care and attention or without reasonable consideration for other persons using the reserve; and
  - (c) In such a manner as to cause damage to the reserve.
- 11.3 Any restrictions contained in the preceding clauses shall not apply to:
- (a) Law Enforcement Officers;
  - (b) Fire Rescue or Emergency Services Personnel;
  - (c) Council Officers (including Bay of Plenty Regional Council Officers);
  - (d) Honorary Rangers (appointed by Council).

Provided they are in the course of carrying out their official duties.

## **12. Animals in Reserves (Other than Horses)**

- 12.1 No person may bring any animal into a reserve or allow any animal in his or her custody, charge or control to be within a reserve, unless:
- (a) A Council bylaw has allowed the animal in the reserve, such as through a dog control bylaw and the related dog control policy;
  - (b) The Council has authorised the presence of animals through a reserve management plan, licence or other similar document;
  - (c) Permission has been granted by an authorised officer; or



- (d) The reserve has been booked for an event allowing the presence of animals.
- 12.2 Every person to whom the Council grants permission under clause 12.1 must comply with any conditions imposed by the Council in that written permission.
- 12.3 No person shall, without the prior permission of an authorised officer of the Council, turn in or allow any animal or poultry to wander or graze within the limits of any reserve.

### **13. Horses in Reserves and on the Beach**

- 13.1 No person may take or ride any horse into or on a reserve or beach, or allow any horse in the person's custody, charge or control to be in a reserve or on a beach, unless the horse is:
- (a) Under the continuous control of the person or otherwise properly secure; and
  - (b) On a reserve or beach, or part of a reserve or beach specified by the Council as an area where a person may take or ride a horse in accordance with Schedule 1 to this Bylaw; or
  - (c) On a reserve or beach where there is dedicated signposted horse riding trails.
- 13.2 The Council may specify:
- (a) A reserve or beach, or any part of a reserve or beach, as an area where a person may take or ride a horse; and
  - (b) The time or times when a person may take or ride a horse into or in a reserve or beach, or part of a reserve or beach.
- 13.3 No person shall leave in a reserve or on the beach, any waste produced by a horse, unless placed in a rubbish bin provided by the Council for this purpose.
- 13.4 Council's code of conduct for horse riding areas must be adhered to at all times.

## **14. Water**

- 14.1 No person shall permit or cause wastage of water or permit a water tap to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking, or washing purposes; nor shall any person in any manner pollute or otherwise render unfit for use for human consumption or otherwise any supply in any reserve.

## **15. Lighting Fires**

- 15.1 No person may light any fire in a reserve except:
- (a) in a place specifically provided by the Council for that purpose; or
  - (b) with the prior written permission of an authorised officer.
- 15.2 Any person who lights or uses a fire in a place specifically provided by the Council for that purpose commits an offence unless such fire is totally extinguished before that person leaves the reserve.

## **16. Bathing**

- 16.1 No person shall bathe or wade within a reserve in any water where such bathing or wading has been forbidden by the Council.

## **17. Buying, Selling or Advertising in Reserves**

- 17.1 No person may buy, sell or advertise any goods or services, or carry on a trade in a reserve without the prior written permission of the Council.
- 17.2 Every person to whom the Council grants permission under clause 17.1 must comply with any conditions imposed by the Council in that written permission.

## **18. Parades and Assemblies**

- 18.1 Except with the prior written permission of the Council, and in accordance with any conditions that may be required, a person shall not on any reserve conduct any public meeting or gathering, or make any public address, or attempt to collect a crowd.

## **19. Children's Apparatus**

- 19.1 No person over the age of 14 years shall use or occupy any swing, roundabout, slide, sandpit, seesaw, or any children's play apparatus.
- 19.2 Clause 19.1 shall not apply to playground apparatus specifically designed to be multi-generational.

## **20. Destruction of Animals**

- 20.1 No person shall by any means whatsoever destroy, shoot, snare, injure, interfere with or take any animal, fish, bird, bird's nest or bird's egg, or attempt to do so, in or from any reserve without the prior written permission of an authorised officer of the Council.
- 20.2 Provided that in the case of any animal or bird protected by the Wild Life Act 1953, no such permission shall be granted unless and until the provisions of that Act have been complied with.

## **21. Firearms and Weapons**

- 21.1 No person shall carry any firearm, axe or other instrument of a dangerous character, or any airgun, bow and arrow or use or discharge any such item, on any part of a reserve unless specifically authorised by the Council or an authorised officer.
- 21.2 No person shall let off any fireworks or throw stones either by hand or by means of a catapult or other appliance on any part of a reserve unless specifically authorised by the Council or an authorised officer.
- 21.3 No person shall use or throw projectiles or missiles (including but not limited to Frisbees or any other amusement device) in such a manner as to cause a nuisance or danger to other users of any reserve.

## 22. Aircraft

- 22.1 No person shall, without the written permission of an authorised officer, and having paid any applicable fees set by the Council from time to time –
- (a) Land an aircraft in a reserve, or take off in an aircraft from a reserve; or
  - (b) Use an aircraft to set down, pick up, or recover anything in a reserve; or
  - (c) Parachute into a reserve.
- 22.2 Nothing in clause 22.1 prevents any aircraft from being used in or over a reserve in an emergency situation.
- 22.3 Despite clause 22.1 Council gives permission for the operation of Remotely Piloted Aircraft Systems (RPAS) on reserves and beaches provided that the operations meet the requirements of the Civil Aviation Authority's Part 101 regulations and such operation does not cause annoyance, hazard or inconvenience to other users of the reserve or beach.
- 22.4 The Civil Aviation Authority is the enforcement agency for ensuring RPAS pilots meet the requirements of the Part 101 regulations and all complaints under clause 22.3 should be directed to them.

## 23. Interference with Employees and Contractors

- 23.1 No person shall in any reserve interrupt or interfere with any employee or contractor working.

## 24. Sports and Games in Reserves

- 24.1 Organised sports games may only be played in areas of reserves set aside as sports ground areas.
- 24.2 No person may play any organised sport or game in any reserves, or any part of a reserve:
- (a) after being requested by the controlling officer to leave; or
  - (b) when any notice is erected to advise that a reserve, or part of a reserve is closed to play.

- 24.3 No person shall play or practise golf, except in a reserve or a part of a reserve that has been set aside for that purpose.

## **25. Organised Events in Facilities and Reserves**

- 25.1 No person may attend or take part in any organised event held in a facility or reserve, or in any part of a facility or reserve, whether a one-off event or a recurring event, unless the event is being held with the prior written permission of the Council.
- 25.2 A person may apply to the Council for permission to hold an organised event in a reserve or any part of a reserve.
- 25.3 Subject to the Reserves Act 1977, the Council may grant permission to hold an organised event on such conditions as the Council considers appropriate, and in doing so, may specify whether the person:
- (a) may charge an entry fee for the event;
  - (b) has the exclusive use of a reserve, or any part of a reserve, for the duration of the event.
- 25.4 Any person to whom the Council grants permission to hold an organised event, and any person who attends or takes part in any organised event, must comply with any conditions imposed by the Council in that written permission.
- 25.5 Where the Council specified as part of its permission to hold an organised event that any entry fee could be charged, or that the reserve, or any part of the reserve, could be used exclusively for the organised event, an authorised officer may require any person to leave a reserve, or any part of the reserve:
- (a) If the person is attending or taking part in the organised event without paying the required entry fee; or
  - (b) If the person is not attending or taking part in the organised event, but is in part of a reserve that has been set aside for exclusive use for an organised event.

## **26. Misbehaviour**

- 26.1 Within the limits of any reserve no person shall willfully obstruct, disturb, annoy, or interfere with any person in the use or enjoyment of any reserve, or use any indecent, or offensive

language, or be intoxicated or under the influence of drugs, or noisy, or riotous, or disorderly, or do or practice anything likely to insult, offend, annoy or injure any person.

## **27. Western Bay of Plenty District Council General Bylaw**

- 27.1 The provisions of Chapter 1 of the Western Bay of Plenty District Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

## Schedule 1

Pursuant to clause 13 horses are permitted in the following areas subject to the conditions of access set out below:

(a) **Waihi Beach – Athenree Estuary** (see Map 1)

From the 2<sup>nd</sup> Thursday of February in each year to the 3<sup>rd</sup> Wednesday in December of the same year horses may be ridden on the signposted loop trail from Albacore Ave to Pio Road, across to Athenree Estuary and thereafter following the existing walkway/cycleway to exit via the mown firebreak adjacent to the houses at Island View.

Note: no horses may be ridden or led in the dunes anywhere.

(b) **Waihi Beach – Three Mile Creek** (see Map 2)

From the 2<sup>nd</sup> Thursday of February in each year to the 3<sup>rd</sup> Wednesday in December of the same year, horses may be ridden north along Waihi Beach from from Albacore Ave to the Three Mile Creek access.

Note: no horses may be ridden or lead in the dunes anywhere.

(c) **Tuapiro Point** (see Map 3)

Horse floats/trucks are permitted to be parked in the reserve area identified on the aerial map in order to allow access to the permitted horse riding area.

Starting from the end of Tuapiro Road, horses may be ridden northwards on the beach and within 20 metres from the vegetated edge of the reserve. The permitted riding area continues around the top of Tuapiro Point over to the western side where horses may be ridden southwards between the deep water channel and the edge of Tuapiro Point including the two inlet areas. The small island provides a turning point for horse riders to loop around as long as they remain within 20 metres from the vegetated edge of the small island.

Horses are not permitted any further south of the small island as this is where the kaimoana (shellfish) beds are predominately located.

A signposted loop trail is provided to guide where the permitted areas are.

(d) **Matahui Crossing** (see Map 4)

Horses may be ridden from Matahui Road across the traditional 'Matahui Crossing' to Matakana Island provided that any such approval to access private land on Matakana Island must first be sought and obtained from the land owners by the horse rider(s).



(e) **Pahoia Beach** (see Map 5)

With access via Pahoia Domain, horses may be ridden at low tide along Pahoia Beach.

(f) **Rogers Road** (see Map 6 and 7)

With access from Rogers Road, horses may be ridden on the north-west trail at low tide on the inter-tidal flats to the point where Pukehina Beach Road meets Pukehina Parade, looping back to exit at Rogers Road.

With access from Rogers Road, horses may be ridden on the south-east trail at low tide on the inter-tidal flats to Otamarakau, looping back to exit at Rogers Road.

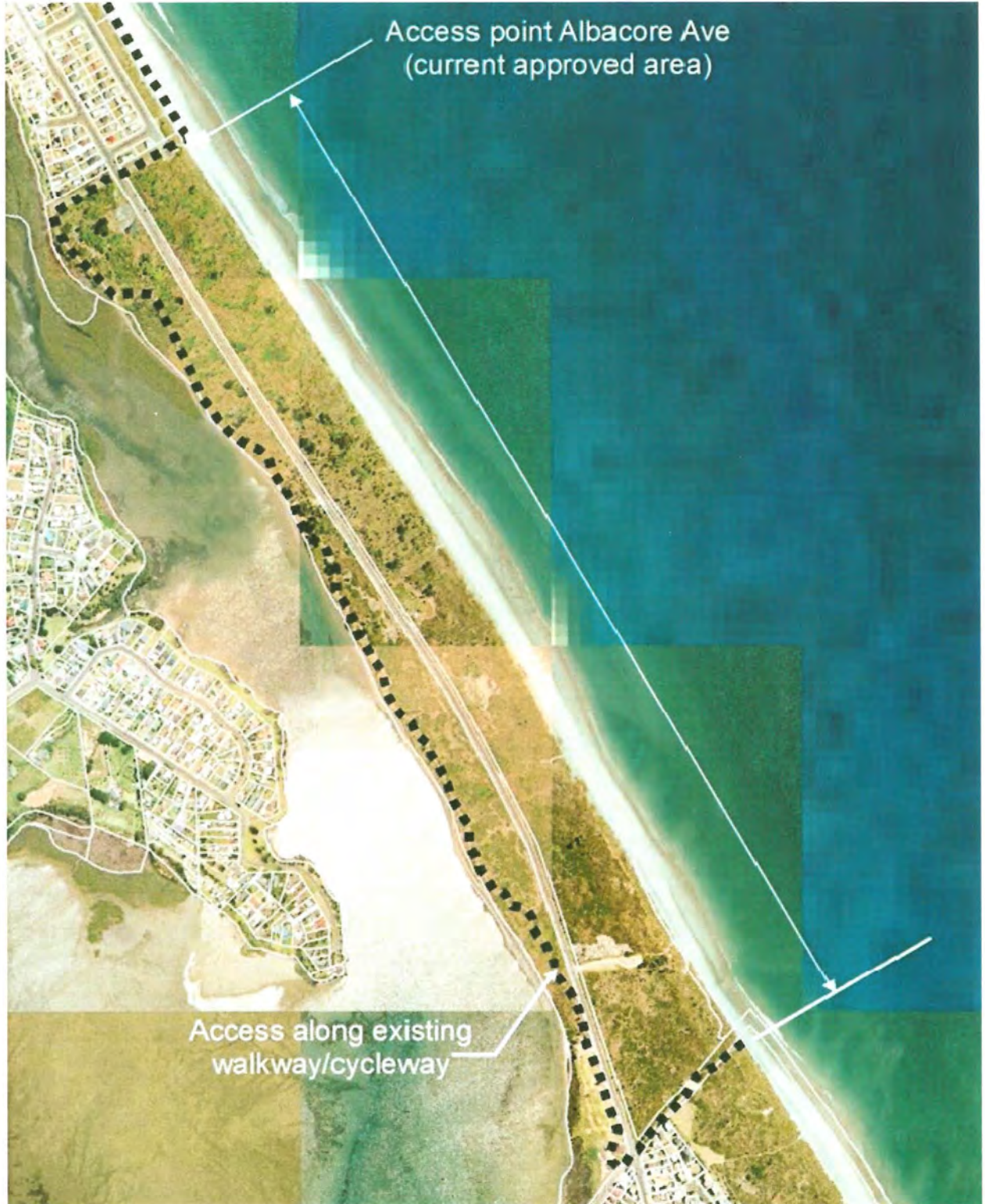
Note: no horses may be ridden or led in the dunes anywhere.





## Schedule 1 – Aerial Maps

### Waihi Beach – Athenree Estuary – Map 1





## Waihi Beach – Three Mile Creek – Map 2





### Tuapiro Point – Map 3





### Matahui Road (Matahui Crossing) – Map 4

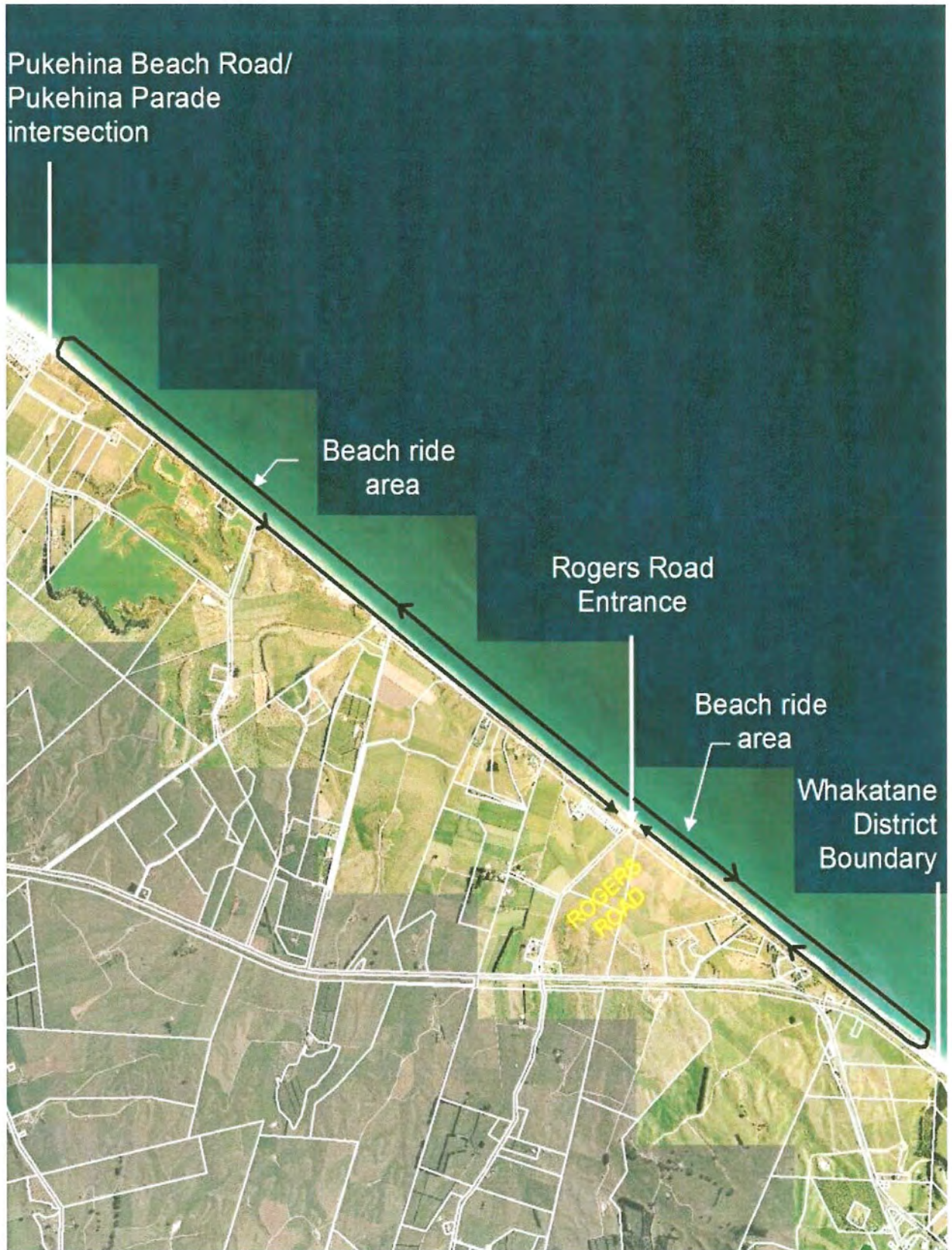




# Pahoia Beach – Map 5



Rogers Road Beach 1 of 2 – Map 6



### Rogers Road Beach 2 of 2 – Map 7



## Reserves and Facilities Bylaw 2018 Review

### The Decisions

#### Introduction

Thank you for taking an interest in the review of the Reserves and Facilities Bylaw.

This booklet contains the decisions of the review and explains why we made each decision.

From 14 May to 9 July 2018, we asked for your feedback on a proposal to no longer permit horses at Tuapiro Point and to include current provisions for the use of RPAS (Remotely Piloted Aircraft Systems) in the bylaw. We held three community drop in days at Waihi Beach, Katikati and Paengaroa and had a range of ways for you to give us your feedback.

We received 597 submissions on the proposed bylaw. These came from individuals, groups and organisations within our community. The majority of feedback we received opposed the proposal to no longer permit horses at Tuapiro Point. Several submissions touched on the use of drones and were generally in support of the current provisions.

Our job in the review was to make sure our final bylaw struck the right balance between meeting the recreational needs of our community and protecting areas of importance to our community.

We consider that the decisions made achieve this balance as horse riders will continue to have the use of Tuapiro Point while ensuring that areas of cultural significance and ecological sensitivity are protected. We will ensure the right signage and information is in place so that there is no confusion about the regulations and also work with local hapū to help educate the community on the cultural values of Tuapiro Point. We will continue with the current provisions for the use of RPAS on our reserves and beaches.

The new Reserves and Facilities Bylaw 2018 was adopted on 1 November 2018. The new rules come into effect on 9 November 2018. You can find information on this and a copy of the bylaw at [www.westernbay.govt/xxxxxx](http://www.westernbay.govt/xxxxxx).

#### Use of Horses at Tuapiro Point

*We signalled our intent through the draft bylaw to no longer permit horses at Tuapiro Point due to the impact on kaimoana beds used as a customary food source for local hapū.*

Of the 597 submissions received, 96% opposed the proposed change. Feedback included the value that horse riders place on Tuapiro Point, and concerns about the lack of evidence for this proposal and unclear signage. However, these views had to be balanced against the ecological and cultural significance of Tuapiro Point. During the submission period, the local hapū and the horse riding community made it clear they wanted to find a compromise that would acknowledge the cultural and environmental issues while retaining what is a popular horse riding area. Both parties worked together with us to look at options for how this could be achieved.

In response to your feedback, we agreed that horse riders will continue to have the use of Tuapiro Point but with some changes to where horses can be ridden, so that areas of cultural significance and ecological sensitivity are protected. Horse riders will be able to continue to use the majority of the area previously allowed but will no longer be permitted



beyond the small island (except a 20 metre corridor to allow a loop) located on the estuary side of Tuapiro Point. This is the area where the majority of kaimoana beds are located. There is also a 20 metre corridor around the edge of the point, which restricts horse riding further out on the foreshore where there are also kaimoana beds on the harbour side (facing Bowentown). To help visualise this along the coastal area, horse riders are permitted between the vegetated edge of the reserve and the inner edge of sea/eel grass along the oceanside.

We will improve the information we provide to the community through:

- New signage to provide greater clarity on where horses can and can't go, including identification of parking and access areas for horse floats/trucks.
- Development of a code of conduct to clearly outline expectations of use including removal of horse waste and keeping your horse under control.
- Working with the local hapū to provide information on the cultural values of Tuapiro Point so that the community understand why some areas are protected.

We will continue to monitor the use of Tuapiro Point and have committed to meeting with the local hapū, horse riding representatives and Bay of Plenty Regional Council staff to discuss the effectiveness of these improvements in six months time.

### **Broader review of horse riding areas**

*We received a number of submissions concerned with the decreasing number of safe horse riding areas available within the district due to urban growth, limitations of other permitted horse riding areas, and loss of access to privately owned farmland.*

Submission comments referred to the significant investment in cycleways but little or no investment in the development of horse riding trails, and the more permissive approach that many other Councils take to allowing horses on their beaches.

In response to your feedback, we agreed that a separate piece of work needs to be done to identify additional opportunities for the provision of horse riding areas on Council owned land across the district. This review will include consideration of other Council approaches to horse riding areas and be undertaken in consultation with you and other interested parties. The horse riding area review will be referred to our work programme for 2019-2020. The review outcomes may result in further changes to the bylaw.

We also added a clause to the bylaw to make it clear that horses are permitted in a reserve or on a beach where there is dedicated signposted horse riding trails, for example TECT All Terrain Park.

### **Drones**

*We signalled our intent through the draft bylaw to include our current position on the use of RPAS on Council owned land. No changes were proposed to the current position which allows for this use to occur provided that it meets the requirements of the Civil Aviation Authority regulations and does not cause annoyance, hazard or inconvenience to other uses of the reserve.*

Seven submissions on this issue primarily commented on the horses at Tuapiro Point with a small comment made on the use of drones. The majority of these submissions appeared to indicate support for the proposed change to include the RPAS provisions in the bylaw.

In response to your feedback, we agreed to continue to include the current direction on the use of RPAS in the bylaw, with no change to these provisions. This includes recognition that the Civil Aviation Authority is the enforcement agency for ensuring compliance with their regulations. Submissions supported this approach and it ensures compliance with the Civil Aviation Authority requirements and any potential changes to these. There is no knowledge of formal complaints regarding this use occurring on our reserves and beaches, therefore no need to change the current approach.

### **Vehicles on Beaches**

*There were no proposed changes to the current bylaw provisions regarding the use of vehicles on beaches.*

A submission from the Bay of Plenty Regional Council (BOPRC) sought to clarify current provisions to ensure they support delivery of the Coast Care programme and to recognise Regional Coastal Environment Plan rules that also apply to the management of vehicles within the foreshore or seabed.

We agreed that these areas of clarification are appropriate and have included them in the new Reserves and Facilities Bylaw 2018. Instead of only referring to the Coast Care programme, we have agreed that this should be broadened to 'approved environmental programmes' which captures the number of organised groups that undertake environmental improvement work on our beaches. Recognition of the Regional Coastal Environment Plan rules will be provided through an advice note in the bylaw.

## Western Bay of Plenty District Council

### Council

## Pukehina Surf Rescue Lifeguard Service Incorporated - Lease Area Extension

### Purpose

At the Operations & Monitoring Committee meeting of 2 August 2018 (OP13) the Committee passed a resolution of its intent to grant an extension to the lease area for Pukehina Surf Rescue Lifeguard Service Incorporated located at Dotterel Point, Pukehina prior to undertaking public consultation. **Attachment A**

A one month period of public consultation was undertaken. Submissions closed 5pm on 10 September 2018. There were no submissions received.

### Recommendation

- 1. THAT the Reserves and Facilities Manager's report dated 18 September 2018 and titled Pukehina Surf Rescue Lifeguard Service Incorporated - Lease Area Extension be received.***
- 2. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.***
- 3. THAT in exercise of the powers conferred on it by delegation from the Minister of Conservation under the Reserves Act 1977, the Council in its capacity as administering body, grants/does not grant Pukehina Surf Rescue Lifeguard Service Incorporated a lease variation to extend the existing lease area on Dotterel Point Reserve, being part of Lot 616 on DPS 11365, by 118m<sup>2</sup> more or less, for an extension to the current facility.***



Peter Watson  
Reserves and Facilities Manager



Approved

Gary Allis  
Group Manager Engineering Services

## 1. Background

At the Operations & Monitoring Committee meeting of 2 August 2018 (OP13) the Committee passed a resolution of its intent to grant an extension to the lease area for Pukehina Surf Rescue Lifeguard Service Incorporated located at Dotterel Point, Pukehina prior to undertaking public consultation.

### Public Consultation

The proposal was advertised in the Te Puke Times on the 9 August 2018 and copies of the proposal were available at the Te Puke Office.

No objections to the proposal were received by the requested date of 5pm on 10 September 2018.

### Community Consultation

Letters were sent to a number of surrounding residential neighbours and the Pukehina Ratepayers Association. No submissions were received by the requested date.

### Iwi Consultation

The following Iwi groups were contacted by letter:

- Ngati Pikiaio
- Ngati Rangitahi
- Ngati Whakahemo

No submissions have been received by the requested date.

Council, in its capacity as the administering body for Dotterel Point Reserve, Pukehina are required to pass a resolution once all submissions have been considered.

## 2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy.

In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it does not reach the threshold of significance in terms of Council's significance policy.

### 3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned/Engagement/Consultation/Communication
Tangata Whenua	Ngati Pikiāo, Ngati Rangitihī, Ngati Whakāhemo were contacted for comment. No submissions have been received by the requested date.
Neighbours	Letters were sent to a number of surrounding residential neighbours. No submissions were received by the requested date.
General Public	A one month statutory period of public consultation as required under Section 119 of the Reserves Act 1977 was undertaken. Submissions closed on 10 September 2018 and no submissions or objections were received.
Pukehina Ratepayers Association	The Pukehina Ratepayers Association were contacted by letter. No submissions were received by the requested date.

A copy of the public notice is included.

**Attachment B**

#### 4. Issues and Options Assessment

<p><b>Option A</b></p> <p><i>THAT in exercise of the powers conferred on it by delegation from the Minister of Conservation under the Reserves Act 1977, the Council in its capacity as administrating body, GRANTS Pukehina Surf Rescue Lifeguard Service Incorporated a lease variation to extend the existing lease area on Dotterel Point Reserve, being part of Lot 616 on DPS 11365, by 118m<sup>2</sup> more or less, for an extension to the current facility.</i></p>	
<p><b>Assessment of option for advantages and disadvantages taking a sustainable approach</b></p>	<p><b>Advantages:</b></p> <ul style="list-style-type: none"> <li>• Investment is made by the club into upgraded facilities</li> <li>• Improved functionality of the building including the public toilets</li> <li>• Improved security around the building</li> <li>• Building work contributes to local economy</li> </ul>
<p><b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b></p>	<ul style="list-style-type: none"> <li>• All costs involved with varying the club's lease are to be met by the club</li> <li>• The club's rental would be increased due to the increased area the building would occupy</li> </ul>
<p><b>Option B</b></p> <p><i>THAT in exercise of the powers conferred on it by delegation from the Minister of Conservation under the Reserves Act 1977, the Council in its capacity as administrating body, DOES NOT GRANT Pukehina Surf Rescue Lifeguard Service Incorporated a lease variation to extend the existing lease area on Dotterel Point Reserve, being part of Lot 616 on DPS 11365, by 118m<sup>2</sup> more or less, for an extension to the current facility.</i></p>	
<p><b>Assessment of option for advantages and disadvantages taking a sustainable approach</b></p>	<p><b>Disadvantages:</b></p> <ul style="list-style-type: none"> <li>• Improved facilities would not be realised</li> <li>• Security issues would remain</li> <li>• Local economy not supported</li> </ul>
<p><b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b></p>	<ul style="list-style-type: none"> <li>• The club will not incur any costs.</li> </ul>

Staff recommend that the lease extension be granted.

# Minute Action Sheet ATTACHMENT A

On 02 Aug 2018 the Operations Committee met and resolved the following:

## OP13.5 Pukehina Surf Rescue Lifeguard Service Lease Area Extension

The Operations and Monitoring Committee considered a report from the Reserves and Facilities Manager dated 6 July 2018 as circulated with the agenda.

The Reserves and Facilities Manager spoke to the report outlining the application by the Pukehina Surf Rescue Lifeguard Service to extend their lease area over Dotterel Point Reserve in order to upgrade their clubroom facility. Resource Consent for the proposed building had been obtained.

Representatives from the Pukehina Surf Rescue Lifeguard Service were in attendance and provided an overview of the history of the club and the future extension plans.

**Resolved:** Murray-Benge / Marsh

1. *THAT the Reserves and Facilities Manager's report dated 6 July 2018 and titled Pukehina Surf Rescue Lifeguard Service Lease Area Extension be received.*
2. *THAT the Operations and Monitoring Committee approve in principle the application by the Pukehina Surf Rescue Lifeguard Service Incorporated to lease an additional area of 118m<sup>2</sup> to allow for the upgrade and extension of their facility situated on Dotterel Point Reserve.*
3. *THAT the approval in principal must not be construed by the applicant, as a guarantee that all other consents required by any policy, by-law, regulation or statute, will be forthcoming. The applicant is responsible for obtaining all required consents at its own cost.*
4. *THAT staff be directed to publicly notify the proposal in terms of Section 119 of the Reserves Act 1977.*
5. *THAT the report relates to an issue that is not considered significant in terms of Council's policy on Significance.*

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**Deaths**

**DIX, Pamela Joan (Pam).**  
On August 4th, 2018 aged 79 years Pam died peacefully at home after fighting a long and mighty battle. Loving wife of Ernie for 62 years. Treasured mum to Linda and Gordon, Steven and Raryn, Carol and Mick, Ngaire and Grant, and Charlie. Very special nana to Sara and Coran, Samantha and Dayna, Julie-Anne and Angela, Nicholas, Natalie and Jodie. Great nana to many. In lieu of flowers please consider a donation to Waipuna Hospice.

At Pam's request a private cremation has been held. A memorial service for Pam will be held at No.2 Road Hall, Te Puke on Friday 10th August at 2pm. Messages to the Dix family c/- PO Box 650, Tauranga 3140.

**Church Services**

**HARVESTPOINT CHURCH**  
Jocelyn Si Te Puke (opp New World)  
**SUNDAY MORNINGS Service 10.00am**  
Ph 573 8089 (Message)

**St Andrews Presbyterian Church**  
Come worship with us...  
Everyone Welcome  
"Godness Grows here"  
Family Service Sunday 12th August 9.30am  
Phone 573 8343  
Cnr of Oxford & Stewart St's, Te Puke

**Lost and Found**

**WATCH FOUND**  
At Te Puke Sports Saturday 28/7/18  
Phone 5737341 or 021 1766 287

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**Deaths**

**DIX, Pamela (Pam).**  
Mum you fought a brave fight but sadly it was not to be. Mum lost her battle peacefully at 7.59am on the 4th August two days short of her 80th birthday. You are going to be a missed mother and nana to Carol, Mick, Sara, Normz, Batley, Zoe and Coran.

**Public Notices**

**TE PUKE SWIMMING CLUB A G M**  
28 August @ 7pm  
Te Puke High School Pool in Clubrooms upstairs.  
All Welcome

**Tokerau A14A2 Trust**  
General Meeting of Owners  
1148 Ervera Street, Rotorua  
Sunday 26th August 2018 @ 10am  
Enquiries: Geoff 0274 536 965

**Plants & Gardens**

**BOUNTY KIWIFRUIT PLANTS FOR SALE**  
Plants meet kvh KPCS "Full Certification" Standards.  
B H Horticulture  
Phone 07 573 4122 or 027 275 8789

**AGUATIC EVENT - Kaituna River**  
The public are advised that commencing on 12 August 2018 between 10.00am and 4.00pm Jet Boating New Zealand will be holding a Kaituna River Run for registered members. The Jet Boat Event will take place between upstream of the Mangoreva confluence to the third set of rapids. The boating public are requested to keep clear of all participants during the event.  
Peter Huell  
Regional Harbourmaster

**KIWIFRUIT PLANTS**  
Grafted G3/ Bruno from \$9  
Grafted G3/ Bounty large 2 year old plants  
M33, m91/Bounty Container grown  
Phone 027 249 5353

**KIWIFRUIT PLANTS**  
Bruno Root Stock available  
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Quality field grown Bruno rootstock.  
Phone 027 3050 931

**Plants & Gardens**

**Kiwifruit Bruno Rootstock**  
• Cryptomeria • Poplar trees  
• Casuarina shelter trees

**the nurseries**  
139 Wilson Rd Sth, Te Puke Ph 583 1197

**Public Notices**

**MAKETU COMMUNITY BOARD WORKSHOP**  
All residents are invited to an informal question and answer evening at the:  
**Maketu Community Hall 6pm - 8pm**  
**Tuesday 14th August**  
To discuss the Community Board Review.  
This is a drop in meeting, come and have your say and stay as long as you like.

**TE PUKE COMMUNITY BOARD Information Evening**  
To discuss the proposed review or representation arrangements  
**Settlers Lounge 5.30pm - 7.30pm**  
**Monday 13 August**  
Is what our council is proposing 'a better way'?

**SAINT THOMAS MAORI ANGLICAN CHURCH MAKETU**  
**Celebrating 150 Years**  
Sunday 26 August 2018  
Church Rd, Maketu  
Powhiri 4pm Saturday 25 August 2018  
Whakaue Marae, Maketu Rd, Maketu  
**Nau mai haere mai whanau**  
For all enquiries please contact:  
Rev. Meeshla Nathan  
Mobile 022 0670 467  
Email: meeshla.nathan@yahoo.co.nz

**DR LEONARD RANDELL MEMORIAL SCHOLARSHIP**

Applications for the 2018 Dr Leonard Randell Memorial Scholarship are invited from students who are or have been enrolled at Te Puke High School as a full time student for at least one academic year. In association with their first year tertiary education, being a full or part time course of study or training at a University, College of Education or Polytechnic within New Zealand as recognised under the Education Act 1989 as amended by the Education Amendment Act 1990 and amendments.

Application forms are available from the Western Bay of Plenty District Council Library and Service Centre, Jellicoe Street Te Puke and the Te Puke High School and close at 5.00 p.m. on Thursday 25 August 2018.

5395

**DOTTEREL POINT - PUKEHINA BEACH - NOTICE OF INTENT TO EXTEND LEASED AREA FOR PUKEHINA SURF RESCUE LIFEGUARD SERVICE INC.**

Pursuant to Section 54(2) of the Reserves Act 1977, Western Bay District Council gives public notice of its intention to grant approval for Pukehina Surf Rescue Lifeguard Service Inc. extend their current leased area. An application has been received from Pukehina Surf Rescue Lifeguard Service Inc. to extend their lease area by an additional 115 square metres, more or less, in addition to their current lease area for a club building upgrade and addition, including a new watch tower. Copies of plans showing the proposal can be viewed at WBPDC's Te Puke Office, emailing reserves@westernbay.govt.nz, or can be posted out upon request by phoning Joanne Hin on 571 8558. Any person wishing to submit an objection to the proposed extension may do so in writing giving details of their submission or objection to: Joanne Hin, Legal Officer Reserves and Facilities, Western Bay District Council, Private Bag 12803, Tauranga 3143 or email reserves@westernbay.govt.nz. Submissions or objections are to be received no later than 5pm, on 10 September 2018.

Miriam Tavis  
Chief Executive Officer

**Western Bay of Plenty District Council**  
5401  
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**Vehicles Wanted**

**Wanted Dead or Alive!**  
All Japanese VANS, UTES, 4x4s - ANY CONDITION.  
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PLUS go in the draw to WIN \$1000 CASH per week  
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**Got something to sell?**  
List it in the classifieds  
PH 573 6200 Te Puke Times

**Congratulations Ville**

**Winner of the Bay of Plenty Pet of the year 2018**

Thank you for your entries and many thanks to Addiction Pet Foods for sponsoring the pet of the year competition and supplying the winner with a \$200 pet food hamper.

**ADDICTION**



## Western Bay of Plenty District Council Council

### Katikati Boat Club - Alternative Lease Site for Shipping Container

#### Purpose

At the Operations & Monitoring Committee meeting of 21 June 2018 (OP12.2) the Committee approved in principle to entering into a lease with the Katikati Boating Club for an area of Reserve land (60m<sup>2</sup>) being part of Lot 6 DP 326967 (Esplanade Reserve, part of Katikati Foreshore, end of Beach Road) and that the proposed be publically notified for any submission or objections. **Attachment A**

Submissions closed on 17 September 2018. There were 19 submissions received in support for the proposal, and 5 against. **Attachment B**

#### Recommendation

1. ***THAT the Reserves and Facilities Manager's report dated 18 September 2018 and titled Katikati Boat Club - Alternative Lease Site for Shipping Container be received.***
2. ***THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.***
3. ***THAT after consideration of the submissions received, in exercise of the powers conferred on it by delegation from the Minister of Conservation under the Reserves Act 1977, the Council in its capacity as administrating body, grants/does not grant a lease for 60m<sup>2</sup>, more or less, of the land for up to 33 years over part of Katikati Foreshore Tamawhariua Reserve being part of Lot 6 DP 326967 pursuant to Section 54 (1) (b) of the Reserves Act 1977.***
4. ***THAT in giving approval in principle, such approval must not be construed by the applicant, as a guarantee that all other consents required by any policy, bylaw, regulation or statute, will be forthcoming. The applicant is responsible for obtaining all required consents at its own cost.***

  
 Peter Watson  
 Reserves and Facilities Manager

Approved

  
 Gary Allis  
 Deputy Chief Executive

## 1. Background

At the Operations & Monitoring Committee meeting of 21 June 2018 (OP12.2) the Committee approved in principle to entering into a lease with the Katikati Boating Club for an area of Reserve land (60m<sup>2</sup>) being part of Lot 6 DP 326967 (Esplanade Reserve, part of Katikati Foreshore Tamawhariua Reserve, end of Beach Road) and that it be publically notified for any submission or objections.

### Community Consultation *Attachment B*

The proposal was advertised in the Katikati Advertiser dated 16 August 2018. Copies of the proposal were available at the Katikati Office.

19 submissions have been received in support and 5 against.

Letters were sent to two adjacent residential neighbours. Both neighbours objected to the proposal (submission No's 2 and 5).

### Iwi Consultation

The Chairman of the Boating Club has met with Tangata Whenua to discuss the proposal. The Reserves and Facilities Manager has also undertaken consultation with local Tangata Whenua. At the time of writing this report, formal feedback had not been received. On this basis, a verbal update on any feedback or any written feedback from Tangata Whenua will be provided at the meeting.

Council, in its capacity as the administrating body for Katikati Foreshore Tamawhariua Reserve are required to pass a resolution once all submissions have been considered.

### Submission Analysis

The following table identifies the submitter number, key issue and staff comments.

Submitter No	Key Issue	Comment
1	<ul style="list-style-type: none"> <li>Opposes due to no parking and freedom camping issues. Suggests going to Tuapiro Point.</li> </ul>	<ul style="list-style-type: none"> <li>The boating club have tried unsuccessfully to establish a storage facility at Tuapiro Point Reserve and the MacMillan Reserve car park.</li> </ul>
2	<ul style="list-style-type: none"> <li>Intended use of the building. Concerned about the impact of other water based activities which could be based at the site.</li> <li>Aesthetic appearance of container.</li> </ul>	<ul style="list-style-type: none"> <li>The intention is that the shipping container can be shared with other groups e.g. Sea Scouts. The primary purpose of the lease would be for boat storage.</li> <li>The shipping container will be painted either a dark recessive colour or have an</li> </ul>

Submitter No	Key Issue	Comment
		appropriate themed mural painted on it.
	<ul style="list-style-type: none"> <li>• Shelterbelt trimming</li> <li>• Public safety and access</li> <li>• Foreshore erosion</li> <li>• Membership growth</li> <li>• Vehicle access creating public safety issues</li> </ul>	<ul style="list-style-type: none"> <li>• The shelterbelt can be trimmed above the container. There will be no need to trim the shelter belt from the ground to the top of the container.</li> <li>• The proposed lease area allows for general public access along the foreshore.</li> <li>• The placement of a container in the proposed location will not create any affects on erosion. Being a shipping container, it can be relocated if required.</li> <li>• The lease area is restricted to 60m<sup>2</sup>.</li> <li>• Appropriate protocols can be put in place to manage vehicle access on sailing days.</li> </ul>
3.	<ul style="list-style-type: none"> <li>• Shipping container would be an eyesore.</li> <li>• Vehicle access.</li> </ul>	<ul style="list-style-type: none"> <li>• The shipping container would be painted a recessive dark colour or have a relevant themed mural painted on it.</li> <li>• Appropriate protocols can be put in place to manage vehicle access.</li> </ul>
4.	<ul style="list-style-type: none"> <li>• Objects to siting in front of a proposed dwelling and suggests relocating to the MacMillan Reserve carpark.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed lease site is not directly in front of any existing dwelling.</li> <li>• The adjoining properties are unable to be subdivided any further.</li> <li>• The suggested carpark site has already been rejected.</li> </ul>
5.	<ul style="list-style-type: none"> <li>• Suggests land is owned by the Crown (DOC).</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed lease are is on Council owned esplanade</li> </ul>

Submitter No	Key Issue	Comment
		reserve
	<ul style="list-style-type: none"> <li>Council acquired extra land along the esplanade for future erosion.</li> </ul>	<ul style="list-style-type: none"> <li>This is correct. At the time of subdivision an extra 5 metres of land was acquired in anticipation of potential erosion.</li> </ul>
	<ul style="list-style-type: none"> <li>Concern about theft of avocados.</li> </ul>	<ul style="list-style-type: none"> <li>The risk of avocado theft exists regardless of the proposed lease. The higher utilisation of the esplanade reserve by walkers / cyclists and the boat club will help discourage antisocial behaviour.</li> </ul>
6.	<ul style="list-style-type: none"> <li>Good location next to good sailing site and boat ramp.</li> <li>Supports all ages and skill level of sailors.</li> </ul>	
7.	<ul style="list-style-type: none"> <li>Teaches children how to sail.</li> </ul>	
8.	<ul style="list-style-type: none"> <li>Carpark option not feasible</li> <li>Allows carpark to be available for general public</li> <li>Adds a new water based facility in the northern end of the harbour.</li> </ul>	
9.	<ul style="list-style-type: none"> <li>Next to good water for sailing</li> <li>Supports sailing opportunity for children and youth</li> <li>Shared use with Sea Scouts</li> </ul>	
9.	<ul style="list-style-type: none"> <li>Club provides safe, affordable training and boating experiences for youth</li> <li>Provides easier access to harbour for sailing</li> </ul>	
10	<ul style="list-style-type: none"> <li>Saves time and energy from volunteers involved with "Learn to Sail"</li> <li>Would allow for increased number of sail boats (Opties) 6 up to 10 boats</li> <li>Provides a sustainable "learn to sail" programme for Katikati youth</li> </ul>	
11.	<ul style="list-style-type: none"> <li>With boat storage near the foreshore, the club could expand the number of boats thereby increasing the number of</li> </ul>	

Submitter No	Key Issue	Comment
	<ul style="list-style-type: none"> <li>• children who can participate in sailing</li> <li>• Avoids the need to transport boats everywhere</li> </ul>	
12.	<ul style="list-style-type: none"> <li>• Supports the proposal for children</li> </ul>	
13.	<ul style="list-style-type: none"> <li>• Supports youth in learning to sail</li> <li>• Avoids having to transport boats</li> <li>• Saves time that can be dedicated to teaching people how to sail</li> </ul>	
14.	<ul style="list-style-type: none"> <li>• Supports youth learning to sail</li> </ul>	
15.	<ul style="list-style-type: none"> <li>• Supports youth learning to sail</li> <li>• Allows sailing activity to happen in northern end of the harbour</li> <li>• Saves having to travel to Tauranga</li> </ul>	
16.	<ul style="list-style-type: none"> <li>• Enables Katikati Boat Club to run a water based "learn to sail" programme with Katikati youth</li> <li>• Will allow more time to be spent on sailing and less on transporting boats</li> </ul>	
17.	<ul style="list-style-type: none"> <li>• Enables Katikati Boat Club to run a water based "learn to sail" programme with Katikati youth</li> <li>• Will allow more time to be spent on sailing and less on transporting boats</li> <li>• Ability to increase the number of sailing boats, therefore opportunity for more children to learn to sail.</li> <li>• Improved facility in the northern harbour</li> <li>• Near good sailing water</li> </ul>	
18.	<ul style="list-style-type: none"> <li>• Supports "learn to sail" for children</li> <li>• More time spent sailing and less time transporting boats</li> <li>• Close access to harbour</li> </ul>	
19.	<ul style="list-style-type: none"> <li>• Allows more time spent sailing and less time spent transporting boats around</li> </ul>	
20.	<ul style="list-style-type: none"> <li>• Generally supports the opportunity for children to be taught how to sail</li> <li>• A good sport that has locally produced some of the world's best sailors</li> </ul>	
21.	<ul style="list-style-type: none"> <li>• Supports the "learn to sail" programme provided by the Katikati</li> </ul>	

Submitter No	Key Issue	Comment
	Boat Club	
22.	<ul style="list-style-type: none"> <li>• Support the need for a facility to support the Boating Club's activities</li> <li>• Good character building activity for youth</li> </ul>	
23.	<ul style="list-style-type: none"> <li>• Supports the "learn to sail" programme provided by the Katikati Boat Club</li> </ul>	
24.	<ul style="list-style-type: none"> <li>• Supports the proposed lease site as it won't affect the McMillan Reserve carpark.</li> <li>• The rescue boat will be located nearer the harbour allowing for quicker access in case of emergency</li> </ul>	

## 2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy.

In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it does not reach the threshold of significance in terms of Council's significance policy.

### 3. Engagement, Consultation and Communication

Interested/Affected Parties	Completed/Planned/Engagement/Consultation /Communication
Tangata Whenua	The Chairman of the Boating Club has met with Tangata Whenua to discuss the proposal. The Reserves and Facilities Manager has also undertaken consultation with local Tangata Whenua. At the time of writing this report, formal feedback had not been received. On this basis, a verbal update on any feedback or any written feedback from Tangata Whenua will be provided at the meeting.
Neighbours	Letters were sent to two adjacent residential neighbours. Both neighbours objected to the proposal (submission No's 2 and 5).
General Public	A one month statutory period of public consultation as required under Section 119 of the Reserves Act 1977 was undertaken. Submissions closed on 17 September 2018 and 24 submissions were received (5 against, 19 for).

#### 4. Issues and Options Assessment

<b>Option A</b>	
<p><i>THAT after consideration of the submissions received, in exercise of the powers conferred on it by delegation from the Minister of Conservation under the Reserves Act 1977, the Council in its capacity as administrating body, <b>GRANTS</b> a lease for 60m<sup>2</sup>, more or less, of the land for up to 33 years over part of Katikati Foreshore Tamawhariua Reserve being part of Lot 6 DP 326967 pursuant to Section 54 (1) (b) of the Reserves Act 1977.</i></p>	
<p><b>Assessment of option for advantages and disadvantages taking a sustainable approach</b></p>	<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>• The KKBC would have a site near the harbour for it's water based activities</li> <li>• Their membership would grow</li> <li>• Other water based activities could also be based at the same site</li> <li>• Sailing programmes can be delivered with confidence</li> <li>• Money spent registering and maintaining trailers for road use can be diverted into better on site facilities</li> <li>• Water based rescues for other boat users is increased with the presence of the club</li> <li>• There would be no impact on the MacMillian Reserve carpark</li> <li>• Objectors to the previous carpark site, concerns should be satisfied</li> </ul> <p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>• Open space values will be affected with the establishment of shipping container</li> <li>• The shipping container may become unsightly over time.</li> </ul>
<p><b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b></p>	<ul style="list-style-type: none"> <li>• Cost for the proposed container will be met by the KKBC.</li> <li>• A small amount of rental would be received under Council's Rental Policy for club's.</li> </ul>



<p><b>Option B</b></p> <p><i>THAT after consideration of the submissions received, in exercise of the powers conferred on it by delegation from the Minister of Conservation under the Reserves Act 1977, the Council in its capacity as administering body, DOES NOT GRANT a lease for 60m<sup>2</sup>, more or less, of the land for up to 33 years over part of Katikati Foreshore Tamawhariua Reserve being part of Lot 6 DP 326967 pursuant to Section 54 (1) (b) of the Reserves Act 1977.</i></p>	
<p><b>Assessment of option for advantages and disadvantages taking a sustainable approach</b></p>	<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>• Open space values will not be affected with the establishment of a shipping container</li> </ul> <p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>• The KKBC would not have a site near the harbour for it's water based activities</li> <li>• Their membership would most likely not grow</li> <li>• Other water based activities would lose the opportunity to develop their activity.</li> <li>• Sailing programmes won't be developed</li> <li>• Money spent registering and maintaining trailers for road use will continue to impact the clubs finances</li> <li>• Water based rescues for other boaties would no longer be an advantage</li> <li>• The club would have to store the shipping container on private property.</li> </ul>
<p><b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b></p>	<ul style="list-style-type: none"> <li>• No cost to Council</li> </ul>

# Minute Action Sheet ATTACHMENT A

On 21 Jun 2018 the Operations Committee met and resolved the following:

OPI2.2

## Katikati Boat Club - Alternative Lease Site for Shipping Container

The Operations and Monitoring Committee considered a report from the Reserves and Facilities Manager dated 7 June 2018 as circulated with the agenda.

The Reserves and Facilities Manager spoke to the report clarifying the background for the application to locate a container on the esplanade Bruce Johnson representing the Katikati Boating Club was in attendance for this item. In response to questions the Committee was advised:

- Vehicle access to the container on reserve land would be by the right-hand gate onto the site.
- The container would be placed up against the shelter belt.
- The container was for the storage of the Katikati Boat Club Yachts.
- Public notification of the proposal was required by law.

The Committee acknowledged the work of the Katikati Boat Club teaching many young people the basics of sailing and boating safety over many years.

The Reserves and Facilities Manager advised that the container was being modified for future use as a storage shed and in order to prevent the club from incurring storage costs, the container would be temporarily sited at the Tetley Road reserve, until re-siting on the Beach Road reserve was undertaken.

**Resolved:** Williams / Mackay

1. *THAT the Reserves and Facilities Manager's report dated 16 May 2018 and titled Katikati Boat Club - Alternative Lease Site for Shipping Container be received.*
2. *THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.*
3. *THAT the Operations and Monitoring Committee approves in principle to entering into a lease with the Katikati Boating Club for an area of Reserve land (60m<sup>2</sup>) being part of Lot 6 DP 326967.*
4. *THAT in giving approval in principle, such approval must not be construed by the applicant, as a guarantee that all other consents required by any policy, by-law, regulation or statute, will be forthcoming. The applicant is responsible for obtaining all required consents at its own cost.*

AND

5. *THAT staff be directed to publicly notify the proposal in terms of Section 119 of the Reserves Act 1977.*

Joanne Hin

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**From:** Account team <ferry@hotmail.co.nz>  
**Sent:** Thursday, 16 August 2018 6:37 PM  
**To:** Reserves  
**Subject:** joanne hin, re boating club proposal beach road

Hi there, i am totally against the proposal of the lease to the katikati boating club for a 33 year lease on the end of beach road, as i have stated in the past, no parking, freedom campers and low life stealing drug dealers, why not taupiro point, ferry de graaf

22 August 2018

Objection to the intention to grant a lease over esplanade reserve, end of Beach Road, Katikati, of 60m<sup>2</sup>, more or less.

As the owners of the property located at 294 Beach Road, Katikati, Garry and I wish to object to the intention of Council to lease approx. 60m<sup>2</sup> of esplanade reserve to the Katikati Boat Club (KKBC).

The proposal to establish a 40ft shipping container with an equivalent sized concrete apron in front of the container presents several issues relating to the intended use of the building, the environmental and aesthetic appearance of it, together with public safety and access issues.

In the Issues and options assessment section of the papers presented by Council several of the advantages to approving the lease raise concerns.

The proposal is for a shipping container to store the Katikati Boat Club yachts, however, reference is also made to "other water based activities could also be based at the same site", "the shipping container is seen as a short term solution" and "The Club intends on combining with other water based clubs e.g. Sea Scouts" these appear to be outside the scope of the intended lease by council which states the request is for "boat storage to the KKBC" and is therefore not for the intended use of other clubs or organisations, nor intended to be used as clubrooms in any way.

The container is to be placed against the existing shelterbelt however this would not allow for the on-going cutting and trimming of the shelterbelt. Our understanding is that the machine requires a minimum of 3 meters to allow access to trim and maintain the shelterbelt. Placing the container at least 3 metres from the shelterbelt would then compromise the open space values of the area and present an unsightly obstacle within the reserve, which the intended users, walkers and cyclists, would have to navigate around. To move around the container and concrete apron, walkers and cyclists would be required to move closer to the waters edge of the grass area, presenting a danger to the young and older members of the public using the reserve and also posing a possible issue of erosion to the foreshore.

The KKBC claim that their membership would grow which also raises concerns regarding the amount of storage available and their need to then acquire more storage should growth occur, causing more impact on the environment and a further hinderance to walkers and cyclists.

They claim that money spent registering and maintaining trailers for road use could be diverted into better on-site facilities suggesting their intention to further develop the site, when in fact money saved by not leasing the land and not having to maintain a shipping container could be used for the maintenance of their trailers which is part of the equipment required when you own a small boat.

Further more access to the container and parking is to be given through an existing gate, therefore vehicles will be driving on land that is currently used by the public as a public walkway and cycle track causing safety issues for the likes of young children believing it is safe to run and play on the grass areas of a reserve.

Kaukati is promoting its walkways and encouraging the public to use them by telling them it, (walking), is soothing for the soul and good for your health. Saying that walking is an excellent opportunity to embrace and appreciate the beauty of the environment around you.

The Councils Reserve Management Policy contained in the Katikati Ward Reserves Management Plan Review also states that one of their objectives is to manage the coastal esplanade for the protection of the natural character and wildlife values of the Tauranga Harbour and providing continuous pedestrian linkage around the Katikati peninsula.

Placing a 40ft shipping container and allowing vehicles to drive on the esplanade is in direct contrast to these ideals and presents a safety issue to the intended users of the esplanade reserve, that is the walkers and cyclists for whom these areas are created for, while also compromising the open space values.

Current membership of the KKBC is 30 people and the 2017 population of Katikati was 4630. This proposal is therefore to benefit 0.6% of the population while having a detrimental effect on the environment and aesthetic appeal of a very unique area that Katikati is.

Let's continue to promote the walkways and cycle tracks and encourage the public and tourists to use these areas as they were intended, to get people out and about to enjoy the beautiful tranquillity of our natural environment, not pander to the wants of a small minority group seeking to disrupt the natural harmony of the landscape for their benefit.

Regards

Trudie Pegler

Garry Pegler

Owners of 294 Beach Road, Katikati.

22 August 2018

3/24

Joanne Hin

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**From:** Jill and Ian <jillandian@xtra.co.nz>  
**Sent:** Thursday, 23 August 2018 2:20 PM  
**To:** Reserves Submissions  
**Subject:** Objection of intention to lease Esplanade reserve

Attn Joanne Hin:

We the owners of 7 Rosemary place, Katikati wish to place an Objection to the intention to grant a lease over esplanade reserve, end of beach road Katikati.

Our objection is based on the intended use of a shipping container for the Katikati Boat Club, firstly it would be an eyesore and in our opinion would highly impact on the environmental aspect of the reserve. The intention of the reserve is for all Katikati residents to enjoy to walk, ride or exercise not to put a container for the use of storing boats. It is not only the container which is the concern but also the extra traffic that would be using the reserve, where would the Katikati Boat club park their vehicles whilst they are repairing their boats etc.? Is it the intention of the council to provide parking for the Boat Club? That would seriously impact on the safety issue of people who were out walking or riding bikes or just children playing and enjoying the reserve. The public would have to navigate around the container, and the concrete apron, which means they would be going closer to the waters edge of the grass area, which could cause a safety issue and also an erosion issue.

The Councils Reserve Policy states that one of their objectives is to manage the reserve for the protection of the natural environment and wildlife of the Tauranga Harbour and providing a walking track around the Katikati peninsula. So placing a 40ft container and allowing vehicles to drive on the esplanade goes against that Policy. Let's leave the esplanade as it is intended for the use and enjoyment of all of Katikati residents and tourists.

Kind regards,

Ian Bentley

Jill Bentley

Megan Reeves

Owners of 7 Rosemary place Katikati

23 August 2018

Joanne Hin

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**From:** John Barker <jpmustang@xtra.co.nz>  
**Sent:** Wednesday, 29 August 2018 10:50 AM  
**To:** Reserves Submissions  
**Subject:** Proposal Objection

Objection Of The Proposed KKBC Container On The Beach Road Reserve .  
How Can You Sight This In Front Of Some Ones Proposed Dwelling When You Have  
An Ideal Position Over The Road Where There Is A Car Park , Public Toilet An Surrounded  
By Shelter Belt Of Trees . 99% Of The Time The Car Park Is Used By Freedom Camper So  
A Loss Of Probably 4 Spots Would Not Affect The Free Loaders They Would Go To Another Spot .  
When The Proposed Idea Appeared In The Local Rag It Showed An Artists Drawing Of The Container  
And Concrete Pad Recessed Into The Bank For Easy Access To The Concrete Slipway .  
John & Peggy Barker  
6 Maniaroa Drive  
Katikati

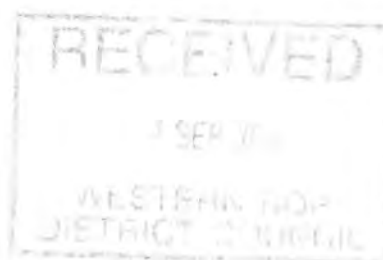
5/24

294 Beach Road  
 Katikati 3143

1 August 2018

Mr Watson  
 Western Bay of Plenty District Council  
 Private Bag 12803  
 Tauranga Mail Centre  
 Tauranga 3143

Dear George



RE: Intention to grant a lease over esplanade reserve, end of Beach Road, Katikati, of 60m<sup>2</sup>, more or less

I would like to express my concerns over the proposed placement of a shipping container for the Katikati Boat Club on the border of my property and the esplanade reserve.

My understanding is the land, whilst it may be managed by the council is owned by the crown and its purpose was access to the general public. Please note the council compulsorily acquired extra land along the reserve strip for future erosion. By walking along the foreshore, you can see quite a lot of erosion has already occurred. If this is allowed to continue the container would infringe even more of the walking area.

Whilst I am supportive of the local boat club I have extreme reservations over the placement of this container and its proximity to my property.

My property is an avocado orchard (highly susceptible to theft) I have a shelter belt planted on the edge of my property, where it is proposed that the shipping container would be placed. This placement means that the shelter belt would not be able to be accessed for pruning the top, as it currently is. It would also bring more attention to my property and the crop growing. Placement here makes it the least visible to my home and the property located at 294 Beach Road so am concerned over security issues with the actual container. My workshop/shed has already been broken into 2 times. If this container was to go ahead extra security in the form of sensor lights, electric fencing, cameras etc would be warranted. Placement of the container on crown land also sets a precedent for more structures (future boat club growth) and potentially boat owners, fishermen etc.

Some weeks ago, I was asked by Don Wallis of the Katikati Boat Club to meet with him and Peter Watson of the Western Bay of Plenty District Council.

When I arrived, Don showed me plans of reclamation of subsidised land next to the boat ramp which would provide an area for storage and picnic for the members. He also had a plan for the placement of the container within the carpark. Peter Watson did not show and Don and I abandoned the meeting.

These plans looked very impressive and good for the Katikati community. It also meant that the boats would be stored close to the water and would not have to be manoeuvred over land.



I would also like to draw attention to council letter of 20 April 2018 from Tony Clow, in which I was informed of the feasibility of urban growth. If this plan is ever implemented it would mean a future land owner would have an eyesore container on their boundary – the container having 'squatted rights' for 34 years – in other words until 2051.

Look forward to hearing from you.

Best regards



07 549 2599

9 September 2018

Jocanne Hin  
Legal Property Officer Reserves and Facilities  
Western Bay of Plenty District Council  
Private Bag 12803  
Tauranga Mail Centre  
Tauranga 3143

Re: Intention to grant a lease over esplanade reserve, end of Beach Road, Katikati 60m<sup>2</sup>, more or less.

As a past member of the Katikati Boating Club I would like to submit in favour of the proposed lease for the above.

I believe Beach Road would provide a great location for the Katikati Boat Club to operate from. It would be easy to launch the boats, it is central to town, has access to a large body of water and provides a boating facility available to all ages and skill levels.

All these attributes, I feel, would make for a successful location and I feel Katikati community as a whole would benefit a great deal.

Yours sincerely

Sue Cook  
Katikati Resident

7/24

Joanne Hin

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From: Darren Bruning <darren@bruning.net.nz>  
Sent: Sunday, 9 September 2018 6:19 PM  
To: Reserves Submissions  
Cc: Bruce Jonson  
Subject: Re: Intention to grant a lease over esplanade reserve, end of Beach Road, Katikati, of 60m<sup>2</sup>

Attn: Joanne Hin

Just a quick email in support of this lease. I know the treasurer of the Katikati Boating Club and I am supportive because it will enable the club to teach more kids how to sail.

Thanks,

Darren

--  
Darren Bruning  
027 552 5459

9.9.2018

RE: LEASE OF LAND TO KATIKATI BOATING CLUB BEACH ROAD.

Dear Western BOP Council members,

I write in support of the lease of land at the end of Beach Road to the Katikati Boating Club

I have been involved in sailing in Katikati for 10 years now. I helped resurrect the sailing programme including learn to sail. The club has reached capacity with just 6 optimists for youth training purposes. This is because the only viable way to provide for young sailors is to store the boats on a trailer. This is then towed along with the coach boat down to the end of Beach road. Unfortunately the large trailer and coach boat trailer are adding to the congestion over the weekend with both needing parking spaces. Should the club have a container for storage on site, there will be more available parking for the general public. As members of the public using a public facility we have every right to occupy the parks. I would like to think we can reduce our impact on available parking by reducing the need for trailer parking spaces.

The Northern Harbour has fewer faculties than that of the Southern Harbour, with safe learn to sail opportunities only possible at the end of Beach Road. The water is deep enough to allow the Optimist Yachts to sail close to shore at high tide, but is not so deep as to be dangerous. The current is minimal and there is a wide open expanse to set buoys away from all other boating activity.

We have had had nothing but praise from the community for our encouragement of sailing in the Northern Harbour, and to date we have supported over 50 children into experiencing sailing over the years. We work with the Katikati Community Centre to provide an introduction to sailing, and make our equipment and expertise available to Matahui School, Katikati Primary School and Katikati College. Our coach boat is used for the annual School triathlon. The Sea Scouts also know they can access and use the coach boat as part of our partnership. Our open day is well attended.

Kind regards



Hamish Carr  
Katikati Boating Club Commodore  
Katikati College Teacher  
Parent

Joanne Hin

29/24

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**From:** graeme.gilly <graeme.gilly@kinect.co.nz>  
**Sent:** Tuesday, 11 September 2018 1:34 PM  
**To:** Reserves Submissions  
**Subject:** Katikati Boat Club

Mm.Joanne Hin

As a long term sailor, and former coach, I wish to add my support for the proposed Club facilities on the harbour side by Beach Road. The Club provides safe, affordable training and boating experiences for the young of our town. That this is done in a place they are able to readily access without recourse to SH2 travel in my opinion essential for success both now, and in the future. It means they will have opportunities to enjoy our harbour without requiring expensive facilities as are prevalent in so many other places, without the usual conflicting demands of other users who have to share the sadly limited access to the water in this area.

Graeme Wallace  
28c Tui Place  
Katikati 3139.

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Joanne Hin

10/24

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**From:** Rodney Mathers <rod@rodneymathers.co.nz>  
**Sent:** Tuesday, 11 September 2018 3:16 PM  
**To:** Reserves Submissions  
**Subject:** LEASE OF LAND TO KATIKATI BOATING CLUB BEACH ROAD

To whom it may concern

Dear Sir / Madam

I write in support of the lease of land at the end of Beach Road to the Katikati Boating Club

**Reasons what the Boating Club want Storage Container down at Beach Road.**

1. Having storage at the foreshore will save vast amount of time and energy that is currently spent driving trailers of boats up and down Beach Road at the beginning then at the end of every Learn To Sail session.

Essentially to run 3 hours of learn to sail takes an additional 2 hours of loading up and transporting down/ Unload boats/ Reload boats/ transport back.

2. Being bound to transporting boats every session we are restricted to just 6 Optis so we have to cap our learn to sail enrolments, so in any given season we can only teach 12 kids, (2 sessions of 6). However with boat storage on the foreshore, we could expand up to maybe 10 or more Opties

This is being done to provide a sustainable Learn to Sail programme for Katikati youth.

Regards

**Rodney Mathers**

Rodney Mathers Consultancy Limited

<http://rodneymathers.co.nz>

PH: 64 07 863 5890 C: 64 021 901 424  
P O Box 309 Katikati 3166 New Zealand

11/24



Joanne Hin  
 Legal Property Officer Reserves and Facilities  
 Western Bay of Plenty District Council  
 Private Bag 12803  
 Laurance Mall Centre  
 Laurance 3143

10<sup>th</sup> September 2018

Dear Ms. Hin

I am writing in support of the lease which has been offered to The Katikati Boating Club to place a 100 container at the end of Beach Road to store their Learn To Sail gear. As Principal of the Primary School, I see the great benefit that the Boating Club offers to our children. Living so close to the sea it is important that our children learn how to be safe around the water while still enjoying the leisure opportunities it presents. We are always trying to encourage our children to be active, so have huge respect for community groups which provide the chance for children to take part in new sporting opportunities.

The current set up for the club where they have to drive trailers of boats up and down Beach Road at the beginning then at the end of every session is impractical. It is time consuming and also limits the number of children who can take part. We have over 600 children at the school, so the more children that can be catered for the better. With boat storage on the foreshore, the club could expand the number of boats they have, positively impacting the number of children who could take part.

I believe that the opportunities The Katikati Boating Club offers to our students are very important, encouraging them to be active and to enjoy the water safely. As a community group, it would be fabulous if the council could support their endeavours by providing the foreshore storage to prevent the need to transport the boats by trailer and enable the club to extend their membership.

Kind regards,

Andrea Nicholson  
 Principal



12/24

Joanne Hin

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From: Sheryn Bain <sbain@katikati.school.nz>  
Sent: Tuesday, 11 September 2018 5:26 PM  
To: Reserves Submissions

I support this for the children

13/24

Joanne Hin

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**From:** Paul Roberts <paulandclaire1@outlook.com>  
**Sent:** Tuesday, 11 September 2018 8:28 PM  
**To:** Reserves Submissions  
**Subject:** Boating club storage container

To whom it may concern I am 100 % in support of the boating club having a storage container at the end of beach rd. As they do a fantastic job of teaching youth to sail. Also as a member of the club i understand the logistics of setting up the boats and especially transporting every thing down to beach rd boat ramp to start with. Having every thing in a container on sight will save a lot time, of which we can use to teach more sailing yours sincerely, Paul Roberts.

Joanne Hin

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**From:** Louise Buckley <lbuckley@katikaticollege.school.nz>  
**Sent:** Wednesday, 12 September 2018 9:55 AM  
**To:** Reserves Submissions  
**Subject:** RE: LEASE OF LAND TO KATIKATI BOATING CLUB BEACH ROAD

To whom it may concern

I write in support of the lease of land at the end of Beach Road to the Katikati Boating Club. It will allow more of our young people to take part in their excellent learn to sail programme which I have been fortunate enough to have my sons involved with.

Nga mihi

Louise

*Louise Buckley  
Past Deputy Principal  
Katikati College*

Joanne Hin

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**From:** Amanda Willett <awillett@katikati.school.nz>  
**Sent:** Wednesday, 12 September 2018 11:00 AM  
**To:** Reserves Submissions  
**Subject:** Submission in support of Katikati Boating Club

Hi Joanne,

I am writing this email in *support* of the Katikati Boating Club to obtain a lease for a container to store their Learn to Sail gear on land at the end of Beach Road. I am a Deputy Principal at Katikati Primary School and many of the children who come to our school will attend the club. It is so beneficial to our families to have this opportunity in our own community rather than them having to travel all the way into Tauranga. I definitely support this as more of our children will be able to learn to sail.

Kind regards,

Amanda Willett  
DP Senior School

16/24

Joanne Hin

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**From:** Billie <GBdobbs@xtra.co.nz>  
**Sent:** Thursday, 13 September 2018 7:16 AM  
**To:** Reserves Submissions  
**Subject:** re lease land to KK boat club beach road

Good morning

we would like to support the venture of **KK boat club** leasing land to place a container at end of beach road

Reasons for this is that it would enable the kk boat club to continue to run a waterbased learn to sail programme with our KK youth. Given our location a understanding of how to sail, read winds, and cope with tides is a great skill that our children need to learn, so to stay safe on the water.

Having the container at end of beach road would allow more time for sailing as the boats then dont have to be brought on site and removed.

More time on water equates to the children being able to learn more and practice their skills

Thank you  
Dobbs Family

17/24

Joanne Hin

**From:** bruce@datix.ca  
**Sent:** Wednesday, 12 September 2018 1:01 PM  
**To:** Reserves Submissions  
**Subject:** RE: INTENTION TO GRANT A LEASE OVER ESPLANADE RESERVE, END OF BEACH ROAD KATIKATI, OF 60M<sup>2</sup>. MORE OR LESS

ATTN: Joanne Hin  
 Legal Property Officer Reserves and Facilities  
 Western Bay of Plenty District Council  
 Private Bag 12803  
 Tauranga Mail Centre  
 Tauranga 3143

12 September 2018

RE: LEASE OF LAND TO KATIKATI BOATING CLUB BEACH ROAD.

Dear Western BOP Council members,

I am writing in support of the lease of land at the end of Beach Road to the Katikati Boating Club.

I have been helping run the Learn to Sail programme in Katikati for 5 years now. And along with other club members, we have rebuilt the Sail programme in Katikati including learn to sail.

For the last 5 years we have had to transport the Training yachts and our Rescue boats up and down to the Beach Road ramp.

For us to run a 3 hour Learn to Sail session it takes an additional 2 hours of loading up and transporting down / Unload boats / Reload boats / transport back to a paddock and covered in tarps. This is not sustainable long term for the club and really restricts us in offering any other sessions as manpower and vehicles required is very hard to organise.

The second issue is that we are restricted to just 6 optimists as that is all we can fit on our Opti trailer. We can only teach 6 kids at a time, we now run back to back 1.5 hour sessions to double our numbers, but at 12 kids a year that is a very low number that we can cater for. When we have tried to expand the number of boats/kids we have ended up with 4 or more vehicles and trailers so that impacts on the carpark quite a bit. If the club had storage at the proposed site then there will be more available parking for other members of the general public.

The Northern Harbour has very poor foreshore faculties when compared to Omokoroa and Tauranga. Beach Road is the best location bar none! to run sailing in the Northern Harbour.

The water is deep enough to allow the Optimist Yachts to sail close to shore at high tide but is not so deep

as to be dangerous.

The current is minimal and there is a wide-open expanse to set buoys away from all other boating activity.

We have had had very good support from the Katikati community for our learn to sail programme.

We estimate we have worked with over 50 children in the last 5 years to give them a chance experience sailing. We work with the Katikati Community Centre and make our equipment and expertise available to Matahau School, Katikati Primary School and Katikati College.

Best regards

Bruce Jonson

Katikati Boating Club Treasurer.

Parent



## MATAHUI SCHOOL

117A Matahui Road, RD4, Katikati 3181. Phone (07) 552-0655  
 Email: [office@matahui.school.nz](mailto:office@matahui.school.nz) Website: [www.matahui.school.nz](http://www.matahui.school.nz)



RE: Support for Lease

12 September 2018

To whom it may concern

Matahui School would like to support and endorse the Katikati Boating Club's submission for leasing an area of foreshore upon which they can place a container to house their optimist yachts and rescue boat.

The Boating Club has for the last few years been instrumental in supporting the Matahui School Boat Day which we host at Omokoroa. Being able to utilize their optimists to give all our students from Years 1 to 8 the opportunity to sail independently has been highly valued and much appreciated.

We have found that because of the Club's involvement in our Boat Day, that several our families have discovered yachting to be an activity that they want to pursue.

If the Boat Club are given the lease to use the foreshore the members of the club will not need to spend time transporting their craft and therefore be able to devote more energy to their Learn to Sail classes. Additionally, with boat storage accessible on the foreshore, the club could expand the number of boats they can use for their classes which means more children will be able to experience the joy of sailing.

Please accept this letter as a full endorsement of the Katikati Boating Club's submission for a foreshore lease.

Yours faithfully

Max Müller  
 Principal  
 Matahui School



19/24

13 September 2018

Ian de Faye  
100 Lund Road  
KATIKATI 3178  
jansoz@outlook.com

-----  
Local Property Officer Reserve, and Facilities  
Manager, of Kaipara County District Council  
100 Lund Road  
KATIKATI 3178  
jansoz@outlook.com  
09 438 1111

To Joanne

RE: SUPPORT OF THE KATIKATI BOATING CLUB LEASE

I wish to offer my support to the Katikati boating club to lease land at the end of Beach Road Katikati

As a parent of a child who has had lessons with the Hamish and his awesome team of helpers, I think this will be a great asset as a base for the boating club.

The gear needed for the boating club will be able to be stored on site instead of having to be transported each time. This will allow more time to get out on the water and enable more kids to participate.

I whole heartedly support the Katikati boating club and wish them all the best in securing this lease.

Kind Regards



Ian de Faye

Joanne Hin

20/24

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**From:** David Hemsley <davidhemsley571@gmail.com>  
**Sent:** Thursday, 13 September 2018 10:32 AM  
**To:** Reserves Submissions  
**Subject:** Katikati Boating Club lease of land Beach Rd.

Just a short note to say how great it is to see children being taught to sail, sailing would be one of the healthiest sports around also the bay has produced some of the worlds top sailors David Hemsley

21/24

14 September 2018

Leahy, Hilary  
Land Use/Environmental Resource and Facilities  
Western Bay of Plenty District Council  
P.O. Box 43817  
Wellington Mail Centre  
Wellington 1471



45 Beach Rd, Katikati 3129  
07 549 0399  
www.katikaticommunitycentre.co.nz

To: Leahy, Hilary

RE: SUPPORT OF THE KATIKATI BOATING CLUB LEASE

I am pleased to support the application of the Katikati Boating Club to lease land at the end of Beach Road Katikati.

Having a place where the boat club can store their learn to sail gear will be of great benefit, not only for the individuals facilitating these lessons but for the children involved as well.

The boating club can then learn to sail lessons in the Katikati Community Centre's holiday programme which is very popular and well run by a great bunch of individuals.

The Katikati Community Centre have a very positive relationship with Hamish and the team from the Katikati Boating Club and whole heartedly support this valuable project and wish them all the success in securing the lease.

Kind Regards

Allan Wainwright  
Centre Manager  
Katikati Community Centre

22/24

Joanne Hin

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**From:** William Ware <olfala@xtra.co.nz>  
**Sent:** Friday, 14 September 2018 5:59 PM  
**To:** Reserves Submissions  
**Subject:** Joanne Hin: re application for container on Esplanade Reserve, Beach Road, Katikati

My name is William Barry Ware and I live in Katikati (11 Preston Drive.)

I am retired and wish to offer my support to the Council in support of the Katikati Boat Clubs application for the location of a facility to house their collection of yachts and other equipment at the Esplanade Reserve, Beach Road, in Katikati.

I have been associated with small boat sailing for most of my life and am well aware of how character building it is for young men and women, starting young, and participating at every opportunity, such as this small club has here at Katikati.

This club has a wide range of ages taking part in the activity at every chance and I wish to support them in any way I am able.

I have more than 25 years small boat sailing experience and while in the N.Z. Police was the Commodore of the Police Sailing Club, competing annually with against the Combined Services, for some seven (7) years and other Police tournaments in Auckland.

Yours sincerely

W. B. Ware

23/24

Joanne Hin

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**From:** Barbara Woodham <bwoodham@katikati.school.nz>  
**Sent:** Friday, 14 September 2018 8:55 PM  
**To:** Reserves Submissions  
**Subject:** Beach Road Container and Katikati Boating Club

Dear Joanne,

I am writing in support of the Katikati Boating Club's wish to place a container on the reserve at the end of Beach Road. This will allow them to cater for more children to learn the skills of sailing.

Regards

Barbara Woodham



Barbara Woodham  
E - bwoodham@katikati.school.nz  
P - 06 342 1000

Teaching with an Apple

Joanne Hin

24/24

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**From:** don wallis <wallis.don@gmail.com>  
**Sent:** Sunday, 16 September 2018 9:17 PM  
**To:** Reserves Submissions  
**Subject:** Submission on Katikati boat club lease

Attn Joanne Hin

Dear Joanne

I am writing in support of the KKBC's proposed lease of 60 metres square of council reserve.

As a regular user of the Beach road boat ramp for fishing, and also a keen yachty, I am concerned that there is going to be bad feelings in future between users of the car park and the yachting branch of the Boat club as they compete for the limited space of the car park. The solution would be to let the yachting division use the reserve on the opposite side of beach road to the car park and to allow them to put their container there for yacht storage. This will mean 4 less trailers and cars using the reserve and a much easier job of launching and retrieving the training yachts. More importantly, the rescue boat which will also be stored in it will have quicker access to the harbour in case of emergency's .

I will speak to my submission if allowed

Yours sincerely

Don Wallis

Volunteer Harbour Warden.

Katikati

Sent from my iPhone

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## Western Bay of Plenty District Council

### Council

## Application to Alter the boundary between Western Bay of Plenty District Council and Tauranga City Council

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### Purpose

The purpose of the Application, under Schedule 3 of the Local Government Act 2002 is to facilitate an alteration to the boundary between Western Bay of Plenty District Council (WBOPDC) and Tauranga City Council (TCC). The boundary alteration will enable 188.9492 hectares of Western Bay of Plenty District rural land at Tauriko West to be moved into Tauranga City jurisdiction so that it can be developed for future housing and adequately serviced.

Preparation and consultation on the boundary alteration application has been completed and Council must now decide whether to adopt the Application for lodgement with the Local Government Commission. If the Commission agrees to progress the Application, they will consult further and a final decision can be expected in 2019. Attached for information is the DRAFT Application to alter the boundary between Western Bay of Plenty District Council and Tauranga City Council.

**Attachment A**

### Recommendation

- 1. THAT the Project Manager's report dated 1 November 2018 and titled Application to alter the boundary between Western Bay of Plenty District Council and Tauranga City Council be received.**
- 2. THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.**
- 3. THAT under Schedule 3 of the Local Government Act 2002, the Western Bay of Plenty Council's Application to alter the territorial boundary located at Tauriko West between Western Bay of Plenty District Council and Tauranga City Council be adopted and approved for lodgement with the Local Government Commission.**



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Sue Laurence  
Project Manager – Tauriko West

## 1. Background

The 30 year SmartGrowth vision and strategy (Spatial Plan resulting from a collaborative planning partnership between the councils in the sub-region and Tangata Whenua), seeks to balance the supply of land for development with housing and business needs. In considering the ongoing growth pressure in the western Bay of Plenty sub region, SmartGrowth has projected a shortfall in residential capacity, with no further additional Greenfield residential land supply available by 2026.

In response to the shortfall in supply, the Western Corridor, which includes Tauriko West, has been identified by SmartGrowth as one of the most appropriate Greenfield sites for future urbanisation in the short term.

The Tauriko West Urban Growth Area (the proposed new suburb) is located in both the Tauranga City and Western Bay of Plenty District. To urbanise the area without a boundary alteration would mean the WBOPDC would be responsible for governance, infrastructure and regulation on one side of the boundary line and TCC responsible for the other side. It is not economically or practically feasible for the WBOPDC to provide infrastructural services to the WBOPDC side of the boundary (the affected area) for the purposes of urbanisation.

Altering the boundary to transfer the WBOPDC area of Tauriko West into the jurisdiction of TCC, would be economically efficient, and provide planning, administrative and servicing consistency and governance arrangements appropriate to the new suburb's community of interest.

To facilitate the urbanisation of Tauriko West, the planning partners (BOPRC; WBOPDC, TCC and NZTA) are undertaking an overall project 'Tauriko for Tomorrow' and it consists of four sub projects. Firstly, the Bay of Plenty Regional Council's Regional Policy Statement has to be amended to adjust the urban limit line. This process has concluded with Ministerial approval for Change 4 to the RPS received on 20th September 2018. The change to the Tauriko West urban limit will become operative on 30 October 2018. As the second step in the planning process, WBOPDC has been preparing and consulting on the boundary alteration proposal to lodge with the Local Government Commission. Concurrently the New Zealand Transport Agency (NZTA) and TCC are coordinating and aligning their planning so that the Tauriko Urban Growth Area can be rezoned residential for subsequent urban development.



## 2. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.

In terms of the Significance and Engagement Policy, this decision is considered to be of medium significance because there is a risk that an alternative Local Government reorganisation proposal may be lodged during the Local Government Commission's process, the outcome of which cannot be determined. Given that any person can make an application for Local Government reorganisation at any time, the decision being taken today is not considered to significantly increase the likelihood of a wider reorganisation occurring.

## 3. Engagement, Consultation and Communication

Clauses 5 (1) (f) and 8 (1) of Schedule 3 of the Local Government Act 2002, refer to the assessment of demonstrable community support in proposing a Local Authority Reorganisation Proposal.

Consultation with respect to the application to alter the WBOPDC territorial boundary at Tauriko West has been undertaken with:

- Ratepayers and residents within the affected area
- Hapū with interests in Tauriko West
- Tauranga Moana Iwi Authorities
- General public across Tauranga City and Western Bay of Plenty District
- Tauranga City Council and the Bay of Plenty Regional Council
- New Zealand Transport Agency (throughout the process and as part of the collaborative planning team)

The consultation outcomes of the various categories specific to this boundary alteration proposal have been assessed and it is considered there is demonstrable community support for the proposal to alter the WBOPDC territorial boundary at Tauriko West. Accordingly, the draft Application has been endorsed by TCC and supported by the BOPRC at their Council meetings on 18 September 2018, and 27 September 2018 respectively. Section 5.0 of the Application addresses consultation methodology and outcomes in detail.

If the Local Government Commission agrees to consider the Application, a further consultation process will be undertaken by the Commission in 2019.

#### 4. Issues and Options Assessment

Approval of formal application to the Local Government Commission to enable the alteration of the territorial boundary between TCC and WBOPDC at Tauriko West.

Option A	
Reasons why no options are available	Legislative or other reference
Under the terms of the Memorandum of Agreement, TCC and WBOPDC agreed to prepare and lodge an Application with the Local Government Commission to alter the territorial boundary at Tauriko West. If Council decides not to adopt the Application, the agreement with TCC will not be honoured, and the objectives of the MOU will not be achieved.	Memorandum of Understanding with TCC – November 2017.

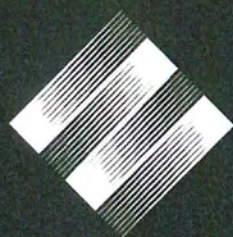
#### 5. Statutory Compliance

The application to alter the boundary at Tauriko West is:

- Compliant with the National Policy Statement on Urban Development Capacity, which provides direction to the councils to address the sub-region's growth.
- Consistent with the SmartGrowth Partnership agreement to progress the urbanisation of Tauriko West. (SmartGrowth Implementation Committee August 2016).
- Consistent with Change 4 of the Regional Policy Statement (altering the Tauriko West urban limit line). Approved by the Minister for the Environment 20 September 2018 (operative 30 October 2018).
- Complies with the WBOPDC/TCC MOU agreement to alter the boundary at Tauriko West (November 2017).
- Constitutes a Local Authority Reorganisation Proposal under Schedule 3 of the Local Government Act 2002.

#### 6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
N/A	Project costs met by Tauranga City Council



*Western Bay of Plenty  
District Council*

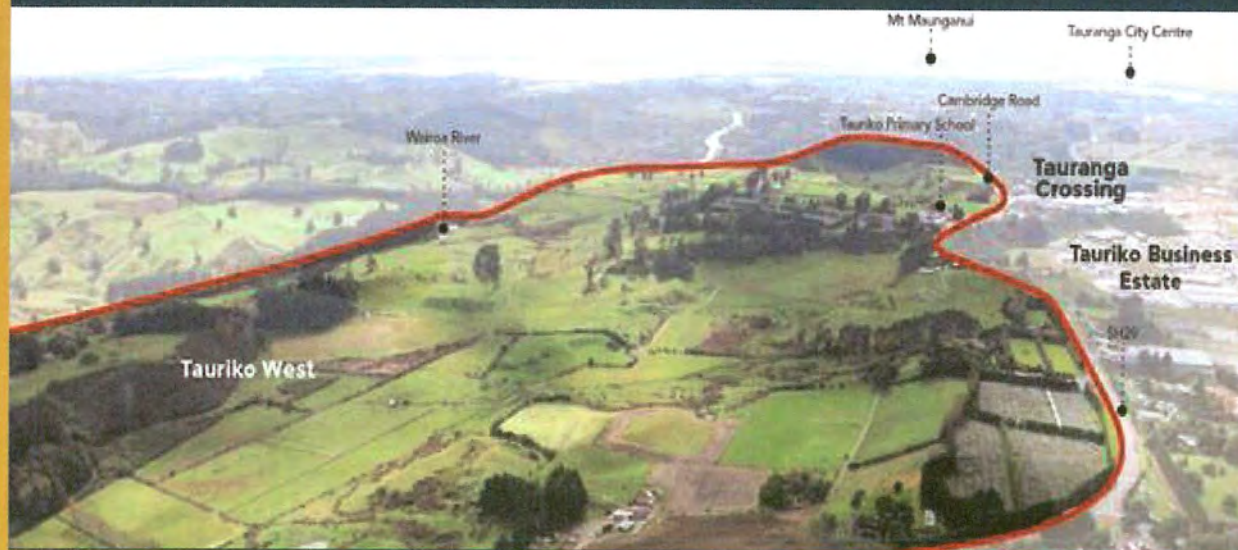


Application to alter the boundary  
between

**Western Bay of Plenty District  
Council**

and

**Tauranga City Council**



Local Authority Reorganisation Proposal under Schedule 3 of the Local Government Act 2002 to alter the boundary between Western Bay of Plenty District Council and Tauranga City Council to enable 188.9492 hectares of Western Bay of Plenty District rural land at Tauriko West to be moved into Tauranga City jurisdiction so that it can be developed for future housing and adequately serviced.

<b>Application details</b>	<b>Legislative Reference LGA 2002 Schedule 3</b>
<b>Proposed by:</b> The Western Bay of Plenty District Council	Clause 3 (1 ) (a)
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Figure 1 – location of Tauriko West in the western Bay of Plenty sub-region.

## 1.0 Executive Summary

The purpose of this application, under Schedule 3 of the Local Government Act 2002 is to facilitate an alteration to the boundary between Western Bay of Plenty District Council and Tauranga City Council to enable 188.9492 hectares of Western Bay of Plenty District rural land at Tauriko West to be moved into Tauranga City jurisdiction so that it can be developed for future housing and adequately serviced.

The western Bay of Plenty sub-region is one of the fastest growing places in the country. It is made up of two territorial local authorities, Tauranga City Council and Western Bay of Plenty District Council. The recent Statistics NZ census (2017) intercensal estimates a Tauranga City population of 131,500 and Western Bay of Plenty District population of 49,000. The Bay of Plenty Regional Council's territory incorporates the western Bay of Plenty sub-region.

The 30 year SmartGrowth vision and strategy (Spatial Plan resulting from a collaborative planning partnership between the councils in the sub-region and Tangata Whenua), seeks to balance the supply of land for development with housing and business needs. In considering the ongoing growth pressure in the western Bay of Plenty sub region, SmartGrowth has projected a shortfall in residential capacity, with no further additional Greenfield residential land supply available by 2026.

In response to the shortfall in supply, the Western Corridor, which includes Tauriko West, has been identified by SmartGrowth as one of the most appropriate Greenfield sites for future urbanisation in the short term.

The Tauriko West Urban Growth Area (the proposed new suburb) is located in both the Tauranga City and Western Bay of Plenty District. To urbanise the area without a boundary alteration would mean the Western Bay of Plenty District Council would be responsible for governance, infrastructure and regulation on one side of the boundary line and Tauranga City Council responsible for the other side. It is not economically or practically feasible for the Western Bay of Plenty District Council to provide infrastructural services to their side of the boundary (the affected area) for the purposes of urbanisation.

Altering the boundary to transfer the WBOPDC area of Tauriko West into the jurisdiction of Tauranga City Council, would be economically efficient, and provide planning, administrative and servicing consistency and governance arrangements appropriate to the new suburb's community of interest.

To facilitate the urbanisation of Tauriko West, the planning partners are undertaking an overall project 'Tauriko for Tomorrow' and it is comprised of four sub projects. First, the Bay of Plenty Regional Council Regional Policy Statement has to be amended to adjust the urban limit line. This process has now concluded with Ministerial approval for Change 4 to the RPS on 20<sup>th</sup> September 2018. The amendment to the RPS, which became operational on 30 October 2018, enables the Western Bay of Plenty District Council to lodge this application to alter the territorial boundary at Tauriko West with the Local Government Commission. Concurrently, the New Zealand Transport Agency and the Tauranga City Council will coordinate and align their planning so that the Tauriko Urban Growth Area can be rezoned residential for subsequent urban development.

Specific to the boundary alteration proposal and as part of the overall project 'Tauriko for Tomorrow', there has been substantial engagement and consultation with ratepayers and residents directly and indirectly affected, hapū with interests in Tauriko West (who have collaborated throughout the project), Tauranga Moana Iwi Authorities, and the general public across the two districts of Tauranga City and Western Bay.

The consultation outcomes of the various categories specific to the territorial boundary alteration proposal have been assessed, and it is the view of the three Councils, that there is demonstrable community support for the proposal to alter the WBOPDC territorial boundary at Tauriko West. Accordingly, this Application has been endorsed by the Tauranga City Council and supported by the Bay of Plenty Regional Council.

There is an urgent need to provide additional housing capacity within Tauranga City. In balancing the relative ease with which Tauriko West can be urbanised, the minimal impact on existing residents and landowners, the capacity of the Tauranga City Council to provide good quality infrastructure and services and the future opportunities urbanisation will provide, the Western Bay of Plenty District Council has decided to apply to the Local Government Commission to alter the territorial boundary line at Tauriko West and transfer 188.9492 ha of rural land into the jurisdiction of Tauranga City Council. This Application was duly adopted by Council on 1 November 2018 (to be confirmed 01 November 2018).

## 2.0 The boundary alteration proposal and description

### 2.1 The Proposal

The Proposal seeks to alter the boundary between Western Bay of Plenty District Council and Tauranga City Council to enable 188.9492 hectares of Western Bay of Plenty District rural land at Tauriko West to be moved into Tauranga City jurisdiction so that it can be developed for future housing and adequately serviced.

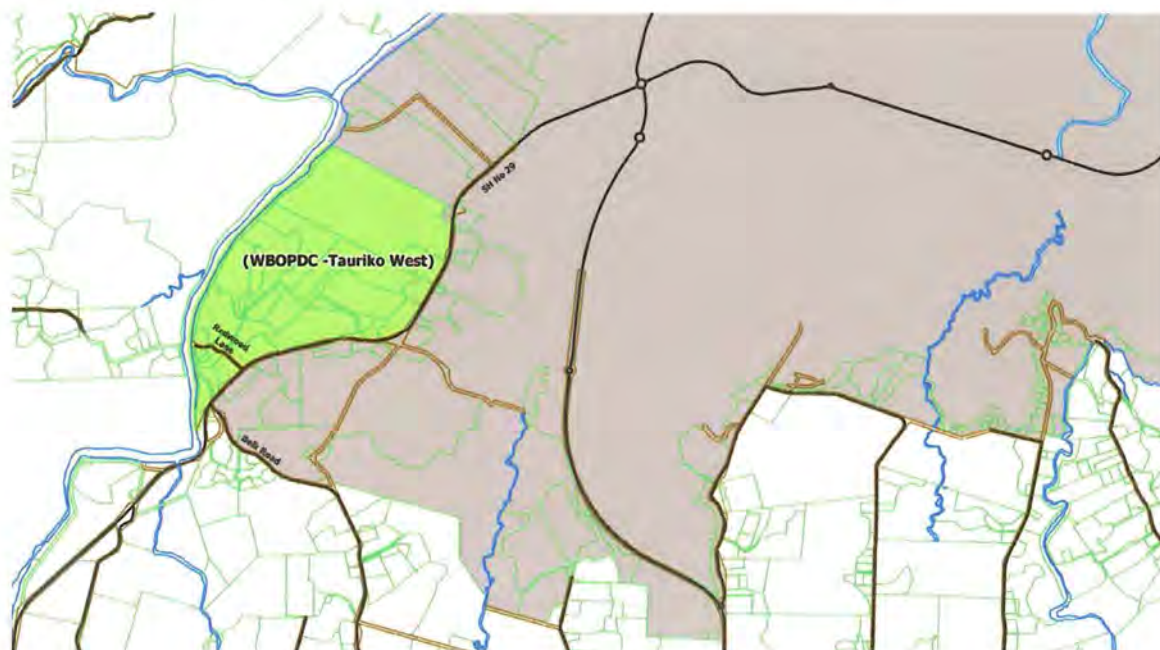


Figure 2– Green shaded area identifies WBOPDC territory (Affected Area) within identified Tauriko West Urban Growth Area (shaded Grey) proposed for transfer to Tauranga City

The affected area will conform with the adjusted Bay of Plenty Regional Council urban limits line, and is consistent with Meshblock number 1191301.

### 2.2 Tauriko West – Location of the affected area

The proposed Tauriko West urban growth area is located within the identified SmartGrowth Western Corridor and is currently used for agricultural purposes with small areas of horticulture land use on more elevated land, and a pocket of lifestyle blocks at the southern end of Redwood Lane. The affected area is bounded by the Wairoa River to the northwest and SH29 to the south east and is situated 9km from the central city. The territory proposed for transfer (the affected area) is located within the Kaimai Ward of the Western Bay of Plenty District.

Tauriko West Urban Growth Area is:

Approximately 388 ha in size, which includes 188.9492 ha of rural land which is proposed for transfer from WBOPDC to TCC;  
 Adjacent to the existing Western Corridor development comprising a sub-regional retail centre; (Tauranga Crossing (22ha) and Tauriko Business Estate (255 ha), plus an additional 120ha of planned business land)



### 2.3 Tauriko West – Land ownership profile of the affected area

There are 28 land parcels (including 3 held by WBOPDC for reserve purposes) within the affected area. Two significant holdings own 9 of the 28 land parcels and make up 100.6494 and 52.4932 ha respectively, an estimated 81% of the affected area (illustrated in Figure 3 below - orange and yellow).

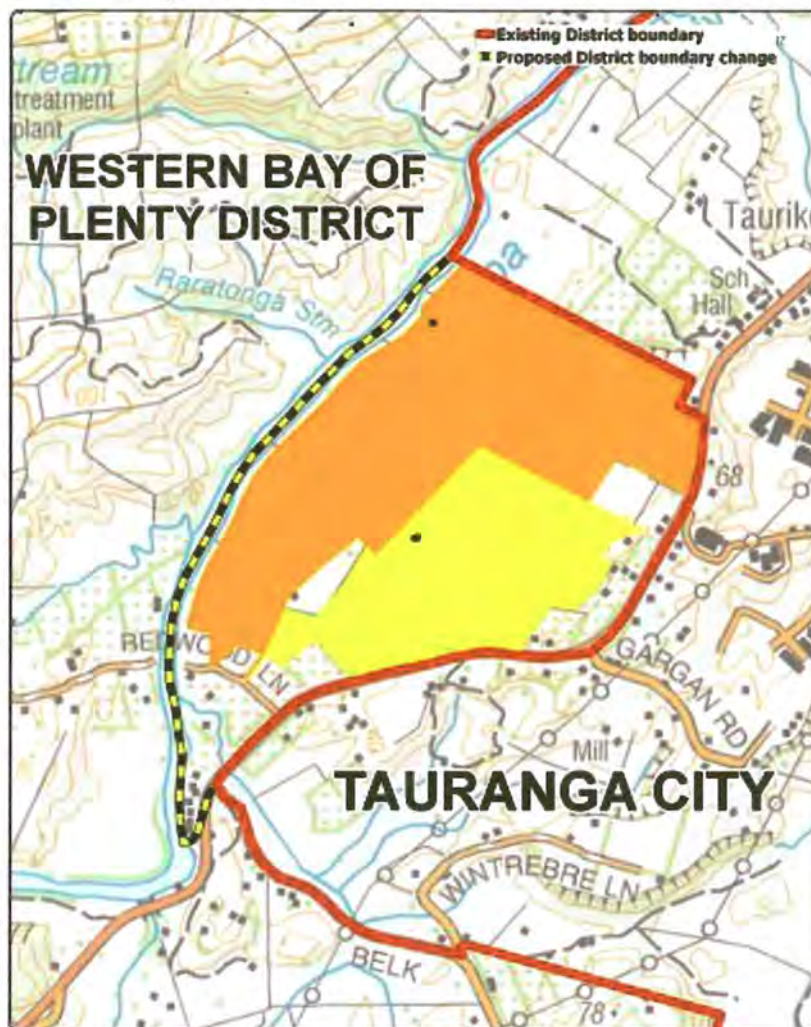


Figure 3 – Affected Area within the Western Bay of Plenty District Boundary and as part of the proposed Tauriko West urban growth area.

### 2.4 Tauriko West - Local Government Services provided in the affected area

The affected area is currently zoned Rural and the Western Bay of Plenty District Council provides governance and regulatory/administrative services. Private contractors provide rubbish collection services. Landowners in the affected area source their own water and use septic tank disposal systems. There is one local road (Redwood Lane) accessing SH29. There are no additional services or infrastructure planned or funded for the affected area in WBOPDC's 2018-28 Long Term Plan.

Tauranga City facilities and services such as libraries, reserves, sports fields, the user pays rubbish disposal and recycling facility in Greerton, and the nearby industrial and Business Park at Tauriko (the Lakes), are accessible and available to residents of the affected area.

In recognition of the fact that communities of interest often cross territorial boundaries, the two councils have a long history of working together to plan, develop and fund sub-regional infrastructure, particularly in recreational facilities.

## 2.5 Tauriko West – Governance in the affected area

The affected area is located in the Kaimai Ward, predominantly rural and includes the following areas (statistical area 2):

- Pahoia
- Omokoroa
- Omokoroa Rural
- Te Puna
- Minden
- Kopurererua
- Kaimai
- Waiorohi
- Kaitemako

The Ward is represented by four Western Bay of Plenty Councillors out of a total of eleven Councillors, plus a Mayor for the whole District. Tauriko West, as a rural area, is not represented by a Community Board (See map Appendix 3 (3.1)).

## 2.6 Location of the Tauriko West Affected area in relation to WBOPDC and TCC.



Figure 4 Tauriko West (orange) as part of Western Bay of Plenty District (dark grey) and in relation to Tauranga City (light grey)

## 2.7 Rohe of Tauriko West Urban Growth Area – Iwi and Hapū Areas

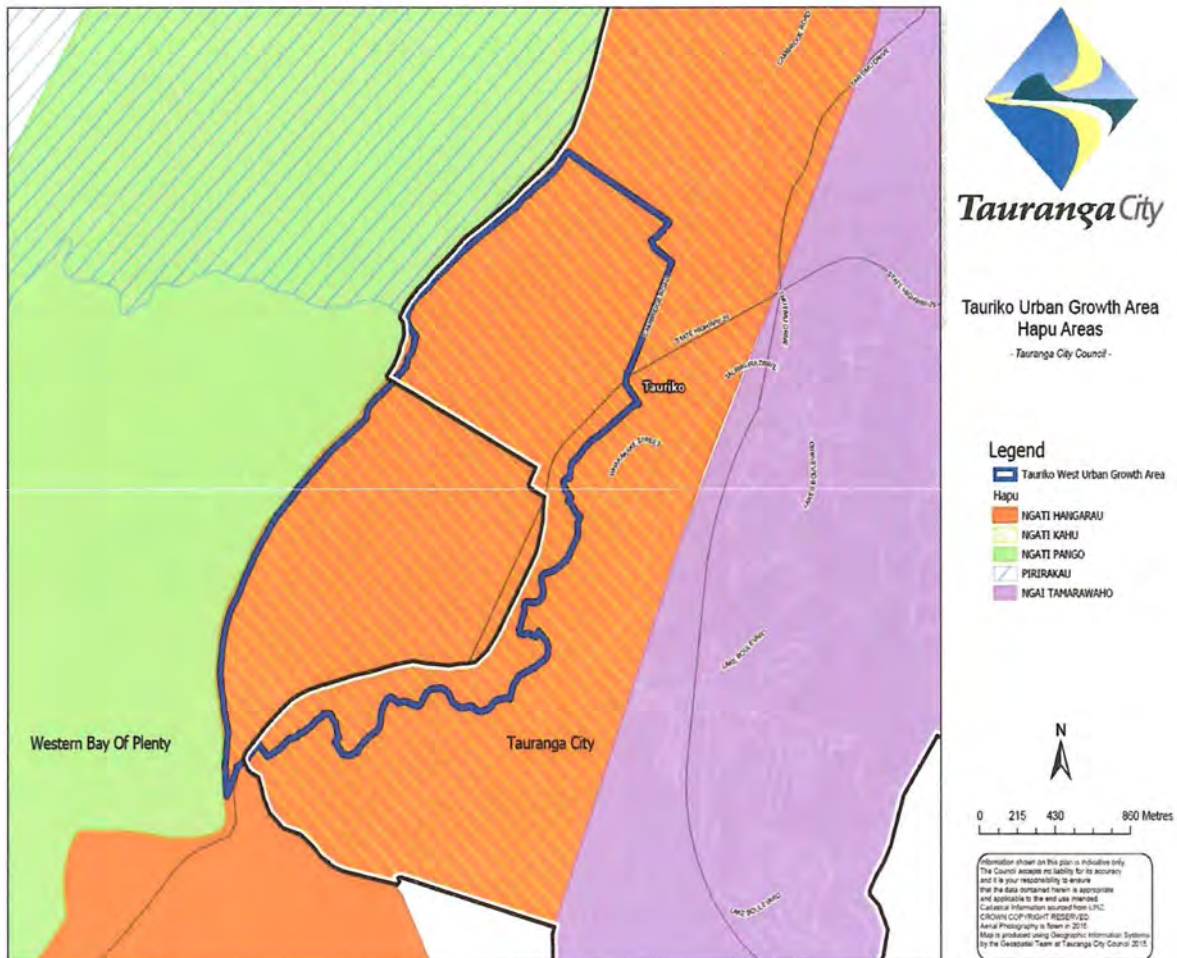


Figure 5 Rohe of the Tauriko West Urban Growth Area

The hapū - Ngati Hangarau, Ngati Kahū, Ngati Rangī, Ngati Pango, Pirirakau and Ngai Tamarawaho have interests in Tauriko West and whakapapa (genealogical) connections to Ngati Ranginui iwi of the Tākitimu waka. Their interests are highlighted in Figure 5 above. Tangata Whenua representation provision is described in detail (in 4.2.2).

## 3.0 Background to the proposal

### 3.1 Reason for the proposal

The Tauriko West Urban Growth Area (the proposed new suburb) is located in both Tauranga City and the Western Bay of Plenty District. To urbanise the area without a boundary alteration would mean the new suburb of Tauriko West would see the Western Bay of Plenty District Council responsible for governance, infrastructure and regulation on one side of the territorial boundary line, which would bisect the proposed suburb, and Tauranga City Council responsible for these matters on other side. WBOPDC cannot economically or practically provide direct infrastructural services to the affected area for the purposes of urbanisation, because none of its existing infrastructure is close to Tauriko West. If WBOPDC were to provide these services, it would have to enter into complex and inefficient cost sharing arrangements with Tauranga City Council who will be servicing their half of the new suburb.

To operate separate plans, bylaws, administration and governance systems for one proposed suburb (Tauriko West) would not be efficient or effective for business, service providers, ratepayers and residents. Conversely, applying a single governance framework to Tauriko West with the entire area being subject to governance, regulation and administration under the Tauranga City Council, is expected to be more efficient and effective. Urbanising only the Tauranga City side of the boundary, or delaying the urbanisation of the WBOPDC side of the boundary, would result in limited planning options and would not provide the housing yield required to meet Tauranga's future housing supply needs.

### **3.2 The Growth Challenge**

The Western Bay of Plenty has experienced strong and sustained population growth over the past 20 years, with this trend expected to continue into the future. Through Smartgrowth and its partners (Bay of Plenty Regional Council, Tauranga City Council, Western Bay of Plenty District Council and Tangata Whenua) the region has had extensive population and housing projection work completed. For further detail this data which relates to both current and projected growth, please refer to Appendix 1.

### **3.3 Planning overview**

The National Policy Statement on Urban Land Capacity issued by the government in 2016, requires councils to have sufficient short, medium and long-term housing and business land capacity and to provide an additional margin of feasible development capacity over and above projected demand of at least 20 percent in the short and medium term, and 15 percent in the long term.

At present, Tauranga City Council's land supply falls short of that required under the NPS-UDC in the medium term (3-10 years) and long-term (10-30 years). The pace of development Tauranga and the wider sub region is experiencing, means this shortfall will only further increase.

This shortfall is also highlighted in the findings of the 2016 sub-regional SmartGrowth Western Corridor Strategic Study Option 3B Settlement Pattern Review (SPR) which sought to determine the temporal and spatial blueprint for allocating residential and industrial growth within the western Bay of Plenty sub-region over the next 30 years, whilst retaining a 50-year strategic horizon. The Settlement Pattern Review signalled the work required in terms of structure planning and plan changes to ensure adequate land supply out to a 10-year horizon. These planning horizons are illustrated in Figure 6, below:

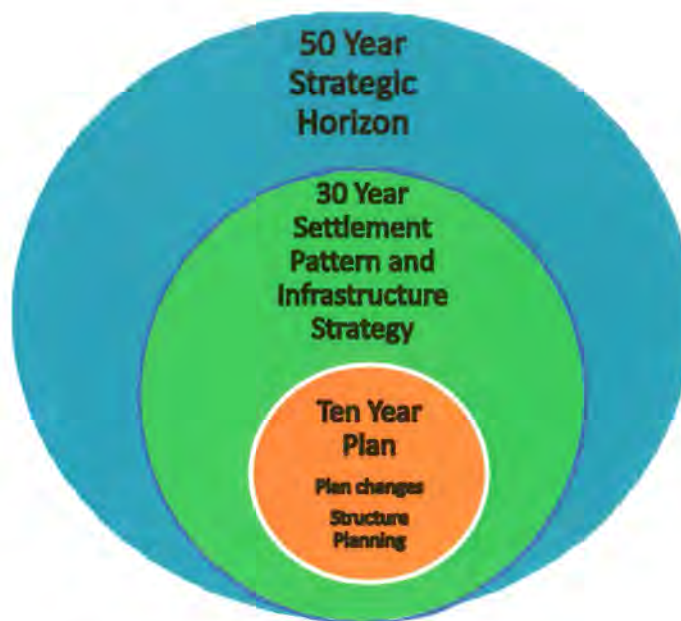


Figure 6 SmartGrowth- The planning horizons (settlement pattern review)

The Settlement Pattern Review sought to identify the appropriateness of urban development within the Western Corridor study area beyond the current extent of urban zoning (in the Regional Policy Statement). The Study considered the potential need and provision for growth areas over the short, medium and long term. Appendix 1 provides data relating to growth in Tauranga City, both current and projected.

The review showed that additional Greenfield residential land supply is required to address a projected shortfall in capacity, and anticipated that without the additional capacity provided by the Settlement Pattern Review, there would be no more residential Greenfield land available by 2026. The review suggests that new Greenfield areas need to be identified and planned well in advance of this date to ensure capacity can be taken up at the appropriate time.

The review provided an analysis of the feasibility and appropriateness of future urban development (including Tauriko West) and made recommendations to SmartGrowth and subsequently its member Councils, about whether the Western Corridor should be urbanised and potential preferences as to the sequencing of new growth areas.

The study was undertaken in collaboration with the New Zealand Transport Agency. The Tauriko West Network Connections Business Case is being jointly developed by the SmartGrowth project partners and the Transport Agency, and the focus of this Business Case will identify the transport system that enables the urbanisation of the Tauriko West Area, integrates with the surrounding area and supports the nationally significant freight route (State Highway 29) that extends through Tauriko. The Business Case will identify a transport system approach for the next 30 years, including an implementation plan and co-investment delivery approach.

Three waters infrastructure provision to serve potential new growth areas were also considered as part of the review. No fatal flaws in terms of infrastructure provision were identified. Analysis of potential planning constraints did not reveal any fatal flaws to urbanisation of the study area.

Infrastructure sequencing considerations and planning/site constraints will influence the shape and yield of growth areas as they are planned in detail through structure planning that is to be carried out by Tauranga City Council.



Figure 7 Proposed Tauriko West urban growth area, view towards Tauranga and Mauao (north)

Findings of the review suggested the Tauriko West area is a strong contender for being the next growth area to be structure planned and rezoned. It was recommended to, and approved by the SmartGrowth partners, Tauranga City Council, Western Bay of Plenty District Council, and Regional Council that Tauriko West be prioritised for urbanisation. Key benefits of the Tauriko West area include:

- Located on the periphery of the existing city
- Relatively easy to service with infrastructure
- Adjacent to State Highway 29
- Titles owned by a small number of land owners, the majority of whom are keen to advance development
- A high amenity location for urban place-making, as it faces north-west and slopes gently towards the Wairoa River
- Adjacent to business and employment area
- The overall Tauriko West Urban Growth area is assessed as being able to accommodate 3000 dwellings (population 7,200 - assumed 2.4 persons per dwelling)
- Supported by the New Zealand Transport Agency (NZTA) Tauriko West Network Connections Business Case Focused on residential development of various types and densities;
- Able to provide for local commercial/retail centre and new schooling.

### 3.4 Tauriko West Urban Growth Area - Project Overview

#### 3.4.1 Planning sequencing

In order for the Tauriko West area to be urbanised, four inter-related projects need to be completed:

The Bay of Plenty Regional Council must amend the Regional Policy Statement Urban Limit line to include Tauriko West in the urban growth area. The process is now complete and Change 4 to the RPS, was approved by the Minister for the Environment on 20 September 2018. The Change became Operational on 30 October 2018. For information, the Section 32 Analysis and option selection is provided as Appendix 2. The BOPRC in deliberating whether to move the urban limit line concluded "risk of not acting is high. There is sufficient information to determine that if no action is taken there will not be sufficient land available for development within the Urban Limits to meet either the medium or long term development capacity requirements of the NPS-UDC or the projected growth demand for Tauranga City."

A boundary alteration, under Schedule 3 of the Local Government Act 2002, is required to the local authority boundary (WBOPDC and TCC) so the entire urban growth area falls under the one local authority's (i.e. Tauranga City Council) jurisdiction;

Subject to a successful boundary alteration, changes must be made to the Tauranga City Plan (TCC) to rezone the land from rural to residential following structure planning and planned provision of infrastructure (2019); and

Project partners (NZTA, TCC, BOPRC and WBOPDC) will also need to implement transport system improvements. The Tauriko West Transport Network Connections Detailed Business Case (DBC), is being developed by the partners which will outline a co-investment and implementation plan for a range of transport system improvements.

To progress these four projects, a collaboration of the four planning partners (WBOPDC; TCC; BOPRC; NZTA) supported by hapū with interests in the Tauriko West area (Te Kauae a Roopu), will continue to work together on overall project coordination and detail. Consultation and engagement is managed through a central communications and engagement project "Tauriko for Tomorrow" (Appendix 4), with individual partners leading each of the projects and managing specific aspects of political engagement and consultation to meet their legislative requirements. The overall project is described below (3.4.2).

### 3.4.2 Tauriko West Urban Growth Project

Tauriko West Urban Growth Area project 'Tauriko for Tomorrow' has partnered with iwi and hapū of the Rohe (tribal boundaries) through a Memorandum of Understanding aimed at providing a framework to work collaboratively and engage throughout the project. The Tangata Whenua group is known as Te Kauae a Roopu with all hapū with interests in Tauriko West, represented.

Sub-projects	Responsibility	Process where matter will be addressed
Urban Limit Line boundary adjustment	Bay of Plenty Regional Council	Change 4 to the Bay of Plenty Regional Policy Statement. <b>Approved by the Minister for the Environment 20 September 2018.</b> <b>Operational 30 October 2018</b>
<b>Territorial boundary alteration</b>	<b>Western Bay of Plenty District Council</b>	<b>Application to the Local Government Commission (Schedule 3 LGA 2002 Reorganisation proposal).</b> (BA application and consultation completed and lodged with LGC 2 November 2018).
Structure planning for growth area: <ul style="list-style-type: none"> <li>• Urban form and land use reserves and open space networks</li> <li>• Community facilities</li> <li>• Transport and movement</li> <li>• Natural hazards</li> <li>• Infrastructure</li> </ul>	Tauranga City Council	Tauranga City Plan – Structure planning (must comply with RPS structure planning requirements) (preliminary structure planning and investigations underway)
Resource consents for: Earthworks, Stormwater discharges, etc.	Application by (developer) Processed by Bay of Plenty Regional Council	Resource consent processes under the Resource Management Act, and Regional Natural Resources Plan
Transport Network Planning State Highway realignment Local roading Multimodal options	NZTA Tauranga City Western Bay of Plenty District Council Bay of Plenty Council	Designations and resource consents under the RMA, funding under the Land Transport Management Act.

### 3.5 Urbanisation of Tauriko West – The Vision

Over time, the new suburb of Tauriko West will enable the development of an additional 3,000 dwellings to accommodate Tauranga's rapidly growing population, and to implement the vision that is, to 'create a thriving community for locals to live, learn, work and play.'



The new community will have amenities such as schools, parks, cycle and walkways; access to shopping and community facilities and the Wairoa River; and transport choices and infrastructure.

Planning includes the following objectives:

- Reserves, schools and community facilities to support a live, learn, work, play community
- Safe communities for everyone to enjoy and resilience to natural hazards such as flooding
- Connection to the environment and Tangata Whenua, embracing Tauriko's history and enhancing the Wairoa River Strategy
- New housing with a variety of housing types and choices
- Vibrant community, connected to strong employment and shopping centres
- Connected community supported by public transport, cycle and walkways, and local road networks

### **3.6 Technical Reports**

Technical reports considered during the development of this proposal are listed (6.3).

### **3.7 Policy and Planning Context**

Principal plans and policies that have informed this application are listed (6.4).

## **4.0 Provision of Good Local Government**

The Local Government Act 2002 (Part 2 section 10 (1) (a) and (b)) sets out the purpose of Local Government:

- (a) To enable democratic local decision-making and action by, and on behalf of communities; and
- (b) To meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost effective for households and businesses.

Clause 5(1)(e) of Schedule 3 of the Local Government Act 2002 requires a description of the potential improvements that would result from this boundary alteration proposal, and how this change will promote Good Local Government under Clause 12(1).

#### 4.1 Tauriko West – ‘the affected area’ – governance, infrastructure and services overview

For the affected area, good local government is currently achieved through the provision of governance, regulatory and administrative services, and access to public services such as roads, reserves, recreation and open space. However, with a burgeoning Tauranga City population, the location of the area, which once identified itself as rural, finds it is increasingly drawn into an urban environment. The existing residents have for many years associated with, and utilised public amenities and services located within Tauranga City.

Due to the rural location of Tauriko West, and with the nearest WBOPDC wastewater and water infrastructure located in Te Puke a distance of 20 Kms from the affected area, it is not cost effective or feasible for the Western Bay of Plenty District Council to provide new water and wastewater infrastructure to service the affected area. However, the transfer of the territory to Tauranga City Council will enable the new suburb of Tauriko West to be provided with good quality cost effective water and wastewater infrastructure compliant with their development code standards. Other network infrastructure, such as roading and stormwater infrastructure, could be more effectively provided by TCC than WBOPDC given that this would involve an extension of adjacent urban infrastructure rather than the provision of services in an ‘isolated’ urban pocket of WBOPDC district. In particular, the area can be connected by reticulation to the Joyce Road Water Treatment Plant and to the Te Maunga Waste Water Treatment Plant, once the southern pipeline is completed.

The boundary alteration also facilitates the provision of improved local public services, and representation, policy, planning and regulatory functions that are consistent with those in the neighbouring communities existing residents currently associate with.

The following table shows how altering the boundary which would currently bisect one contiguous suburb, into the jurisdiction of one territorial authority (Tauranga City Council) will achieve Clauses 5(1)(e) and 12(1).

Tauriko West Urban Growth Area (the new suburb)

<b>Benefits of one jurisdiction (TCC) for contiguous development i.e. suburb of Tauriko West – post boundary alteration</b>	
Representation and policy	The suburb has consistent representation and policy, reflects the needs and preferences of the community of interest. One community identity. One point of contact.
Bylaws and regulation	One set of Bylaws and regulation for the suburb – community adheres to same rules. Operationally cost effective. Clear and consistent for those providing services within the community.
Planning processes and plans	One simplified planning process. One suburb – same rules. Consistent and coordinated approach for business and community. Avoidance of duplication, efficient and operationally cost effective. More efficient and cost effective for planning partners such as NZTA; Network providers; local school etc.
Rating and charges	One rating and charging methodology and approach applied to one suburb/community of interest.
Provision of infrastructure to TCC Development Code standards	One network. Good quality infrastructure planned and delivered to the boundary of the new suburb to one set of development code standards. Avoidance of inefficient cost sharing agreements with WBOPDC. Consistent service and charges to households.

## 4.2 Tauriko West – Governance arrangements

### 4.2.1 Representation

The Kaimai Ward includes the areas of Omokoroa, Pahoia, Omokoroa Rural, Te Puna, Minden, Kaimai, Kopurererua, Waiorohi, and Kaitemako.

The Ward is represented by four Western Bay of Plenty District councillors out of a total of eleven councillors. Tauriko West, as a rural area, is not represented by a community board. (See map Appendix 3 (2.1)). The population of the Kaimai Ward is 13,072 with the population of the affected area comprising .006% of the Ward.

Council's recent representation review (June 2018) proposes the abolition of community boards in the Western Bay of Plenty District from the 2019-21 triennium onwards.

Transfer of the affected area will make no immediate or future change to the number of Western Bay of Plenty District councillors representing the Kaimai Ward.

The affected area, once transferred into Tauranga City, would become part of the Otumoetai/Pyes Pa Ward which has a population representation of 40,700. In Tauranga City, representation is provided on a ward and at large basis. Under the current arrangement, there are no community boards and two ward councillors. Transfer of the affected area will not immediately affect current representation arrangements. The boundary alteration will add an additional 81 residents, which represents a 0.2% population increase within the ward's representation. Importantly, over the development period of the project, approximately 15 years urbanisation of the area is projected to deliver approximately 3000 households to Tauranga City. Future Tauranga City Council representation reviews would need to consider taking this future development into account, by ensuring effective representation of communities of interest and fair representation of electors. The last review was undertaken in 2015, and the next would be required to be carried out by 2021.

Tauranga City Council operates five Council Controlled Organisations, they are listed in Appendix 3 (2.2). No change to the governance of the organisations is forecast as a result of the Proposal.

In terms of the Bay of Plenty Regional Council representation, the transfer of the affected area would have no impact on their current representation arrangements.

Appendix 3 (1.0) provides a table, which describes the existing governance arrangements of both councils and the representation impact of transferring the affected area and current resident and ratepayer electors. Relevant excerpts from the Councils Governance Statements along with electronic links to the Governance Statements of the Western Bay of Plenty District and the Tauranga City councils are provided in (6.1).

In summary, as a direct result of the boundary alteration, there would be a small population decrease for WBOPDC and minor increase for TCC in ward representation. It is considered that these representation changes result in relatively minor amendments to ward boundaries and the population contained within it. There will still be effective representation of the communities once the boundary alteration is complete.

#### 4.2.2 Tangata Whenua – Representation

The Western Bay of Plenty District Council ensures Māori representation through a dedicated committee – the Tauranga Moana and Te Arawa ki Takutai Partnership Forum. The Forum was established principally to strengthen the relationships between Council and Tangata Whenua and to make recommendations to Council on matters pertaining to Māori. The Forum is comprised of twenty one iwi/hapū representatives from throughout the Western Bay of Plenty District together with the Mayor and all Councillors. The proposal to alter the boundary will not affect the composition or role of the Forum.

The Tauranga City Council ensures Māori representation through a dedicated committee – The Tauranga Moana Tangata Whenua Collective (‘the Collective’). The Collective is a representative group of all 15 iwi and hapū resident within the Tauranga City Council boundaries. The role of the Collective is to work together to:

- Provide a Tangata Whenua forum within the Tauranga City Council area to discuss and debate their local authority issues and concerns and to advance and protect the interests of Tangata Whenua.
- Provide an opportunity for Tauranga City Council and the Collective to discuss and develop Council concepts, policies, projects and procedures that impact on Tangata Whenua.

The proposal to alter the boundary will not affect the membership composition or role of the Collective.

#### Māori Wards

Both the Tauranga and Western Bay of Plenty Councils have considered whether to have separate Māori wards in July 2016 as part of their Representation reviews. Neither Council will be progressing Māori Wards at the next Local Body Elections.

#### 4.3 Tauriko West - Infrastructure and Services

The community in the affected area, while currently regarding itself as mainly rural, through its close proximity to the City has for many years associated largely with neighbouring communities in Tauranga City, and utilises Tauranga City sportsfields, reserves and facilities such as the Greerton swimming pool, rubbish and recycling centre, libraries, theatre, art gallery and business centres. This association or ‘communities of interest’ have recently been expanded with the development of The Lakes residential, business and employment centre, located adjacent to the affected area.

Within the Western Bay of Plenty District, urban infrastructure is provided to the towns of Omokoroa, Katikati, Waihi Beach, Te Puke and Maketu. Outside these urban areas, water supply is provided to many rural properties, but the network does not extend to the Tauriko West area; these properties source their own water and dispose of their own sewerage and stormwater. Rubbish collection is organised through a private contractor.

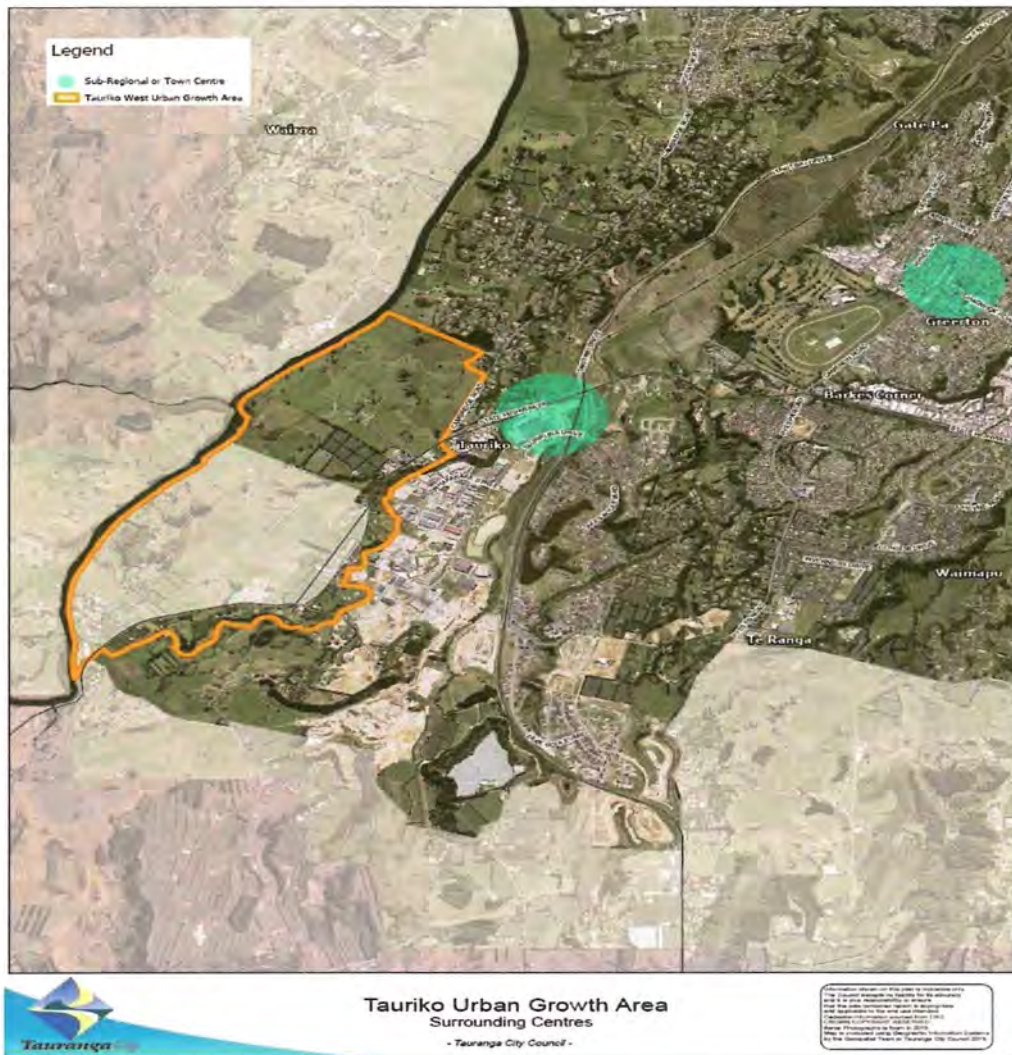


Figure 8 Tauriko West Urban Growth Area – Linkages to Tauranga City communities of interest, amenities, facilities, business and employment.

Post boundary alteration, to enable urbanisation, the properties in the affected area will be rezoned by Tauranga City Council from rural to residential, and as such, existing residents will have the opportunity to subdivide their property, connect to City water, stormwater and wastewater networks, access rubbish and recycling collection services and improved transport networks and facilities. Once developed, the new suburb will provide residents with access and connections to cycle and walking tracks along the river and to 'The Crossing' a large shopping and business centre located in the adjacent 'Lakes' subdivision.

The affected area is flood prone and this is expected to be remediated through the earthworks, landscaping and urban design of the new suburb.

There is one local road within the affected area (Redwood Lane) with access to State Highway 29. In recent years, there has been increasing concern by residents, the New Zealand Transport Agency, Councils and the public in general regarding the capacity and safety of the highway and its various access points. The Tauriko West planning partners acknowledge significant investment needs to be made, both to manage the existing traffic and growth within Tauriko West, and to mitigate the impact of increased traffic caused by further urbanisation. Project collaboration between Tauranga City Council and the New Zealand Transport Agency on the Tauriko West Network Connections Business Case will enable the

coordinated planning, implementation and co-investment so that the development of the new suburb will provide a transport system that is multi-modal, safe, accessible and resilient.

The focus of the Business Case is on identifying the transport system that enables the urbanisation of the Tauriko West area, integrates with the surrounding area, and supports the nationally significant freight route (State Highway 29) that extends through Tauriko.

#### **4.3.1 Tauriko West – Provision of Infrastructure**

The SmartGrowth Western Corridor Strategic Study (Option 3B) 2016, considered the feasibility of providing infrastructure to the proposed new subdivision at Tauriko West, the study identified:

- Water and wastewater reticulation would link to existing services within the Tauranga City boundary or under Tauranga Council's ownership and governance
- The Southern Pipeline wastewater system has the capacity to take the increased flow associated with urban growth in the area
- Stormwater is largely dependent on development design and consent conditions developed in the structure planning process with adverse effects associated with stormwater adequately managed
- The proposed Waiari water supply will be needed to supply the area in combination with the existing water treatment plants
- The transport system will have an effect on the sequencing and alignment of the final growth areas and, importantly, the location and cost of infrastructure servicing

#### **4.3.2 Tauriko West – Planning and funding of infrastructure**

The Tauranga City Council's Infrastructure Strategy (2018-2048) alongside their Financial Strategy, demonstrates how Tauranga City Council plans to manage its assets prudently and sustainably through future periods of growth and other pressures. The 30-year strategy provides long-term thinking to significant decisions around investment in infrastructure. The Infrastructure Strategy focuses on the following:

- Providing the infrastructure required for resilience and growth in a manner that aligns with the Financial Strategy;
- Ensuring ability to maintain current levels of service through growth and other pressures; and
- Maintaining assets in a prudent and sustainable manner.

The assumptions underpinning the infrastructure Strategy (and the rest of the TCC Long Term Plan) are that initially, the majority of the growth will occur in Greenfield sites on the City's edges. This growth, currently totalling more than 80% of new dwellings, is occurring in Greenfield areas.

Infrastructure planned and to be provided for the Western Corridor and Tauriko West is described in 4.3.3.

### 4.3.3 Summary of Infrastructure planned to service Western Corridor (Tauriko West)

For new urban growth areas, Tauranga City Council provides infrastructure to the boundary of the growth area, but all infrastructure within the growth area, is funded and delivered by the developer. This model reduces Council's up-front costs relating to growth management. The costs associated with delivery of infrastructure to the boundary of the western corridor growth area are as follows:

Infrastructure Element	Estimated Cost	Estimated Year of Delivery
Water infrastructure to growth area boundary	\$2,366,840	2021 onwards
Wastewater infrastructure to growth area boundary	\$2,656,000	2021 onwards
Road Infrastructure to the growth area boundary	\$3,500,000	2021 onwards
Stormwater infrastructure required in the growth area	Developer provided	2021 onwards

#### \*\*Specific to the Tauriko West Urban Growth Area

Across the wider **Western Corridor** growth areas, the Tauranga City Council Infrastructure Strategy includes the following capital costs:

Infrastructure	2018 2028	-	2029 2039	2040 2050	-
<b>Social</b>					
Land purchases for social infrastructure western corridor	24,000,000				
Western corridor indoor sports centre	16,000,000				
Western corridor community centre	4,000,000				
Western corridor indoor pool	14,000,000				
Western corridor library	6,100,000				
**Tauriko West active reserve development	9,100,000				
Wairoa active reserve development	12,000,000				
<b>Wastewater</b>					
**Wastewater – Tauriko West rising main			7,000,000		

Wastewater – Further mains and pump stations to service the Western Corridor		35,000,000	
Reticulation for future growth areas		25,000,000	
<b>Water</b>			
Joyce Road Treatment Plant renewals	5,000,000		
Water – Waiari supply project – additional main		17,000,000	
Water –Reticulation mains for new growth areas		8,000,000	
Three reservoirs servicing Tauranga Central and West		18,000,000	
Waiari water supply – increase intake and process capacity		30,000,000	
New urban growth area trunk mains		12,000,000	
Mains, reservoirs and pumps to service Belk Road growth		30,000,000	
<b>Stormwater</b>			
Stormwater – Ponds and reticulation in **Tauriko and Pyes Pa West	24,000,000		
Stormwater – reticulation for future growth areas		38,000,000	
<b>Transportation</b>			
Smith's farm access	10,000,000		
Transportation – **Tauriko West connections	62,000,000		
Belk Rd upgrade (plus SH29 intersection)	11,000,000		
Western corridor link road		65,000,000	
Transportation for new growth areas		29,000,000	



## 5.0 Community support for the proposal

### 5.1 Consultation overview

Clauses 5 (1) (f) and 8 (1) of Schedule 3 of the Local Government Act 2002, refer to the assessment of demonstrable community support in proposing a Local Authority Reorganisation Proposal.

To assess community support, the consultation focussed specifically on the boundary alteration proposal. Matters raised during the consultation that related to other aspects of the overall 'Tauriko for Tomorrow' project have been recorded and referred to the appropriate process e.g. RMA planning; transportation planning.

Consultation with respect to the application to alter the WBOPDC territorial boundary at Tauriko West has been undertaken with:

- Ratepayers and residents within the affected area
- Hapū with interests in Tauriko West
- Tauranga Moana Iwi Authorities
- General public across Tauranga City and Western Bay of Plenty District.
- Tauranga City Council and the Bay of Plenty Regional Council
- New Zealand Transport Agency (throughout the process and as part of the collaborative planning team – see Appendix 4)

Additional background material is provided in the supplementary information prepared in support of this Application.

In addition to the specific assessment of public support required as part of this Local Authority Reorganisation Proposal, a record of the wider consultation carried out as part of the overall Tauriko Urban Growth Project (Tauriko for Tomorrow) is documented in Appendix 4.

### 5.2 Approach and methodology

The following approach and methodology was used to capture and record the consultation outcomes of the specific categories required in the assessment of support for the boundary alteration proposal.

To provide a consistent assessment of the level of support, the same consultation question was put to each consultation category, that is:

"Do you support the proposal to alter the boundary between Western Bay of Plenty District Council and Tauranga City Council to enable 189 hectares of Western Bay of Plenty District rural land at Tauriko West to be moved into Tauranga City jurisdiction so it can be developed for future housing and adequately serviced?"

Categories and approach selected for specific consultation:

- **Ratepayers and residents** in the Affected Area (Consultation period 23.7.18 – 17.8.18)  
Individual letter providing information, outlining the proposal and asking ratepayers/residents to consider the consultation question and provide feedback. A self-addressed envelope was provided for response.

- **Hapū with interests in Tauriko West (Te Kauae a Roopu)**  
(Consultation throughout – specific consultation 9.7.18)  
The hapū representatives (Te Kauae a Roopu) have been engaged throughout the project and provided with information prior to the consultation period. A report was tabled at a meeting of Te Kauae a Roopu on 9<sup>th</sup> July 2018. The hapū representatives were asked to consider the consultation question.
- **Tauranga Moana Iwi Authorities** (Meeting 24.8.18)  
In accordance with the WBOPDC and TCC MOU, a rangatira to rangatira meeting was held on 24 August 2018 with information provided to Iwi Authorities beforehand. The Mayor and Deputy Mayor of Western Bay of Plenty District Council, the Mayor and Deputy Mayor of Tauranga City Council, the Chair and Deputy Chair of the Bay of Plenty Regional Council and Tauranga Moana Iwi Authority representatives were invited to attend. The iwi representatives were asked to consider the consultation question.
- **Public support across Tauranga City and Western Bay of Plenty District.**  
Using multiple methods, a consultation process with the general public of both Tauranga City and the Western Bay of Plenty District was undertaken, to ascertain the level of support for altering the Western Bay of Plenty District Council Boundary at Tauriko West.

Methods included:

- Online consultation through the 'Have your say' website portal through the WBOPDC and TCC websites.
- Boundary alteration consultation material on WBOPDC, TCC and Tauriko for Tomorrow websites.
- WBOPDC electronic newsletter (reaching an estimated 923 residents in the Western Bay of Plenty District).
- General enquiries/feedback directly referred to the Project Manager.
- Media release to local and online media - Sunlive and Bay of Plenty Times (covering Bay of Plenty area) and community newspapers e.g. Omokoroa.
- Article in Tauriko for Tomorrow Newsletter with a bulk distribution of 9,538.
- Statistically and demographically robust survey of Tauranga City and Western Bay of Plenty District residents.

### 5.3 Consultation outcomes by consultation category

#### 5.3.1 Ratepayers and residents within the affected area

In total, 37 letters (multiple owners/1 resident) were delivered to 25 properties, including 2 principal landowners. There are an additional three land parcels owned by WBOPDC for reserve purposes.

#### Consultation outcome

- 19 properties (**68%**) with a collective land parcel area of 176.6 ha (**93% of the total affected area**) support the boundary alteration proposal.
- No response was received from 7 properties (25%) with a collective land parcel area of 11.4674 ha (6% of the affected area). 2 properties (**7%**) with a

collective land parcel area of 0.8941 ha (**.04% of the affected area**) do not support the boundary alteration proposal. One of the property owners is disputing the location of proposed boundary line, believing it should not extend south of Redwood Lane, thus leaving that area in a rural environment (WBOPDC). The other property owner is concerned with the realignment of, and traffic issues associated with SH29.

- As part of the boundary alteration consultation process, two landowners, while fully supporting the boundary alteration, identified an additional parcel of land located on the southern corner of SH29 and Belk Road (1.6795ha.) which in their view should be included in the boundary alteration proposal. Planning advice notes the status of the land, both in terms of TLA jurisdiction and inclusion in the Tauriko West structure plan, is contingent upon the SH29 alignment. There is currently a high level of uncertainty regarding the future alignment of SH29 and this is not expected to be resolved until 2019.

The following map of the affected area illustrates the level of support for the boundary alteration proposal at Tauriko West, by land parcel:

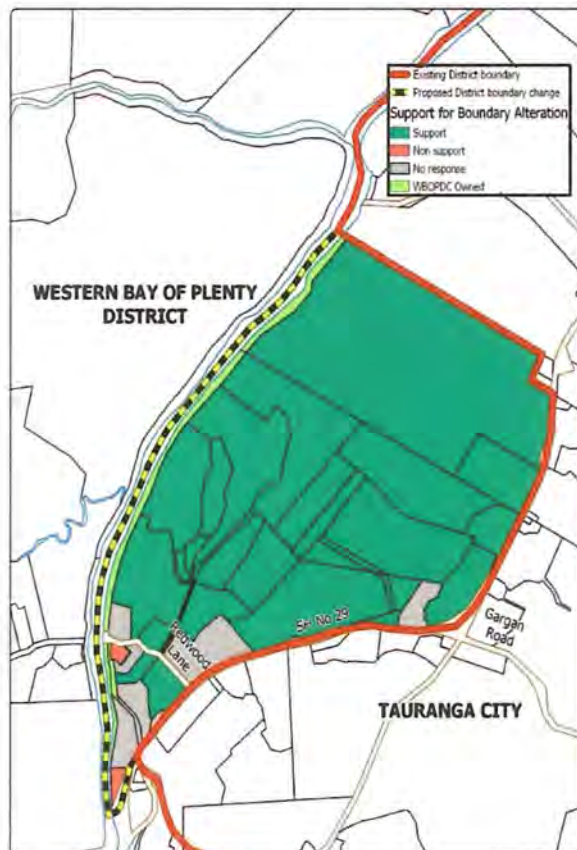


Figure 9 – Level of support for the boundary alteration at Tauriko West by land parcel.

### 5.3.2 Te Kauae a Roopu – Hapū Group with interests in Tauriko West

Te Kauae a Roopu are a collaborative partner of the overall Tauriko for Tomorrow Project and are consulted throughout on progress and technical aspects of all the various planning strands, including the proposal to alter the WBOPDC boundary. On Monday 9 July 2018 a meeting of

Te Kauae a Roopu, which includes representatives of the six hapū with interests in Tauriko West (Ngai Tamarawaho, Ngati Hangarau, Ngati Kahu, Ngati Pango, Ngati Rangi, Pirirakau), considered a report outlining the boundary alteration proposal. The hapū representatives were asked whether they supported the alteration of the boundary between Western Bay of Plenty District Council and Tauranga City Council at Tauriko West.

#### **Consultation outcome**

The hapū (Te Kauae a Roopu) **unanimously supported** the proposal and no concerns relating to the alteration of the boundary were raised. (Te Kauae a Roopu meeting 9 July 2018)

### **5.3.3 Tauranga Moana Iwi Authorities**

On Friday 24 August 2018, a Rangatira meeting was held between the Mayors and Deputy Mayors of WBOPDC, TCC, the Chair and Deputy Chair of the Bay of Plenty Regional Council and representatives of the Tauranga Moana Iwi Authorities (Ngati Ranginui; Ngai Te Rangi; and Ngati Pukenga). A report outlining the proposal had previously been circulated. The Iwi representatives were asked to consider whether they supported the alteration of the boundary between Western Bay of Plenty District Council and Tauranga City Council at Tauriko West.

#### **Consultation outcome**

The Tauranga Moana Iwi Authority representatives of Ngati Ranginui; Ngai Te Rangi; and Ngati Pukenga **unanimously supported** the proposal and no concerns relating to the alteration of the boundary were raised. One member noted that while accepting the rationale for the boundary alteration process and supporting without reservation, they would be actively engaged in the subsequent RMA process. (Meeting at WBOPDC Friday 24 August 2018)

### **5.3.4 Public support across Tauranga City and Western Bay of Plenty District.**

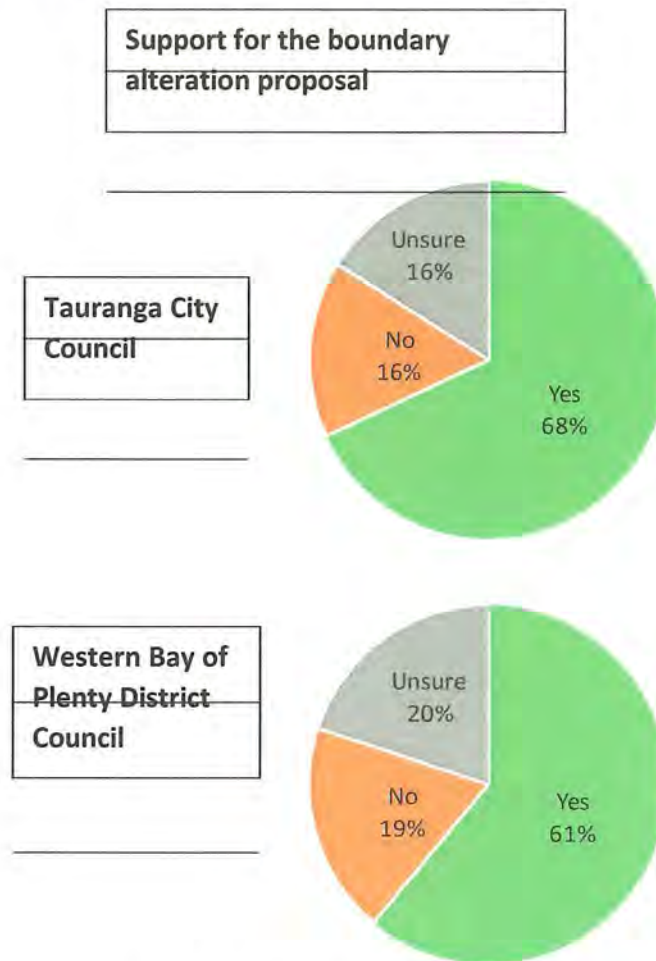
In July through to August 2018, the Western Bay of Plenty District Council conducted a consultation process with the general public of both Tauranga City and the Western Bay of Plenty District to ascertain the level of support for altering the Western Bay of Plenty District Council boundary at Tauriko West. Consultation concluded in late August 2018.

#### **Consultation outcomes**

##### **General enquiries and feedback through the website**

- Feedback on the 'Have your say' portal through WBOPDC and TCC websites – Information provided and visitors invited to provide feedback on the boundary alteration proposal.  
Total visits to website **66**  
**3** feedback responses. **1** response in support; **2** did not support the proposal.
- No other enquiry or feedback received from other sources.

**Results of the public survey undertaken in Western Bay of Plenty District and Tauranga City (30<sup>th</sup> July – 10 August 2018)**



- There is a strong level of support for changing the boundary between the Western Bay of Plenty and Tauranga City at Tauriko West, with just over two thirds of Tauranga residents in support, and around three in five Western Bay of Plenty residents supporting the proposal.
- Residents aged 65 and older in the Western Bay of Plenty council area, who are more likely to have lived in the area longer than others, are less likely to support the boundary change, with just over half (53%) supporting the proposal.
- The most support for the proposed change are from the Te Papa – Welcome Bay, Maketu, and Waihi Beach ward areas; while in Omokoroa, an area effected by increasing development, levels are lowest with just over half (53%) of residents supporting the proposal.
- The most common reasons given by those not supporting the proposed boundary change relate to infrastructure not coping with the growth, current pressure on roading, and the need to retain rural land for agricultural purposes.

The research results are provided in the supplementary information to this application.

### **5.3.5 Support from Tauranga City Council and the Bay of Plenty Regional Council**

The Bay of Plenty Regional Council, Western Bay of Plenty District Council, Tauranga City Council and the New Zealand Transport Agency are collaborating throughout the Tauriko West Urban Growth Project. To date the BOPRC supported by WBOPDC and TCC has progressed and completed the process to amend the Bay of Plenty Regional Council's Urban Limit Line through Change 4 to the Bay of Plenty Regional Policy Statement.

On 6 September 2018, the Western Bay of Plenty District Council wrote to the Tauranga City Council and the Bay of Plenty Regional Council to seek their formal position on the proposal to alter the boundary between Western Bay of Plenty District Council and Tauranga City Council at Tauriko West. A draft of the Boundary Alteration Application to the Local Government Commission was made available to the councils for their consideration.

#### **Outcome**

Tauranga City Council met on 18 September 2018 and resolved to endorse the application to the Local Government Commission to alter the WBOPDC Boundary at Tauriko West.

The Bay of Plenty Regional Council met on 27 September 2018 and resolved to support the application to the Local Government Commission to alter the WBOPDC Boundary at Tauriko West.

## **5.4 Summary of consultation outcomes**

To provide a consistent assessment of the level of support for the alteration of the boundary, the same consultation question was put to each consultation category, that is:

"Do you support the proposal to alter the boundary between Western Bay of Plenty District Council and Tauranga City Council to enable 189 hectares of Western Bay of Plenty District rural land at Tauriko West to be moved into Tauranga City jurisdiction so it can be developed for future housing and adequately serviced?"

In the affected area, the proposal is generally supported as illustrated in Figure 9. Of the 25 affected land parcels, two properties do not support the proposal.

The hapū (Te Kauae a Roopu), Tauranga Moana Iwi Authorities support the proposal. The results of a survey of 804 members of the public showed that 68% of respondents drawn from Tauranga City's jurisdiction supported the boundary change and 61% of the Western Bay of Plenty District respondents. Across the two jurisdictions, an average of 17.5% of the respondents do not support the proposal.

A small proportion of the general public surveyed who did not support the proposal, noted their preference to retain the area as rural; the remainder of those who do not support the proposal, referenced infrastructure and transportation issues resulting from the rapid and sustained growth of Tauranga City. It is expected that over time, those concerns will be mitigated through subsequent RMA and transport planning processes as the overall Tauriko Urban Growth Project progresses.

The Tauranga City Council and the Bay of Plenty Regional Council support the proposal.

In assessing the outcomes of the various consultation categories, it is the view of the three Councils, that there is demonstrable community support for the proposal to alter the WBOPDC territorial boundary at Tauriko West.

## 6.0 References and additional information

### 6.1 Electronic references

1. SmartGrowth Website <https://www.smartgrowthbop.org.nz>
2. Western Corridor Strategic Study  
<https://www.smartgrowthbop.org.nz/media/1639/may-western-corridor-strategic-planning-study.pdf>
3. Bay of Plenty Regional Policy Statement <https://www.boprc.govt.nz/plans-policies-and-resources/policies/operative-regional-policy-statement/>
4. Bay of Plenty Regional Policy Statement – Proposed Change 4  
[www.boprc.govt.nz/change4](http://www.boprc.govt.nz/change4)
5. Wairoa River Strategy 2005 (2013 update)
6. Tauriko for Tomorrow Website <https://www.Taurikofortomorrow.co.nz>
7. [WBOPDC Governance Statement](#)
8. [TCC Governance Statement](#)
9. [TCC 2018-28 Long Term Plan- Infrastructure Strategy](#)

### 6.2 Appendices

Appendix 1 – Growth Challenge in Tauranga City and Western Bay of Plenty (BOPRC)

Appendix 2 – BOPRC – Urbanisation of Tauriko West – Proposed Change 4 S32 Outcomes

Appendix 3 - Governance arrangements (existing and extent of any proposed change) For the Affected Area; Excerpts from WBOPDC and TCC Governance Statements 2018

Appendix 4 – Meetings, Hui, engagement and consultation undertaken to date, as part of the overall Tauriko for Tomorrow project

### 6.3 Technical Reports considered during the development of the boundary alteration proposal

Publication	Relevant content
National Policy Statement on Urban Development Capacity 2016	High Growth Areas – Sets government's expectations regarding housing supply over next ten years.
SmartGrowth - Draft Housing and Business Development Capacity Assessment 2018	Tauranga and Western Bay - Population and housing supply projections

Tauranga City Council – Tauranga Housing Accord 2016	Tauranga City and the western Bay of Plenty identified as areas having significant housing supply and affordability issues
SmartGrowth Strategy 2013 (Spatial Plan for the western Bay of Plenty sub-region)	The case for urbanising Tauriko West
SmartGrowth – The Western Corridor Strategic Study and Option 3B Settlement Pattern Review	Tauriko West - Feasibility of Infrastructure Servicing
Tauranga City Council Infrastructure Strategy 2018 – 2048	Infrastructure planned to service the Western Corridor (Tauriko West)

#### 6.4 Principal plans and policies, which have informed this application

National Policy Statement – Urban Development Capacity 2016	The NPS-UDC came into effect on 1 December 2016. Its purpose is to ensure planning decisions enable the supply of housing and business development capacity. The NPS-UDC places a strong emphasis on planning coherently across urban housing and labour markets which may cross local authority administrative boundaries. This includes collaboration between regional councils and territorial authorities who have differing functions under the RMA, but whose functions all impact urban development.
Housing Accord and Special Housing Areas Act 2013	In 2016, Tauranga City Council signed an agreement with the Government (Tauranga Housing Accord <sup>1</sup> ) to work together to address housing issues in the city by increasing the supply of land available for development.
SmartGrowth Settlement Pattern Review – Option 3B 2016	The western Bay of Plenty subregion has grown rapidly over the past 20 years. Growth has been anticipated and planned for by local government and through the SmartGrowth Strategy <sup>2</sup> . However, the current pace of growth has more recently outstripped these projections and, as identified in the SPR, this pace is likely to continue.
Bay of Plenty Regional Policy Statement 2014	On 20 September 2018 the Bay of Plenty Regional Council received Ministerial approval for Change #4 to the RPS 2014, which will move the urban limit line to align with the Growth Management Strategy, so

<sup>1</sup> Tauranga City Council – Tauranga Housing Accord 2016

<sup>2</sup> SmartGrowth Strategy 2013 (Spatial Plan for the western Bay of Plenty sub-region)



	that Tauriko West Urban Growth Area can be urbanised.
Iwi and Hapū Management Plans	<p>There are sites of cultural significance in the Tauriko West area. Some have been identified and are publicly available, while there appears to be other information as in the Te Awaroa Ngāti Kahu Environmental Management Plan 2011, which is not publically available. Under Section 6 of the RMA as a matter of national importance planning for the urbanisation of Tauriko West will need to recognise and provide for the:</p> <ul style="list-style-type: none"> <li>• relationship of Māori and their culture and traditions with these ancestral water, sites, waahi tapu and other taonga; and</li> <li>• protection of historic heritage from inappropriate subdivision, use and development.</li> </ul>
Wairoa River Strategy 2005 (updated 2013)	<p>The Wairoa River Strategy (WRS) is a partnership between TCC, WBOPDC, tangata whenua and the community. It recognises the significance of the Wairoa River Valley for its natural and spiritual qualities. The strategy seeks to protect the unique values of the Wairoa River Valley for the long term benefit of the community.</p> <p>The WRS was developed as a rural strategy in 2005 and updated in 2013. While the goals and themes of the strategy are generally not inconsistent with the proposed urbanisation of Tauriko West, the partners have agreed specific attention will be paid to landscaping within the structure plan of the urban growth area to minimise the potential impact of urbanisation</p> <p>June 2018 WBOPDC LTP decision resolves to review the Strategy with BOPRC; TCC and Tangata Whenua – scoping to occur 2020.</p>

## Appendix 1 – Growth challenge in Tauranga and Western Bay

(Ref BOPRC Change 4 – Urban Limit Line)

The western Bay of Plenty subregion has grown rapidly over the past 20 years. Growth has been anticipated and planned for by local government and through the SmartGrowth Strategy<sup>3</sup>. However, the current pace of growth has more recently outstripped these projections and, as identified in the Settlement Pattern Review, this pace is likely to continue.

In planning for this increased growth, the SmartGrowth partners (Bay of Plenty Regional Council, TCC, WBOPDC and Tangata Whenua) have undertaken forward planning assessments for key future growth areas focused on housing supply as well as supporting employment land delivery (i.e. industrial, business, commercial and retail) and community facilities like schools, libraries and reserves.

### Tauranga City growth

Tauranga City's population has been increasing at a steady rate and so too has the need for dwellings. The figures below do not include projected growth for the wider western Bay of Plenty sub-region area which is also growing at a steady pace.

The Tauranga City Population and Household Projection Review 2017 showed the population projection for Tauranga City in 2017 was 131,400. Projections in the table below show that this figure is expected to increase by 3,200 in 2018 and continue to increase at a steady rate for decades to come.

<b>Five Yearly Population and Household Projections, 2013-2063, Tauranga City</b>		
<b>Area</b>	<b>Year at 30 June</b>	<b>Resident Population</b>
Tauranga	2013	119,800
	2018	134,600
	2023	145,800
	2028	154,900
	2033	164,084
	2038	173,949
	2043	181,293
	2048	186,693
	2053	190,623
	2058	194,769
	2063	198,373

Table 1 Tauranga City Population and Household Projection Review 2017

The western Bay of Plenty sub-region and Tauranga in particular, continue to experience strong population growth and this growth trend is projected to continue. Population projections for Tauranga see it reaching a population of 198,373 by 2063 (an increase of 66,973 from 2017).

For Tauranga City an additional 35,449 dwellings are projected to be required by 2047<sup>4</sup>. The current zoned Greenfield residential areas provide capacity for 9,782 dwellings<sup>5</sup>. It is estimated that this will provide for approximately 9 years of residential Greenfield growth. However,

<sup>3</sup> SmartGrowth Strategy 2013 (Spatial Plan for the western Bay of Plenty sub-region)

<sup>4</sup> draft Housing and Business Development Capacity Assessment. Pg. 4

<sup>5</sup> draft Housing and Business Development Capacity Assessment. Pg. 26

based on the high number of dwelling consents issued over the last 12 months this capacity could be taken up more quickly. Therefore, additional area is needed to provide for urban growth capacity as required by the NPS-UDC. As discussed in the previous section, development of several future urban growth areas is required in order to meet growth demand and planning requirements. Tauriko West has the potential to yield approximately 3,000 dwellings which will contribute to the current shortfall in Greenfield capacity.

There has been a major increase in people building new houses in Tauranga over the last two years. In the 2017 calendar year alone 1,455 building consents were issued by TCC for 1,649 new dwellings<sup>6</sup>. This trend is projected to continue through 2018.

The following graph demonstrates the increase in the number of dwelling consents over the period 2005 to 2017.

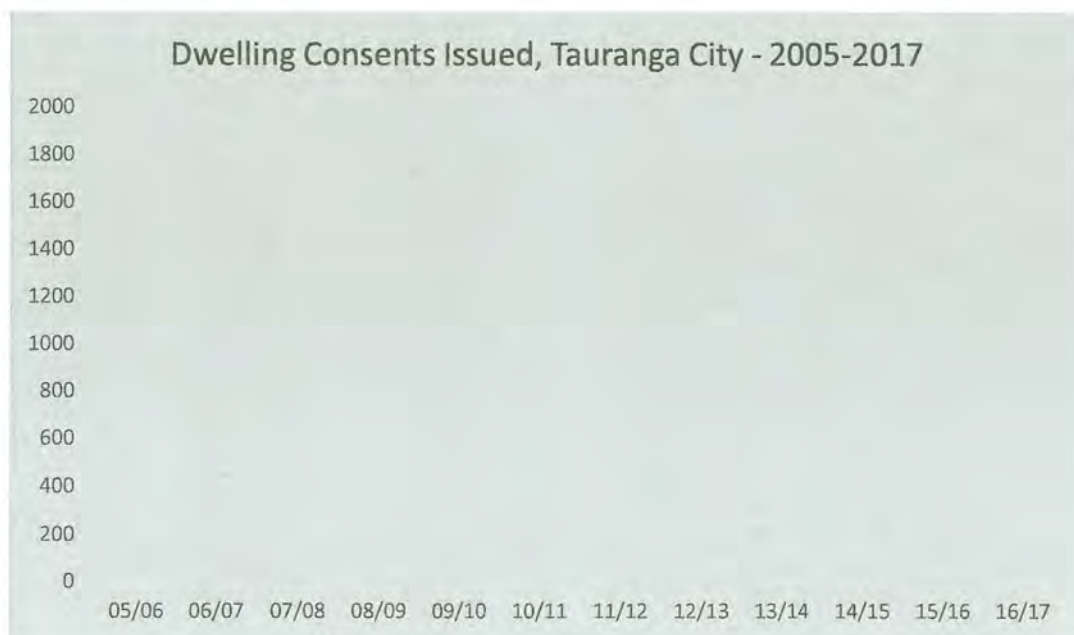


Figure 1: Dwelling consents issued (2005-2017)

This growth has been driven by a multitude of factors, including but not limited to:

- The Auckland Housing market which is a driver of internal migration to Tauranga;
- The desirability of Tauranga as a liveable and lifestyle City;
- Strong/growing employment based (locally and sub-regionally); and
- Available land supply (which has also been delivered through Special Housing Areas).

Such growth has implications in regard to placing pressure on infrastructure, the requirement to provide additional infrastructure ahead of time to cater to this growth, and the need to provide for social infrastructure for these new communities.

<sup>6</sup> <https://www.tauranga.govt.nz/living/building-and-renovations/before-you-build/building-consents-statistics>

## Appendix 2 – Bay of Plenty Regional Council - Urbanisation of Tauriko West – social, economic, environmental and cultural impact analysis

(Ref BOPRC Proposed Change 4 to the Regional Policy Statement)

A critical and first step to achieve the urbanisation of Tauriko West is the adjustment to the Bay of Plenty Regional Council's Urban Limit Line set out in their Regional Policy Statement. The proposal to adjust the urban limit line has been adopted by the Regional Council (15 May 2018) and notified on 22 May 2018 as Proposed Change 4 to the Bay of Plenty Regional Policy Statement. The following analysis result extracted from the notified Plan Change informs the proposal to alter the Western Bay of Plenty Boundary line.

The following options analysis result has been sourced from the Bay of Plenty Regional Council's notified Change 4 (Section 32 analysis). The four options considered were:

Option 1 – Status quo – do nothing

Option 2 - Include Tauriko West growth area within the Regional Policy Statement Urban Limit

Option 3 – Full settlement pattern review, reconsidering the requirement for Urban Limit

Option 4 – Advance a new Greenfield growth area in another location.

**4.3.1 Option 2 selected by BOPRC.** The supporting analysis is provided as follows:

Efficiency	Option 2 – Include Tauriko West growth are within the Urban Limit
Environmental benefits and costs	<p>There are no specific environmental benefits and costs resulting from amending the RPS Urban Limit boundary to include the Tauriko West growth area. However, it is a natural consequence that urbanisation of this area will be enabled and more detailed analysis of the associated costs and benefits will follow through the Tauriko for Tomorrow Project structure planning and plan change processes.</p> <p>There will be environmental costs to existing Tauriko West landowners/residents associated with urbanisation. Landowners or residents who value and wish to preserve a rural outlook and lifestyle on the city fringes will be adversely affected. Rural lifestyle values will be incrementally reduced as the area is urbanised. There will also be a prolonged period of large scale land use change associated with greenfield urban development including dust, visual effects, noise, light glare, vibration etc.</p>
Social benefits and costs	<p>There are no specific social benefits and costs resulting from the RPS Urban Limit boundary change.</p> <p>However, it is a natural consequence PC4 will enable urbanisation of the Tauriko West growth area.</p> <p>Social benefits and costs will be assessed in detail as part of the Tauriko for Tomorrow Project structure planning and plan change processes.</p>

	<p>Social benefits arising from urbanising Tauriko West may include, increased access to services and economic opportunities as well as increased availability of social and community infrastructure, activities and reserves within, through and connecting Tauriko West to the wider City.</p> <p>There will be social costs arising from urbanisation to existing Tauriko West landowners/residents who value and wish to preserve a rural outlook and lifestyle on the city fringes. Rural lifestyle values will be incrementally reduced as the area is urbanised.</p>
<p>Economic benefits and costs</p> <ul style="list-style-type: none"> <li>• Economic growth</li> <li>• Employment growth</li> </ul>	<p>There are administrative costs to Regional Council from amending the Urban Limit boundary to include the Tauriko West growth area associated with public notification, coordinating submissions, hearing, deliberations and Council's decisions.</p> <p>It is a natural consequence that urbanisation of this area will be enabled and more detailed analysis of the associated costs and benefits will follow through structure planning and plan change processes.</p> <p>There will be economic benefits to Tauriko West landowners as land values increase and associated land use change opportunities associated with urban zoning provisions.</p>
<p>Cultural benefits and costs</p>	<p>There are no specific cultural benefits and costs resulting from RPS Urban Limits boundary changes and new growth area development sequencing and timing requirements promoted by PC4.</p> <p>Specific cultural benefits and costs of developing Tauriko West will be assessed through structure plan and plan change processes as part of the Tauriko for Tomorrow project.</p> <p>As noted earlier, the Te Awaroa Ngāti Kahu Environmental Management Plan 2011, identifies a large number of sites of cultural significance in the Tauriko West area. Also, the Ngāti Kahu, Ngāti Rangī and Ngāti Pango Sites of Significance Inventory identified several sites of significance within or in close proximity to the area.</p> <p>Tangata whenua consultation during 2016 highlighted the importance of protecting and enhancing culturally significant values including increasing biodiversity, restoration of ecosystems for flora and fauna, improving access to and the protection of sites of archaeological and cultural significance.</p> <p>There may also be other areas or sites of historic heritage importance to non-Māori that require recognition and provision for as matters of national importance.</p> <p>Care will need to be taken during subsequent structure planning and plan change processes to ensure appropriate mechanisms are utilised to recognise and provide for the protection and enhancement of sites/areas of cultural value. This is required by RPS Method 19 which requires structure plans (i) identify significant cultural, natural and historic heritage features and values and show how they are to be protected.</p>

**Overall efficiency of provision Medium/High (provides for long-term development)****Table 2: Analysis of options - efficiency**

Effectiveness	Option 2
<p><b>Relevance and transparency</b></p> <ul style="list-style-type: none"> <li>Directed towards achieving the objectives of the RPS</li> <li>Will clearly achieve, or partly achieve the objectives of the RPS</li> </ul>	<p>The PC4 Urban Limit boundary change and development sequencing is consistent with RPS Objectives 23, 24, 25, and 26.</p> <p>Achieving other objectives in the RPS is dependent on subsequent structure planning and plan change processes under the Tauriko for Tomorrow project.</p> <p>Option 2 will promote achievement of the NPS-UDC medium to long-term urban development capacity requirements.</p>
<p><b>Usefulness</b></p> <ul style="list-style-type: none"> <li>Will effectively guide decision-making</li> <li>Meets sound principles for plan provisions</li> <li>Assumptions made</li> <li>Risk involved.</li> </ul>	<p>The assessment for Option 2 is the same as Option 1.</p> <p>It is expected that structure planning for Tauriko West will ensure coordinated development through the integrated provision of infrastructure and integrated management of related environmental effects.</p> <p>There is a risk that structure planning may not fully address environmental, social, cultural and economic effects.</p>
<p><b>Achievability</b></p> <ul style="list-style-type: none"> <li>Within Regional Council's functions and powers</li> <li>Within the scope of Regional Council's available tools and resources.</li> <li>Degree of uncertainty in the ability to achieve.</li> </ul>	<p>Option 2:</p> <ul style="list-style-type: none"> <li>Is within Regional Council's functions and powers under the Regional Policy Statement and NPS-UDC.</li> <li>Within the scope of Regional Council's available tools and resources.</li> </ul> <p>There is less uncertainty in the ability to achieve the development of Tauriko West due to:</p> <ul style="list-style-type: none"> <li>Small number of landowners</li> <li>Committed land developer</li> </ul> <p>Structure planning will provide detail around development of Tauriko West.</p>
<p><b>Māori values</b></p> <ul style="list-style-type: none"> <li>Provides for Māori interests in the environment compatible with tikanga (where appropriate).</li> </ul>	<p>The C4 Urban Limit boundary change and development sequencing do not specifically provide for tangata whenua values and interests.</p> <p>Providing for Māori interests and values will rely on consultation with tangata whenua and the extent to which their relationship, values and interests are recognised and provided for in structure planning, district plan change and resource management decision making processes.</p> <p>Te Kauae a Roopu provides a vehicle for establishing and maintaining relationships and identifying and recognising tangata whenua values.</p>

Assessment of preferred option against relevant Regional Policy Statement objectives based on the efficiency and effectiveness assessment above (Option Two), the assessment below is included to show the preferred option is consistent with the current Regional Policy Statement Urban and Rural Growth Management objectives. Achieving other objectives in the RPS is dependent on subsequent structure planning and plan change processes under the Tauriko for Tomorrow project.

The Regional Policy Statement objectives below relate to urban form and growth and infrastructure feasibility.

RPS Objectives	Assessment of preferred option
<p><b>Objective 23:</b> A compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth.</p>	<p>The SmartGrowth Settlement Pattern and more recent SmartGrowth Western Corridor Settlement Pattern Review determine how the pressures of growth in the western sub-region will be best managed in a time, resource and cost effective manner. The Tauriko West growth area was identified as the next suitable greenfield growth area as part of the Western Corridor Settlement Pattern Review in 2016.</p> <p>Tauriko West is located in the Western Corridor within close proximity to a large commercial centre and a significant portion of the City's available high demand for housing.</p> <p>Amending the RPS to include Tauriko West in the Urban Limit is necessary to enable the implementation of the SmartGrowth Settlement Pattern. Doing so will also enable potential development of more feasible land in preference to less feasible land. Considerations like density and design are more able to be accommodated within the structure plan design process. Tauriko West has fewer land owners which means more comprehensive designs can be accommodated.</p> <p>Extending the Urban Limit to include Tauriko West not only provides an opportunity to complement the existing mix of industrial, commercial and residential area but also enables the NPS-UDC future growth demand requirements to be met.</p>

RPS Objectives	Assessment of preferred option
<p><b>Objective 24:</b> An efficient, sustainable, safe and affordable transport network, integrated with the region's land use patterns.</p>	<p>The NZ Transport Agency is investigating options for the adjacent State Highway 29 and multimodal transport and connection options for the Western Corridor. This is part of a work programme already committed funding under the National Land Transport Fund. Out of 35 significant new improvement activities, the State Highway 29 Tauriko West network connection improvement activity is the highest priority improvement activity in the Bay of Plenty region under the Fund. This work provides a significant opportunity to achieve Objective 24. The Regional Land Transport Plan identifies State Highway 29 between Tauranga and Waikato as an important inter-regional connection corridor.</p>
<p><b>Objective 25:</b> Subdivision use and development in the western Bay of Plenty sub-region is located and staged in a way that integrates with the long-term planning and funding mechanisms of local authorities, central government agencies and network utility providers and operators whilst having regard to the growth plans of relevant industry sector groups.</p>	<p>The Tauriko West area has been identified as an appropriate option for development taking into consideration existing long-term infrastructure and funding planning. The project is being developed collaboratively across the SmartGrowth partners taking into consideration planning and funding timeframes and the interests of multiple stakeholders.</p> <p>The Tauriko West growth area was identified as the next suitable greenfield growth area as part of the Western Corridor Settlement Pattern Review in 2016. Tauriko West is located in the Western Corridor within close proximity to a large commercial centre and would meet a significant portion of the City's available high demand for housing. Urban development of Tauriko West is an appropriate means of achieving Objective 25.</p>
<p><b>Objective 26:</b> The productive potential of the region's rural land resource is sustained and the growth and efficient operation of rural production activities are provided for.</p>	<p>Most of Tauriko West is currently used for agricultural purposes with small areas of horticulture land use on more elevated land. The area is approximately 380ha in size (note: the urban growth area is larger than the urban limit change area) and most of the land within this area is classified as LUC&gt;3 which means it is not highly versatile compared with land around Te Puke. There are two small areas of land classified as LUC3w1 (which has physical limitations due to wetness); and LUC2s1 (which has soil limitation). On the basis that this land is predominately lower versatility, Objective 26 is considered met.</p>



<b>Risk of acting or not acting</b>	
Is there uncertain or insufficient information on the topic (urban growth needs for Tauranga City)?	There is sufficient information available (set out in earlier sections of this report) to demonstrate the Western Corridor, and specifically Tauriko West, is feasible and appropriate for significant greenfield urbanisation due to the proximity of a large commercial centre, a significant proportion of the City's available greenfield industrial zone, and surrounding residential growth areas that are experiencing high demand for housing. The information shows that additional urban growth capacity is needed and Tauriko West is an appropriate location for urbanisation.
Is the topic of high significance or complexity?	Yes. Urban development capacity is a topic of high significance in the NPS-UDC. Tauranga City is a high growth area under the NPS-UDC. Urban growth sequencing and timing is also a complex issue requiring the collation of data from various sources and collaboration among multiple organisations.
Risk of acting or not acting (risk is a factor of potential consequence and the likelihood of a consequence occurring).	The risk of not acting is high. There is sufficient information to determine that if no action is taken there will not be sufficient developable land within the Urban Limits to meet either the medium or long term development capacity requirements of the NPS-UDC or the projected growth demand for Tauranga City.

### Appendix 3 – Governance arrangements (existing and extent of any proposed change) resulting from the Proposal

#### 1.0

Governance information required	TCC Current	TCC post boundary alteration (and prior to Development)	WBOPDC Current	WBOPDC Post boundary alteration
Population of district	131,400 * population estimate at 30 June 2017	131,481 (+81)	49,285	49,204 (-81)
# Ratepayers	58,250 Commercial – 3280 Residential – 52461 Non – rateable – 2509 * non-rateable includes Council assets such as reserves, sportfields and also some multiple owned Maori land and churches * at 13 October 2017	58,292	22,794  Commercial 4,337 Residential 18,294 Non rateable 163	22,752
# Wards	Te Papa/Welcome Bay Otumoetai/Pyes Pa Mt Maunganui/Papamoa	No change	Katikati-Waihi Beach Kaimai Maketu-Te Puke	No change
# Councillors	11 elected members	No change	11 elected members	No change
# Maori Wards	No Maori Wards	No change	No Maori Wards	No change
Committees (list)	<ul style="list-style-type: none"> <li>- Council</li> <li>- City Transformation</li> <li>- Transport</li> <li>- Environment</li> <li>- Community and Cultural</li> <li>- Economic Development and Investment</li> <li>- Audit, Finance, Risk and Monitoring</li> <li>- Chief Executive's Performance</li> <li>- Hearings Panel</li> <li>- District Licensing</li> </ul>	No change	Community, District Plan, Joint Governance, Joint Road Safety, Operations & Monitoring, Policy, Regulatory Hearings, Rural	No change

	- Tangata Whenua/Tauranga City Council Wastewater			
Communities	Matua Otumoetai Bellevue Brookfield Judea Bethlehem Gate Pa Greerton Pyes Pa Tauriko (Lakes) Te Ranga/Waimapu Welcome Bay Hairini Tauranga CBD Maungatapu Matapihi Te Maunga Mount Maunganui Omanu Arataki Papamoa Beach Te Tumu	Tauriko (Lakes + Tauriko West existing)	Waihi Beach (inc Athenree & Island View –Pios Beach), Katikati (inc Tahawai, Aongatete), Te Puna, Minden, Kaimai, Ohauti-Ngapeke, Maketu, Upper Papmoa, Paengaroa, Rangiuuru, Pukehina, Pongakawa, Te Puke, Maketu, Little Waihi, Otamaraukau	No Change
# Community Boards	No community boards	No change	Waihi Beach Katikati Te Puke Omokoroa Maketu	Proposal to abolish CBs in 2019-21 Triennium
# Community Board Members	No community board members	No change	20	20

## **Appendix 3 Continued - Governance arrangements (existing and extent of any proposed change) for the Affected Area**

### **2.0 Relevant excerpts from Governance Statements – WBOPDC & TCC 2016-2019**

#### **2.1 Relevant excerpts from WBOPDC Local Governance Statement April 2017**

##### **Electoral Systems**

Under the Local Electoral Act 2001 there are two voting options for Council in conducting its elections. The options are the first past the post system (FPP) and the single transferable vote option (STV).

##### **First Past the Post System**

Electors vote by indicating their preferred candidate and the candidate receiving the most votes is declared the winner.

##### **Choice of Systems and Options for Change**

Under the Local Electoral Act 2001 the Council can resolve to change the electoral system to be used two years before a triennial election or conduct a binding poll on the question. Alternatively electors can initiate a poll so long as at least 5 per cent of electors have signed a petition for a poll. Once changed an electoral system must be used for at least the next two triennial elections.

##### **The Western Bay of Plenty District Council Choice**

Western Bay of Plenty District Council's last review of the electoral system was conducted in 2014. No change was made to Council's electoral system and the triennial election for 2016 will be held under the First Past the Post (FPP) system as described above. Council will next consider this in September 2017 for the 2019 election.

## Representation

### Wards and Community Boards

The Western Bay of Plenty District is made up of three wards being the Katikati Waihi Beach Ward, the Kaimai Ward and the Maketu Te Puke Ward, and five community boards being Waihi Beach, Katikati, Omokoroa, Te Puke and Maketu.



The number of elected representatives for each ward and/or a community board area is dependent on the number of resident electors within a particular ward and/or community board boundary. The larger the number of eligible electors in a ward and/or community board – the larger the number of elected representatives.

Mayor	1 elected for District
Ward Councillors – 11 in total elected	Katikati Waihi Beach Ward - 3  Kaimai Ward - 4  Maketu Te Puke Ward - 4
Community Board Members	20 elected, 4 per Ward
Bay of Plenty Regional Council Members	14 elected, 11 within general constituencies and 3 Maori constituencies

District Ward	No. of Councillors	No. of Resident Electors	No. of Ratepayer Electors
Katikati -Waihi Beach	3	10,116	197
Kaimai	4	13,072	21
Maketu - Te Puke	4	11,330	92

Community Board Area	No. of Community Board Members	No. of Resident Electors*	No. of Ratepayer Electors#
----------------------	--------------------------------	---------------------------	----------------------------

Waihi Beach	4	2,703	202
Katikati	4	7,262	10
Te Puke	4	6,955	15
Omokoroa	4	2,465	4
Maketu	4	735	18

#Figures as at July 2016

### Maori Wards and Constituencies

The Local Electoral Amendment Act 2002 also gives Council the ability to establish separate wards for Maori electors. The Council may resolve to create separate Maori wards or conduct a poll on the matter, or the community may demand a poll. The demand for a poll can be initiated by a petition signed by 5 per cent of electors within the district.

The Council considered whether or not to have separate Maori wards in September 2014 as part of its representation review. The Council decided not to have separate Maori wards for the 2016 election. This will next be considered by Council in September 2017.

### Community Boards

The Western Bay of Plenty District Council has five community boards – the Katikati Community Board, the Maketu Community Board, the Omokoroa Community Board, the Te Puke Community Board and the Waihi Beach Community Board. These boards are constituted under section 49 of the Local Government Act 2002 to:



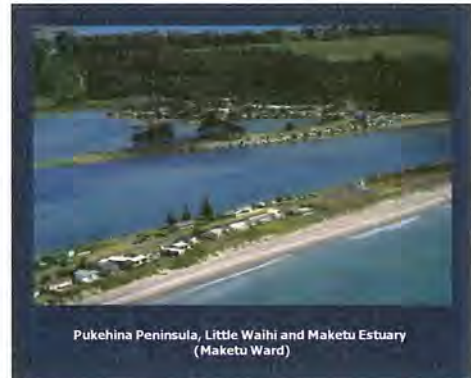
- represent and act as an advocate for the interests of their communities.
- consider and report on any matter referred to them by the Council and any issues of interest or concern to the community board.
- make an annual submission to Council on expenditure in their communities.
- maintain an overview of services provided by the Council within their communities.
- communicate with community organisations and special interest groups in their communities.
- undertake any other responsibilities as delegated by the Council.

Each community board has a chairperson and 3 elected members who are elected triennially to each board by electors in the different community board areas, and the Council appoints two members to each of the boards from its elected Councillors. These are ward members

for the same areas of the boards. Each board elects its own chairperson at its inaugural meeting after the triennial election.

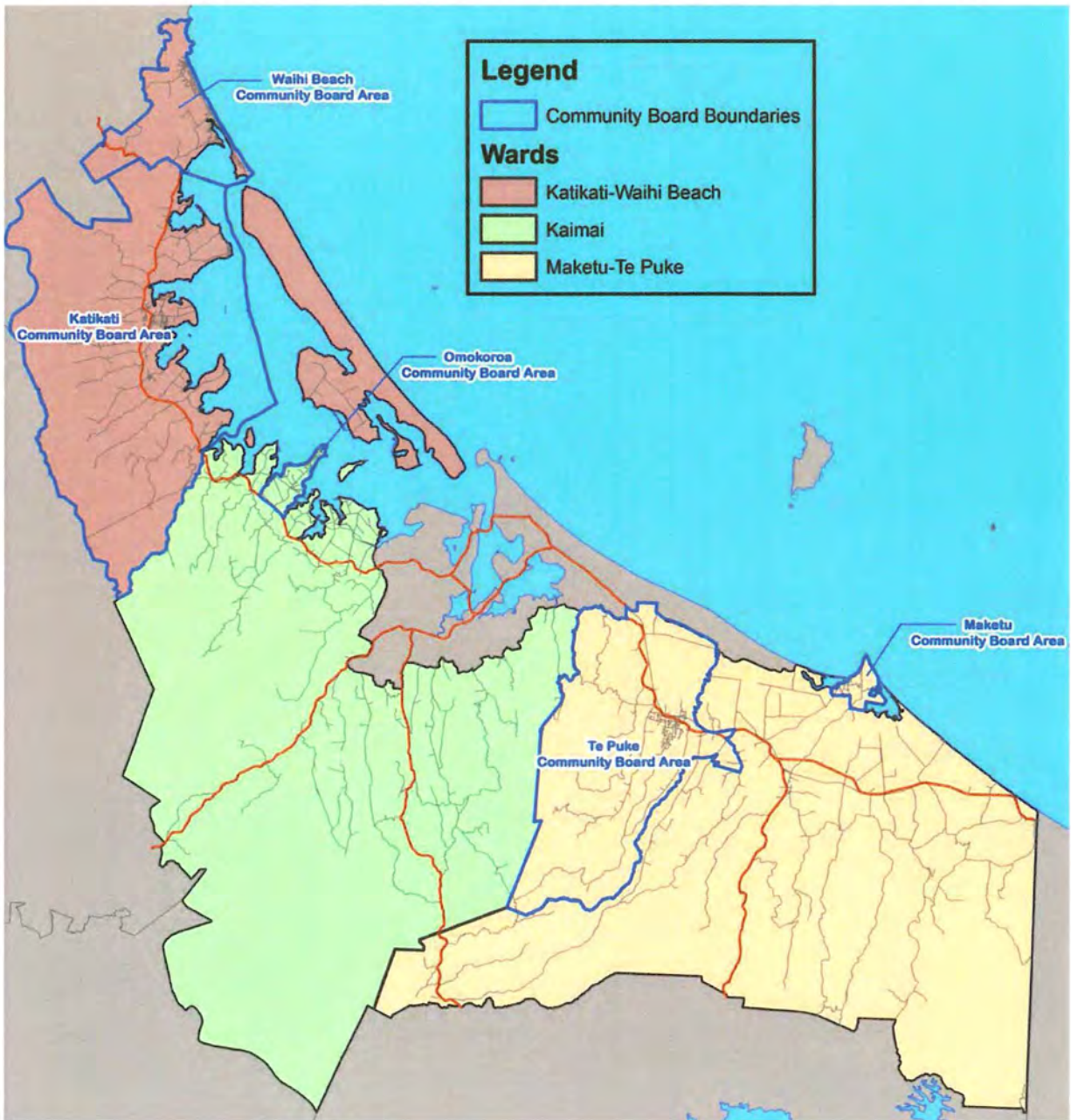
The Local Electoral Amendment Act 2002 gives Council the ability to review and establish community boards. The Council may resolve to create community boards, or conduct a poll on the matter, or the community may demand a poll.

The Council last conducted a representation review in 2012. The outcome of the review was to reduce a 5 ward system to the three wards described above and a reduction of the number of appointees from Council to the Boards to two on each board. The next review will be conducted over the 2017-2018 year to ensure that changes (if any) may be taken into account for the 2019 election.



A proposal to alter the boundary between WBOPDC and TCC

**Map of Ward/Community Board Areas within the Western Bay of Plenty District**





A proposal to alter the boundary between WBOPDC and TCC

## 2.2 Relevant excerpts from TCC Local Governance Statement 2016-2019

### Electoral Systems

#### First Past the Post System

Council currently operates its elections under the first past the post (FPP) electoral system. Electors vote by indicating their preferred candidate(s), and the candidate(s) that receives the most votes is declared the winner regardless of the proportion of votes that candidate(s) obtained.

#### Single Transferable Vote System

The other option permitted under the Local Electoral Act 2001 is the single transferable vote (STV) system. This system is used in District Health Board elections (since 2004) and by some local authorities. Electors rank candidates in order of preference (1, 2, 3, 4 etc.). The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes. The necessary number of candidates to fill all vacancies is achieved first by the counting of first preferences then by a transfer of a proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota, and then by the exclusion of the lowest polling candidates and the transfer of these votes in accordance with voters' second preferences.

#### Choice of Electoral System and Options for Change

Under the Local Electoral Act 2001, Council can resolve to change the electoral system to be used two years before a triennial election or conduct a binding poll on the question. Alternatively, electors can initiate a binding poll so long as at least five percent of electors have signed a petition for a poll. Once changed, an electoral system must be used for at least the next two triennial general elections.

Council last reviewed the electoral system in 2014. No change was made to Council's electoral system for the 2016 elections.

### Representation Arrangements

Tauranga City is made up of three wards of approximately the same size population:

- Te Papa / Welcome Bay,
- Otumoetai / Pyes Pa,
- Mount Maunganui / Papamoa.

Council has 11 elected representatives, with two councillors representing each ward, four councillors elected 'At Large' (city wide) and the Mayor. This remained unchanged following a review in 2015.

Further information about the Mayor and Councillors is available on Council's website: [www.tauranga.govt.nz](http://www.tauranga.govt.nz)

A proposal to alter the boundary between WBOPDC and TCC

### Māori Wards

The Local Electoral Act 2001 gives Council the ability to establish separate wards for Māori electors. Council may resolve to create separate Māori wards or conduct a poll on the matter, or the community may demand a poll. The demand for a poll can be initiated by a petition signed by five percent of electors within the city.

Council last considered whether or not to have separate Māori wards in July 2016 as part of its Representation Review. Council decided not to have separate Māori wards for the 2016 elections.

### Community Boards

Council currently has no Community Boards.

### Council Controlled Organisations

The following organisations as defined under Part 1 Section 6 of the Local Government Act 2002 ("the Act") have been identified as "Council Controlled Organisations" (CCO).

Organisation	Council Appointed Member
Western Bay of Plenty Visitor and Tourism Trust trading as Tourism Bay of Plenty	Des Hammond (Chair), Tania Bui (deputy Chair), Oliver Moorcroft, Will Wilson, Peter Moran, Michelle Malcolm, Janine Hellyer, Anne Blakeway
Tauranga Art Gallery Trust	Peter Anderson (Chair), Judith Stanaway, Mary Stewart, Simon Clarke, Sonya Korohina, Rebecca Graham
Bay Venues Limited	Peter Farmer (Chair), Murray Gutry, Keith Tempest, Shirley Baker, Graeme Elvin, Dean Waddell
Bay of Plenty Local Authorities Shared Services (BOPLASS Limited)	Director - Chief Executive, Tauranga City Council (along with 8 other representative CE directors, and 1 independent Director and Chair, Craig O'Connell
New Zealand Local Government Funding Agency Limited	TCC may nominate a potential director, however does not have the power to appoint as it does not have a controlling share.

### Contacting Council

A proposal to alter the boundary between WBOPDC and TCC

Post	Hand deliver	Phone	E-mail	Web site
Tauranga City Council, Private Bag 12022, Tauranga.	Reception, 91 Willow St, Tauranga.	07 577 7000	<a href="mailto:info@tauranga.govt.nz">info@tauranga.govt.nz</a>	<a href="http://www.tauranga.govt.nz">www.tauranga.govt.nz</a>

The Customer Contact Centre (call centre) is staffed 24 hours a day 7 days a week.

**Council Service Centres**

- 91 Willow Street, Tauranga

A proposal to alter the boundary between WBOPDC and TCC

## **Appendix 4 –Meetings, Hui, engagement and consultation undertaken to date as part of the overall Tauriko for Tomorrow project**

(Ref BOPRC Proposed Change 4 – to the RPS)

### **1.0 Tauriko for Tomorrow Urban Growth Project - Summary of consultation and engagement carried out as part of the overarching project.**

This section summarises feedback from the **Tauriko West Urban Growth Project (Tauriko for Tomorrow)** received during consultation from iwi/hapū, indirectly and/or interested members of the public.

#### **1. Tangata Whenua**

Pre-notification engagement with the tangata whenua of the Tauriko West area has been undertaken through local hapū who whakapapa to Ngāti Ranginui and Ngāti Te Rangi Iwi of Tauranga Moana. These hapū are: Ngāti Kahu, Ngāti Rangī, Ngāti Pango, Pirirakau, Ngāti Hangarau, and Ngāi Tamarawaho. Following the signing of the Te Kauae a Roopu Engagement Agreement, these hapū are collectively referred to as the 'Te Kauae a Roopu hapū'.

Preliminary  
feedback

The SmartGrowth Western Corridor Strategic Study: Option 3B Settlement Pattern Review 2016 underpins the Tauriko for Tomorrow work in identifying Tauriko West as a preferred area for potential development.

During the development of the review, engagement with tangata whenua was undertaken via a series of hui during March and April 2016 with Ngāti Kahu, Ngāti Pango, Ngāti Rangī, Pirirakau, Ngāti Hangarau, and Ngāti Ranginui.

Feedback was received from each of these hapū/iwi and a range of concerns, issues and opportunities were raised. These can be summarised as follows:

- No fatal flaws were identified for the potential urbanisation of the Wairoa River (Tauriko West) area.
- There is a strong desire for enhancement of the water quality in the Wairoa River.
- There is an expectation that at the very least bathing water quality is achieved, but preferably drinking water quality.
- There is a clear desire for local biodiversity to be improved.
- Preference for some restoration of the Wairoa River with the hope of improving ecosystem for flora and fauna.
- It is critically important that should urbanisation occur, the protection of sites of significance to Tangata Whenua are built into structure planning and development and that these are publicly recognised.
- Enhanced access to the Wairoa river as a recreation resource.

A proposal to alter the boundary between WBOPDC and TCC

2. There is a preference for non-motorised use of the Wairoa River.
  - Ongoing engagement and liaison with relevant iwi and hapū occurs.
  - Archaeological and/or cultural assessment of the area is undertaken prior to development and identified sites protected.

### **Tangata Whenua Engagement Hui**

On 3 April 2017, a meeting was held with representatives from Ngāti Hangarau, Ngāti Kahu, Ngāti Pango, Ngāti Rangī, Pirirakau, TCC, WBOPDC, NZTA and Regional Council. The purpose of the meeting was to provide tangata whenua with an overview of the Tauriko West urbanisation proposal and seek their feedback. Ngāti Ranginui Iwi Society Inc and Ngāi Tamarawaho were also invited to this meeting.

A number of concerns were raised at this meeting about various aspects of the development of Tauriko West. Most of the concerns were focused on future state highway/roading work and land use and protection issues. Hapū were advised that the issues raised would be addressed in detail during later stages of the Tauriko for Tomorrow work where NZTA and TCC would be working directly with hapū on state highway/multimodal and structure planning aspects of the larger project.

Concerns raised did not directly relate to adjustment of the Urban Limit or reluctance to include Tauriko West in the Urban Limit, or the proposed boundary alteration between WBOPDC and TCC. Concerns were specifically focused on ensuring hapū involvement and input as Tauriko for Tomorrow work advances and echoed many of the concerns raised during the earlier SmartGrowth Settlement Pattern review engagement hui referred to above.

Feedback was received following the 4 April 2017 meeting and the potential of a memorandum of understanding was raised by hapū.

Subsequent meetings were held between the parties (including Ngāi Tamarawaho who did not attend the first meeting) to agree on terms of an engagement agreement.

### **Hapū Engagement**

On 31 May 2017, a meeting was held with hapū whose rohe falls within the Tauriko for Tomorrow project area to discuss the Tauriko for Tomorrow project and to identify issues and concerns of each hapū directly affected by the proposed urbanisation of Tauriko West. Representatives from Ngāi Tamarawaho and Pirirakau were not in attendance but both received minutes following the meeting and Pirirakau supported the discussions that took place. As with earlier discussions regarding the potential development of Tauriko West, concerns focus mostly on state highway and structure planning aspects of the work.

A number of meetings were held over the remainder of 2017 between hapū representatives and the Mayors, Chair and Chief Executives of TCC, WBOPDC, and Regional Council, and NZTA to develop a Partnership Engagement Agreement – Te Kauae a Roopu.

The Te Kauae a Roopu agreement was formally signed on 21 December 2017. The agreement sets out a framework to work collaboratively on the Tauriko for Tomorrow Project. The intent of the agreement is to establish a solid foundation to build enduring working relationships.

A proposal to alter the boundary between WBOPDC and TCC

The partnership is committed to working in the spirit of good-faith and cooperation based on the relationship principles below:

- Mana – Recognition and respect for each partner’s mana and authority; acknowledging hapū autonomy.
- Whakapono – Acting with integrity, respect and being open and transparent.
- Kōrero a kanohi – Engaging on issues face to face; being upfront and honest.
- Rangatira ki te Rangatira – Recognising respective leaders and involving key decision makers where and when appropriate.
- Kaitiakitanga and Te Ao Māori – Providing for kaitiakitanga; valuing mātauranga Māori; integrating Tikanga and Te Reo Māori where appropriate.
- Kotahitanga – Meeting agreed milestones; seeking solutions and looking for ways to mitigate challenges.

Since the Te Kauae a Roopu agreement was signed, meetings have been held on a regular basis during 2018.

### **Iwi Authority Consultation**

Ngāti Ranginui Iwi Society representatives were involved in hui held during March and April 2016 to discuss the SmartGrowth Settlement Pattern Review that underpins the Tauriko for Tomorrow work and identified Tauriko West as a preferred area for potential development. Feedback received during the hui related to Transport Agency transport work and structure planning.

Iwi have been kept informed through a Tauriko for Tomorrow project update at the SmartGrowth Combined Tangata Whenua forum on 9 August 2017. Feedback received from the forum was in relation to storm water run-off. The forum indicated they would like to be involved in the process. Members were advised that this work will form part of the structure planning work carried out by Tauranga City Council and will be addressed during this part of the Tauriko for Tomorrow project.

The Tauranga Moana/Te Arawa Ki Takutai Partnership Forum were provided with a verbal update with regards to the Boundary Alteration Proposal and a written update on Proposed Change 4 (Tauriko West Urban Limit) to the Bay of Plenty Regional Policy Statement at their meeting held on 13 March 2018. Representatives from Ngāi te Rangi and Ngāti Ranginui were present. No feedback was received or recorded in the minutes of this meeting.

A Tauriko for Tomorrow project update was given at the SmartGrowth Combined Tangata whenua forum on 11 April 2018. Ngāti Ranginui and Ngāi te Rangi iwi Authority representatives were invited but not present. No feedback on Proposed Change 4 or boundary alteration proposal was received.

A proposal to alter the boundary between WBOPDC and TCC

## 1.2 Public and Interested Parties

Regular newsletters have been sent to landowners and interested parties as part of the wider Tauriko for Tomorrow project. In April 2017, letters were sent to affected residents advising of the Tauriko for Tomorrow work and informing them of upcoming open days.

Public Open days were held on 27 and 28 May 2017 at the Tauranga Crossing in Tauriko and attended by 769 people. The demographic attendance ranged from families, young couples, individuals as well as older adults. A separate landowner session was also held.

Members of the public were able to fill in a survey that asked "do you have any thoughts or feedback on the proposed change to the Urban Limit line". The survey was available from the open days through to 16 June 2017, in paper form and online. It is unlikely that respondents differentiated between the 'urban limits line' and the 'proposed change to the WBOPDC boundary line', the overall response is considered valid for both processes.

There were 87 points made from 85 responses. Approximately 60 percent of respondents supported or provided qualified support, 21 percent opposed. The two main themes of the feedback were protecting/maintaining the rural feel or green space (20 percent of comments); and addressing the traffic concerns (19 percent).

## 2.0 Schedule of engagement undertaken to date for the overall Tauriko for Tomorrow Project (excluding specific WBOPDC boundary alteration)

Date	Event	Event purpose	Meeting/ Correspondence with...	In attendance
March/ April 2016	Hui with iwi and hapū was undertaken on the Western Corridor Study	Obtain feedback from hapū during the SmartGrowth Settlement Review	Ngati Kahu, Ngati Pango, Ngati Rangī, Pirirakau, Ngati Hangarau, Ngati Ranginui	Western Corridor Group

A proposal to alter the boundary between WBOPDC and TCC

Date	Event	Event purpose	Meeting/ Correspondence with...	In attendance
3 April 2017	Tangata Whenua Engagement Hui	To provide Tangata Whenua with an overview of the Tauriko West Urbanisation Proposal	Ngati Kahu, Ngati Pango, Ngati Rangī, Pirirakau, Ngati Hangarau (Ngāti Ranginui and Ngāi Tamarawaho invited but did not attend)	TCC, NZTA, WBOPDC, BOPRC
28 April 2017	Letter sent to Tauriko West residents from Western Corridor Group	Advise residents that Tauriko West has been identified as the next urban growth area and provide an overview of the Tauriko for Tomorrow project.  Advise of upcoming Public information days.	Affected residents – identified through GeoView	
25, 26, 27 May 2017	Tauriko West Public Information Open Days	To provide an early overview of the Tauriko West Urbanisation Proposal and to listen/document any concerns/questions	Key stakeholders and community	TCC, NZTA, WBOPDC, BOPRC
31 May 2017	Meeting to discuss Tauriko for Tomorrow project and changes required to accommodate Tauriko West Development	Seek feedback from hapū on issues and concerns about proposed urbanisation of the Tauriko West area	Ngati Kahu, Ngati Pango, Ngati Rangī, Ngati Hangarau, (Ngāi Tamarawaho and Pirirakau invited but did not attend)	TCC, WBOPDC, BOPRC
5 July 2017	Cottage meeting with River Oaks Drive residents	To provide an early overview of the Tauriko West Urbanisation Proposal and to listen/document any concerns/questions	River Oaks Drive residents	TCC, NZTA, WBOPDC, BOPRC



A proposal to alter the boundary between WBOPDC and TCC

Date	Event	Event purpose	Meeting/ Correspondence with...	In attendance
9 August 2017	Te Tumu and Tauriko West update – Historic Village	To provide an update of the Tauriko West Urbanisation Proposal and to listen/document any concerns/questions	SmartGrowth Combined Tangata Whenua Forum, BOPRC, WBOPDC, NZTA, TCC	BOPRC, WBOPDC, TCC, Ngāti Ranginui Iwi RMU
23 August 2017	Western Corridor Landowner Meetings – Cottage Meetings	To provide an overview of the Tauriko West Urbanisation Proposal and to listen/document any concerns/questions	Belk Road landowners	TCC, NZTA, WBOPDC, BOPRC,
23 August 2017	Western Corridor Landowner Meetings – Cottage Meetings	To provide an overview of the Tauriko West Urbanisation Proposal and to listen/document any concerns/questions	Redwood Lane landowners	TCC, NZTA, WBOPDC, BOPRC
24 August 2017	Western Corridor Landowner Meetings – Cottage Meetings	To provide an overview of the Tauriko West Urbanisation Proposal and to listen/document any concerns/questions	SH29/Silkwood Lane/Oakwood Lane landowners	TCC, NZTA, WBOPDC, BOPRC
30 August 2017	Cottage Meetings – NZTA Corridor Focus Only	To provide an overview of the Tauriko West Urbanisation Proposal and to listen/document any concerns/questions	Whiore Ave/Tauranga Crossing landowners	TCC, NZTA, WBOPDC, BOPRC
30 August 2017	Cottage Meetings – NZTA Corridor Focus Only	To provide an overview of the Tauriko West Urbanisation Proposal and to listen/document any concerns/questions	SH29A/Takitim u Drive/Barkes Corner landowners	TCC, NZTA, WBOPDC, BOPRC
From February 2017	Western Corridor Group – Fortnightly Meetings	Regular meeting on progression of the project.	WBOPDC, NZTA, SmartGrowth, TCC staff	BOPRC, WBOPDC, NZTA, SmartGrowth, TCC staff

A proposal to alter the boundary between WBOPDC and TCC

Date	Event	Event purpose	Meeting/ Correspondence with...	In attendance
From April to December 2017	Various hui with local hapū	To develop a Engagement Partnership Agreement	Ngati Kahu, Ngati Pango, Ngati Rangī, Ngati Hangarau, Ngāi Tamarawaho and Pirirakau	BOPRC, WBOPDC, TCC, NZTA
21 December 2017	Te Kauae a Roopu – Partnership Agreement signing meeting	Sign Partnership Engagement Agreement – Te Kauae a Roopu	Ngati Kahu, Ngati Pango, Ngati Rangī, Pirirakau, Ngati Hangarau, Ngāi Tamarawaho, TCC, NZTA, WBOPDC, BOPRC	Ngati Kahu, Ngati Pango, Ngati Rangī, Pirirakau, Ngati Hangarau, TCC, NZTA, WBOPDC, BOPRC
From January 2018	Te Kauae a Roopu Partnership meetings	Regular meetings on progression of the project.	Te Kauae a Roopu Group members – TCC, WBOPDC, NZTA, Hapū, BOPRC	Te Kauae a Roopu Group members – TCC, WBOPDC, NZTA, Hapū, BOPRC
26 January 2018	Western Bay Local Government and Iwi Leaders hui	To discuss working together on specific key issues including – PC4, RMA Streamlined Planning process, and MfE Direction re consultation	Local Government representatives and Iwi Leaders	BOPRC, WBOPDC, TCC, Ngāi te Rangī Iwi Trust, Ngāti Pūkenga Iwi Trust
7 March 2018	Email - Letter, s32 report, list of Independent Commissioners with expertise in tikanga Māori	Seek feedback from Te Kauae a Roopu hapū on draft s32 report and Māori Commissioner	Te Kauae a Roopu hapū	Te Kauae a Roopu hapū Ngati Kahu, Ngati Pango, Ngati Rangī, Pirirakau, Ngati Hangarau
8 March 2018	Letter sent seeking feedback on draft change and s32 (via email)	Seek feedback	NZTA, WBOPDC, TCC	

A proposal to alter the boundary between WBOPDC and TCC

Date	Event	Event purpose	Meeting/ Correspondence with...	In attendance
8 March 2018	Letter sent seeking feedback on draft change and s32 (via email)	Seek feedback	Ngāti Ranginui Ngāi te Rangi	
12 March 2018	Landowners/developers meeting	Update main landowners/developers	Element IMF, Classic Builders, landowners and land owner representatives	TCC, BOPRC, developers and landowners
13 March 2018	Tauranga Moana/Te Arawa Ki Takutai Partnership Forum	Te Kauae a Roopu Pirirakau representative and BOPRC provide a memorandum update on PC4 and SPP to members	Tauranga Moana/Te Arawa Ki Takutai Partnership Forum members	
16 March 2018	Letter sent seeking feedback on draft change and s32 (via email)	Seek feedback	Ngāti Hinerangi	
16 March 2018	Letter sent to landowners/occupiers	Advise 38 landowners/occupiers within the proposed area to be included in the Urban Limit	Affected landowners	
March to May 2018	Follow up emails and phone calls	To obtain feedback on s32 Evaluation Report	Ngāti Ranginui, Ngāi te Rangi, and Ngāti Hinerangi	
4 April 2018	Meeting with Ngāti Ranginui Iwi	Clarify consultation concerns, build understanding about PC4 & SPP, clarify future consultation methods	Ngāti Ranginui Iwi	

A proposal to alter the boundary between WBOPDC and TCC

Date	Event	Event purpose	Meeting/ Correspondence with...	In attendance
11 April 2018	SmartGrowth Combined Tangata Whenua Forum	To provide an update on the Tauriko for Tomorrow work	SmartGrowth Combined Tangata Whenua Forum members (Ngāti Ranginui and Ngāi te Rangi representative s invited but did not attend)	TCC, NZTA, WBOPDC, BOPRC
27 April 2018	WBOPDC workshop with Te Kauae a Roopu	Wairoa River Strategy identification of issues to inform the overall process. (part of TCC/WBOPDC MOU)	Te Kauae a Roopu hapū	Te Kauae a Roopu hapū Ngati Kahu, Ngati Pango, Ngati Rangi, Pirirakau, Ngati Hangarau
30 July 2018	<ul style="list-style-type: none"> <li>Tauriko for Tomorrow Newsletter with a bulk distribution of 9,538.</li> </ul>	Project update and information	Subscribers and general public	

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**Western Bay of Plenty District Council****Council****Amendment to the Terms and Conditions for the  
Supply of Water**

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**Purpose**

The purpose of this report is to consider the adoption of amendments to the Terms and Conditions for the Supply of Water, in relation to on-site water storage requirements for new rural connections.

**Recommendation**

- 1. THAT the Policy Analyst's report dated 1 November 2018 and titled Amendment to the Terms and Conditions for the Supply of Water be received.***
- 2. THAT the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.***
- 3. THAT the proposed amendments to the Terms and Conditions for the Supply of Water as set out in Attachment A are adopted, coming into effect on 1 May 2019.***
- 4. THAT a public notice is issued as soon as practicable following this meeting regarding any approved amendments to the Terms and Conditions for the Supply of Water.***



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Simon Stewart  
**Policy Analyst**

## 1. Background

In December 2016, Council agreed to review the Water Supply System Bylaw 2008 as part of the 2017 Policy and Planning Work Programme. Since then there have been ongoing discussions at a national level relating to the potential for significant changes to legislation for public water supply. Consequently, Council has elected to defer its review of the bylaw until there is greater clarity at a national level. However, amendments can be made to the Terms and Conditions for the Supply of Water in the interim, by way of resolution publically notified.

Council's Water Supply System Bylaw 2008 seeks to preserve and protect Council's water supply system and to protect public health. The bylaw references the Terms and Conditions for Supply of Water (T&Cs). While the bylaw relates to the water supply system as a whole, the T&Cs relate to individual supply arrangements. The cover page of the bylaw states that the T&Cs do not form part of the bylaw, but are complementary and should be read in conjunction with the bylaw.

Several workshops have been held with Policy Committee members on potential amendments to the T&Cs, with one significant amendment being proposed to require on-site water storage and supply for all new rural water connections. In summary, the amendment would require a tank (with a minimum capacity of 5,000 litres) and pump system to be installed for a new rural water connections, with the level of service for that supply reduced to a controlled flow supply.

## 2. Issues and Options Assessment

There is one substantive matter on which staff have been given direction to include in the T&Cs, being the requirement for on-site storage for all new connections in rural areas. Other minor changes include corrections to legislation references, updating 'point of supply' figures (to be in line with Standards New Zealand NZS 9201.7:2007), references to the new section 3.5, and appropriate number changes.

### Issue 1: On-site water storage for new rural connections

A water supply system is designed to transport water from a reservoir to a user, and meet a certain level of service in terms of pressure. As more users connect to water pipes, the level of service drops. If it drops too low then the pipe needs upgrading to a larger size, in order to convey more water and to continue to meet the agreed level of service.

The upgrade of reticulation in rural areas is particularly costly, given the length of the system and dispersal/limited number of users. Instead, users could fill on-site storage tanks at a low flow rate from Council supply, with the effect of the tanks acting as a buffer to provide large-volume demands when required. In some

circumstances, users would require a pump to enable water to be moved from the storage tank to the house at an acceptable rate.

It is proposed that water shall be stored on-site for all new residential properties connecting to the Council water supply network in Rural, Rural Residential and Lifestyle zones. The purpose of such storage would be similar to that of a 'detention pond', to meet high demand periods and allow recovery over time, from a lower level of supply than the maximum demand might require. This would allow Council to effectively reduce the level of service in terms of water pressure to meet an average demand, rather than building network capacity to meet maximum anticipated demand from all customers at any one time. This would significantly reduce the need to upgrade lengthy and expensive water reticulation in rural areas, and may provide the opportunity to extend the rural water supply network at a lower cost.

It is considered that such on-site water storage should include a minimum volume of 5,000 litres.

### **Proposed wording**

To implement this, a proposed additional new clause for the Terms and Conditions is drafted as follows:

*New rural connections must have on-site water storage*

*All connections to the Council water supply network made in the rural areas (including Rural, Rural Residential and Lifestyle zones) after 1 May 2019 must make provision for on-site water storage tanks, with a minimum capacity of 5,000L.*

*There shall be no minimum level of service to such properties in terms of water pressure, other than a controlled flow supply.*

*The water supply network shall be deemed as a private network from the point of supply. As such, Council is not responsible for water pressure beyond the point of supply; water pressure shall be maintained by way of gravity feed or pump system at the owner's discretion.*

*A non-return valve shall be installed on the client-side of the water meter to prevent backflow into the Council water supply network.*

<b>Option A: Adopt the amendments to the Terms and Conditions</b>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<p>Advantages</p> <ul style="list-style-type: none"> <li>• Reduces operational expenditure in terms of network pressure, as the new connections would have a reduced impact on peak demand water pressure;</li> <li>• Reduced capital expenditure by reducing the need to upgrade rural water networks to a higher capacity for new developments, given that new developments are assessed to have a low impact on the capacity demand when their level of service is controlled flow supply; and</li> <li>• Water storage tanks provide natural hazard resilience, in terms of water supply in an emergency.</li> </ul> <p>Disadvantages</p> <ul style="list-style-type: none"> <li>• New developments will need to pay for storage and pump reticulation system; and</li> <li>• Development costs (for new connections) will be higher in Rural, Rural Residential and Lifestyle zones due to the requirement to install the tank, pump system and associated reticulation.</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b>	<p>There will be some increased staff time incurred to deal with enquiries about the new requirement.</p> <p>The requirement will increase the cost of developments in the Rural, Rural Residential and Lifestyle zones.</p>
<b>Option B: Status Quo – Do not adopt the amendments to the Terms and conditions</b>	
<b>Assessment of option for advantages and disadvantages taking a sustainable approach</b>	<p>Advantages</p> <ul style="list-style-type: none"> <li>• Staff and elected members will not incur time dealing with queries about the new requirement; and</li> <li>• Development costs in the rural zones are not increased as a result of the proposal.</li> </ul> <p>Disadvantages</p> <ul style="list-style-type: none"> <li>• Upgrades to rural water reticulation (capital expenditure) to meet increases in water demand (particularly peak demand pressure) will continue to increase in cost with additional rural developments; and</li> <li>• Maintenance (operational expenditure) of rural water reticulation will continue to increase in cost with additional rural developments.</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs) and cost effectiveness for households and businesses</b>	<p>While there would be no immediate impact on rates for not adopting the amendment, costs will increase significantly when a rural water supply needs upgrading in capacity to serve additional houses at the current level of service.</p>



### 3. Significance and Engagement

The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of **low** significance overall, with the largest impact being on developers seeking new water connections in the Rural, Rural Residential and Lifestyle zones. This impact will be minimised if there is a reasonable length of time between adoption and the date to which the changes come into effect. As such it is proposed that the effective date be set to 1<sup>st</sup> May 2019, giving six months from the adoption of the amended Terms and Conditions.

Consultation is not required on this amendment, as the current Terms and Conditions specifically enable Council to vary the terms by way of ordinary resolution publicly notified.

### 4. Statutory Compliance

The amendments proposed to the Terms and Conditions are not inconsistent with Council's other policies, strategies and plans. However, if the proposed amendment is adopted it is noted that for completeness that this matter should be reflected in the Water Supply Strategy in its next review.

### 6. Funding/Budget Implications

Budget Funding Information	Relevant Detail
Water supply operations	Implementation of policy undertaken within existing resource allocations.



## **Water Supply System**

### **Terms and Conditions for the Supply of Water**

#### **Explanatory Note**

These Terms and Conditions define the responsibilities of various classes of consumer who are customers using the Western Bay of Plenty District water supply system and explain the procedures and practices which Council will follow to protect the water supply system from damage and contamination.

The Terms and Conditions are based on the Standards New Zealand Model Water Supply Bylaw (NZS 9201: Chapter 7: 1994) and are complementary to, and should be read in conjunction with, the Western Bay of Plenty District Council Water Supply System Bylaw, 2008.



## Western Bay of Plenty District Council

# Terms and Conditions for the Supply of Water

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## Western Bay of Plenty District Council

### Terms and Conditions for the Supply of Water

#### Related Documents

Reference is made in this document to the following:

#### New Zealand Legislation

Building Act 2004

Building Regulations ~~1992~~ (including the New Zealand Building Code)

Health Act 1956 (including the Health (Drinking Water) Amendment Act 2007)

Local Government Act (1974 & 2002)

~~Water Supplies Protection Regulations 1961 (until 1 July 2008 when these regulations are repealed)~~ ~~Local Government Rating Act 2002~~

Resource Management Act 1991

Plumbing and Drainage Code – Water Services (AS/NZS 3500:1:2003)

#### Other Publications

New Zealand Drinking Water Standards 2000 and 2005 ([revised 2008](#)) (Ministry of Health)

New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2003

Tauranga City Council Supply of Water Bylaw [2007](#)

#### Scope

These Terms and Conditions are based on a Standards New Zealand model document which has been adjusted to suit local requirements.

The document covers the terms and conditions for the supply of water by the Council but only matters which relate to the actual supply of water to an individual customer have been included.

The Western Bay of Plenty District Water Supply System Bylaw deals with the overall water supply system and sets out the enabling provisions relating to certain parts of the Terms and Conditions for the supply of water but does not include matters which are covered in existing legislation or regulations.

#### Definitions

For the purpose of these Terms and Conditions and unless inconsistent with the context, the definitions in the Water Supply System Bylaw 2008 and Chapter 1, Introduction, of the General Bylaw 2008 apply.



## Western Bay of Plenty District Council

### Terms and Conditions for the Supply of Water

#### 1. Introduction

- 1.1 The following Terms and Conditions relate to the supply of water to its customers by the Western Bay of Plenty District Council.
- 1.2 The supply and sale of water by the Council is subject to –
  - a) The Acts, Regulations, Codes and other documents named in the section headed "Related Documents" and any other codes and standards relating to the District water supply system adopted by Council from time to time.
  - b) The terms and conditions relating to the supply of water adopted by Council from time to time.
- 1.3 In terms of the Local Government Rating Act 2002, Council may make and levy charges in respect of the ordinary supply of water according to the quantity of water consumed by any person receiving the same as measure by meter or other device, or from time to time fix by resolution charges for the ordinary or extraordinary supply of water, or as may be agreed on with any person receiving the supply of water.

#### 2. Acceptance and Duration

Any consumer being supplied with water from Council's water supply system must at all times comply with and be bound by Council's operative Terms and Conditions for the Supply of Water from time to time fixed by resolution of Council.

#### 3. Conditions of Supply

For water supplies owned and maintained by the neighbouring authority (Tauranga City Council) and supplying water to residents within the Western Bay of Plenty District Council area, the current Tauranga City Council Supply or Water Bylaw will apply to these customers unless otherwise agreed. The current fees and charges of Tauranga City Council will apply unless otherwise agreed.



### **3.1 Application for Supply**

- 3.1.1 Every application for a supply of water must be made in writing on the standard form and be lodged with the Council, together with the prescribed charges. The applicant must provide all the details required by Council.
- 3.1.2 All applications for extraordinary supplies are to fully explain the customer's demand requirements including the likely daily flow patterns and seasonal variances.
- 3.1.3 Within 10 working days of the receipt of an application complying with these Terms and Conditions, the Council, after considering the type and availability of supply requested, will either –
- (a) approve the application and advise the applicant of the type of supply, the size of the connection, any particular conditions he/she will be required to meet, and the general Terms and Conditions (including level of service) under which water will be supplied; or
  - (b) refuse the application and notify the applicant of the decision giving the reasons for refusal.
- 3.1.4 In order to meet the agreed level of service the Council will determine the sizes of all pipes, fittings and any other equipment, up to the point of supply. The Council will stipulate the point of supply and will provide, install and maintain the service pipe up to that point.
- 3.1.5 The applicant for a water supply must have the authority to act on behalf of the owner of the premises for which the supply is sought, and must produce written evidence of this authority if required.
- 3.1.6 A new application for supply may be required if a customer wishes to change the type of water supply and/or the level of service.
- 3.1.7 Where an approved application for water supply has not been actioned within six months of the date of application it will lapse unless an extension of time has been approved. A refund of all or part of the application fee may be made at the discretion of the Council.
- 3.1.8 [Any application for a new connection in rural areas after \[1 October 2018\] must meet the requirement for on-site water storage as per Section 3.5 of the Terms and Conditions.](#)

### **3.2 Deposits**

- 3.2.1 The Council may require a deposit to be paid for the supply of water. The amount



of the deposit will be in accordance with the Council's current schedule of rates and charges, and the amount so paid will be credited to the customer's water supply account.

### 3.3 Point of Supply

#### 3.3.1 Single Ownership

3.3.2 The point of supply to an individual customer is the point on the service pipe, which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries.

For single dwelling units the point of supply is to be located as shown in Figures 1-1, 1-2, and 1-3 or as close as possible to that position where fences, walls or other permanent structures make it difficult to locate it as the required position. Any other point of supply position will require specific approval.

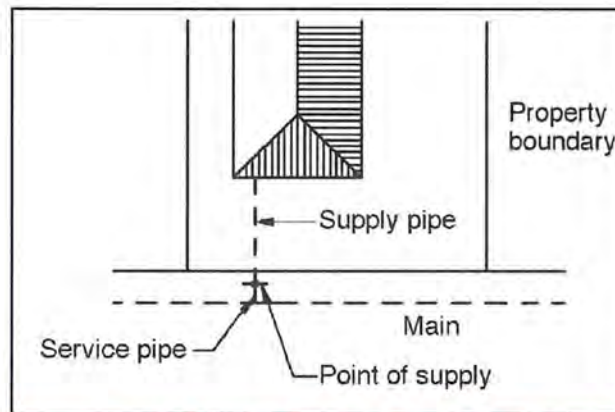


Figure 1: Point of Supply: Single dwelling unit with street frontage

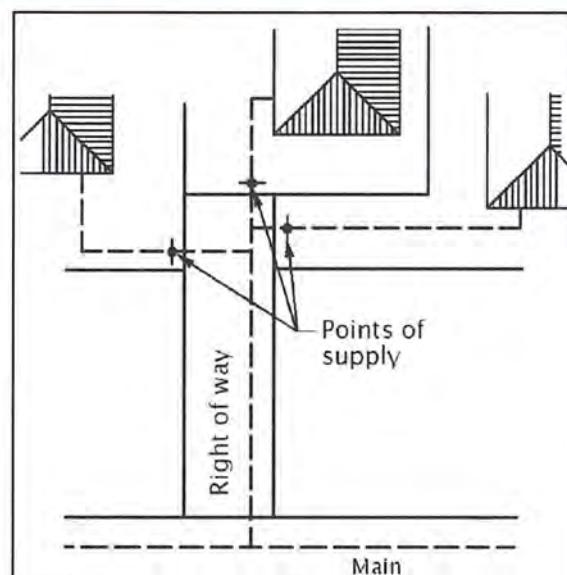
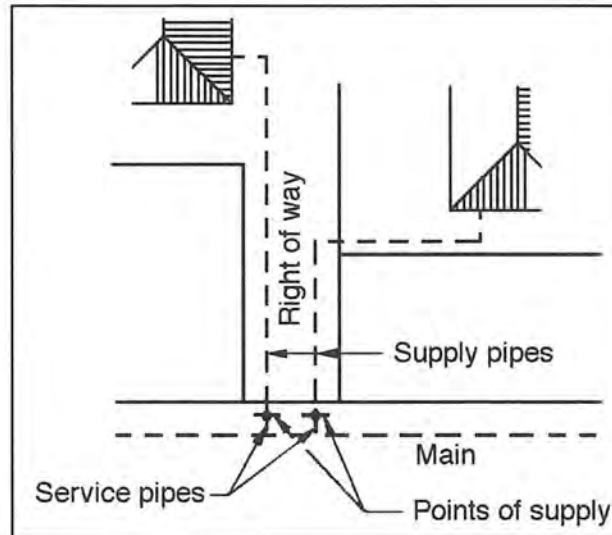


Figure 2: Point of Supply - Rear lots on Right of Way (up to two customers)

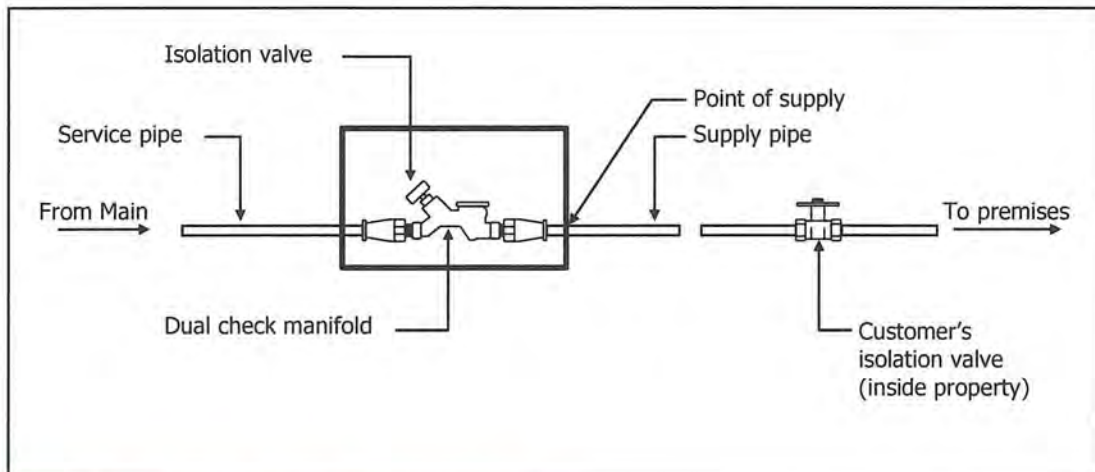




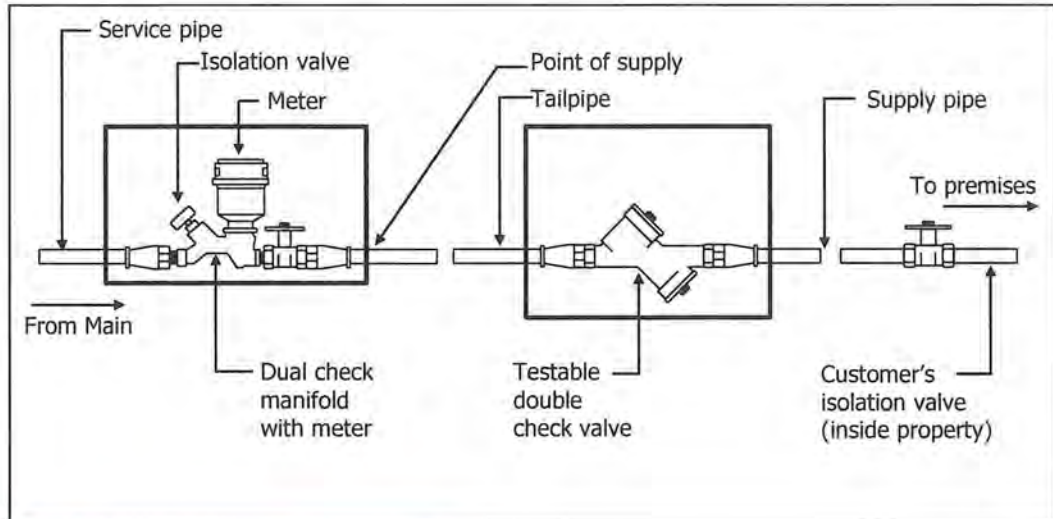
*Figure 3: Points of Supply location: Rear lots on Right of Way (three or more customers)*

3.3.3 Unless otherwise agreed there shall only be one point of supply for each individual customer.

3.3.4 A typical layout at a point of supply is shown in Figures 42.1 and 52.2.



*Figure 4: Point of Supply Layout - Unmetered Supply*



*Figure 5: Point of Supply - Metered Supply*

- 3.3.5 The Council gives no guarantees as to the serviceability of the valve located on the service pipe. Where there is no customer isolation valve, the customer may, with Council approval, use the service valve to isolate the supply. However the Council reserves the right to charge for repairing the valve if it is damaged by such customer use.
- 3.3.6 Multiple Ownership
- 3.3.7 The point of supply for the different forms of multiple ownership of premises and/or land shall be as follows –
- for company share/block scheme (body corporate) – as for single ownership.
  - for leasehold/tenancy in common share (cross lease), strata title, and unit title (body corporate) – each owner shall have an individual supply with the point of supply determine by agreement with the Council. In specific cases other arrangements may be acceptable subject to individual approval.
  - for all other multiple ownership of premises or land with specifically approved connection, the point of supply will be determined by agreement with the Council.
- 3.3.8 For multiple ownership supply which was in existence prior to the coming into effect of these Terms and Conditions, the point of supply shall be the arrangement existing at that time, or as determined by Council for an individual case, if that arrangement is no longer acceptable to Council.



### 3.4 Types of Supply

#### 3.4.1 On Demand Water Supply

3.4.2 For on-demand supplies (a supply which is available on demand directly from the point of supply subject to a level of service as Council may determine from time to time) there are two types of supply defined as:

##### a) Ordinary Supply

The supply of water to a customer, which is used solely for domestic purposes in the dwelling/house is an ordinary supply. Domestic purposes includes the use of a hose for –

- (i) Washing down a car, boat, trailer or similar domestic based equipment;
- (ii) Garden watering by hand;
- (iii) Garden watering by means of any sprinkler or irrigation systems.

##### b) Extraordinary Supply

Water supplies for any purpose, other than ordinary supply, is an extraordinary supply and may be subject to specific conditions and limitations. Such purposes include –

- (i) A domestic spa or swimming pool in excess of 10m<sup>3</sup> capacity;
- (ii) Commercial, industrial and business purposes;
- (iii) Fire protection systems;
- (iv) Out of district supply;
- (v) Temporary supply;
- (vi) Horticulture irrigation and/or frost protection;
- (vii) Properties over 0.5ha in size;
- (viii) Or any other supply specifically approved by Council.

3.4.3 An extraordinary water supply will normally be metered.

3.4.4 Where circumstances justify such action the Council may, giving written notice where possible, restrict or stop the water supply to extraordinary customers if required to maintain ordinary supplies and protect public health and safety.

#### 3.4.5 Restricted Flow Supply

3.4.6 A restricted flow water supply is only available to premises within a designated area, or under special conditions set by Council.



- 3.4.7 A restricted flow supply will be measured on the basis of an agreed number of units supplied at a uniform flow rate.

### **3.5 New Rural Connections Must Have On-Site Water Storage**

3.5.1 All new connections to the Council water supply network made in the rural areas (including Rural, Rural Residential and Lifestyle zones) after 1 May 2019 must make provision for on-site water storage tanks, with a minimum capacity of 5,000L.

3.5.2 There shall be no minimum level of service to such properties in terms of water pressure, other than a controlled flow supply.

3.5.3 The water supply network shall be deemed as a private network from the point of supply. As such, Council is not responsible for water pressure beyond the point of supply; water pressure shall be maintained by way of gravity feed or pump system at the owner's discretion.

3.5.4 A non-return valve shall be installed on the client-side of the water meter to prevent backflow into the Council water supply network.

3.5.5 Clause 3.5 shall not apply to any area designated as Future Urban under the operative District Plan

### **3.53.6 On Demand Supply**

3.5.13.6.1 Entitlement

3.5.23.6.2 Every property or allotment on which may be sited one or more dwellings is entitled to an ordinary supply of water subject to –

- a) the property or allotment being within an area served by a public water supply;
- b) the exclusion of its use for garden watering or any other specified use under any water restrictions imposed by the Council from time to time;
- c) payment of the appropriate charges in respect of that property;
- d) compliance with these Terms and Conditions; and
- e) payment of any other charges or costs associated with subdivisional development; and-
- e)f) meeting the requirements for on-site water storage in accordance with Section 3.5 of the Terms and Conditions (applicable to new rural connections only).

3.5.33.6.3 The Council is under no obligation to provide an extraordinary supply of water as defined in the Water Supply System Bylaw.

### **3.63.7 Level of Service**

**3.6.13.7.1 LTCCP/Asset Management Plan**

3.6.1.13.7.1.1 The Council will provide water in accordance with the level of service



contained in the Council Long Term [Community Consultation Plan \(LTCCP\)](#) and the Council Water Asset Management Plan, [with the exception of rural properties with on-site storage requirements as per Section 3.5 of the Terms and Conditions.](#)

For those periods where the level of service allows non-compliance with the specified value(s), the Council will make every reasonable attempt to achieve the specified value(s).

### **3.6.23.7.2 Uninterrupted Service**

3.6.2.13.7.2.1 If a customer has a particular requirement for an uninterrupted level of service (flow, pressure or quality), it will be the responsibility of that customer to provide any necessary storage, back up facilities or equipment.

3.6.2.23.7.2.2 For on demand supplies that are not metered Council reserves the right to fit a meter and charge accordingly.

### **3.7.3.8 Liability**

3.7.1.3.8.1 While the Council will make every reasonable effort to meet agreed levels of service it will not be liable for any loss, damage, or inconvenience which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to the water supply.

3.7.2.3.8.2 Without prejudice to the above, the Council may, under certain circumstances and solely at its discretion, make payments for damage caused to equipment, appliances, processes, and materials as a direct result of a variation in the water supply; provided however that any such equipment or appliances have been designed to cater for reasonable variations in the flow, pressure and quality of the water supply.

3.7.3.3.8.3 Any such payment will be in full and final settlement of any claim the customer may have against the Council.

### **3.8.3.9 Fire Protection Connection**

#### **3.8.1.3.9.1 Connection Application**

3.8.1.1.3.9.1.1 Any proposed connection for private fire protection shall be the subject of a separate application on the standard Council form. Any such connection if approved will be subject to the terms and conditions specified by the Council.

#### **3.8.2.3.9.2 Supply**

3.8.2.1.3.9.2.1 The Council shall be under no obligation to provide a private fire protection supply at any particular flow or pressure.

#### **3.8.3.3.9.3 Fire Fighting Supplies**

3.8.3.1.3.9.3.1 Private fire fighting supplies, subject to approval, may be either via a



bypass around the standard connection manifold (with or without meter), or a separate line from the main. In either case drawing of water will only be permitted in the following circumstances –

- a) when the drawing of water is only possible with the sounding of an automatic fire alarm or the automatic notification of the fire brigade, or
- b) where a council approved detector check valve has been fitted on the dedicated fire fighting line.

3.8.3.23.9.3.2 For a fire connection installed prior to, or subsequent to, the coming into effect of these Terms and Conditions, the Council may install a water meter on such a connection.

#### **3.8.43.9.4 Sprinkler Systems**

3.8.4.13.9.4.1 Any fire sprinkler systems must be constructed, installed and maintained in good order, and be so designed and fixed that water cannot be drawn from it for any other purpose.

#### **3.8.53.9.5 Fire Hydrants**

3.8.5.13.9.5.1 The right to gain access to, and draw water from, fire hydrants is restricted to –

- a) the Council or its agents, specifically authorised to do so;
- b) Fire Service personnel;
- c) Water abstraction permit-holders during the period for which the permit has been issued.

3.8.5.23.9.5.2 Without prejudice to other remedies available, the Council may remove and hold any equipment used by an offender to gain access to, or draw water from, a fire hydrant.

#### **3.8.63.9.6 Fire Hose Reels**

3.8.6.13.9.6.1 In any case where the supply of water to any premises is metered, fire hose reels must be connected only to an uninterrupted supply.

#### **3.8.73.9.7 Charges**

3.8.7.13.9.7.1 Water used for the purpose of extinguishing fires will be supplied free of charge.

3.8.7.23.9.7.2 Whenever water has been used for fire fighting purposes the customer may estimate the quantity of water so used, and subject to Council approval, a sum based on such estimate at the appropriate charge rate may be credited to the customer's account.

#### **3.93.10 Backflow Prevention**



3.9.13.10.1 In order to protect the public health Council reserves the right to require that a backflow prevention device be fitted to the Council side of the point of supply.

3.9.23.10.2 All connections for the provision of an ordinary supply of water will be fitted with a dual acting check valve.

3.9.33.10.3 All connections for provision of an extraordinary supply of water will be fitted with a testable double check valve.

Extraordinary connections with an alternative supply (including bore water, rain water or any other source), are to have a 300mm minimum air gap separation between the Council supply and the alternative in addition to the testable double check valve.

3.9.43.10.4 Where an extraordinary connection is identified as a medium to high hazard, as defined by AS/NZS 3500.1.:2003, a RPZ device is to be installed in addition to the dual acting check valve.

### **3.10.11 Meters and Flow Restrictions**

#### **3.10.13.11.1 Installation**

3.10.1.13.11.1.1 Instead of making and levying a separate rate, or using any other lawful means to charge for the supply of water, the Council may by resolution, determine to measure and charge for the volume of water used by certain classes of consumers and may for that purpose –

- a) install water meters or other measuring devices; and
- b) charge the consumer according to the quantity of the water consumed.

The charge to be made for such consumption will be the amount which Council has by resolution determined will be payable by each class of consumer.

3.10.1.23.11.1.2 Meters for on demand or other metered water supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by Council. These devices remain the property of the Council and must be installed in the location required by Council.

3.10.1.33.11.1.3 Where an on demand water supply is provided Council may fit a meter and charge accordingly.

- a) install water meters or other measuring devices; and
- b) charge the consumer according to the quantity of the water consumed.

#### **3.10.23.11.2 Existing Meters**

3.10.2.13.11.2.1 Any meter which was installed by the consumer prior to the coming into force of these Terms and Conditions for the Supply of Water must continue to be maintained by the consumer until, in the opinion of Council, the meter is no longer



fit for use at which point it will be replaced by a new meter at the cost and expense of the consumer.

~~3.10.2.23.11.2.2~~ No branch fitting may be connected to the service pipe between the water main and the meter, with the exception of a fire fighting supply bypass approved in writing by Council.

### **3.10.33.11.3 Location of Meters**

~~3.10.3.13.11.3.1~~ Meters and restrictors will be located in a position which is readily accessible for reading and maintenance, and if practicable immediately on the Council side of the point of supply (see Figure 2.2).

### **3.10.43.11.4 Accuracy of Meters**

~~3.10.4.13.11.4.1~~ The accuracy of meters and restrictors will be tested as and when required by the Council to ensure performance within  $\pm 4\%$  of its reading (meters), or within  $\pm 10\%$  of its rated capacity (restrictors).

~~3.10.4.23.11.4.2~~ The parties agree that a meter is presumed to be accurate unless there is good reason to suspect that it is not. A customer who disputes the accuracy of a meter or restrictor may apply to the Council to have the device tested provided that it is not within three months of the last test. If the test shows the device does not meet the accuracy requirement set out in the foregoing clause then the customer will not be charged for the test. If the test shows that the device is operating correctly then the customer will be required to pay a fee in accordance with Council's current schedule of rates and charges.

~~3.10.4.33.11.4.3~~ Meters will be tested by running a measured quantity of water of not less than 400 litres through the meter in accordance with BS 5728: Part 3. Restrictors must be tested by measuring the quantity that flows through the restrictor in a period of not less than 1 hour at its normal operating pressure. A copy of the independent certification of the test result will be made available to the customer on request.

~~3.10.4.43.11.4.4~~ If the error was the result of wilful interference or tampering by the consumer or customer with the measuring device or devices installed by Council with the intent to defraud the Council then the provisions of the foregoing clause do not apply and the customer is liable to pay the full amount of the adjustment as determined by Council for the total period that the water consumption was incorrectly recorded.

~~3.10.4.53.11.4.5~~ If a meter is shown to have been accurate when tested, it will be presumed to have been accurate at the time the water in question was supplied, unless there is good reason to suspect it was not.

### **3.10.53.11.5 Adjustment**

~~3.10.5.13.11.5.1~~ If any meter, after being tested, is found to register a greater or lesser





consumption than the quantity of water actually passed through such a meter, the Council will make an adjustment in accordance with the results shown by such tests, backdated for a period at the discretion of the Council but not exceeding 5 years, and the customer must pay a great or lesser amount according to such an adjustment.

### **3.10.63.11.6 Estimating Consumption**

~~3.10.6.13.11.6.1~~ If any meter is out of repair or ceases to register, or is removed, the Council will estimate the consumption for the period since the previous reading of the meter (based on the average of the previous three billing periods charged to the customer) and the customer will be charged according to the estimate. Provided that when, by reason of a large variation of consumption due to seasonal or other causes, the average of the previous three billing periods would be an unreasonable estimate of the consumption the Council may take into consideration other evidence for the purposes of arriving at a reasonable estimate, and the customer will be charged according to that estimate.

~~3.10.6.23.11.6.2~~ If metering indicates a significant increase in consumption to a premises, which is established as being caused by a previously unknown leak, the Council may estimate consumption as provided above, providing that the customer repairs the leak with due diligence.

~~3.10.6.33.11.6.3~~ Where a meter records water has entered a property served by that meter, it will be presumed, in the absence of evidence raising a credible alternative, that the water was in fact used on that property and is to the account of the customer serviced by that meter.

~~3.10.6.43.11.6.4~~ Where the seal or dial of a meter is broken, the Council may declare the reading void and estimate consumption as provided above.

### **3.10.73.11.7 Incorrect Accounts**

~~3.10.7.13.11.7.1~~ Where the recorded water consumption does not accurately represent the actual consumption on a property then the account will be adjusted using the best information available to the Council.

~~3.10.7.23.11.7.2~~ Reasons to invoke the foregoing clause will include, but are not limited to, misreading of the meter, errors in data processing, meter readings assigned to the wrong account, and unauthorized supplies.

~~3.10.7.33.11.7.3~~ Where an adjustment is required, in favour of the Council or the customer, this will not be backdated more than 5 years from the date the error was detected.

## **4. Customer Responsibilities**

### **4.1 Unauthorised Connection**

No person, other than the authorised agents of Council, may without express approval make any connection to or otherwise interfere with any part of the water supply system.

## 4.2 Plumbing System

- 4.2.1 Quick-closing valves of any kind, or any other equipment which may cause pressure surges to be transmitted, should not be used on any piping directly connected to the Service Pipe, that is, in any position where they are required to close against mains pressure.
- 4.2.2 To comply with the New Zealand Building Code the plumbing system must be compatible with the water supply. Specific features of the Council supply which need to be taken into account are contained in Table 1.

Table 1

Feature	Value
Maximum Pressure	90 metres head (900 kPa)

## 4.3 Change of Use

- 4.3.1 Where a change in the end use of water supplied to a premises occurs, and/or the supply changes from an ordinary to an extraordinary type, or vice versa, a new application for supply must be made.

## 4.4 Access

### 4.4.1 Point of Supply

- 4.4.1.1 The customer must allow Council staff and Council contractors access to and about the Point of Supply between 7.30am and 6pm on any day for –
- Meter reading without notice;
  - Checking, testing and maintenance work with notice being given whenever possible.
- 4.4.1.2 Outside these hours (e.g. for leak detection) Council will, where possible, advise the customer of the need to access the point of supply.
- 4.4.1.3 Under emergency conditions, the customer must allow Council staff and contractors access to and about the point of supply at any hour.
- 4.4.1.4 The customer must allow Council staff or contractors, with or without equipment, access to any area of the premises for the purposes of determining compliance with the Terms and Conditions applicable to the supply of water to the customer's premises.

## **4.5 Council Equipment**

### **4.5.1 Care of Equipment**

4.5.1.1 The customer is required to take due care to protect Council equipment up to the Point of Supply from damage, including pipework, valving, meters and restrictors.

### **4.5.2 Maintenance of Access**

4.5.1.2 The customer should maintain the area in and around the point of supply free of soil, growth, or other matter, or obstruction which prevents, or is likely to prevent convenient access.

## **4.6 Protection of Water Supply**

4.6.1 It is the customer's responsibility (under the Building Act 2004, and the Health (Drinking Water) Amendment Act 2007), to take all necessary measures on the customer's side of the Point of Supply to prevent water which has been drawn from the Council's water supply system from returning to that supply.

4.6.2 For premises covered by the Building Act 2004 this includes:

- a) Backflow prevention either by providing an adequate air gap, or by the use of a backflow prevention device which complies with the New Zealand Building Code;
- b) The prohibition of any direct cross connection between the Council water supply (potable) and
  - i) Any other water supply (potable or non-potable)
  - ii) Any other water source
  - iii) Any storage tank
  - iv) Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

4.6.3 Customers with supplies serving premises not covered by the Building Act 2004 and the New Zealand Building Code, e.g. stock or horticultural water supplies, shall comply with the relevant sections of the Health (Drinking Water) Amendment Act 2007, regarding protection of potable water.

## **4.7 Working Around Buried Services**

4.7.1 The Council maintains permanent records (as-builts) of the location of its buried services. This information is available for inspection (with copies available if required) at no cost to users. A charge is made however to recover the cost of making copies.

4.7.2 Any person proposing to carry out excavation work should check the as-built information whether or not Council services are located in the vicinity of the proposed work. Council should be given at least 3 working days notice in writing



of an intention to excavate in the vicinity of its services.

Where appropriate, Council will mark out to within  $\pm 0.5\text{m}$  on the ground the location of its services and, where necessary, will specify in writing any restrictions on the work which are required to protect the services. Council reserves the right to charge for this service.

4.7.3 When excavating and working around buried services care should be taken to make sure that the services are not damaged and that bedding and backfill is reinstated in accordance with the Council Code of Practice for Subdivision and Development. Excavation within roadways is also subject to the Council permit process relating to roading.

4.7.4 Any damage which occurs to Council services must be reported to Council immediately. Where damage is the result of negligence, repair costs may be recovered from the person responsible for such damage.

## **4.8 Fire Protection Supply**

### **4.8.1 Firefighting**

4.8.1.1 Where an unmetered connection has been provided to supply water to a fire protection system (including hydrants) this is to be used for no other purpose than fire fighting and testing the fire protection system.

### **4.8.2 Adequacy of Supply**

4.8.1.2 It is the customer's responsibility to make sure that the fire protection water supply available is adequate for the intended purpose.

## **4.9 Payment**

The customer is liable to pay for the supply of water and related services in accordance with the Council current schedule of rates and charges.

## **4.10 Transfer of Rights and Responsibilities**

4.10.1 The customer must not transfer to any other party the rights and responsibilities provided under these Terms and Conditions, unless specifically authorised by Council.

4.10.2 A Supply Pipe is to serve only one customer, and must not extend by hose or any other pipe beyond that customer's property, unless specifically authorised by Council.

4.10.3 In particular and not in limitation of the above any water which the customer draws from the Council supply must not be provided to any other party without approval.

## **4.11 Change of Ownership**



In the event of a premises changing ownership the Council will automatically record the new owner as being the customer at that premises. Where a premises is metered the outgoing customer must give Council 7 working days notice to arrange a final reading.

#### **4.12 Termination**

The customer must give 7 working days notice in writing to the Council of his/her intention to terminate the supply agreement.

## **5. Breaches, Offences and Disputes**

### **5.1 Breach of Terms and Conditions**

5.1.1 The following may be taken by the Council as a breach of these Terms and Conditions to supply and receive water:

- a) An incorrect application for supply which fundamentally changes the intent of the Terms and Conditions relating to the supply of water;
- b) Failure by the customer to meet and comply with the Terms and Conditions applicable to the customer;
- c) Failure to meet any obligation placed on the customer under all current Acts and Regulations relating to the supply of water;
- d) Frustration of the Council's ability to adequately and effectively carry out its obligations in terms of the Local Government Act 2002, the Health Act 1956, or any other relevant legislation;
- e) An act or omission in contravention of the provisions of the Western Bay of Plenty District Water Supply System Bylaw.

5.1.2 In the event of a breach of the Terms and Conditions as described above the Council will serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it.

If the customer fails to remedy the break within seven days of the date of such notice the Council reserves the right to take further action as provided for in any act or regulation.

5.1.3 Without prejudice to the above provisions, Council may pursue any other legal remedies available to it pursuant to the provisions of the Local Government Act 2002, any other Act or Regulation, or Bylaw.

### **5.2 Interference with Equipment**

5.2.1 Any tampering or interfering with Council equipment, either directly or indirectly, constitutes an offence under the Bylaw and the Local Government Act 2002.



## **6. Right to Vary**

- 6.1 Council may vary these Terms and Conditions from time to time, by way of an ordinary resolution publicly notified.

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# Western Bay of Plenty District Council

## Council

### Chief Executive Officers Report - October 2018

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#### **1. Chief Executive Officer and Group Managers' Update Report**

##### **1.1. Purpose**

To provide the Mayor and Council with timely advice on current projects and issues via an information report.

The Mayor has requested this report be based on topics and that the Chief Executive and Group Managers speak to items. A similar report is included in the confidential section of the agenda for confidential items.

##### **1.2. Report**

The topics and issues are set out in areas of responsibility. Detail is not provided in the written report as the detail is generally contained in the Committee reports where the topics are debated and direction provided.

The report is to provide current and timely briefings on significant topics and issues that potentially or currently are a risk item or could impact council or the community.

##### **1.3. Chief Executive Office**

- Nothing to report

##### **1.4. Infrastructure Services**

- Nothing to report

##### **1.5. Financial Services**

- **Chief Financial Officer's Exception report Briefing – November 2018**
- **Western Bay of Plenty District Council's Rating from Standard and Poor's for 2018**

**1.6. Policy, Planning and Regulatory Services**

- Nothing to report

**1.7. Technology, Customer and Community Services**

- Nothing to report

**Recommendation**

***THAT the Chief Executive Officer's report dated 23 October 2018 and titled "Chief Executive Officers Report" be received.***



Miriam Taris  
Chief Executive Officer



Date 17 October 2018

Open Session

Subject Chief Financial Officer's Exception Report Briefing – November 2018

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

### **Council**

## **Chief Financial Officer's Exception Report Briefing – November 2018**

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### **Purpose**

This report is to inform Councillors on important issues in relation to Council's finances. Reporting is on an exception basis and includes both positive and negative variances to Council plans, projects and business operations.

### **Key Financial Performance Indicators for the Three Months Ended 30 September 2018**

#### **Debt**

Total external debt at 30 September 2018 was \$135.0m subsequent to Council entering into a refinancing arrangement for \$10m in advance of the loan maturity date to secure favourable debt pricing. Council's net debt balance was \$85.21m at the end of the reporting period which represents a \$13.06m reduction from the June 2018 balance of \$98.27m.

#### **Interest rate swaps**

Council had 85% of total debt fixed by interest rate swaps to the value of \$175.5m, which is within the policy range of 50%-95% coverage.

Council was in compliance with all of its key financial ratios for the quarter. A summary of the key financial performance indicators for the three months ended 30 September 2018 along with copies of the treasury reports and accompanying graphs have been included in the information pack.

### **Key Financial Issues for the Three Months Ended 30 September 2018**

#### **Operating Income**

Total income for the three months ended 30 September 2018 was \$28.08m against a year-to-date budget of \$18.50m. The \$9.58m higher income variance is largely due to favourable variances arising from the timing of receipt of financial contributions and service charges revenue against budget.

Date 17 October 2018  
Subject Chief Financial Officer's Exception Report Briefing – November 2018

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Open Session

### **Operating expenditure**

Total expenditure of \$21.95m was \$1.16m higher than year-to-date budget of \$20.79m due to lower interest costs offset by higher than budgeted additional level of service, depreciation and operating costs.

Overall operating income and expenditure levels indicate Council's financial performance is on track at the end of the first quarter.

### **Capital Expenditure**

Capital expenditure of \$6.01m for the period was \$747k higher than year-to-date budget. The expenditure variance is attributable to underspends against budget in the transportation and communities activities offset by a higher than budgeted spend in the corporate services activity.

The variance is primarily due to offsets in project spends within the above activities and the unbudgeted land purchase of 452 Omokoroa Road.

### **Financial contributions**

Financial contributions income received to date of \$5.50m is \$3.30m higher than the year-to-date budget of \$2.20m. Further detail on the financial contribution income is tabulated in the Key Financial Issues report.

The development trends report highlights strong levels of subdivision activity with 201 new lots created in the three months to 30 September 2018 against a full year forecast of 287 new lots. Actual new lots created for Te Puna (100%), Aongatete (285%) and Omokoroa (103%) census area units have met or exceeded full year forecast. The total number of residential and rural dwelling consents issued at 30 September 2018 is 80 against a full year forecast of 388. These indicators signal the strong levels of development activity during the 2017/18 year has continued its momentum into the first quarter of this financial year.

### **Assurance review of the Debenture Trust Deed**

The assurance review of the Council's Debenture Trust Deed carried out by Audit New Zealand is now complete with an unqualified assurance conclusion issued. A copy of the assurance report is included in the information pack.



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Kumaren Perumal  
**Chief Financial Officer**

## Western Bay of Plenty District Council's Rating from Standard and Poor's for 2018

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### 1. Executive Summary

The purpose of this report is to update the Elected Members on Standard and Poor's rating of Western Bay of Plenty District Council as at 14 September 2018.

### 2. Background

On 14 September 2018, S&P Global Ratings affirmed its 'AA' long-term and 'A-1+' short-term issuer credit ratings on Council. The outlook on the long-term ratings remains stable.

The stable outlook reflects S&P's expectation that Council will continue to prudently manage its budget and debt while it delivers a larger capital expenditure program.

For more detail on the analysis of Council's rating Standard and Poor's report is included as **(Attachment A)** to this report.



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Kumaren Perumal  
**Chief Financial Officer**

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**S&P Global**  
Ratings

**RatingsDirect®**

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**Research Update:**

**Western Bay Of Plenty District  
Council 'AA/A-1+' Ratings Affirmed;  
Outlook Stable**

**Primary Credit Analyst:**

Martin J Foo, Melbourne + 61 3 9631 2016; [Martin.Foo@spglobal.com](mailto:Martin.Foo@spglobal.com)

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## Research Update:

# Western Bay Of Plenty District Council 'AA/A-1+' Ratings Affirmed; Outlook Stable

## Overview

- Western Bay plans to increase its capital expenditure during the next few years. We expect the council's after-capital deficits to be moderate for the next two years; its debt burden is likely to rise temporarily before resuming its downward trajectory.
- The ratings on Western Bay are underpinned by its fiscal flexibility, robust financial management, high level of liquidity, and New Zealand's excellent institutional settings.
- We are affirming our 'AA' long-term and 'A-1+' short-term issuer credit ratings on Western Bay.
- The stable outlook reflects our expectation that Western Bay will continue to prudently manage its budget and debt while it delivers a larger capital expenditure program.

## Rating Action

On Sept. 14, 2018, S&P Global Ratings affirmed its 'AA' long-term and 'A-1+' short-term issuer credit ratings on Western Bay of Plenty District Council, a New Zealand local government. The outlook on the long-term ratings remains stable.

## Outlook

The stable outlook reflects our expectation that Western Bay will continue to prudently manage its budget and debt while it delivers a larger capital expenditure program.

## Downside scenario

Downward pressure on the ratings could emerge if the council's after-capital deficits were significantly larger or more prolonged than we currently forecast, resulting in a sharp rise in debt. This could happen, for instance, if capital expenditure were to turn out higher than we expected without offsetting growth in revenue.

*Research Update: Western Bay Of Plenty District Council 'AA/A-I+' Ratings Affirmed; Outlook Stable*

### Upside scenario

Any upward pressure on the ratings on Western Bay would be capped by our long-term foreign-currency rating on the New Zealand sovereign. We could raise our ratings on Western Bay if we raised our rating on the New Zealand sovereign, and if Western Bay's debt burden substantially decreased, which could also improve our view of the council's financial management.

### Rationale

We have updated and extended our forecasts for Western Bay through fiscal year 2021 (i.e., the year ending June 30, 2021). Following this, we still expect Western Bay's fiscal flexibility, robust financial management, high level of liquidity, and New Zealand's excellent institutional settings to support the council's credit profile. We also expect Western Bay's financial metrics to weaken and debt burden to rise temporarily as execution improves on a larger capital works program, though debt should resume its downward trend over the medium term.

### **A supportive institutional framework, robust management, and sound local economy underpin Western Bay's creditworthiness**

The institutional framework within which New Zealand local governments operate is a key factor supporting Western Bay's credit profile. We believe this framework is one of the strongest and most predictable globally. It promotes a robust management culture, fiscal discipline, and high levels of financial disclosure. The framework allows New Zealand councils to support higher debt levels than some international peers can tolerate at similar ratings.

Western Bay's fiscal processes are credible and well established, with the council preparing long-term plans every three years, annual plans in the intervening years, and audited annual reports, in line with New Zealand requirements. The council's treasury policy, which is incorporated into its long-term plan, sets internal limits on borrowing, liquidity, and interest rate risk. Like all New Zealand councils, Western Bay is governed by an elected group of councilors, led by a mayor. The councilors delegate day-to-day management to a full-time chief executive. The council appointed a new chief financial officer last year, who commenced in October 2017.

The Western Bay of Plenty district has a population of about 49,300. GDP per capita averaged about US\$24,000 between fiscal years 2015 and 2017, according to data from New Zealand's Ministry for Business, Innovation and Employment. This figure is lower than New Zealand's national average of US\$41,300 during the same period. However, we believe that the ministry's data understate Western Bay's true economic strength, given that a large proportion of the district's population commutes to the nearby city of Tauranga. The largest local industry is agriculture, forestry and fishing, which accounts for about 20% of economic output. Some 85% of New Zealand's kiwifruit is grown in

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Western Bay and the surrounding Bay of Plenty region. The industry has recovered from an outbreak of the bacterial disease PsA-V in 2010, and popular new variants of PsA-tolerant kiwifruit have been introduced.

### **Improved delivery of capital works to drive modest deficits and higher debt, though debt burden will decline over the medium term**

We expect Western Bay's fiscal performance to weaken during the next few years. Like all New Zealand councils, Western Bay has recently published its triennial 10-year long-term plan, setting out the council's priorities for fiscal years 2019 to 2029. The long-term plan calls for higher infrastructure spending in its first two years, with capital expenditure of NZ\$39.3 million in fiscal 2019 (equal to 37.5% of total expenditure that year) and NZ\$43.6 million in fiscal 2020 (equal to 39.6% of total expenditure that year). Meanwhile, revenue from rates and council fees and charges should grow at a steady and moderate pace. As a result, we expect Western Bay's after-capital balance to tip into deficit during the next two years. We expect operating surpluses to remain very strong, averaging about 24.3% of adjusted operating revenues across the five years from fiscal 2017 to fiscal 2021.

Part of the basis for our weaker forecasts is that we expect the council's execution of its capital works program to improve. During the five years to fiscal 2017, Western Bay underspent its budget for capital works by about 31%, in cash terms, on average, each year. This underspending was due to a range of factors, including poor weather, unrealistic deadlines, and capacity constraints in the New Zealand construction industry. However, delivery improved dramatically in fiscal 2018.

Preliminary estimates indicate that the council delivered about NZ\$38.3 million of capital works, about NZ\$3.8 million more than it budgeted, partly by bringing forward spending that had been scheduled for later years. Consequently, the estimated outturn for fiscal 2018, with an after-capital surplus of 1.7%, is a little weaker than our previous forecast of 7.2%. Tighter management control should ensure that Western Bay successfully executes on its budgeted spending initiatives during the next few years.

Western Bay's fiscal flexibility is one of its key strengths. We calculate that about 85% of its revenues are modifiable, which means they can be raised or lowered at the council's discretion. The council's infrastructure strategy during the next few years will be largely business as usual, with a focus on achieving agreed levels of service, renewing assets, and investing in urban growth areas, predominantly in Omokoroa.

We forecast that the council's debt level, as a proportion of operating revenues, will rise to 163% in fiscal 2019 before falling to 154% in fiscal 2021. These debt levels are higher than those we forecast last year, when we expected the debt burden to decline to about 107% by fiscal 2020, and when our capital expenditure forecasts were about half of those announced in the latest long-term plan. Consequently, we expect that interest expenses will rise to an average of 9.1% of operating revenues during the three years from fiscal 2018

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to fiscal 2020, up from an average of 8.6% last year.

Nevertheless, we believe that Western Bay's debt trajectory during the medium term will be downward. The council has put in place most of its necessary core infrastructure during the past 10 years and has a strong focus on paying down debt. Like most of its domestic rated peers, the majority of Western Bay's borrowing is conducted through the New Zealand Local Government Funding Agency (LGFA). Interest-rate risk is mostly hedged, and the council does not borrow in foreign currency, in line with New Zealand legislation.

We expect Western Bay to hold about NZ\$31.1 million of cash and term deposits, on average, during the next 12 months, and retain access to an undrawn NZ\$30 million commercial bank facility. We also expect its debt-servicing needs to comprise NZ\$25 million of maturing debt and about NZ\$7.4 million in interest expenses. As such, we estimate that Western Bay's free cash, liquid financial assets, and available committed bank facilities cover about 189% of the next 12 months' debt service.

We consider Western Bay's access to external liquidity to be satisfactory. While New Zealand's capital markets are comparatively liquid, they lack depth, given their relatively small size. During the severe market dislocation of 2008 and 2009, some New Zealand councils had difficulty issuing unrated commercial paper.

We view Western Bay's contingent liabilities as being very low. Quantifiable contingent liabilities stood at about NZ\$830,000 as of June 30, 2017, according to the most recent published annual financial statements. Western Bay is a shareholder and guarantor of LGFA, along with 29 other local authorities and the New Zealand central government. We consider the likelihood of this guarantee being called to be remote. Western Bay is a partial owner of two council-controlled organizations, Bay of Plenty Local Authority Shared Services Ltd. and Western Bay of Plenty Tourism and Visitors Trust, both of which are very small relative to the council's balance sheet.

## Key Statistics

Table 1

Key Statistics						
--Year ended June 30--						
(mil. NZ\$)	2016	2017	2018 E	2019 BC	2020 BC	2021 BC
<b>Selected Indicators</b>						
Operating revenues	79	83	88	83	85	87
Operating expenditures	58	59	63	66	67	68
Operating balance	20	25	24	17	18	19
Operating balance (% of operating revenues)	25.6	29.6	27.9	20.7	21.7	22.0
Capital revenues	11	13	16	13	14	15



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Table 1

Key Statistics (cont.)						
(mil. NZ\$)	--Year ended June 30--					
	2016	2017	2018 E	2019 BC	2020 BC	2021 BC
Capital expenditures	16	26	38	39	44	34
Balance after capital accounts	15	11	2	-9	-11	0
Balance after capital accounts (% of total revenues)	16.3	11.7	1.7	-9.7	-10.8	0.3
Debt repaid	10	13	25	25	0	20
Gross borrowings	0	35	0	34	0	20
Balance after borrowings	5	33	-23	0	-11	0
Modifiable revenues (% of operating revenues)	88.6	82.5	85.6	85.2	86.1	87.3
Capital expenditures (% of total expenditures)	21.6	30.8	37.8	37.5	39.6	33.3
Tax-supported debt (outstanding at year-end)	129	151	126	135	135	135
Tax-supported debt (% of consolidated operating revenues)	164.1	180.3	143.4	163.2	158.5	153.9
Interest (% of operating revenues)	10.9	9.5	9.8	8.9	8.7	8.4
Local GDP per capita	33261	35365	N/A	N/A	N/A	N/A

BC--Base case. E--Estimate.

## Ratings Score Snapshot

Table 2

Ratings Score Snapshot	
Key Rating Factors	
Institutional framework	Extremely predictable and supportive
Economy	Average
Financial management	Strong
Budgetary flexibility	Very strong
Budgetary performance	Strong
Liquidity	Strong
Debt burden	Very high
Contingent liabilities	Very low

S&P Global Ratings bases its ratings on local and regional governments on the eight main rating factors listed in the table above. Section A of S&P Global Ratings' "Methodology For Rating Non-U.S. Local And Regional Governments," published on June 30, 2014, summarizes how the eight factors are combined to derive the foreign currency rating on the government.

## Key Sovereign Statistics

Sovereign Risk Indicators. An interactive version is available at <http://www.spratings.com/sri>.

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## Related Criteria

- General Criteria: Methodology For Linking Long-Term And Short-Term Ratings , April 7, 2017
- Criteria - Governments - International Public Finance: Methodology For Rating Non-U.S. Local And Regional Governments, June 30, 2014
- Criteria - Governments - International Public Finance: Methodology And Assumptions For Analyzing The Liquidity Of Non-U.S. Local And Regional Governments And Related Entities And For Rating Their Commercial Paper Programs, Oct. 15, 2009
- General Criteria: Use Of CreditWatch And Outlooks, Sept. 14, 2009

## Related Research

- Public Finance System Overview: New Zealand's Institutional Framework For Local And Regional Governments, Dec. 11, 2016

In accordance with our relevant policies and procedures, the Rating Committee was composed of analysts that are qualified to vote in the committee, with sufficient experience to convey the appropriate level of knowledge and understanding of the methodology applicable (see 'Related Criteria And Research'). At the onset of the committee, the chair confirmed that the information provided to the Rating Committee by the primary analyst had been distributed in a timely manner and was sufficient for Committee members to make an informed decision. After the primary analyst gave opening remarks and explained the recommendation, the Committee discussed key rating factors and critical issues in accordance with the relevant criteria. Qualitative and quantitative risk factors were considered and discussed, looking at track-record and forecasts. The committee's assessment of the key rating factors is reflected in the Ratings Score Snapshot above. The chair ensured every voting member was given the opportunity to articulate his/her opinion. The chair or designee reviewed the draft report to ensure consistency with the Committee decision. The views and the decision of the rating committee are summarized in the above rationale and outlook. The weighting of all rating factors is described in the methodology used in this rating action (see 'Related Criteria And Research').

## Ratings List

Ratings Affirmed

Western Bay of Plenty District Council  
Issuer Credit Rating

AA/Stable/A-1+

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Certain terms used in this report, particularly certain adjectives used to express our view on rating relevant factors, have specific meanings ascribed to them in our criteria, and should therefore be read in conjunction with such criteria. Please see Ratings Criteria at [www.standardandpoors.com](http://www.standardandpoors.com) for further information. Complete ratings information is available to subscribers of RatingsDirect at [www.capitaliq.com](http://www.capitaliq.com). All ratings affected by this rating action can be found on S&P Global Ratings' public website at [www.standardandpoors.com](http://www.standardandpoors.com). Use the Ratings search box located in the left column.

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