

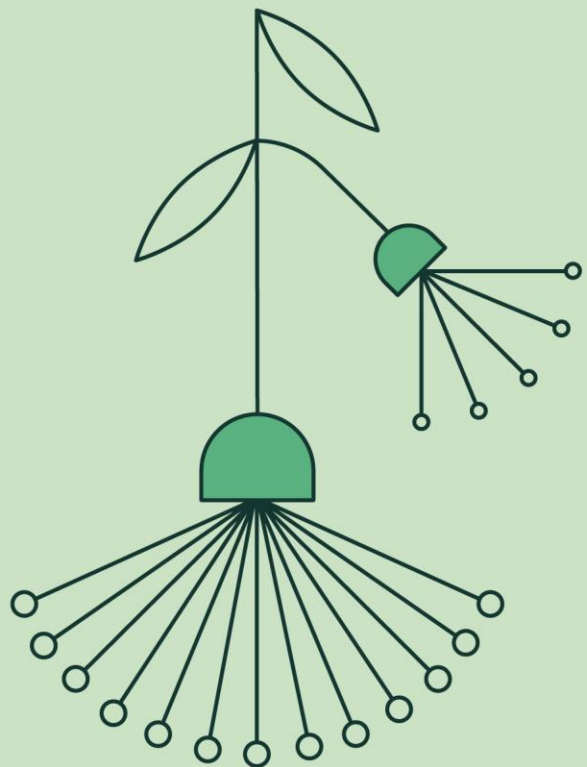
Mā tō tātou takiwā
For our District

Strategy and Policy Committee

Kōmiti Rautaki me Kaupapa Here

SPC23-1

Tuesday, 7 March 2023, 9.30am
Council Chambers, Barks Corner,
1484 Cameron Road, Tauranga



Strategy and Policy Committee

Membership:

Chairperson	Mayor James Denyer
Deputy Chairperson	Cr Richard Crawford
Members	Cr Tracey Coxhead Cr Grant Dally Cr Murray Grainger Cr Anne Henry Cr Rodney Joyce Cr Margaret Murray-Benge Deputy Mayor John Scrimgeour Cr Allan Sole Cr Don Thwaites Cr Andy Wichers
Quorum	Six (6)
Frequency	Six weekly

Role:

- To develop and review strategies, policies, plans and bylaws to advance the strategic direction of Council and its communities.
- To ensure an integrated approach to land development (including land for housing), land use and transportation to enable, support and shape sustainable, vibrant and safe communities.
- To ensure there is sufficient and appropriate housing supply and choice in existing and new urban areas to meet current and future needs.

Scope:

- Development and review of bylaws in accordance with legislation including determination of the nature and extent of community engagement approaches to be deployed.
- Development, review and approval of strategies and plans in accordance with legislation including

- determination of the nature and extent of community engagement approaches to be deployed.
- Subject to compliance with legislation and the Long Term Plan, to resolve all matters of strategic policy outside of the Long Term Plan process which does not require, under the Local Government Act 2002, a resolution of Council.
- Development of District Plan changes up to the point of public notification under the Resource Management Act 1991.
- Endorsement of the Future Development Strategy and sub-regional or regional spatial plans.
- Consider and approve changes to service delivery arrangements arising from service delivery reviews required under the Local Government Act 2002 (provided that where a service delivery proposal requires an amendment to the Long Term Plan, it shall thereafter be progressed by the Annual Plan and Long Term Plan Committee).
- Where un-budgeted financial implications arise from the development or review of policies, bylaws or plans, recommend to Council any changes or variations necessary to give effect to such policies, bylaws or plans.
- Listen to and receive the presentation of views by people and engage in spoken interaction in relation to any matters Council undertakes to consult on whether under the Local Government Act 2002 or any other Act.
- Oversee the development of strategies relating to sub-regional parks and sub-regional community facilities for the enhancement of community wellbeing of the Western Bay of Plenty District communities, for recommendation to Tauranga City Council and Western Bay of Plenty District Council.
- Consider and decide applications to the Community Matching Fund (including accumulated Ecological Financial Contributions).
- Consider and decide applications to the Facilities in the Community Grant Fund.
- Approve Council submissions to central government, councils and other organisations, including submissions on proposed legislation, plan changes or policy statements.
- Receive and make decisions and recommendations to Council and its Committees, as appropriate, on reports, recommendations and minutes of the following:
 - SmartGrowth Leadership Group
 - Regional Transport Committee
 - Any other Joint Committee, Forum or Working Group, as directed by Council.
- Receive and make decisions on, as appropriate, any matters of a policy or planning nature from the following:
 - Waihi Beach, Katikati, Ōmokoroa, Te Puke and Maketu Community Boards.
 - Community Committee.

Power to Act:

- To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

Power to Recommend:

- To Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

- The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body subject to the restrictions within its delegations and provided that any such sub-delegation includes a statement of purpose and specification of task.
- Should there be insufficient time for Strategy and Policy Committee to consider approval for a final submission to an external body, the Chair has delegated authority to sign the submission on behalf of Council, provided that the final submission is reported to the next scheduled meeting of the Strategy and Policy Committee.

Notice is hereby given that a Strategy and Policy Committee Meeting
will be held in the Council Chambers, Barks Corner,
1484 Cameron Road, Tauranga on:
Tuesday, 7 March 2023 at 9.30am

Order Of Business

1	Present	6
2	In Attendance.....	6
3	Apologies	6
4	Consideration of Late Items.....	6
5	Declarations of Interest	6
6	Public Excluded Items	6
7	Public Forum.....	6
8	Presentations	6
9	Reports	7
9.1	Arawa Road Recreation Opportunities.....	7
9.2	Dog Exercise Park Proposed Locations - Ōmokoroa and Katikati.....	44
9.3	Community-Led Resource Recovery.....	57
9.4	SmartGrowth Quarterly Report - February 2023	125
9.5	Submission to the Interim State Highway Speed Management Plan.....	129
9.6	Submission to the Targeted Review of the Building (Accreditation of Building Consent Authorities) Regulations 2006.....	135
9.7	Submission to the Local Government Official Information and Meetings Amendment Bill	141
9.8	Submission to the future for local government review	146
9.9	Submission to the Sale and Supply of Alcohol (Community Participation) Amendment Bill	175
9.10	Natural and Built Environment Bill and Spatial Planning Bill Submission	179
10	Information for Receipt	205

1 PRESENT**2 IN ATTENDANCE****3 APOLOGIES****4 CONSIDERATION OF LATE ITEMS****5 DECLARATIONS OF INTEREST**

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

6 PUBLIC EXCLUDED ITEMS**7 PUBLIC FORUM**

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to five minutes on items that fall within the delegations of the Board 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 Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson 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.

8 PRESENTATIONS

9 REPORTS

9.1 ARAWA ROAD RECREATION OPPORTUNITIES

File Number: A5091955

Author: Cheryl Steiner, Senior Policy Analyst – Consultant

Authoriser: Rachael Davie, General Manager Strategy and Community

EXECUTIVE SUMMARY

1. Council engaged with the Arawa Road/Penelope Place community in 2022 to discuss their aspirations for recreation opportunities. This was in response to feedback received through the Te Puke – Maketu Reserve Management Plan review.
2. Recreation opportunities were identified, and a draft concept plan consulted on in September/October 2022. This report presents the community feedback, with most supporting the concept plan and its implementation.
3. Recommended actions include adoption of a final concept plan, enhancing the use of the road reserve for recreation purposes, developing play features, resolving property boundary issues, removal of grazing on the road reserve and including a project to develop future cycleway connections in the 2024-2034 Long Term Plan.

RECOMMENDATION

1. That the Senior Policy Analyst's report dated 7 March 2023 titled 'Arawa Road Recreation Opportunities' 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 the Strategy and Policy Committee receives feedback from the consultation period held from 22 September 2022 to 21 October 2022 and set out in **Attachment 1**.
4. That the Strategy and Policy Committee endorses the response to community feedback outlined in **Attachment 2**, and adopts the following actions:
 - a. In the short term (next 1-2 years), enhance the use of the road reserve for recreation purposes including:
 - i. Development of play features.
 - ii. Maintain the existing pumice track for walking and cycling, including periodic mowing and removal of grazing.
 - iii. Working with the adjacent property owner to rectify boundary issues where appropriate.

- b. In the long term (next 3 years plus), undertake a project to further enhance the road reserve as a recreation and ecological corridor with wider linkages, and a potential pump track, and include for consideration in the 2024-2034 Long Term Plan.
5. That the Strategy and Policy Committee **[adopts/does not adopt]** the final Arawa Road Recreation Opportunities Concept Plan, in **Attachment 3**.

BACKGROUND

4. Through the Te Puke-Maketu Reserve Management Plan pre-engagement period in August/September 2021, Council received feedback from a resident of Arawa Road, Pongakawa. The resident requested that Council consider providing a reserve in this community which had grown to around 76 households.
5. This feedback was presented at a Policy Committee workshop in December 2021 where elected members directed staff to review this matter further.
6. Following this direction, in February 2022 Council sent a letter to all residents of Arawa Road/Penelope Place inviting them to complete a short survey. The purpose of this survey was to enable Council to better understand the community's aspirations around recreation and open space in their neighbourhood.
7. 18 survey responses were received with overwhelming support for an increase in recreation and open space provision in their neighbourhood. This included improvements to walkway connections around the area and to Pukehina Beach, the provision of play equipment, picnic tables, bike tracks, seating and shade.
8. After considering this feedback, a feasibility study was undertaken to get a better understanding of where improvements could be made to increase the recreation and open space provision in the area, and the cost of this.
9. Recommendations were incorporated in a draft concept plan adopted for consultation by the Policy Committee on 23 August 2022. This proposed:
 - Development of a 5000m² 'rural inspired' neighbourhood reserve utilising the unformed road reserve at the end of Arawa Road.
 - Re-purposing the road reserve into a linear park through a mix of mown and grazed areas, historical/cultural information, signage, planting etc.
 - Extension of the walking and cycling trail to provide a safe off-road network accessible to this community including connections to Wharere Road, Kaikokopu Road and Waerenga Road.
10. Consultation was undertaken in September/October 2022.
11. A summary of the community feedback and Council responses (shown in red) is provided in **Attachment 2**.

KEY CONSIDERATIONS

Private Plan Change

12. Council received a request for a private plan change on 15 December 2022. The Private Plan Change is to rezone a 12.4ha portion of rural zoned land on Arawa Road to residential.
13. The private plan change will progress through a statutory process with timeframes set out under the RMA. It is anticipated that this plan change would not be subject to a decision before the end of 2023. Subdivision and land use development consistent with the plan change generally follows after it has been made operative.
14. The reserve land proposed will need to be assessed through the plan change process to determine whether it meets Council's Level of Service.

Stock grazing

15. A neighbouring property owner uses the unformed road to graze and move stock and has an agreement with Council to do this. Concerns have been raised by residents about the impact this has on the ability for residents to use the space for recreation.

Use of road reserve for recreation

16. Use of the unformed part of Arawa Road for recreation is enabled under the Local Government Act 2002. Council can provide facilities for the safety, health or convenience of the public provided that vehicular traffic is not unduly impeded.
17. The public has a perpetual right to pass and repass on foot, on a horse, or in vehicles – without being obstructed or hindered. However, users must consider others, including adjoining landholders and their property. The general rules of the road apply, and the powers to manage the roads are vested in the territorial authority.
18. If the recommendations in this report are approved, staff will investigate changing the status of the road to Local Purpose Reserve to better reflect use in the future.

Stormwater reserve

19. The drainage reserve located at Penelope Place is for the primary purpose of stormwater management. Residents were advised that due to this function, it is not suitable for any recreation and open space features therefore will not be considered as part of this exercise.

Walkway/cycleway connections to Pukehina Beach

20. The scope of feasibility work also considered how Council could improve connectivity between Arawa Road/Penelope Place and Pukehina Beach and the associated cost of this. Previous work had looked at extension of the walkway/cycleway network to achieve this connection however land ownership constraints resulted in it not being progressed.

21. It is recommended that this Arawa Road project does not consider the wider connection to Pukehina Beach at this time due to the requirement to access private land and the need for these links to be considered against walking and cycling priorities across the whole network. However, information contained within the feasibility study and the community feedback will inform a project to establish walking and cycling connections in this area in the future.

SIGNIFICANCE AND ENGAGEMENT

22. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision 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.
23. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
24. In terms of the Significance and Engagement Policy this decision is considered to be of **medium** significance because of the anticipated level of community interest within a defined local community area, the proposed development costs, and recognising the Māori cultural values and their relationship to land and water.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

25. Feedback on the Draft Concept Plan was from 22 September to 21 October 2022. Letters were sent to Arawa Road/Penelope Place residents inviting them to have their say. A Have Your Say event was held on 9 October 2022 on Arawa Road. All information was included on Council's website and promoted through Council's communication channels.
26. 38 pieces of feedback were received as follows:
 - 15 responses through the online survey
 - 4 feedback forms and emails
 - 19 comments from the Have Your Say event on 9 October 2022
27. A full copy of feedback is included in **Attachment 1**.
28. Emails were sent to Ngāti Pikiao, Ngāti Whakahemo and Ngāti Whakaue advising of this work and inviting feedback on the proposal.
29. Ngāti Whakaue advised that in this instance, the project is more in Ngāti Whakahemo territory and they will defer to their mana. Ngāti Whakaue will however, maintain an interest in the project, if it impacts on the Kaikokopu River.

Ngāti Pikiao advised that they did not have any issues with what is proposed in the draft concept plan and that they would defer to Ngāti Māhino in future decisions on the project. No other feedback was received. Mana whenua engagement will need to be a key part of the future walking and cycling project.

ISSUES AND OPTIONS ASSESSMENT

Option A Adopt final concept plan in Attachment 3 and implementation actions outlined in Attachment 2 in response to community feedback.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Gives effect to the key themes of engagement feedback. • Provides certainty and transparency regarding Council's approach to provision of recreation opportunities. • Supports community aspirations and a sense of ownership of recreation opportunities. <p>Disadvantages:</p> <ul style="list-style-type: none"> • Some may consider the concept plan does not respond to their feedback provided and therefore should not be adopted. Note a wide range of views need to be considered along with best practice for reserve development. • Potential for future recreation opportunities to be provide through Private Plan Change process although timing and outcomes currently unknown.
Costs	<p>\$55k is included in the draft 2023/2024 Annual Plan for neighbourhood reserve features. Estimated mowing costs are up to \$5k per year depending on frequency.</p>

	Future recreation upgrade project and wider linkages to be costed and considered in the 2024-34 LTP.
Option B Do not adopt final concept plan in Attachment 3 and implementation actions outlined in Attachment 2 in response to community feedback.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	Advantages: <ul style="list-style-type: none"> • No cost to Council. • Potential for recreation provision in proposed Plan Change although outcome and timing are unknown. Disadvantages: <ul style="list-style-type: none"> • Does not give effect to community aspirations reflected over the last year and the key themes of engagement feedback. • Ability to do some relatively minor improvements in the short term to address some of the issues raised.

STATUTORY COMPLIANCE

30. The concept plan is consistent with the goals and approach outlined in the Recreation and Open Space Strategy.
31. Reserves planning is the responsibility of the Policy Committee, which has delegated authority to hear submissions to a draft reserve management plan/concept plan and adopt or not adopt accordingly.
32. Implementation funding is to be considered through the Annual Plan process 2023/24 and the 2024-2034 LTP.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
2023/2024 Annual Plan	\$55,000 is included in the draft 2023/2024 Annual Plan for neighbourhood reserve features. Estimated mowing costs are up to \$5,000k per year depending on frequency.

2024-2034 Long Term Plan	Future recreation upgrade project and wider linkages to be costed and considered in the 2024-34 LTP.
--------------------------	--

ATTACHMENTS

1. **Attachment 1 – Community Feedback – Arawa Road Concept Plan**  
2. **Attachment 2 – Arawa Road – Submission Responses 7 March 2023 Policy Committee**  
3. **Attachment 3 – Arawa Road Recreation Opportunities Concept Plan**  

Online Have Your Say - Survey Responses				
Name	Do you support development of new recreational opportunities for the Arawa Road/Penelope Place community?	Why/why not?	What improvements/changes would you want to make to the draft concept plan?	Is there anything else you'd like to add regarding development of recreation and open space opportunities in the Arawa Road community?
Jodi Allan	Yes	Because we have children that would definitely use all amenities	No it all sounds good	No any improvement would be awesome
Gaye & Allan	Yes	I have grandchild who use itnow and in future plus I wld certainly use too	Love it as is	No, haha grand child wants a pool
William Cleland	Yes	Pongakawa is a growing community with a large percentage of families with young children, outside of their homes they currently only have the road to hang out at play on. The main road around here is no place for cyclists, I really like the idea of a future cycleway connection.	Security camera to discourage theft and vandalism.	
Joe Phillips	No	If it started further from 56, on other side of gate it would be better for us	Community garden and playground set further from existing housing	
Victoria Phillips	Yes	I think the road/community could really benefit from the right recreational setup.	I believe a cul-de-sac at the end of the road (where the proposed garden spot is suggested) would be a better use of that area. The rubbish trucks could use it instead of mucking up everyone's driveways/lawns plus it could also be a good spot for for cars to park around if they drive to the area to use the rest of the suggested features. I think then if you moved the rest of the suggested plan to start from the gate at the end of the road onwards there would still be plenty of room to fit everything in.	I think it's great that council are looking to improve the recreational space on the road and really hope they take on board the cul-de-sac suggestion as the road gets so dirty from rubbish trucks reversing and turning around over lawns in the middle of winter I think it would really benefit the whole road if there was a decent space for turning at the end of the road. Thank you for your careful consideration and we look forward to seeing the end result.
Jessica Norton	Yes	This is excellent for the community		
Shelby Maples	Yes	I have a toddler and this just sounds awesome!! Will definitely we well used by the residents. I'm especially excited about the cycle way to pukehina beach		
Jurgen Delaere	Yes	This specific area although there are about 80 residents in the direct vicinity no noticeable rate funds have been spent on us in the past 20 years while I have resided here. Areas around us have had significate funds spent on them, Pukehina, Maketu and Paengaroa. Arawa road is barley maintained and funds that have been spent like the water scheme was mainly paid by the original 54 residence in the street. Our rates notably go up to maintain projects in other areas.	I would drop the community garden and BBQ out the plan as most people have enough land here to maintain their own gardens and already do so. A public BBQ I only see as a burden as I don't believe many if any would use this on a regular basis. I don't see this being a good spend of funds as I feel this won't be used by the majority and upkeep will be an issue. The purposed 2nd stage cycle and walk bridges at the end of the road would be more useful and a better spend of funds at this stage. It might cost significantly more but now is the cheapest time to construct anything is now, as in 5 years these cost would have risen by 20%-80% at the current trend of inflation.	Having safe access to Pukehina beach for pedestrians and cycles from the rear of Arawa road would be very popular recreation event over time if it could be done safely. Currently SH2 is the only option out of Arawa Road, no sufficient off road space and speeds makes it a dangerous and not a safe options to cycle/walk in any direction for any age. Having access to Wharere road from the rear of Arawa's would open alternative options to cycle/walkways and a link to Pukehina beach for the near future a welcomed bonus. This would also be a bonus for Pukehina residence that could cycle up this track.
Susan Marsden	No	We chose to live rurally and would do not expect these facilities. Increased facilities = increased rates. Who will be responsible for noise control, increased littering and people to the area? Community garden works well for inner-city areas with a high population density and low to minimal green space. All properties here are on a minimum of 800 meter square plot, therefore it is up to the household to decide if they want a garden or not. The maintenance, labour and ongoing costs need considering. The pump track is highly ambitious and would be a waste of council's money. There are three in BOP, all in areas with higher population.	* Fire hydrant needed for the street, the nearest is Maniatutu Road. * Turning facilities for cars and utes with trailers, truck - council has increased to four refuse trucks each week. Some can turn successfully, but they all have to use peoples' driveways and berms which homeowners have to be maintain. * No, community garden or pump track.	* Removing cattle grazing would be a huge benefit to the health and hygiene of the recreational area. * Fenced area for safe dog walking. * Cleaning the irrigation ditches - water purity will always be questionable with agricultural and orchard runoff. * Put a height limit to shelter belts in residential / recreational areas. * Consideration about access to the walking track for people, prams, wheelchairs, bicycles and not motorbikes is required. * Are these plans separate to the upgrading of the road, culverts (road drainage) and footpath? * Remove and improve the bus shelter * Reduce the highway speed limit through the area - kids cross every morning, cars overtake in the turning lane and make it safer when slowing down to turn onto Arawa Road.
Jules Clayton	No	For the following reasons: The pump track. One of the biggest nuisances at the paper road/ walking track end of Arawa Road has been children and adults with motorbikes using it as a moto x track with little regard for other users. I feel a pump track would only attract them to it and cause further nuisance and conflict with those who live at this end of the road or use the walking track. The play area. While I'm not absolutely opposed to this I do have concerns over how this will be managed to ensure it isn't abused and will be adequately maintained. Also, given we are amongst those living closest to this area I do wonder what the noise impact and that of the possible increase in traffic to this area will have on us. The community garden. As this is a rural community we all have properties large enough to sustain our own gardens or veggie patches. So I'm not sure what kind of uptake the community garden would have. It would be a shame to have it funded only for it to become abandoned. The cycle track. Connecting Arawa with Wharere Road seems like it will be a fair amount of expense and effort for little gain as Wharere Rd is approximately 1km from Arawa along the highway so easily accessed. General. If this area is developed there is the likelihood of increased vehicular traffic once its existence becomes known. This raises the question of increased traffic, parking and turning. As a note, in addition to any other heavy vehicles we currently have three large refuse trucks service the road. These turn either on the berm or in our or our neighbours driveway. Non of which are designed for their weight or size. Which does cause ground damage. Also, the water supply runs under our berm and at least three times I know of the manhole over this has been rebuilt due to it collapsing. While vehicles turning on the berm are not totally responsible, they have certainly helped it. So I feel a properly constructed parking and turning area is needed regardless of whether this development proceeds or not. There is a plan for the local farm to be subdivided for housing. So it may be best to see what 5is plan contains before proceeding with this one.	Don't proceed with it. Leave things as they are until it becomes clear what the planned residential development of the local farmland looks like. At which point this community will change and this plan can then be revisited to see if it meets the needs of that community.	No
Cyndi O'Reily	No	We are a very safe community down the end of arawa rd and that is largely because there is only one way in and one way out which is a definite deterrent for want to be thieves, so I am strongly opposed to the idea of opening up the end of Arawa Rd to a cycle/walkway that connects with Pukehina. The community garden will be a waste of time as we all have veggie gardens, who will use and maintain this? Not to mention this is right next to a kiwifruit orchard that sprays regularly, who is going to want to eat anything from there after that or who is liable is someone gets poisoned from it?!! Regarding the pump track and playground - those of us who live near this proposed area have already had issues with unsupervised children and sometimes run ins with their parents when theyve been informed down here in the past without adding these proposed additions. This will also likely see the return of menacing motorbikes screaming up and down the track and Arawa Rd which has only recently been resolved. Lastly with these proposed amenities, somebody also needs to pay for these along with the ongoing maintenance, so I can only imagine how this will see our rates increase which I'm sure everybody in the community will not be quite so happy with!	I would like to see this idea totally scrapped as for many of us who have lived here for many years have been and are more than happy with how it is now.	This is the country, if people want town amenities then perhaps they should consider buying in town.

Online Have Your Say - Survey Responses				
Name	Do you support development of new recreational opportunities for the Arawa Road/Penelope Place community?	Why/why not?	What improvements/changes would you want to make to the draft concept plan?	Is there anything else you'd like to add regarding development of recreation and open space opportunities in the Arawa Road community?
Katie Abraham	Yes	Because it is the only walking track currently in our area, and is in need of a revamp so we can exercise daily in a space that is user friendly and inviting for our community. This would create a fun place for our children to play and adults to run on a path that is even, free of cow poo and so we can boost endorphins without having to drive to a walkway/exercise track not in our neighbourhood, we are really lacking something like this here!!! Water quality improvement would be great too as the creeks can get very smelly ! There needs to be a mini wetland or plants to create a better ecosystem in these for sure!	Do not think the community vegetable garden is required as we all have our own gardens, and I think this would become a disadvantage as who would be responsible for the upkeep of this? The playground, pump track,picnic tables are a great idea likewise creating a longer walkway by having bridges over the creeks. That would be great! These would need to have gates or something though to contain the animals.	There needs to be an agreement between the council and the local farmer so that this project can get underway! The new subdivision has been here for over three years now, just would be nice to see some changes. We understand that the cows are required for grazing grass, but could the pumice track be maintained and potentially not grazed so that it is free of cow poo when we run this track with our dogs and children, this ends up not being useable after the cattle have been in there, which is not ideal for our health and wellbeing.
Lauren Schick	Yes	The community here needs space to access and recreate in the outdoors.	The walkway is a great idea but it should go from the end of Arawa road, over the drain there and go back south along the ULR or paper road along the banks of the Wharere canal and go all the way to the state highway. A bridge up at the end of Arawa road over the canal should also be put in as proposed. This would provide more of a loop and linkage and a nice small local loop possibly.	The ULR here is public land, set aside with the primary purpose of providing public access. Presently this public land is not fully available to the public. Using the ULR to create public recreation opportunities and destinations will be a great benefit to the local and wider community with linkages that will attract people from adjacent communities also.
Elizabeth Oliver	Yes	I think it will greatly benefit our residents and improve our connectedness as a community	Love the concept plan!	
Robin Simmons	Yes	What about paths down Arawa Rd. Even better Still get the road up to standard.	BBQ area	What about paths down Arawa Rd. Even better Still get the road up to standard. And there would need to be ample parking to cater for the park

Feedback form... Puka whakahokikōrero...



Recreation and open space at Arawa Road, Pongakawa



Thanks for taking the time to tell us your thoughts on the draft concept plan for a new recreation space on Arawa Road. Check out the draft concept plan (attached) and complete the survey below, then either:

- Drop it off at the have your say kōrero on Sunday 9 October
- Post your completed survey to Western Bay of Plenty District Council, Private Bag 12803, Tauranga Mail Centre, Tauranga 3143
- Email your feedback to haveyoursay@westernbay.govt.nz
- Deliver your completed survey to one of our libraries/services centres.

Alternatively you can tell us your thoughts online at haveyoursay.westernbay.govt.nz/arawaroad

Feedback closes at midday, Friday, 21 October.

Name: GARRY SITAU

Address: [REDACTED]

Email: [REDACTED]

1. Do you support development of new recreational opportunities for the Arawa Road / Penelope Place community?

☒ Yes

☐ No

Why?

looks promising but have reservations to ~~not~~ have a community garden as all the sections are large so people can grow their own at home.

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision making process. The information will be held at Western Bay of Plenty District Council, Head Office, 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.

Page 1

2. What improvements/change(s) would you want to make to the draft concept plan?

NIL

3. Do you have any further comments on recreation and open space opportunities in Arawa Road?

Very Keen to have Bridges at end on Arawa Rd.
to connect cycleway to Wharere Rd and onto Pukekura
beach.

Feedback form...
 Puka whakahokikōrero...

RECEIVED
 20 OCT 2022
 WESTERN BAY OF PLENTY
 DISTRICT COUNCIL



**Western
Bay of Plenty**
District Council

Recreation and open space at Arawa Road, Pongakawa



Thanks for taking the time to tell us your thoughts on the draft concept plan for a new recreation space on Arawa Road. Check out the draft concept plan (attached) and complete the survey below, then either:

- Drop it off at the have your say kōrero on Sunday 9 October
- Post your completed survey to Western Bay of Plenty District Council, Private Bag 12803, Tauranga Mail Centre, Tauranga 3143
- Email your feedback to haveyoursay@westernbay.govt.nz
- Deliver your completed survey to one of our libraries/services centres.

Alternatively you can tell us your thoughts online at haveyoursay.westernbay.govt.nz/arawaroad

Feedback closes at midday, Friday, 21 October.

Name: Sue Garner

Address: [REDACTED]

Email: [REDACTED]

1. Do you support development of new recreational opportunities for the Arawa Road / Penelope Place community?

☐ Yes

☒ No

Why? won't be able to run your dogs the way they are used to
Rates will go up. As it is we pay for things that
has nothing to do with us & are expensive.

Have playground in one of the paddocks.

I'm happy with the way the track is now. I've been
here for 19 years.

Just because there's Penelope rd, & possible more housing
coming on [REDACTED] land doesn't mean the paper
Road track has to change.
Have every thing in a couple of paddocks.

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision making process. The information will be held at Western Bay of Plenty District Council, Head Office, 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.

Page 1

2. What improvements/change(s) would you want to make to the draft concept plan?

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be from a notebook or a standard sheet of stationery. There is no handwriting or other markings on the page.

3. Do you have any further comments on recreation and open space opportunities in Arawa Road?

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Privacy Act 2020: This form and the details of your submission will be publicly available as part of the decision making process. The information will be held at Western Bay of Plenty District Council, Head Office, 1484 Cameron Road, Tauranga. Submitters have the right to access and correct their personal information.

Page 2

From: [Peter Watson](#)
To: [Richard](#)
Cc: [Cheryl Steiner](#)
Subject: Re: Arawa Road - community garden, pump track, proposed playground, cycleway
Date: 24 October 2022 17:52:25
Attachments: [image001.jpg](#)

Hi Richard ,

Thank you for your email.

I have copied in Cheryl Steiner as she is managing the Arawa Road playground concept plan submission process.

Are you able to provide me with a proposed scene plan for the private plan change?

I am interested in the proposed location of the reserve and playground.

Cheryl,

Please note the reference to Richard's email being treated as a submission if we haven't received one from the Marsh's.

Regards

Get [Outlook for iOS](#)

From: Richard Coles [REDACTED]
Sent: Friday, October 21, 2022 5:55 PM
To: Peter Watson <Peter.Watson@westernbay.govt.nz>
Subject: Arawa Road - community garden, pump track, proposed playground, cycleway

Hi Peter,

I act for Kevin and Andrea Marsh who have the farm on Arawa Road.

MPAD has been working on a plan change to create some additional residential land and establish a small commercial site to create a shop and medical hub. Also proposed is a reserve and a playground.

I think there is merit considering the two projects together if the delivery of the projects has flexibility in the timeframe. This would enable Council to consider the reserve options available to the Pongakawa community.

This may duplicate a submission from the Marsh's, so if it does, please disregard this.

However, if they haven't lodged a submission, please accept this email as a submission on their behalf, albeit a few hours after the midday submission close. Andrea has been involved in an accident and may have been unable to submit on time.

If you could direct this to the relevant Council person dealing with this project that would be greatly appreciated.

Kind regards

Richard Coles

Director/Planner [REDACTED]

[REDACTED] [REDACTED]



Hi Cheryl ,

The concept plan to create some recreational amenities for the Arawa Road community is great .

The plan for a small playground and pump track which I would love to see is a bit problematic with the proximity of the neighbouring orchard . These areas would be classified sensitive and the orchard would have to have a no spray buffer zone in place . As I am a retired orchard manager I know that creating such a no spray area virtually takes that area out of production which is a big ask for the orchard owner . The orchard is owned by Allan Birley so approval would have to be sought from him . I am not sure if a pump track would be a sensitive area . You will probably know the answer to that .

There is still plenty of room though to create an open space and maybe plant some fruit trees for the community by moving the farm fences to their true boundary . If there were to be such an open space provided and plantings then I suggest any seating provided be further past the current gateway so as not to encourage late night gatherings .

There is great potential to extend and enhance the current modest walkway by at least 500 metres north along the stopbank of the Wharere stream to where the Puanene stream flows into the Wharere . The stopbank of the Wharere stream at the end of the walkway is paper road owned by WBOPDC . Up to March 2014 we had access to this area by way of a culvert over the drain at the end of the walkway and I walked with my dog down there regularly. The culvert was removed by the farmer [REDACTED] with no consultation and our access was lost . We appealed to Council to reinstate the culvert . It did not happen . In 2014 a then local resident lodged a complaint with the Ombudsman's office over the whole messy saga . The Ombudsman did not investigate but did file a report. In that report WBOPDC submitted that Council would assist residents to get a crossing of the drainage ditches at the end of the paper road .

In recent years I have had discussions with Gary Allis regarding installing such a culvert to allow this access . I have even offered to pay a local contractor to install the culvert at no cost to Council . Gary has showed some interest and assured me he has asked staff to investigate the proposal . "A work in progress " were his words .

The creating of the pumice walkway by Council has been a great improvement for this community and I see the potential to enhance it even further by reinstating the access to the Council owned land along the stopbank .

The farmer who grazes the Council owned stopbank north to the Puanene stream is [REDACTED] and I am sure that an arrangement can be reached to allow walking access such as there currently is with the existing walkway .

The existing walkway could be enhanced by stopping grazing by cattle and changing the walkway from a straight path to a meandering path that flows from one side of the paper road to the other with areas of suitable native plantings along the way to attract some birdlife and create some character .Wouldn't that be nice .

The mechanical clearing of the drains along the walkway is done very infrequently (the last time in 2013) and I see no reason why the drains could not be cleared in future from the farmland (as the farmers currently do with their own internal drains) to ensure the walkway is not negatively impacted by future drain clearing (this happened in 2013 when the drains were last cleared) .The drains are managed by the Waihi Drainage Society and an arrangement with them to protect the walkway in any future drain clearing operations is I think important .

Finally there is potential for a cycleway link from Arawa Road to the planned Pukehina cycleway . With the revolution of E bike technology cycling can now be enjoyed by people of all ability and age and many more are taking up these opportunities . My initial thoughts were that the cycle way link would be along the stopbank of the Wharere to Tainui Road and then onto Wharere Road . However a crossing of the Wharere Stream to Wharere Road at the end of the walkway would also achieve this .

Wouldn't it be great for local residents to be able to cycle away from busy roads to Pukehina or even Maketu .

I certainly don't expect such a cycleway link to attract troublesome numbers of cyclists from outside this area .

Thankyou for this opportunity to "Have your say" and fingers and toes crossed hoping we might see something come of this in the future .

Regards ,
Mike Maassen .

Arawa Road – Open Day Feedback**Sunday 9 October 2022 (10am – 1pm)**

Have Your Say – Arawa Road Recreation Opportunities Sunday 9 October 2022, 10am-1pm		
#	Name	Email
1	Tracey Vuglar	
2	AJ Law	
3	Mike Maassen	
4	Antonio Te Tomo	
5	Isabella Lawrence	N/A
6	Troy O'Reilly	
7	Matt Mortensen	
8	Victoria Phillips	
9	Joe Phillips	
10	Richard Gillespie	
11	Wendy Gillespie	
12	Su Marsden	
13	Rachel Baker-Smith	
14	Andrea Marsh	
15	Jo & Jurgen Delaere	
16	Gina & Dave Brooker	
17	Rich Burns & Kirsten Jefferson	
18	Roleyne Cooper	
19	Scott Spain	

Do you support development of new recreational opportunities for Arawa Road?	
#	Yes/No
1	Yes
2	Yes
3	Yes
4	Yes
5	Yes
8	Yes
9	Yes
13	Yes
14	No
15	Yes
16	Yes
17	Yes
18	No
19	No

19 responses – 3 No and 16 Yes

What do you like/not like about the concepts?	
#	Feedback
3 & 1	I like all of it. I just think a lot of people may have their own vegetable gardens
1	Playground looks good
4	I think it is a good idea
2	All awesome ideas
7	Pump track/kids' bike or scooter track best idea. Better than playground
3 & 7, 15	Community garden not needed because people have big gardens Native planting better
8	I like the whole plan just would like to see it start further down (from the gate onwards)
3	Just small playground and big pump track
3	Don't put in any rubbish bin. No bins
3	Cycle connections please, support the bridges
13	Kept natural/nature in appearance
13 & 15	Protect the memorial tree (flowering cherry at the end)
13, 14 & 15	Don't like outside people coming here/ keep it for the local people
13	More safe for kids to play
14	Further development will increase traffic along a restricted area impacting on close neighbours
14	Drains on both sides impacting on safety
14	Public road as a paper road-all must have access including owners along paper road
14, 18 & 19	Any increase in traffic & people would make security at risk – that's traffic not known to our community
16	Great ideas – really like pump track idea, make it as big as possible! Also like the bridges at the end of the road – if it can connect to Pukehina beach that would be awesome. NO COWS! Have a tunnel under the track so all cows stay away.
18 & 19	<ul style="list-style-type: none"> • Need for security e.g., camera and • wider roads and footpaths for wider area. • Keep it for locals like how it is now. Rural feel. • Pongakawa school provides recreation facilities • Seating area down there is great – native wooden log benches • Like current outlook/vista • No pump track, no playground • Native planting and tidy drains • Bridge to Wharere road, not needed • Road unsafe for walking (dust)

What improvements could be made?	
1, 15, 16 & 17	Very keen to have a longer walking/cycle way in the <u>near</u> future
1 & 3	Use full width of road reserve (4m into paddock) before gate
1, 4, 7 & 16	Surface of path suitable for prams
1 & 2, 16	Widen walking track
1 & 7	Cleaning of playground after Hi-cane spraying next door
7 & 16	Rubbish bins
7	Restrict motorbike access
1 & 7	Tidy fence lines. Native planting. Keep simple

7	Avoid issues from people outside of area
1, 4 & 17	Fence off drains to protect children
8 & 9	Keep it from the gate onwards. Not on housing side
8	Perhaps like to see a place for cars to park so they aren't using our lawn area
3, 15 & 17	Reinstating the access across the waterway (There was once a culvert)
3	Could install culvert at the end of the walkway to reinstate access over the waterway – has offered/community project – pipe/flat pack/bridge (Gary Albi's aware)
3	On the western boundary. Move fence to true boundary i.e., not at the full 25m width. Put fruit trees in that open space.... Use the full width/re-fence
13	Safety work on Arawa Road – foot path, speed bumps – speed is an issue. Speeding utes pose an issue
14	Think about supporting reserve proposal for planned subdivision almost ready for application for plan change within Arawa Road
14	The suggested access for extension to walking track is over privately owned land
16	Footpaths, to make it safer for kids. Improve roads, bike tracks, motorbike access

Arawa Road Recreation Opportunities Community Engagement Outcomes and Responses

Feedback on the Draft Concept Plan was from 27 September to 21 October 2022. Letters were sent to Arawa Road/Penelope Place residents inviting them to have their say. A Have Your Say event was held on 9 October 2022 at the end of Arawa Road. All information was included on Council's website and promoted through Council's communication channels.

38 pieces of feedback were received as follows:

- 15 responses through the online survey
- 4 feedback forms and emails
- 19 comments from the Have Your Say event on 9 October 2022

A summary of responses is provided below. Council recommendations are in red.

Q1. Do you support development of new recreational opportunities for the Arawa Road/Penelope Place community?			
Responses		Themes	Council response and recommendations
Yes	13 + 16 at HYS day	<ul style="list-style-type: none"> • Demand for recreation facilities as nothing provided at present • Great ideas • Safe place for kids to play • Road reserve should be available and designed for public use • Walking and cycling connections through to Pukehina in the future. 	<p>Road reserve already used for recreation purposes.</p> <p>Ability to enhance the reserve to improve this experience and provide wider walking and cycling connections in the future.</p>
No	6 + 3 at HYS day	<ul style="list-style-type: none"> • Rural environment has everything we need, don't need urban/town amenities • Will bring more people to the area and create security issues, keep this area for locals only • Proposed new subdivision will provide recreational opportunities so don't need to duplicate this provision. 	<p>There has been identified demand by some people in the community for improved recreation experiences.</p> <p>Any provision is intended to primarily be for use by the local community.</p>

			The outcome of a proposed subdivision on the adjacent land is not currently known and could be some time away.
--	--	--	--

Q2. What improvements/changes would you make to the draft concept plan? Q3. Is there anything else you'd like to add regarding development of recreation and open space opportunities in the Arawa Road community?		
Topic	Comments	Council response and recommendations
Playground	<ul style="list-style-type: none"> - Ensure maintenance of play area - Too close to orchard and impact on spray zone - Only need small playground - No pump track, no playground 	<ul style="list-style-type: none"> - Recommend provision of a small amount of 'rural inspired' play features to be maintained as a Council asset. - Council will work with the orchard owner to understand what sprays are used and how to mitigate any residual contaminants from spray on recreational infrastructure.
Community garden	<ul style="list-style-type: none"> - Community garden not needed as properties large enough to provide for this - Community vegetable garden not required as we have our own gardens, who is responsible for upkeep - Community garden and playground set further along road reserve from existing housing area - Drop the community garden and BBQ as most people have enough land for their own gardens. Upkeep issues re BBQ - No community garden or pump track. - Reservations re community garden as all sections are large so people grow their own at home - Lots of people have their own gardens - Not needed, native planting better. 	<ul style="list-style-type: none"> - Remove community garden from concept.

Q2. What improvements/changes would you make to the draft concept plan? Q3. Is there anything else you'd like to add regarding development of recreation and open space opportunities in the Arawa Road community?		
Topic	Comments	Council response and recommendations
Pump track	<ul style="list-style-type: none"> - Pump track – enough around already - Pump tracks encourage children and adults using motorbikes – a key issue already, unsupervised use - Pump track best idea and better than playground - Big pump track - Make as big as possible 	<ul style="list-style-type: none"> - No specific level of service for pump tracks however on the eastern side of the district there are plans for provision of a pump track at Spencer Ave, Maketu and the community maintain a pump track in Pukehina. - If a pump track is to be provided, this would need an MOU with the community for maintenance. - Consider as part of the future walking and cycling project.
Licence to Occupy (LTO)	<ul style="list-style-type: none"> - Removing cattle grazing would be a huge benefit to the health and hygiene of the recreational area. - Need an agreement between the council and the local farmer so that this project can get underway. - The new subdivision has been here for over three years now, just would be nice to see some changes. - We understand that the cows are required for grazing grass but could the pumice track be maintained and potentially not grazed so that it is free of cow poo for community use. This ends up not being useable after the cattle have been in there, which is not ideal for our health and wellbeing. - Tunnel for cows under track so they stay away. 	<ul style="list-style-type: none"> - Council will work with the Licensee to terminate the Licence to Occupy so that cow grazing is removed from the road reserve. The cattle crossing point and periodic vehicle access along the road reserve will need to be maintained. - Council will work with the property owner on rectifying property boundary issues where appropriate (ideally in the first section of the road reserve). This will need to consider ongoing drain maintenance requirements. - Most of the work required on tidying up the drain and planting of the road reserve will occur as part of the future walking and cycling project.

Q2. What improvements/changes would you make to the draft concept plan? Q3. Is there anything else you'd like to add regarding development of recreation and open space opportunities in the Arawa Road community?		
Topic	Comments	Council response and recommendations
Safety and security	<ul style="list-style-type: none"> - Security camera – discourage theft and vandalism - Gates or something to contain the animals. - Fenced area for safe dog walking. - Increase in traffic and people puts security at risk - Need security e.g. camera - Avoid issues from people outside of area - Fence off drains to protect children 	<ul style="list-style-type: none"> - It is not intended to promote the recreational opportunities provided in Arawa Road to the wider community. This is reflected in the plan not including carparking and no intent to have signage on the State Highway to promote access. - Future walking and cycling connections may mean that some people choose to cycle down the road reserve to Arawa Road but as the only connection through here is to SH2, it is unlikely that there would be many people that would do this as it is essentially a dead end.
Walkway and cycleway	<ul style="list-style-type: none"> - Will bring people into the area and want to keep it for locals only otherwise issues with safety and security. - Include bridges and wider connection to Pukehina - Accessible for all modes - Potential to enhance pumice walkway - Impact of cattle grazing needs to be managed - Drains need to be tidied up and potential safety issues - Restrict motorcycle access - Reinstall access across the waterway (culvert) - Public reserve so everyone should be able to access 	<ul style="list-style-type: none"> - See comments above regarding bringing people into the area. Also recognise that the road reserve is already being used for this purpose. - Council will work with the Licensee to terminate the Licence to Occupy so that cow grazing is removed from the road reserve. The cattle crossing point and periodic vehicle access along the road reserve will need to be maintained. - Council will work with the property owner on rectifying property boundary issues where appropriate (ideally in the first section of the road reserve). This will need to consider ongoing drain

Q2. What improvements/changes would you make to the draft concept plan? Q3. Is there anything else you'd like to add regarding development of recreation and open space opportunities in the Arawa Road community?		
Topic	Comments	Council response and recommendations
		<p>maintenance requirements.</p> <ul style="list-style-type: none"> - Most of the work required on tidying up the drain and planting of the road reserve will occur as part of the future walking and cycling project. - Include enhancement and connections in future walking and cycling project and prioritise in the 2024-2034 LTP. - Note Te Puke urban transport choices with external funding from Waka Kotahi is looking at connections from Te Puke to Rangiora/Maketu and is in the early stages of design.
Water quality and planting	<ul style="list-style-type: none"> - Water quality improvement would be great as the creeks can get very smelly – mini wetland or plants to create a better ecosystem. - Cleaning the irrigation ditches – water purity will always be questionable with agricultural and orchard runoff. - Native planting and tidy drains - Tidy fence lines. Native planting. Keep simple - Protect memorial tree at the end 	<ul style="list-style-type: none"> - Most of the work required on tidying up the drain and planting of the road reserve will occur as part of the future walking and cycling project. Some minor improvements may occur as part of the LTO removal and boundary adjustments.

Q2. What improvements/changes would you make to the draft concept plan? Q3. Is there anything else you'd like to add regarding development of recreation and open space opportunities in the Arawa Road community?		
Topic	Comments	Council response and recommendations
Neighbourhood reserve location	<ul style="list-style-type: none"> - Need to start further down Arawa Rd to not impact on existing properties. - Plenty of room to create an open space and maybe plant some fruit trees for the community by moving the farm fences to their true boundary. - Suggest any seating provided be further past the current gateway so as not to encourage late night gatherings - Great idea but start further down from the gate - Keep it from the gate onwards. Not on housing side - On the western boundary. Move fence to true. Put fruit trees in that open space. Use the full width/re-fence - Use full width of road reserve (4m into paddock) before gate. 	<ul style="list-style-type: none"> - Provide initial play features from the gate onwards (into the road reserve). - Council will work with the property owner on rectifying property boundary issues where appropriate (ideally in the first section of the road reserve). This will need to consider ongoing drain maintenance requirements.
Arawa Road issues	<ul style="list-style-type: none"> - Paths down Arawa Rd. Get the road up to standard. - Properly constructed parking and turning area is needed regardless of whether this development proceeds or not. - Need to be ample parking to cater for the park. - Are these plans separate to the upgrading of the road, culverts (road drainage) and footpath? - Remove and improve the bus shelter - Reduce the highway speed limit through the area - 	<p>Council is undertaking road safety and drainage improvements this summer (2022/2023) which will address some of the issues raised:</p> <ul style="list-style-type: none"> - Pavement smoothing and resurfacing between the highway and Penelope Place. - Limited seal widening, kerb and channel, drainage between highway and Penelope Place - Footpath provided on eastern side of road up to Penelope Place

Q2. What improvements/changes would you make to the draft concept plan? Q3. Is there anything else you'd like to add regarding development of recreation and open space opportunities in the Arawa Road community?		
Topic	Comments	Council response and recommendations
	<p>kids cross every morning, cars overtake in the turning lane and make it safer when slowing down to turn onto Arawa Road.</p> <ul style="list-style-type: none"> - Wider roads and footpaths for wider area. - Safety work on Arawa Road – foot path, speed bumps – speed is an issue. Speeding utes pose an issue - Remove and improve the bus shelter - Develop into a cul de sac – better use of the space for trucks to turn plus carpark for people using the facilities. Move facilities along to make room for this - Turning facilities for cars and utes with trailers, truck – council has increased to four refuse trucks each week. Some can turn successfully, but they use peoples' driveways and berms which homeowners have to be maintain. - Perhaps like to see a place for cars to park so they aren't using our lawn area 	<ul style="list-style-type: none"> - Road works include repairing/painting bus shelter and installing it on a concrete pad - PW-31 Children Sign to be installed on Arawa Rd - Provision of a turning head and parking is not within the scope of work.
Proposed subdivision	<ul style="list-style-type: none"> - Wait for subdivision plan and provision of recreation opportunities there - Don't proceed with it. Leave things as they are until it becomes clear what the planned residential development of the local farmland looks like. At which point this community will change and this plan can 	<p>Council received a request for a private plan change on 15 December 2022. The Private Plan Change is to rezone a 12.4ha portion of rural zoned land on Arawa Road to residential including:</p> <ul style="list-style-type: none"> - Approximately 2.8 ha of 'higher density' and 4.2 ha of 'lower density' residential zoned land for 120-130

Q2. What improvements/changes would you make to the draft concept plan? Q3. Is there anything else you'd like to add regarding development of recreation and open space opportunities in the Arawa Road community?		
Topic	Comments	Council response and recommendations
	<p>then be revisited to see if it meets the needs of that community.</p> <ul style="list-style-type: none"> - Impact of further development on increased traffic - Think about supporting reserve proposal for planned subdivision almost ready for application for plan change within Arawa Road 	<p>dwellingings</p> <ul style="list-style-type: none"> - 1.37ha of recreation and open space - 1600m² commercial zoning - Internal roading/accessways and related development infrastructure (with access from Arawa Road) <p>The private plan change will progress through a statutory process with timeframes set out under the RMA. It is likely to take at least the year before a decision is made to make the private plan change operative or not. Subdivision and land use development consistent with the plan change generally follows after it has been made operative.</p> <p>The 1.37ha of reserve land proposed will need to be assessed through the plan change process to determine whether it meets Council's Level of Service.</p>
Other	<ul style="list-style-type: none"> - Concept plan includes private land as part of the walkway extension and need to amend - Fire hydrant needed, the nearest is Maniatutu Road. - Need a pool - Height limit to shelter belts in residential / 	<ul style="list-style-type: none"> - Council will work with the property owner on rectifying property boundary issues. - No fire hydrants are provided in the roading improvements as rural supply is not pressurised for this. Can collapse the pipes if a fire hydrant is

Q2. What improvements/changes would you make to the draft concept plan? Q3. Is there anything else you'd like to add regarding development of recreation and open space opportunities in the Arawa Road community?		
Topic	Comments	Council response and recommendations
	recreational areas. <ul style="list-style-type: none">- No rubbish bins- Keep natural in appearance- Rubbish bins needed	<p>connected.</p> <ul style="list-style-type: none">- Provision of rubbish bins – expectation that people take their rubbish with them. This is consistent with elsewhere in the district.- Swimming pool provision in Te Puke.

Summary of Recommendations

	Recommendations		Rationale
1.	Short term (2023)	Adopt final concept plan incorporating amendments responding to community feedback.	Reflects the outcomes of this community engagement process.
2.	Short term (2023–2025)	<p>Enhance the use of the road reserve for recreation purposes.</p> <p>a) Develop play features within the road reserve.</p> <p>Include budget in 2023/24 for provision of rural inspired play features within the road reserve area (est. \$55k).</p> <p>b) Maintain the existing pumice track as a walking and cycling track. Council will work with the Licensee to terminate the grazing lease, and undertake periodic mowing of the road reserve.</p> <p>Indicatively mowing of approx. 1.2ha would be \$3000–\$5000 pa depending on the frequency.</p> <p>Investigate change of status to Local Purpose Reserve.</p>	<p>Responds to majority of feedback supporting provision of recreational opportunities.</p> <p>Play features not intended to duplicate potential future provision through the Plan Change process.</p> <p>Ensures the existing track can continue to be used by the local community and improves their experience.</p>
3.	Short term (2023–2025)	<p>Work with the property owner on rectifying property boundary issues where appropriate.</p> <p>Consider drain maintenance requirements.</p>	Ensures extent of public land available for community use is clearly delineated. Focus on area where play features are to be developed to create sufficient space.

4.	Medium to long term (consider in LTP for 2024 onwards)	Further develop the road reserve as a recreation and ecological corridor with wider linkages and a potential pump track. Include for consideration in the 2024-2034 LTP. Include bridge connections, planting, tidy up of drains, cultural and historical interpretation (as per final concept plan)	Need to consider access across private land to enable this to happen and consider against walking and cycling priorities across the whole network. Information contained within the feasibility study and the community feedback will inform a project to establish wider walking and cycling connections in the future.
----	---	---	--



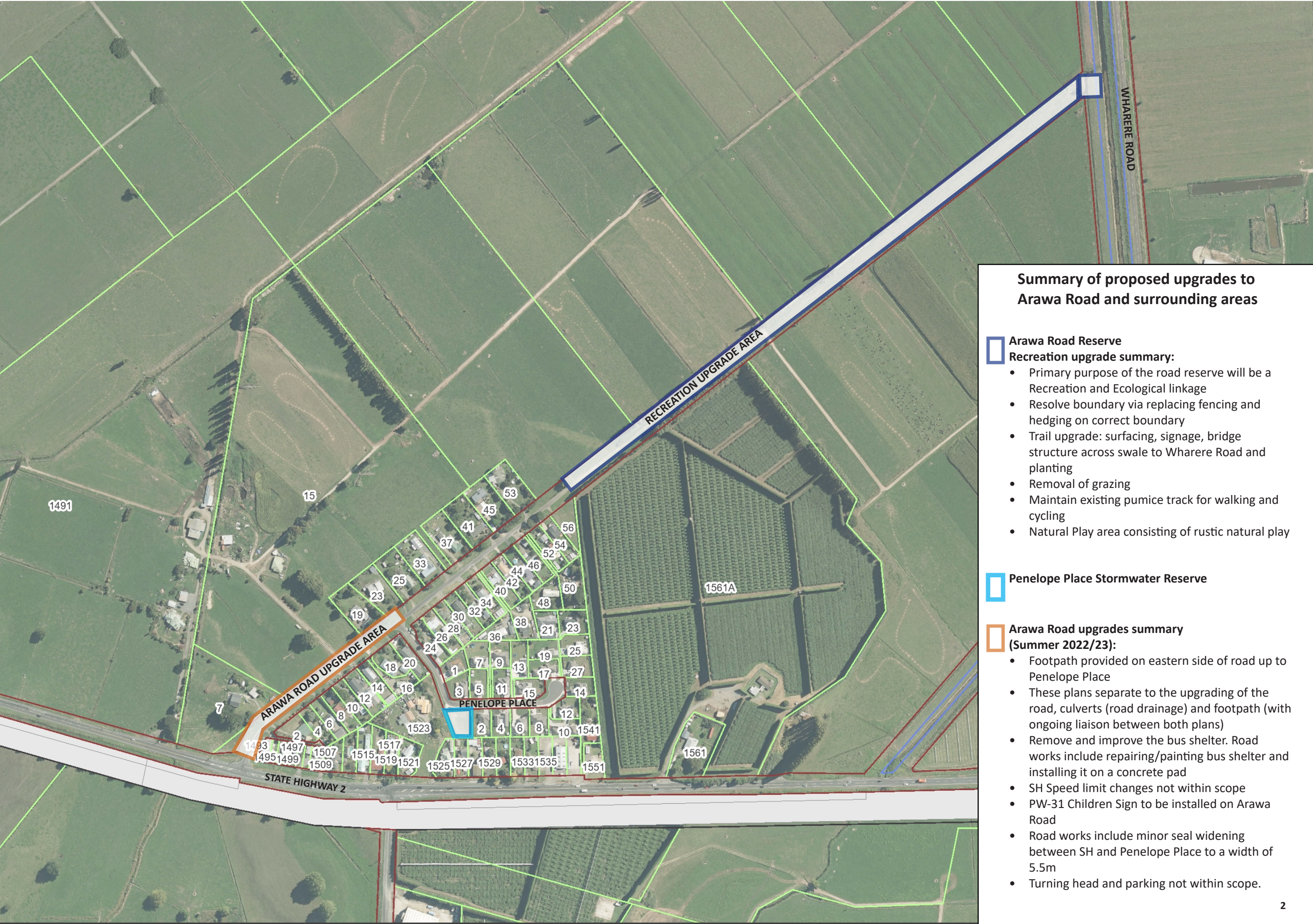
ARAWA ROAD RECREATION OPPORTUNITIES

Western Bay of Plenty District Council

Context and Concept Plan

REV:02e
DATE: 20/02/2023

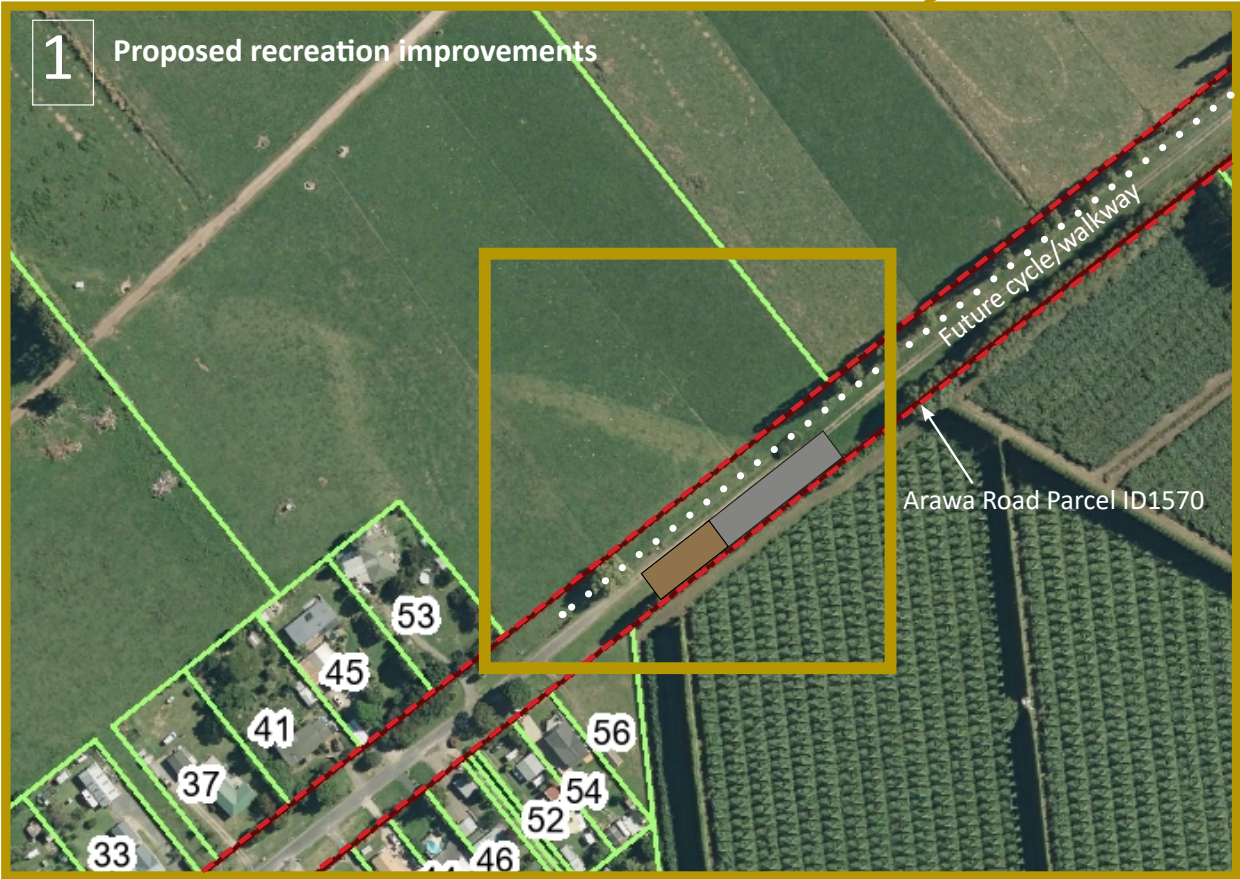




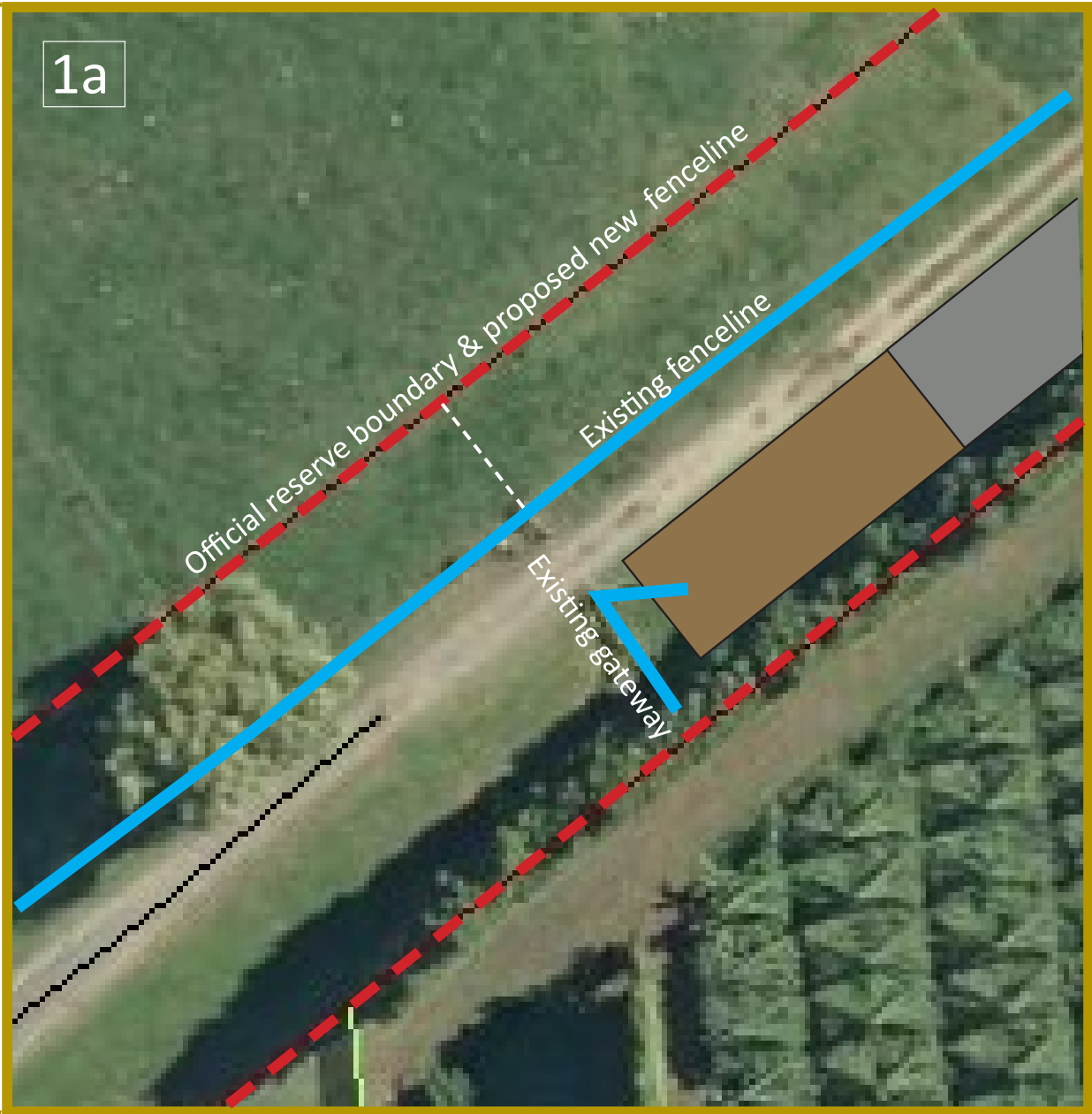
Overview of recreation improvements



Further detail on neighbourhood reserve and boundary adjustment



Map above: Proposed 'rural style' neighbourhood reserve area showing the boundary of the road reserve in dashed red lines.



Map above: The existing gateway and fenceline is shown in blue. The proposed new fenceline is the same location as the official reserve boundary as identified on Western Bay of Plenty Mapi. A gate can be located to the north of the existing gateway allowing large machinery to pass through when necessary but remaining otherwise closed.

Potential neighbourhood
reserve features



Potential area for pump track and natural play features



Potential pump track



- Plants
- All ages
- Natural
- Easy access
- Seating
- Grass
- All abilities.

Natural play features



- Seating
- Slide
- Rocks
- Social hub
- Natural materials
- Lockable gate
- Easy access
- Cultural signage
- Historical information
- Timber
- Rural aesthetic
- Community involvement.

Potential future recreation (walking and cycling) upgrade features

Potential upgrades: shared pathway connection to Wharere Road



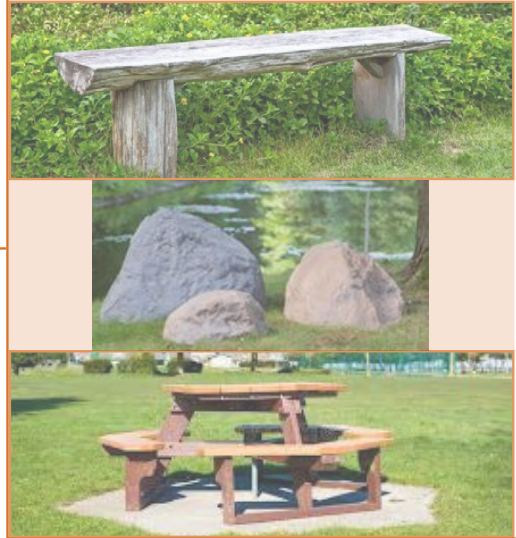
Note: Assume the surface of the upgraded walkway / cycleway will be finished in limestone.

Potential signage



- Natural materials
- Durable / strong
- Easy to read
- Culturally inclusive
- Informative.

Potential seating styles



- Seating
- Rocks
- Natural
- Easy access
- Timber
- Rural aesthetic
- Concrete.

Water quality improvement



- Native plants
- Filtering
- Shading
- Rocks for water aeration
- Nutrient extractors.



9.2 DOG EXERCISE PARK PROPOSED LOCATIONS – ŌMOKOROA AND KATIKATI

File Number: A5093264

Author: Cheryl Steiner, Senior Policy Analyst – Consultant

Authoriser: Rachael Davie, General Manager Strategy and Community

EXECUTIVE SUMMARY

1. In September 2020, Council adopted a level of service for the provision of dog exercise parks. Four designated dog exercise parks will be provided across the district, in Te Puke, Ōmokoroa, Katikati and Waihi Beach. Council will develop the basic facilities and has funding in the 2021-2031 Long Term Plan for this purpose.
2. Lawrence Oliver Park in Te Puke has been identified as the location for the dog exercise park in Te Puke. This project will get underway in 2023 and will need to be staged due to increased costs to achieve the level of service. Consultation on this site was undertaken through the Te Puke-Maketu Reserve Management Plan process in 2022.
3. Staff assessed potential sites for the Ōmokoroa and Katikati dog exercise parks due to be developed in 2023 and 2024. This report proposes Links View Drive Reserve in Ōmokoroa and Donegal Drive Reserve in Katikati as suitable locations for dog exercise parks. The next step will be to ask the community on their views before making a final decision. Waihi Beach site options will be considered at a later date.

RECOMMENDATION

1. That the Senior Policy Analyst – Consultant's report dated 7 March 2023 titled 'Dog Exercise Park Proposed Locations – Ōmokoroa and Katikati' 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 engagement is undertaken (in a manner consistent with part 17 of this report) on a proposal to develop dog exercise parks on:
 - a. Links View Drive Reserve in Ōmokoroa, and
 - b. Donegal Reserve in Katikati.

BACKGROUND

4. Demand for the provision of dog exercise parks came from a review of Council's Dog Control Policy and Bylaw in 2016, pre-engagement feedback from the 2021-2031 Long Term Plan process and Annual Plan submissions in 2020/2021.
5. Council currently has one designated dog exercise area at TECT Park.
6. The rationale for establishing a level of service for dog exercise parks is recognition of future growth, community support for Council provision of these facilities, the need to protect ecological sensitive areas and balance recreational needs of dog owners against the aims of effective dog control.
7. In 2020, Council adopted a level of service for dog exercise parks as follows:
 - Provision of four designated dog exercise areas in Te Puke (2021/22), Ōmokoroa (2022/23), Katikati (2023/24) and Waihi Beach (2024/25).
 - Council to provide basic specifications – fully fenced with double entry gate, access to drinking water, some natural contouring of land, trees planted for shade, dog poo bag dispenser, rubbish bin, basic bench seating (approx. cost of \$30,000 however costs have increased since this was adopted).
 - To be funded from a mix of 80% dog registration fees and 20% rates.
8. Lawrence Oliver Park in Te Puke was identified as the location for the dog exercise park in Te Puke. This project will now get underway in 2023 and will need to be staged due to increased costs to achieve the level of service. The dog exercise park is approximately 4500m² and has an active space and a separate chill zone (a smaller, fenced area with seating). Each park is likely to be different to cater to the characteristics of the park and local community needs.
9. Funding for the Ōmokoroa dog exercise park is included in the initial 2023/2024 Annual Plan budget and Katikati is included in 2024/2025. Waihi Beach location options will be determined at a later date. The project budgets will be increased in the 2024-2034 Long Term Plan to ensure the level of service can be achieved.

SITE ASSESSMENT PROCESS

10. The location of the Te Puke dog exercise park site was determined through consultation on the Te Puke-Maketu Ward Reserve Management Plan process.
11. The following criteria was used to assess sites for Ōmokoroa and Katikati:
 - Proximity to walking and cycling networks.
 - Proximity to residential areas – is it central to most areas in the community and where most dog owners live.
 - Carparking nearby.
 - Limited direct neighbours preferable due to potential noise, however recognise that parks are in urban areas and there may be some locations where this may occur.

- No identified sites of cultural/historical/ecological significance.
 - No parks that will displace existing users significantly.
 - Ability to accommodate a dog park of up to 5000m² with flexibility for configuration.
 - Reserve Management Plan alignment.
12. Staff considered the criteria against the reserves network in each location. Site visits were undertaken for the short list of potential sites before determining proposed sites for community feedback. The community may also identify other sites that they think would be suitable locations for dog exercise parks and these will be assessed against the above criteria before a final decision is made.
13. Maps of each site and the staff assessment are included in **Attachment 1**.

SIGNIFICANCE AND ENGAGEMENT

14. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision 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.
15. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
16. In terms of the Significance and Engagement Policy this decision is considered to be of **low** significance because the provision of dog exercise parks has already received community support and the proposed sites are likely to only impact a small section of the community.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

17. Community engagement will include:
- Meeting with mana whenua;
 - Meeting with the Community Boards;
 - Letters to adjacent owners and affected parties for each site;
 - Letters to any community groups associated with each site;
 - Place based community engagement in Ōmokoroa and Katikati.
18. Feedback will then be reported to the Policy Committee for a final decision.

ISSUES AND OPTIONS ASSESSMENT

Option A Endorse proposed sites in Ōmokoroa and Katikati for community feedback	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Delivers on an adopted level of service. • Responds to community feedback for provision of dog exercise areas. • Proposes sites that meet criteria to ensure suitability of the reserve for this type of activity. • Potential to understand community views on the suitability of these sites for this purpose or whether they consider other sites to be more appropriate. • Feedback likely to also assist with the design of the dog exercise parks. • Determining community support for dog exercise parks is a requirement of the Dog Control Policy. <p>Disadvantages:</p> <ul style="list-style-type: none"> • Community may consider other sites to be more appropriate however the engagement will ensure they can still identify these sites if they wish.
Costs	<p>\$30,000 budget for each dog exercise park included in the current 2021-2031 LTP. Further increases to ensure the level of service can be achieved to be included for consideration in the 2024-2034 LTP.</p>
Option B Do not endorse proposed sites in Ōmokoroa and Katikati for community feedback (either for the reason of not providing proposed sites when consulting, or not consulting at all and proceeding with the development)	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural 	<p>Advantages:</p> <ul style="list-style-type: none"> • Either ability to go out to the community with no proposed sites and a blank slate or if no consultation occurs, ability to proceed with the development sooner.

<ul style="list-style-type: none"> Environmental 	Disadvantages: <ul style="list-style-type: none"> Need to deliver on the level of service and ensure the sites are suitable for this type of activity. Need to ensure community support the proposed sites for this type of activity.
Costs	\$30,000 budget for each dog exercise park included in the current 2021-2031 LTP. Further increases to ensure the level of service can be achieved to be included for consideration in the 2024-2034 LTP.

STATUTORY COMPLIANCE

19. Site specific community engagement will be carried out in accordance with s82 of the Local Government Act 2002 (Principles of Consultation). Implementation funding is included in the LTP 2021-2031.
20. Reserves planning and policy development are the responsibilities of the Strategy and Policy Committee, which has delegated authority to hear submissions to a draft reserves management plan/concept plans and adopt or not adopt accordingly.
21. Council's operative Dog Control Policy and Dog Control Bylaw takes a permissive approach to the control of dogs. In public places where there are no designated restrictions, dogs must be under control at all times. Where a dog is causing or is likely to cause, danger, distress or nuisance it must be kept on a leash and under the control of the owner. Dog owners must carry a leash at all times. Designated public places are set out in the schedules to both the policy and the bylaw.
22. The Dog Control Policy includes a clause that Council intends to develop dog exercise areas where there is demonstrable community support for such a facility.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
2021-2031 LTP	\$30,000 budget for each dog exercise park included in the current 2021-2031 LTP. Further increases to ensure the level of service can be achieved to be included for consideration in the 2024-2034 LTP.

ATTACHMENTS

1. **Attachment 1 - Dog Exercise Park Site Assessment (7 March 2023 Policy Committee Report)**  

Dog Exercise Park**Site assessment process**

The location of the Te Puke dog exercise park site was determined through consultation on the Te Puke-Maketu Ward Reserve Management Plan process.

The following criteria was used to assess sites for Ōmokoroa and Katikati:

- Proximity to walking and cycling networks.
- Proximity to residential areas – is it central to most areas in the community and where most dog owners live.
- Carparking nearby.
- Limited direct neighbours preferable due to potential noise however recognise that parks are in urban areas and there may be some locations where this may occur.
- No identified sites of cultural/historical/ecological significance.
- No parks that will displace existing users significantly.
- Ability to accommodate a dog park of up to 5000m² with flexibility for configuration.
- Reserve Management Plan alignment.

Staff considered the criteria against the reserves network in each location. Site visits were undertaken for the short list of potential sites before determining a recommended site.

Ōmokoroa

Staff recommend the dog exercise park be located on the reserve between Links View Drive and Western Avenue, referred to as Links View Drive Reserve.



This is a 9700m² park and is used for stormwater and recreation purposes. It is currently mown and has walkway connections through parts of the reserve. The reserve is intended to stay in Council ownership and not transfer to Entity B under the Three Waters Reform.

Part of the reserve is designated for stormwater who have plans to develop a stormwater pond as part of the Ōmokoroa Comprehensive stormwater consent. The approximate size and location of this pond is shown in the map below. Work identified includes retrofitting the existing dry detention basin by either:

- creating an online wetland in place of the open channel, or
- lowering the bench adjacent to the stream to increase storage and planting with wetland plants.

The work at the pond has not yet been programmed. Part of the reserve (along the existing concrete pathway) is also designated for a proposed Hamurana Road extension, planned to occur in the next 10+ years.

The criteria assessment and rationale for recommending this park follows:

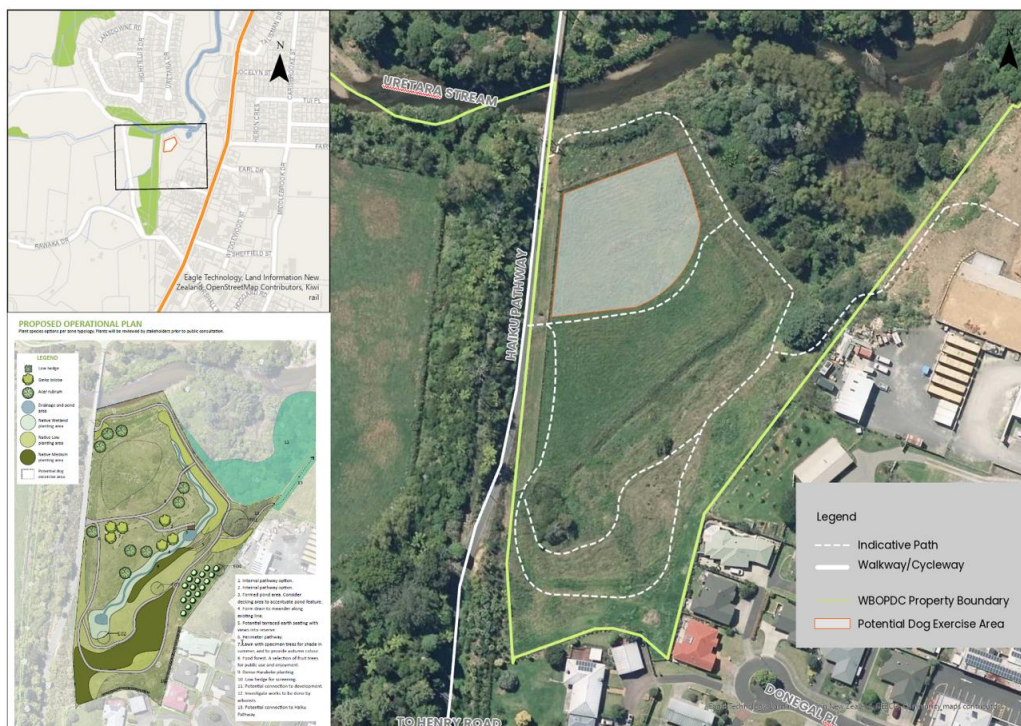
Criteria	Assessment
Proximity to walking and cycling networks.	Connections with nearby streets – Links View Drive + Western Ave + Kayelene Place + Tranquil Grove, and wider walking and cycling network.
Proximity to residential areas – is it central to most areas in the community.	Close to Western Ave sports park, a destination park for this community. Central to existing and future community.
Carparking nearby.	Small amount of carparking at reserve entrances and adjoining roads.
Limited direct neighbours preferable due to noise however recognise that parks are in urban areas and there may be some locations where this may occur.	There is a new subdivision located next to the reserve where six new houses have been developed. The park would be designed to minimise noise impact on these properties as there are different areas of space to work with. The rest of the residential properties are fairly well set back from the park.
No identified sites of cultural/historical/ecological significance.	None specifically identified in Council's plans.
No parks that will displace existing users significantly.	Informally used by the community.
Ability to accommodate a dog park of up to 5000m ² with flexibility re configuration.	Reasonable size to accommodate some features of a dog exercise park. Will work with stormwater and transportation to ensure alignment with their plans and the dog exercise park plans. Likely to be different zones created due to layout of the park which may increase fencing costs.
Reserve Management Plan alignment	Not included.
Additional consideration – Community support	Identified as the preferred site by a majority through the 2021-2031 LTP pre-engagement.

See attached for the sites considered and discounted.

Katikati

Staff recommend the dog exercise park be located on Donegal Reserve (part of the Mills Block), located at the end of Donegal Place.

This is a 1.2 hectare park and was previously used for grazing. Council is working on a draft concept development plan for a wetland/restoration area along the internal puna (spring) and stream. The concept plan allows for a dog exercise park at this site. The park is connected by the Uretara Stream walkway and Haiku Pathway with a bridge providing access to nearby residential areas. Future plans are to connect further up stream to Hunter Estate Reserve.



The criteria assessment and rationale for recommending this park follows:

Criteria	Assessment
Proximity to walking and cycling networks.	Linked to walking and cycling network.
Proximity to residential areas – is it central to most areas in the community.	Close to town centre. Close to residential areas on the western side of Katikati.
Carparking nearby.	Small amount of carparking at various reserve entrances along the walkway, and on adjoining roads.
Limited direct neighbours preferable due to noise however recognise that parks are in urban areas and there may be some locations where this may occur.	Limited close boundaries with residential properties. Topography impacts on this as some houses are located on a hill overlooking the reserve.
No identified sites of cultural/historical/ecological significance.	None specifically identified in Council's plans.
No parks that will displace existing users significantly.	No existing user groups. Will need to engage with Uretara Stream care groups.
Ability to accommodate a dog park of up to 5000m ² with flexibility re configuration.	Large flat space provides flexibility for development of the concept design for the dog exercise park.
Reserve Management Plan alignment	Included as part of the Haiku Park and Uretara Stream Reserves section. Relevant direction is to phase out grazing licence in Mills block section (complete) and prepare a planting plan in conjunction with community (underway). Operational draft concept plan developed by staff identifies planting options and an area suitable for a dog exercise park.
Additional consideration – increased surveillance	The park has had some issues with graffiti on signage. Encouraging a new user group and destination activity will increase the use of the park and hopefully create more ownership of the space which may reduce the extent of vandalism that occurs in the future.

See attached for the sites considered and discounted.

Te Puke Dog Exercise Park Concept Plan and Plimmerton Dog Park Example

68 Te Puke-Maketu Reserve Management Plan



Sites discounted

Ōmokoroa

New active reserve Prole Rd	Likely to be needed for organised sport and recreation
Stage 3 Stormwater reserves- natural open space zones	Natural open space – stormwater, ecological functions, some of it is steep, may be potential to add on to a flat space but not currently provided for in Plan Change. Potential for along Waipapa River however may impact on ecological values.
Astelia Dr Reserve	Wetland and low lying
Holyoake Terrace Reserve	Small, close proximity to a number of houses
Behind treatment plant/green waste	Not well connected or easily accessible
Ōmokoroa Office and Library	Occupied
Tinopai Reserve	Not a good size and shape
Gerald Crapp Historic reserve	Historic reserve
Cooney Reserve	Ecological values and prohibited site in some areas
Western Ave	High existing use
Ōmokoroa Settlers Hall	Occupied
Hamurana Reserve	Occupied and too small
Ōmokoroa Domain	Prohibited site in some areas (seasonal) and high use
Prole Rd Harbour access	Not a good size and shape
Walnut grove reserve	Not a good size and shape

Katikati

Diggelmann Park	High profile, too small and near main road
Haiku Park and Uretara Stream Reserves	Not a good size and shape
Hunter Estate Reserve	Excellent site but too far away from residential areas. Also need to consider impact on existing user groups – tennis and croquet.
Lancaster Rd Reserve	Too far away and no practical access
Levley Lane Reserve	Fairly low lying and would impact on harbour amenity
Marshall Rd Drainage Reserves	Industrial area, not a good size and shape
McMillan Rd Reserve	Too far away, ecological values
Moore Park	Limited space available and a multi-use site
Park Rd Reserve	Cultural values
Sharp Rd Landing Reserve	Too far away, ecological values
Vesey Stewart Reserve	Already utilised
Waterford Rd Reserve	Limited space
Earl Drive Reserve	Not a good size and shape
Henry Rd Wildlife Refuge	Conservation values
Katikati community building/playground	Too small and already developed
Katikati Kindergarten	Too small and already developed
Katikati Museum	Too small and already developed
Lindemann Rd Reserve	Too far away, limited clear spaces available
Lund Road Reserve	Too far away, limited clear spaces available
Kauri Point Reserve	Historic reserve and cultural values
Macmillan Reserve	Used for carparking and esplanade
Noble Johnson Drive	Too small
Ongare Point	Too far away, esplanade
Park Rd and Beach Rd	Too small
Park Rd Reserve	Existing user
Sapphire Springs	Lease and native forest, cultural values and too far away
Sheffield St Reserve	Too small
Talisman Drive Reserve	Too small

Tamawhariua Reserve	Ecological and cultural values
Tanner Point	Too far away
Tetley Rd	Too far away
Twickenham Close	Too small
Woodlands Rd Reserve	Esplanade

9.3 COMMUNITY-LED RESOURCE RECOVERY

File Number: A5105736

Author: Matthew Leighton, Policy and Planning Manager

Authoriser: Rachael Davie, General Manager Strategy and Community

EXECUTIVE SUMMARY

1. To consider the Community-Led Resource Recovery Feasibility Study (**Attachment 1**) completed by Envision New Zealand and determine Council's next steps in response to this.

RECOMMENDATION

1. That the Policy and Planning Manager's report dated 7 March 2023 titled 'Community-Led Resource Recovery' 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 'Community-Led Resource Recovery Feasibility Study' be received, as per **Attachment 1**.
4. That community-led resource recovery initiatives are delivered and the initial actions be:
 - a. That Te Puke and Katikati/Athenree be progressed as two separate processes to recognise the different community groups and tangata whenua interests;
 - b. That a Council operated Community supported approach is progressed, whereby Council continues to operate the site(s) in the short-medium term (12-18 months) while working with industry experts and potential operator(s), for Te Puke and for Katikati/Athenree, with community groups being invited to take on the community activator role and community and tangata whenua invited onto advisory boards, and industry expertise is sought to work alongside the current team to expand activities on the existing sites; and
 - c. That a Community and Council hybrid approach, whereby Council continues to operate the current activities on the sites and community operates reuse retail activities, be progressed as soon as possible for Te Puke, through conversations with community groups.

BACKGROUND

2. Through the Long Term Plan 2021–31, Council made a commitment to identify other opportunities to reduce waste to landfill. The LTP included funding to investigate and establish community-led resource recovery centres. This aligns with the District's Waste Management and Minimisation Plan vision of 'Minimising waste to landfill' and also reflected an anticipated reduction in recyclable material going through our recycle centres.
3. Community-led resource recovery involves community organisations as operating enterprises that deliver resource recovery services in the district. There are over 100 of these organisations successfully operating across the country. Currently, there are none operating in the Western Bay sub-region.
4. Community-led / operated resource recovery centres (CRRCs) provide significant positive outcomes for communities because their kaupapa is centered on zero waste and circular principles with activities focused on pushing up the Waste Hierarchy. Community organisations operating in this sector are focused on providing meaningful employment opportunities and education focused on waste prevention. Local examples include the Seagull Centre at Thames and CReW in Whakatāne.

Summary of the Report

5. Council commissioned Envision New Zealand to deliver a feasibility study that explores whether three of its Community Recycling Centres (Te Puke, Katikati and Athenree) would be suitable to transition to being managed by the community and incorporate resource recovery activities. These three sites continue to be well utilised by the community, however, as they currently focus on recycling it is important to explore the opportunity recover more items from the waste stream intended for landfill and so push activities on site up the waste hierarchy.
6. Envision has found that all three sites are suitable to incorporate small-scale resource recovery as there is sufficient space and the sites are all well maintained with the current facilities in good condition. However, all sites will require investment to secure either a new resource consent or a variation to an existing resource consent, as well as other specialist assessments.
7. Based on the current resource consent context provided by Harrison Grierson Consultants Limited as well as its central location, the Te Puke Community Recycling Centre appears to be the best site to start to transition. Katikati and Athenree are also viable options, however, require more work to be able undertake any of the proposed activities.
8. The community consultation process revealed a number of credible community organisations that are interested in operating all three sites, however, none of these

organisations have operated or worked in a resource recovery facility previously. This is not uncommon with many operators in the Zero Waste Network.

9. The options and recommendations outlined in this report recognise the steps that both the community and Council would be taking should they elect to move forward with this opportunity. The outlined pathways include taking a slower and methodical approach to transition and/or an approach that would involve a community organisation forming a Joint Venture with an existing organisation that is seasoned in resource recovery, working with local councils and community organisations. This is a common arrangement with community organisations within the Zero Waste Network.

Feasibility Study Recommendations

10. The report sets out three broad ways forward:

1. Council operated, Community supported	Council continues to operate the site(s) in the short-medium term (12-18 months) while working with industry experts and potential operator(s). This would include: <ul style="list-style-type: none"> • Establishing an Advisory Board; • Establishing a Community Activator role focused on identifying and starting up reuse activities; • Employing an industry expert in a management support role to work alongside the current team to expand activities using concept plans as a guide.
2. Community & Council hybrid	Council continues to operate the current activities on the sites and community operates reuse retail activities
3. Community operated, Council supported	Community operates the full site, supported by Council

SIGNIFICANCE AND ENGAGEMENT

11. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision 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.

12. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
13. In terms of the Significance and Engagement Policy this decision is considered to be of **low** significance because this relates to an existing project budgeted for through the Long Term Plan 2021-31 and does not significantly impact levels of service currently delivered at the community recycling centres.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

14. A key element of the study has been to work with potentially interested community groups to understand their aspirations and level of interest. Two discussions were held in Katikati and Te Puke with interested groups, facilitated by Envision New Zealand.

Tangata whenua engagement has also been important and the involvement of Te Kāhui Mana Whenua o Tauranga Moana and Te Ihu o Te Waka o Te Arawa will continue to be sought.

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication		
Name of interested parties/groups	<p>Attendees to hui were:</p> <ul style="list-style-type: none"> • Katikati Taiao • The Daily Charitable Trust (Te Puke) • Live Well Waihi Beach • Envirohub / Precious Plastics • Katch Katikati • Sustainability Options • Vincent House • WBOPDC staff. <p>Further engagement will be undertaken following Committee decisions.</p>		
Tangata Whenua	Presentation to a joint forum workshop and trips undertaken with Forum representatives to CReW in Whakatāne and Matakana Island to discuss this kaupapa in more detail.	Planned	Completed

	Further engagement will be undertaken following Committee decisions.		
General Public	The wider community input will be sought to help inform the detail of future work, following Committee decisions.		

15. Our community recycling centre staff are permanent part-time staff and are aware of this study. Council signalled that following the introduction of kerbside, Council would be considering the future of these sites and how they may be best utilised to encourage further waste minimisation. The recommendations would see our staff continue in their roles and, depending on the actions progressed in the longer term, likely transfer over to support operation of the sites under community groups. Engagement with staff will continue and their input sought into site improvements.

ISSUES AND OPTIONS ASSESSMENT

16. The below table sets out consideration of the substantive options.

Option A (recommended)

That community-led resource recovery initiatives are delivered and the initial actions will be:

- a. That Te Puke and Katikati/Athenree be progressed as two separate processes to recognise the different community groups and tangata whenua interests;
- b. That a Council operated Community supported approach is progressed, whereby Council continues to operate the site(s) in the short-medium term (12-18 months) while working with industry experts and potential operator(s), for Te Puke and for Katikati/Athenree, with community groups being invited to take on the community activator role and community and tangata whenua invited onto advisory boards, and industry expertise is sought to work alongside the current team to expand activities on the existing sites; and
- c. That a Community and Council hybrid approach, whereby Council continues to operate the current activities on the sites and community operates reuse retail activities, be progressed as soon as possible for Te Puke, through conversations with community groups.

<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Helps develop community group capacity and knowledge in this space and set up a successful transition.</p> <p>Avoids undue risk for Council and Community groups to existing services.</p> <p>Allows Council to focus resource on one area at a time and potentially achieve a quicker success given the fewer site limitations in Te Puke.</p> <p>Allows for community group and tangata whenua engagement and input into activities.</p> <p>Increased diversion of reusable material from landfill and delivery on social outcomes.</p> <p>May not meet all community group's immediate aspirations.</p> <p>Will require Council to apply for resource consent changes required to allow for retail activity on these sites.</p>
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Met within existing budgets. Potential for Waste Disposal Levy funding to be utilised, or other external funding sources.</p>
<p>Option B</p> <p>That community-led resource recovery initiatives are delivered and the initial actions will be:</p> <ol style="list-style-type: none"> That Te Puke and Katikati/Athenree be progressed as two separate processes to recognise the different community groups and tangata whenua interests; That Community operated, Council supported approach is taken, whereby the Community operates the full site and is supported by Council, for both Te Puke and Katikati/Athenree and community groups approached to take on the full sites and their current operations as soon as possible. 	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural 	<p>Community groups are placed under increased pressure to build knowledge and capacity quickly.</p>

<ul style="list-style-type: none"> • Environmental 	<p>Increases risk of an unsuccessful successful transition and delivery of existing services.</p> <p>Council resource will be stretched to support a transition in both Te Puke and Katikati/Athenree simultaneously.</p> <p>May deliver on some community groups' immediate aspirations, but increased risks.</p> <p>Increased diversion of reusable material from landfill and delivery on social outcomes.</p> <p>Restrictions in resource consent requirements may prevent or curtail some activity on these sites.</p> <p>Resource consent changes required to allow for retail activity on these sites.</p>
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Largely met with existing budgets, but additional resource may be required for delivery. Potential for Waste Disposal Levy funding to be utilised, or other external funding sources.</p>
<p>Option C That community-led resource recovery initiatives are not delivered and actions are not progressed at this time:</p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>May enable consideration alongside the review of the Waste Management and Minimisation Plan later this year.</p> <p>Would not deliver increased diversion of reusable material from landfill or delivery on social outcomes.</p> <p>Would not meet community group's aspirations.</p>
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>None.</p>

STATUTORY COMPLIANCE

17. This report and recommendations align with the vision and actions of the Waste Management and Minimisation Plan 2017, and the direction and projects included in the Long Term Plan 2021.
18. The report and recommendations meet the requirements of the Local Government Act 2002.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
\$421,000	<p>The Long Term Plan 2021-31 includes \$421,000 across 2023 and 2024 for establishment costs. This is funded through the Waste Disposal Levy external funding we receive.</p> <p>Additional operational funding may be necessary to deliver actions, this can be funded from the Waste Disposal Levy external funding.</p> <p>Additional funding may be available for community groups through funding applications to external funders.</p>

ATTACHMENTS

1. **Community Led Resource Recovery Feasibility Study – Envision – February 2023** 



Community Led Resource Recovery in the Western Bay of Plenty

Feasibility Study

February 2023

ENVISION
a zero waste world

VERSION CONTROL

<i>Version</i>	<i>Details</i>	<i>Date</i>
01	Draft	2/08/2022
02	Draft	16/12/2022
03	Final	31/01/2023

Prepared for:**Authors:**

Rachel Glasier
Envision Director



Marty Hoffart
Envision Director



Matthew Luxon
External Advisor

Envision New Zealand Limited
www.envision.nz

Envision is a Zero Waste consultancy specialising in community-led resource recovery. The company has a committed team of permanent and contracted staff throughout Aotearoa New Zealand, with a diverse range of expertise including; project management, social enterprise development and management, environmental science, research, financial planning and projections.

Disclaimer: *The views contained within this report are those of the authors and do not necessarily reflect those of Western Bay of Plenty District Council.*

Executive Summary

Western Bay of Plenty District Council have been proactive in looking for opportunities to minimise waste to landfill and have rolled out a number of new kerbside services and bylaws that are having a positive impact on reducing waste in the district. However, waste generated in the district continues to grow alongside the population. Te Maunga Transfer station handled 23,989 tonnes¹ of residual waste over the 21/22 period from the district with waste volumes likely to be even higher than this due to residents in the west part of the district using the Waihi Transfer Station.

Council operates four Community Recycling Centres (CRCs) across the district which continue to be well used by the public following the rollout of the kerbside services. These CRCs are located at Athenree, Katikati, Te Puke as well as one green waste centre at Ōmokoroa. Council also operates a mobile recycling trailer targeted to rural communities with limited kerbside services.

Council has made a commitment to identify other opportunities to reduce waste to landfill which is a clear focus in its 2021 Long Term Plan. A key area of interest has been community-led Resource Recovery, which involves community organisations operating enterprises that deliver resource recovery services in the district. There are over 100 of these organisations successfully operating across the country and a formal network exists to support them – The Zero Waste Network New Zealand. These organisations are not only focused on keeping resources in use and out of landfill (often managing large volumes of materials) but are effective stewards of behaviour change.

The concepts of zero waste and the circular economy continue to be widely used by progressive Governments and societies around the world. They also underpin the Ministry for the Environment's waste strategy here at home. These concepts recognise that designing waste out of the system is the single most effective way to reduce significant environmental and social impacts including waste volumes. Recycling sits lower in this hierarchy as it is less effective than other activities. Members of the Zero Waste Network are aligned in their efforts to work at the top of the Zero Waste Hierarchy (see below) as these activities reduce waste in the first place and encourage the reuse and repair of consumer goods reducing negative impacts.



¹ Western Bay Waste Assessment Report, May 2022, p 34

Council has commissioned Envision New Zealand to deliver a feasibility study that explores whether three of its CRCs (Te Puke, Katikati and Athenree) would be suitable to transition to being managed by the community and incorporate resource recovery activities. These three sites continue to be well utilised by the community, however, as they currently focus on recycling it is important to explore the opportunity to push activities on site up the waste hierarchy.

Envision has found that all three sites are suitable to incorporate small-scale resource recovery as there is sufficient space and the sites are all well maintained with the current facilities in good condition. However, all sites will require investment to secure either a new Resource Consent or a variation to an existing Resource Consent as well as other specialist assessments. Based on the current resource consent context provided by Harrison Grierson Consultants Limited as well as its central location, the Te Puke CRC appears to be the best site to start to transition. Katikati and Athenree are also viable options, however, require more work to be able undertake any proposed activities.

The community consultation process revealed a number of credible community organisations that are interested in operating all three sites, however, none of these organisations have operated or worked in a resource recovery facility previously. This is not uncommon with many operators in the Zero Waste Network. Many were new to the waste industry when they started their enterprise. The key to minimising risk for council and communities is in the transition approach and the level of wrap-around support that is provided to the community organisation.

The options and recommendations outlined in this report recognise the steps that both the community and council would be taking should they elect to move forward with this opportunity. The outlined pathways include taking a slower and methodical approach to transition and/or an approach that would involve a community organisation forming a Joint Venture with an existing organisation that is seasoned in resource recovery, working with local councils and community organisations. This is a common arrangement with community organisations within the Zero Waste Network. It is why the network exists - to share knowledge and experience for groups starting new ventures within the sector.

As mentioned above, community operated resource recovery is alive and well and growing in Aotearoa. There is no need to reinvent the wheel as there are plenty of well established sites operating as well as experience and knowledge within the sector. This is an exciting opportunity for the council to enable community resource recovery and move the district towards a more circular system of reuse, repair and resale of materials.

Contents

Executive Summary	2
Introduction	5
Scope of Work	6
Methodology	7
Community Led / Operated Resource Recovery	7
Context and Opportunity	10
Findings – Current Operations – East and West Sites	12
Findings – Community Engagement – All Sites	14
Findings – Site Assessment – West Sites	24
Findings - Concept Plans - West Sites	27
Findings – Site Assessment – East (Te Puke)	32
Findings - Concept Plan - East (Te Puke)	34
Conclusions	36
Options and Recommendations	38
Appendix A – Case Study – Seagull Centre (Thames)	44
Appendix B – Case Study – CReW (Whakatane)	47
Appendix C – Case Study – Waiuku Zero Waste Ltd (Auckland)	49
Appendix D – Concept Maps	52

Introduction

The Western Bay of Plenty District Council's 2021 Long Term Plan clearly demonstrates Council's desire to minimise waste to landfill. A number of key actions have already been taken to support this plan, including; the roll out of new kerbside recycling services, a kerbside rubbish and organic waste collection service from July 1st 2021 and the adoption of a bylaw focused on reducing waste to landfill from the building and construction and event management industry.

Since the rollout of the new kerbside services, Council has diverted 3,300 tonnes² of waste from landfill (July 2021-June 2022). However, volumes of waste going to landfill continue to increase due to a number of factors including population growth, societal values (i.e. consumerism, convenience etc), low landfill levy and lack of mandatory product stewardship as well as other government waste related regulation.

Te Maunga Transfer station handled 23,989 tonnes³ of residual waste over the 21/22 period and waste volumes generated in the district are likely to be even higher than this due to residents in the Western Bay of Plenty using Waihi Transfer Station given it is closer in proximity. The Maleme Street Transfer Station in Tauranga is no longer open to the public and the Jack Shaw cleanfill facility also closed in 2020.

Although there are currently no transfer stations in the district, Council operates three community recycling centres (CRCs) which continue to be well used by the public following the rollout of the kerbside services. These CRCs are located at Athenree, Katikati, Te Puke as well as one green waste centre at Ōmokoroa. Council also operates a mobile recycling trailer targeted to rural communities with no kerbside services.

These services are primarily focused on recycling. However, as laudable as they are, the Waste Hierarchy encourages focusing as much as possible on reduction and reuse with recycling lower down the hierarchy. Such frameworks are becoming widely adopted as societies grapple with a myriad of pressing social and environmental challenges including ever growing volumes of waste despite well established recycling programmes and infrastructure. There is an ever growing realisation that a key part of our response should be to reduce waste in the first place.

Council has recognised that community led / operated resource recovery centres (CRRCs) provide significant positive outcomes for communities due to the fact that their kaupapa is centered on zero waste and circular principles with activities focused on pushing up the Waste Hierarchy. Community organisations operating in this sector are focused on providing meaningful employment opportunities and education focused on waste prevention. These community enterprises bring value to this sector with many being members of The Zero Waste Network who represents community enterprises working towards zero waste, with over 110 members across the country.

² Homepage of <https://kerbsidecollective.co.nz/>, 20 July 2022

³ Western Bay Waste Assessment Report, May 2022, p 34

Council is taking bold steps to explore how it can enable similar organisations to thrive in the Western Bay of Plenty. It has commissioned Envision NZ to undertake this feasibility study to explore whether three of its CRCs (Athenree, Katikati and Te Puke) are suitable to be transitioned to community led / operated resource recovery centres and how to approach such a transition.

Scope of Work

The following phases of work were undertaken to deliver this feasibility study:

Phase	Description	Objective(s)	Deliverable(s)
1	Project Planning / Current State	Develop project plan and review Council documentation to understand current operations and financials in relation to the three sites	1 x project plan 1 x summary report
2	Community Engagement	Design and deliver community engagement workshops / hui with potential CRRCs and tangata whenua to share more about the opportunity, understand level of interest and what support they need to pursue involvement	2 x workshops (Katikati and Te Puke) 1 x presentation at Tangata Whenua Forum facilitated by Council 1 x summary report
3	Site Visits / Concept Planning	Visit each of the three sites to understand layout and potential for resource recovery activities Develop high level concept maps incorporating resource recovery activities to illustrate potential operations, potential resource streams and income opportunities	1 x online presentation to discuss concept maps Set of concept maps for each site (see appendix)
4	Final Report	Outline the opportunity for community led / operated resource recovery activities for east and west. If feasible provide recommendations on how to approach a transition	1 x Final Report ⁴

⁴ The initial scope of work included two reports (one for the east and one for the west) however, given the outcomes of the community engagement phase and similarity of the recommendations for each site a single report was agreed as being useful. However the findings and opportunities for the west sites and the east site should be clearly defined in this report.

Methodology

A qualitative research method was used during the community workshops/hui to gather feedback from participants on their level of interest in operating the site(s) as well as support and capacity requirements. A full list of questions and output from these sessions is provided as part of the appendix.

Community Led / Operated Resource Recovery

What is it?

A community enterprise is a business established by community members to solve a community problem or create benefits for the community.

The majority of income comes from the sale of goods and services. By reducing or eliminating the need to generate shareholder dividends, they are able to operate in innovative ways that traditional businesses would struggle with. A key distinction is that they are driven by a social, environmental and/or cultural purpose and fill a gap not addressed by the market or government.

For over 30 years communities throughout Aotearoa New Zealand have found success in establishing community enterprises within the resource recovery sector. The Zero Waste Network has over 100 members operating community enterprises throughout the country. These organisations share a common goal of moving their communities towards zero waste operating a variety of resource recovery models to achieve this. They can be established to deliver a contract for a local authority or operate independently. Case studies on different models of CRRC's have been provided as part of this report.

Why are they needed?

Aotearoa New Zealand generates more than 17 million tonnes of waste each year. Recycling rates are low and only one-third of what goes out for kerbside recycling is recycled or composted – the remaining two-thirds ends up in landfills. Large amounts of resources are being lost that have value and these materials make up 4% of the country's greenhouse gas emissions and 9% of biogenic methane emissions⁵.

Aotearoa New Zealand has a large number of private enterprises providing waste collection and recycling services, but unfortunately the high labour costs associated with reuse mean that it is an area underserved across the country. Since these private enterprises are motivated by only returning profit to the shareholders, the reuse and repair sector requires support from local and central governments.

Despite a thriving private waste industry and Aotearoa New Zealand having one of the highest rates of charities per capita, many of which sell reusable items, our waste to landfill continues to grow. Community resource recovery organisations fill a gap in the sector and

⁵ Ministry for the Environment website, Te panoni i te hangarua, Transforming Recycling, 29 April 2022

it is clear many more centres that offer reuse and repair are needed. Auckland Council continues to see the benefit of enabling communities to operate these services and is continuing to grow its network of CRRCs. The Council has plans for 20 organisations (currently 12) to be operating sites around the city. It has recently awarded contracts to the community to operate two Zero Waste Hubs providing warehousing and distribution of material recovered from Auckland's Inorganic Collection. This service was previously delivered by larger private companies.

What impact do they deliver to communities?

Community Resource Recovery organisations provide more local employment. Several years ago, the Waiuku Transfer Station employed one person for three days per week (0.6fte). The community enterprise now operating the site on behalf of Auckland Council, Waiuku Zero Waste, now has 16 FTEs and is open four days per week. It is also common for community organisations to go to great lengths to employ people that would normally have barriers to employment.

Employment is essential for the economic development of a community, with some economists suggesting a multiplier effect of three times the wages paid⁶, i.e. every dollar paid to a local worker, there is three dollars value for that community in local spend.

The environmental impacts of a community resource recovery operation are generally measured in terms of diversion of waste from landfill. Continuing with the above examples, Waiuku diverts 65% of the material it receives, and Innovative Waste Kaikoura has reached 77% diversion for its community in the past. The average diversion rate for local authorities in New Zealand is 28%.

What are some examples?

Organisation	Activity
Seagull Centre	<p>Seagull Centre is a community recycling and resource recovery organisation that has been operating in Thames since 2004. Located by the Thames Transfer Station the organisation is focused on diverting waste from landfill, providing local employment and ensuring the community has access to affordable goods.</p> <p>The organisation is now self-funding (i.e. receives no Council funding for operations) employs 16 staff (8 FTEs) and is open seven days per week from 9:30 am to 4:00 pm. The site covers an area of 5000 sqm enabling the Seagull Centre to collect and sell a wide range of goods including bulky items and building materials.</p> <p><i>Full case study provided in the appendix.</i></p>
CReW	<p>CReW is a community enterprise in Whakatane established in 2012. Operating as a not for profit entity, CReW formally became part of mental health and disability support service, Pou Whakaaaro. Both organisations are governed by a Charitable Trust and operate from the</p>

⁶ Kelk, G. (2009) Valuing Recycling Town

Organisation	Activity
	<p>same location.</p> <p>CReW is a retail outlet for used goods. The reuse centre accepts a wide range of used goods from the community (many of which are destined for landfill) and sells them back into the community generating income and saving waste from landfill. The organisation is located 100m away from a transfer station making it easy for Whakatane residents to drop off items ahead of disposal to landfill.</p> <p>CReW is planning to expand its site to 640 sqm and focus on recovering and selling building materials in partnership with Council and industry.</p> <p><i>Full case study provided in the appendix.</i></p>
Waiuku Zero Waste	<p>A charitable company owned by a charitable trust that is part of the Auckland Council Community Recycling Network. It operates a reuse shop and yard with an extensive range of used goods including construction and demolition waste, whiteware and bric-a-brac.</p> <p>Provides a number of education programmes for the community as well as e-waste recycling.</p> <p><i>Full case study provided in the appendix.</i></p>
Hauraki Reuse and Repair	<p>Hauraki Reuse and Repair is operated by a Charitable Trust and is centrally located in Paeroa at 1 Grey Street. They opened their doors to the public in 2021 and have a goal of reducing the amount of reusable items going to landfill, creating employment and to provide affordable goods to the community. Since opening in April 2021 the organisation has diverted 101 tonnes of materials from landfill and has three employees.</p>
Auckland's Zero Waste Hubs	<p>The Zero Waste Network's commercial entity, Localised, operates two Zero Waste Hubs in Auckland. The sites in Glen Innes and Wairau Valley receive, process and distribute material recovered through Auckland Council's inorganic collection service.</p> <p>In awarding the contract to Localised, Auckland Council noted the spin off activities that are likely to occur as a result including; repair cafe events, workshops, on-site hosting of start up enterprises. The sites employ 11 people across 9 full time equivalent positions and expect to handle approximately 4,000 tonnes of recovered material in the next 12 months.</p>

Organisation	Activity
Onehunga Zero Waste	<p>Onehunga is a partnership between community enterprise Synergy Project Trust and Localised - the commercial arm of the Zero Waste Network. This partnership is a registered charitable trust and is an accredited Māori / Pasifika social enterprise.</p> <p>The organisation is the most recent addition to Auckland's CRC Network, opening in August 2022. It is Auckland's first purpose-built Community Recycling Centre. The organisation will focus on reuse, repair, repurposing, and upcycling, while reducing carbon emissions, and creating local jobs and training opportunities in the process.</p>

Context and Opportunity

Global Developments

A 2021 report from the intergovernmental panel on climate change (IPCC) showed that global waste management activities, including landfills, produced 64 million tonnes a year of methane emissions between 2008 and 2017. The report outlined that although there had been some declines for some countries, it also warned that landfill emissions will increase with warming due to enhanced decomposition with higher temperatures.

However, waste emissions are not just from landfills. Each time something is made it creates emissions that negatively impact the climate. For this reason it makes sense to move to a low waste, low carbon circular economy. The need to transition towards this is highlighted in a recent report (June 2022) from the UN Environment Programme (UNEP) which stresses that transforming the way societies produce and consume goods (i.e. adopting sustainable consumption and production systems) also enables “poverty alleviation, climate change mitigation and adaptation, ecosystem protection and restoration, and the elimination of waste and pollution”⁷.

The Zero Waste Hierarchy provides a useful framework which supports the above research as refuse, rethink, redesign, reduce and reuse are at the top and if adopted will reduce the amount of waste generated. Unacceptable options are those where materials can't be recovered and the process results in negative environmental outcomes, examples include waste to energy incineration. Recycling is further down the hierarchy as recycling rates are consistently low due to a number of factors including a lack of regulation.

⁷ International Institute of Sustainable Development, SDG Knowledge Hub, UN report calls for global movement on sustainable consumption and production, June 2022



Local Developments

The New Zealand Government has been busy over recent years reviewing and developing waste and climate policies after a long period of inaction. This is positive for Aotearoa and community organisations wanting to play a role in a growing resource recovery sector.

These developments include:

- NZ's Waste Strategy that has an overall direction towards a circular economy and key focus on managing organic waste – significant targets are set for 2030
- The recently released Emissions Reduction Plan has a specific focus on reducing food waste and has specific targets reducing biogenic methane by 24-47% by 2050
- Increasing and expanding the national waste disposal levy (previously one of the lowest in the world) to reduce waste to landfill and providing increased waste minimisation funding to the industry
- Proposing to roll out a nationwide Container Return Scheme that will reduce beverage container waste, improve recycling rates and also bring income opportunities to organisations handling these products.
- Announcing its intention to introduce Product Stewardship regulation for six priority products which is likely to introduce income opportunities for organisations handling these products
- Building on the plastic bag ban, new regulations will prohibit the sale and manufacture of certain single-use and hard-to-recycle plastic items under the Waste Minimisation Act. These include plastic stemmed cotton buds, Oxo- and photo-

degradable plastic products, PVC food trays and containers (grade 3 plastic) and polystyrene takeaway packaging (grade 6 plastic). Further bans have been communicated that include plastic produce bags, plastic tableware, plastic straws and plastic produce labels.

Community Opportunity

Community enterprises operating in the resource recovery sector often struggle to find financially sustainable business models for a number of reasons. Some include volatility in the recycling industry, limited margin on the sale of reusable items, cost of operating reuse retail and repair services and limited funding for education programmes. Many also handle recyclable products, which continues to become a marginal activity, due to the cost of getting products to export markets, increasing costs for transportation, oversupply of some commodity types, price fluctuations, lack of onshore processing and lack of regulation.

These organisations are also trying to deliver on impact and operate a sustainable business which often adds additional challenges. However, there are a number of positive opportunities coming down the pipeline:

- A nationwide Container Return Scheme includes the establishment of a number of container 'depots' (collectors) that will receive a handling fee for every container that they accept – this can provide a steady income stream. CRRCs are well positioned to be part of the depot network.
- Similarly, product stewardship regulation will enable organisations processing e-waste (as an example) to receive a handling fee making it an economic activity and thus adding an income stream for the organisation
- Auckland Council and community organisation partners continue to work together to grow Auckland's network of CRRCs meaning there is plenty experience for other Councils and community organisations to draw on when starting up new enterprises
- There are good support networks available to new organisations including the Zero Waste Network (national network), emerging local networks (Waikato Regional Council's Community Enterprise Support Programme) and Localised, who provide practical support by forming a joint venture with new organisations

Findings – Current Operations – East and West Sites

The following table is a high level summary of the current services, operations and impact of Athenree, Katikati and Te Puke CRCs.

	Athenree	Katikati	Te Puke
Services	<u>Recycling Drop Off – Free (Commodities)</u>	<u>Recycling Drop Off – Free (Commodities)</u>	<u>Recycling Drop Off – Free (Commodities)</u>
	Plastics #1 (Clear PET) Plastics #2 (HDPE) Plastics #5 (PP) (No Janitorials) Glass Paper	Plastics #1 (Clear PET) Plastics #2 (HDPE) Plastics #5 (PP) (No Janitorials) Glass Paper	Plastics #1 (Clear PET) Plastics #2 (HDPE) Plastics #5 (PP) (No Janitorials) Glass Paper

	Athenree	Katikati	Te Puke
	Cardboard <u>Other – Free</u> Steel, Aerosol Cans, Aluminum Cans, Batteries, Fluorescent Light Tubes and Bulbs, Used Motor Oil, some Hazardous Domestic Waste <u>Organic Material – User Pays</u> Green Waste Drop Off	Cardboard <u>Other – Free</u> Steel, Aerosol Cans, Aluminum Cans, Batteries, Fluorescent Light Tubes and Bulbs, Used Motor Oil, some Hazardous Domestic Waste <u>Organic Material – User Pays</u> Green Waste Drop Off	Cardboard <u>Other – Free</u> Steel, Aerosol Cans, Aluminum Cans, Batteries, Fluorescent Light Tubes and Bulbs, Used Motor Oil, some Hazardous Domestic Waste, Scrap Metal <u>Organic Material – User Pays</u> Green Waste Drop Off
Income & Expenses	Operational Costs \$684,132 (projections for FY 2022) 90% of operational costs are attributed to: Salaries, Maintenance Contractors and Corporate Overheads Income from the sale of commodities and greenwaste user fees is a declining and small percentage of income – projected to be \$80,000 in total for FY 2022. Income from rates enables the services to operate.		Operational Costs \$412,667 (projections for FY 2022) The majority of costs to operate both sites are allocated to Salaries, Maintenance Contractors and Corporate Overheads Income from the sale of commodities and greenwaste user fees is a declining and small percentage of income – projected to be \$26,125 in total for FY 2022. Income from rates enables the services to operate.
Impact - Volumes Recycled⁸	Green Waste: 12 Tonnes per month (average)	Green Waste: 15 Tonnes per month (average)	Green Waste: 18 Tonnes per month (average) Glass: 21 Tonnes per month (average)

⁸ All figures / averages are using the volumes collected at each site following the rollout of the kerbside collection services in July 2021. These figures are based on either 9 or 10 months of operations following the rollout.

	Athenree	Katikati	Te Puke
	Glass: 7 Tonnes per month (average)	Glass: 19.5 Tonnes per month (average) Plastics (1, 2, 5): 0.5 Tonnes per month (average) Paper / Cardboard: 7 Tonnes per month (average)	Plastics (1, 2, 5): 1.2 Tonnes per month (average) Paper / Cardboard: 6 Tonnes per month (average)
Impact - Jobs	3.1 FTE (3417 hours worked)		1.9 FTE (2951 hours worked)
Customer Use	800 customers per month / 185 customers per week (average)	Customers: 2000 customers per month / 460 customers per week (average)	Customers: 2583 customers per month / 595 customers per week (average)
Key Takeaway The sites continue to be well utilised by the public and continue to collect large amounts of materials for recycling following the rollout of the kerbside rubbish, recycling and organic waste collection services.			

Findings – Community Engagement – All Sites

Potential operators were identified and invited to participate in a workshop/hui to learn more about resource recovery, what the CRCs currently do, Council's intention regarding having the sites operated and/or led by the community and gather feedback from organisations who might be interested in operating a site. **Table 1** provides an overview of participating organisations.

Two workshops/hui were delivered as part of this phase – one in Katikati and one in Te Puke. The first part of the workshop provided industry insights on resource recovery in Aotearoa and an overview of the three sites in terms of operations and impact. The second part used a focus group format to gather feedback from interested organisations. **Table 2** provides an overview of what was discussed and learned during these sessions.

Council also facilitated a Tangata Whenua Forum that included a short presentation from Envision NZ on this project and invited iwi representatives to share feedback on the project including how they would like to be involved. See **Table 3** for a summary on what was learned during this session.

The tables below provide an overview of these sessions including key takeaways from the engagement.

Table 1: Overview of who attended the two hui/workshops, what work they are currently doing in resource recovery and how interested they are in operating one or more of the CRCs.

Katikati/Athenree and Te Puke Hui/Workshop Participants			
Organisation	What they do	Related activity	Level of interest
Katikati Taiao Attended both hui	Charitable trust (5 years old) whose purpose is to see the depredation of Katikati's natural world cease; its communities connected and vibrant and happiness thrives.	Katikati Taiao has been actively exploring the establishment of an enterprise to process organic waste and/or sell organic products such as vermicompost.	Katikati Taiao has shown consistent interest in the opportunity to operate Athenree and Katikati.
	In 2018 the organisation signed a five year partnering agreement, now extended for an additional year to 2024, with the Department of Internal Affairs (DIA) enabling it to continue to deliver community led activities. These activities range from environmental restoration to supporting rangatahi to thrive. It has recently launched (July 2022) a food rescue hub (Kai Go).	<p>The organisation hosted an organic waste forum in October 2020 with a focus on co-developing solutions with local industry to deal with kiwifruit waste.</p> <p>They have been in ongoing discussions with MyNoke regarding establishing a partnership, however, the focus of how this partnership could work has shifted due to MyNoke's changing business focus (re-evaluating its organic waste collection service).</p> <p>Katikati Taiao has been continuing to look for a business proposition involving collecting and processing organic waste from the kiwifruit industry despite some key staffing changes. The goal of this enterprise is to develop a sustainable business model as well as achieve environmental outcomes as the funding from DIA concludes in 2024.</p>	<p>It was initially offered the opportunity to operate the sites by Council in January 2022 provided a satisfactory business plan was presented to Council. This offer was made by Gary Allis (Deputy CE and GM of Infrastructure) and John Holyoak (CEO).</p> <p>However, following internal discussions at Council that included the broader waste team, a decision was made to first conduct a feasibility study to assess this opportunity. This study would then enable Council to determine whether to move forward with transitioning the sites to the community and how best to proceed with this (assuming the decision is made to move forward).</p> <p>Katikati Taiao has</p>

Katikati/Athenree and Te Puke Hui/Workshop Participants			
Organisation	What they do	Related activity	Level of interest
		The organisation commissioned a business plan that has been recently completed (July 2022) to explore the above mentioned opportunity.	<p>remained engaged on this opportunity and hosted the workshop/hui in Katikati and attended the Te Puke session.</p> <p>Interest remains high from Katikati Taiao who have communicated they want to operate the sites and see wider community engagement as the next step.</p>
<p>The Daily Charitable Trust (Te Puke)</p> <p>Attended both hui</p>	<p>Daily Charitable trust based in Te Puke has been operating since 2016. The organisation is most known for starting up social enterprise The Daily Cafe in Te Puke which remains a popular hub in the community.</p> <p>The organisation also delivers a number of other programmes including the lunch in schools programme which delivers 7000 lunches a week to local schools.</p> <p>The organisation also has programmes that provide support to vulnerable members of the community by connecting them to mental health and wellbeing services.</p>	<p>The organisation has been collaborating with Vincent House Trust (also in Te Puke) to start up a programme to upcycle and repair goods for the community. This is at a very early stage, however, the outcomes appear to be focused on enabling members of the community to learn skills to repair goods while operating a repair cafe.</p>	<p>The team enthusiastically supports the idea that the sites be operated/led by the community. They see themselves as actively supporting other organisation(s) taking a lead role in the operations and playing an active supporting role.</p> <p>Given the organisation's positive track record of delivery, experience in social enterprise development as well as credibility in the community they are very likely to provide meaningful support for this project.</p>

Katikati/Athenree and Te Puke Hui/Workshop Participants			
Organisation	What they do	Related activity	Level of interest
Live Well Waihi Beach Attended Katikati hui	Community-led project that aims to identify, connect, and amplify the great work of community groups and services specific for Waihi Beach residents. Currently has one person (Pippa) leading activities.	No direct activity in resource recovery, however, is very supportive of the sites being community led/operated and the need for resource recovery services in the community.	Advised that the organisation is a supporter rather than an operator of the sites due to limited capacity.
Envirohub / Precious Plastics (Tauranga based, operate Bay of Plenty wide) Attended both hui	Charitable trust with a mission to help people learn about and take action for a more sustainable future. It is part of Envirohub Aotearoa - a national network of Environment Centres. It operates a number of events and workshops connecting communities and building capability in all things sustainable living. It has also invested in starting up Precious Plastics Tauranga which is a plastic recycling system that transforms plastic waste into retail products.	Operates Precious Plastics which collects and reprocesses milk bottle lids (#5) to create retail products. It is part of the Precious Plastics global network which is an open source project to enable anyone to start up a plastic recycling business. Envirohub is moving from the Historic Village to a larger and centrally located space in Tauranga CBD and is planning to take on resource recovery activities such as e-waste recycling. These plans are at an early stage.	The organisation is keen to be involved in the operations of the sites, however, expressed a keen interest to explore how this could be achieved in partnership with other organisations based locally.
Katch Katikati	Katch Katikati's vision is to have an active, vibrant and creative community where	Not directly involved in any resource recovery activities, however, sees the need and value for a	Would not be involved in operations but is "keen to support the

Katikati/Athenree and Te Puke Hui/Workshop Participants			
Organisation	What they do	Related activity	Level of interest
Attended Katikati hui	locals love to live, and visitors want to come back to. The organisation acts as a promotional agency promoting all that Katikati has to offer to visitors and locals. The organisation manages The Arts Junction facility and the Visitor Information Centre.	community led resource recovery enterprise.	kaupapa from the sidelines”.
Sustainability Options (based in Tauranga, operate Bay of Plenty wide) Attended Katikati hui	Sustainability Options is an ‘altruistic business’ established with a core purpose: to work for the benefit of others with compassion and generosity. A key programme it operates is 20 Degrees, which aims to work with over 500 homes across the Bay of Plenty over the next three years, with a vision for each home to reach 20°C, as recommended by the World Health Organisation for individuals who are vulnerable, unwell and prone to respiratory illnesses.	As part of the delivery of its 20 Degrees programme the organisation facilitates the upgrade of houses following assessment. This includes improving the standard of housing through minor repairs and upgrades. These upgrades include the need for timber, window frames, curtains etc. Minor repairs are conducted by tradespeople who are part of the organisations Trade Bank programme. Currently the organisation collects and stores used materials and goods to support this work and is looking for a large warehouse to store these items as well as access more materials.	Not interested in operating the site but has a keen interest in the downstream materials that could be recovered as part of any resource recovery activities.
Vincent House	Vincent House Recovery Trust is an innovative, strengths-based	Vincent House and The Daily have been collaborating to start up a repair cafe (or similar	Vincent House was very interested in this project as the organisation could

Katikati/Athenree and Te Puke Hui/Workshop Participants			
Organisation	What they do	Related activity	Level of interest
Attended Te Puke hui only	recovery service that specialises in mental health and addictions in Te Puke.	<p>model) locally that will be focused on providing opportunities for people with mental health challenges to learn how to repair and/or upcycle household products.</p> <p>Vincent House has recently secured a warehouse to work from. The Daily and Vincent House have been connecting with those in the community who have repair skills and are potential volunteers. (Note: The Orchard Church was operating a Repair Cafe so there is an existing network in the community)</p>	<p>receive reusable items from the CRRC that are suitable for its repair cafe / capability building programme.</p> <p>Although Vincent House initially communicated they would be more interested as a collaborator (an outlet for reusables) rather than an operator by the end of the hui/workshop they mentioned they could operate the site – the content of the workshop piqued their interest in playing a more direct role in the operations of a CRRC.</p>
Invited but not able to attend: ParaKore, MenzShed Katikati, Anglican Church (operate a charity shop in Katikati). Members of the Tangata Whenua Forum were also invited to the Te Puke session, however, did not respond to the invitation.			

Table 2: Summary of feedback from the focus group part of the workshop/hui in Katikati and Te Puke.

Question	Feedback Summary
Q1: What do you see as the opportunities and challenges with having one or more of these sites operated by the community?	<p>All participants were very supportive of Council taking steps to transition the sites. They saw many positive opportunities for the community including delivering a service that meets the needs of the community, ability to collaborate with other organisations and the opportunity to leverage other funding sources.</p> <p>There were a number of challenges surfaced, however, the top three were:</p>

Question	Feedback Summary
	<p>Financial viability was viewed as a key challenge, more specifically, where would resources come from to operate the sites as well as how any necessary infrastructure upgrades would be financed.</p> <p>Size of the sites was another challenge raised by participants recognising that recycling activities would continue leaving limited space for other activities.</p> <p>Constraints relating to current consents were posed as a potential challenge specifically in reference to accepting household rubbish.</p>
Q2: What do you think the community needs from these sites in terms of resource recovery activities?	<p>Key themes from this feedback were:</p> <ul style="list-style-type: none"> • Consult the community on what they need as this should be community driven and the community should be at centre of determining what it needs • Full service needed by the community, i.e. receive reusable goods, offer repair services, provide affordable goods back to the community and educate the community – “deliver bottom of the cliff services while providing education” • Accessible to everyone, easy to drop things off, potential collection service
Q3: What role would your organisation like to play in operating one or more of the sites?	<p>Katikati Taiao and Envirohub are the two organisations who explicitly stated they wish to operate the west sites.</p> <p>Envirohub did not see itself as a sole operator and would like to explore how it could partner with other organisations to operate the sites.</p> <p>The Daily was very positive about the potential of this project for their communities and gave clear direction on the ways it could support the project. They did not see themselves as an operator but enthusiastically support the kaupapa.</p> <p>Similarly, Vincent House saw itself as a supporter and as a potential outlet for reusable items as mentioned above. However, by the end of the hui/workshop they appeared more interested in operating the Te Puke site.</p>
Q4: How would operating these sites contribute to the overall kaupapa of your organisation?	<p>Feedback was broad in this area, however, most organisations have a social and/or environmental purpose therefore waste reduction activities and education were important as was providing employment and capability building opportunities.</p>

Question	Feedback Summary
<p>Q5: What are the things you need to know to further unpack this opportunity?</p>	<p>The key thing participants are keen to do is understand the financial model, costs required for any capital expenditure and Council's contribution/fee. This was mentioned several times but expressed in different ways.</p> <p>The second most common question was in relation to understanding more about other models that are operating, how Localised works and any examples of how these organisations collaborate with organisations in their communities.</p> <p>Other feedback included:</p> <ul style="list-style-type: none"> • Understanding community benefit in order to communicate effectively • Health and Safety requirements • Understanding any timelines Council are working to • Understanding what the community wants from such an organisation • Suitability of the sites to undertake activities such as CRS, e-waste etc
<p>Q6: What support would your organisation need to be able to progress this opportunity?</p>	<p>Three clear messages came through in the feedback from the participants:</p> <ul style="list-style-type: none"> - Time and space to collaborate with other interested organisations to understand the role they want to play - Opportunity to collaborate with others already doing this work, i.e. become part of a network - Information and communications that would support them to communicate this opportunity to their respective boards and develop a business plan if Council moves forward
<p>Key Takeaways</p> <ul style="list-style-type: none"> • There is interest and excitement from credible and established organisations on this project which is positive, however, there is limited capability in resource recovery • Katikati Taiao has consistently expressed its interest in operating both the Athenree and Katikati sites. • Envirohub also communicated it would like to play a role in operations but this would be in partnership with others • The Daily and Vincent House are very supportive of the project and indicated they could benefit from reusable materials for their repair programme – these organisations could also provide significant support • This was the first time most of the organisations (Katikati Taiao is the exception) had heard about this opportunity and several expressed an interest in exploring 	

Question	Feedback Summary
	<p>how they could partner to operate the site or learn more about each other's focus to enable other collaboration opportunities to emerge</p> <ul style="list-style-type: none">• Wider community perspective was considered needed to help understand the needs of the community and therefore drive the focus for any organisation(s) taking on this opportunity

Table 3. Council coordinated and facilitated a Tangata Whenua Forum that included sharing this project with forum members. A short presentation from Envision NZ was delivered on this project (10-15 minutes) with members then invited to ask questions and share what involvement they would like to have in this project. The table below provides a list of attendees, iwi represented, summary of feedback and recommended next steps.

Tangata Whenua Forum
<p>Participants: Leanne Faulkner (Ngāti Ruahine), Bob Leef (Ngāti Taka), Noeline Tuhakaraina (Pirirakau), Dean Flavell (Ngāti Tuheke), Buddy Mikaere (Ngāti Pukenga), Peri Kohu (Ngāi Tamarawaho), Vance Skudder (Tapuika Iwi Authority Board), Petera Tapsell (Ngāti Whakaue), Nessie Kuka (Ngāti Tauaiti), Manu Pene (Ngāti Whakaue)</p>
<p>Key takeaways</p> <ul style="list-style-type: none"> • The majority of forum representatives were excited and interested in this project and wanted to be involved and contribute to it, however, they required more discussion in order to be able to contribute meaningfully to the project • There was general enthusiasm for the concept of community led/operated resource recovery and the need for more initiatives to deal with ongoing waste issues facing their communities • Maketu representatives were interested in how community led resource recovery could work for communities such as Maketu • A community led recycling centre is already operating on Matakana Island that receives a small amount of support from Council <p>Recommended next steps</p> <ul style="list-style-type: none"> • Co-develop an engagement plan with iwi representatives that would focus on: <ul style="list-style-type: none"> ○ Sharing more about this project and CRRC models ○ Identifying which representatives want to be involved and to what extent ○ Identifying capability building opportunities for these members, i.e. resource recovery workshops, study tours ○ Identifying other engagement points and opportunities • Consider more intentional engagement with the Matakana CRC to identify opportunities to build capability and strengthen services – this could be a useful local example for interested communities <p><i>“Waste minimisation is huge for tangata whenua so the question isn’t if but how will tangata whenua be involved” (Forum participant)</i></p> <p><i>“I never knew I could get so excited and interested in waste, but there you go, this is important for our communities” (Forum participant)</i></p>

Findings – Site Assessment – West Sites

Site Assessments

The following table summarises the key attributes, strengths, limitations and potential additional activities / improvements for each site.

Athenree Site Assessment	
Size	Total size of site: 2123.34 sqm Shed: 259.52 sqm
Strengths	<p>Overall the site is in good condition.</p> <p>Good sealed concrete area and pad for green waste collection.</p> <p>Good site layout, traffic flow and some additional space that can be utilised for resource recovery.</p> <p>Engaged and experienced staff members.</p> <p>More affluent population, therefore, could be a source of high quality reusables. Potential for building materials due a lot of renovations taking place in the community.</p>
Limitations	<p>Small area available to operate additional activities. It is the smallest of three sites and small when compared with other CRRCs which does limit income and resource recovery potential.</p> <p>Located in an area with a small population, however, there is a significant increase in the population during holiday periods – this is both a challenge and an opportunity.</p> <p>Is located in a rural area with no close neighbours. This could be positive from a resource consent perspective (i.e. less impact on neighbours), however, it also presents challenges from a security perspective if goods of value are perceived to be available on site.</p> <p>Smaller shed compared to Te Puke and Katikati.</p> <p>Does not accept scrap metal due to high transportation costs given distance from markets.</p> <p>Does not accept household waste.</p> <p>Does not accept HDPE janitorial plastics, however, they are accepted at kerbside.</p> <p>Limited to operating 20 hours per week. Current opening hours are Saturday 9am to 12pm and Sunday 9am to 4pm.</p> <p>This site is located in a rural zone with significant ecological features. A</p>

Athenree Site Assessment	
	<p>report from Harrison Grierson Consultants Ltd (see Appendix) advises that a new Resource Consent would be required to add additional activity on the site including:</p> <ul style="list-style-type: none"> - incorporate new resource recovery / retail activities into this site; - increase the footprint of the site; - increase the hours of operation. <p>In addition, any proposed changes to the site would also require further assessments, consultation and approvals from other stakeholders including iwi and the Department of Conservation.</p>
Potential for Additional Activities / Improvements	<p>There is a small amount of space available – 300-350 sqm (indoor and outdoor) that could be used for reuse retail if a new resource consent is granted.</p> <p>Scrap metal services may become economically viable with the right scrap metal dealer and could be an opportunity for revenue and diversion for a community organisation.</p> <p>Opportunity for standardisation with kerbside services by accepting HDPE janitorial plastics on site.</p>
Summary	<p>Athenree's current resource consent context suggests there is significant work (and potential cost) required to apply for a new Resource Consent. This site has the most restrictions when compared with Katikati and Te Puke.</p>

Katikati Site Assessment	
Size	<p>Total size of site: 3714 sqm Shed: 431 sqm Unutilised Green Area: 791 sqm</p>
Strengths	<p>Overall the site is in good condition.</p> <p>Operates baling activity onsite including materials from Athenree.</p> <p>Close proximity to town making it more accessible to the community.</p> <p>Engaged and experienced staff members</p> <p>An additional 791 sqm of space is potentially available (currently used by the local Pony Club) although this is undeveloped.</p>

Katikati Site Assessment	
	Bigger shed than Athenree (431 sqm)
Limitations	<p>Narrower site so less obvious opportunity for reusable or other activities in the main area.</p> <p>Does not accept scrap metal or household waste.</p> <p>Current recycling activities take place inside resulting in a noisy environment.</p> <p>Hours of operation are restricted to a maximum of eight hours per week and must be between 8am and 5pm⁹. Current opening hours are Thursday 9am to 4pm and Saturday 1pm to 4pm.</p> <p>Located in a rural zone with significant ecological features and natural landscape. A report from Harrison Grierson Consultants Ltd has advised that:</p> <ul style="list-style-type: none"> - increasing the footprint of the current site and incorporating resource recovery activities is likely to require a new Resource Consent as well as other assessments; - the current resource consent does not permit any resource recovery or retail activity on the current site, however, a variation would be appropriate to address this; - other assessments regarding traffic and noise would be required to support a variation; - any new buildings or structures or earthworks will require assessment to ensure there are no adverse effects on the integrity of landform and the skyline profile is maintained - a variation could also be appropriate to address any changes in the site layout and hours of operation provided proposed changes are within the current site footprint.
Potential for Additional Activities / Improvements	<p>High density baler could increase income from commodity sales.</p> <p>There is a small amount of space available – 400 sqm (indoor and outdoor) that could be used for reuse retail.</p> <p>Scrap metal services may become economically viable with the right scrap metal dealer and could be an opportunity for revenue and diversion for a community organisation.</p> <p>Opportunity for standardisation by accepting HDPE janitorial plastic containers on site.</p> <p>Concrete pad area could be better utilised.</p>

⁹ Harrison Grierson Consultants Limited, Feasibility Assessment, November 2022

Katikati Site Assessment	
Summary	The report from Harrison Grierson Consultants Limited outlines that Katikati's current resource consents and ecological feature/natural landscape overlays will make it challenging to expand the size of the current site and that new activities and changes to the existing site will require additional assessments.

Findings - Concept Plans - West Sites

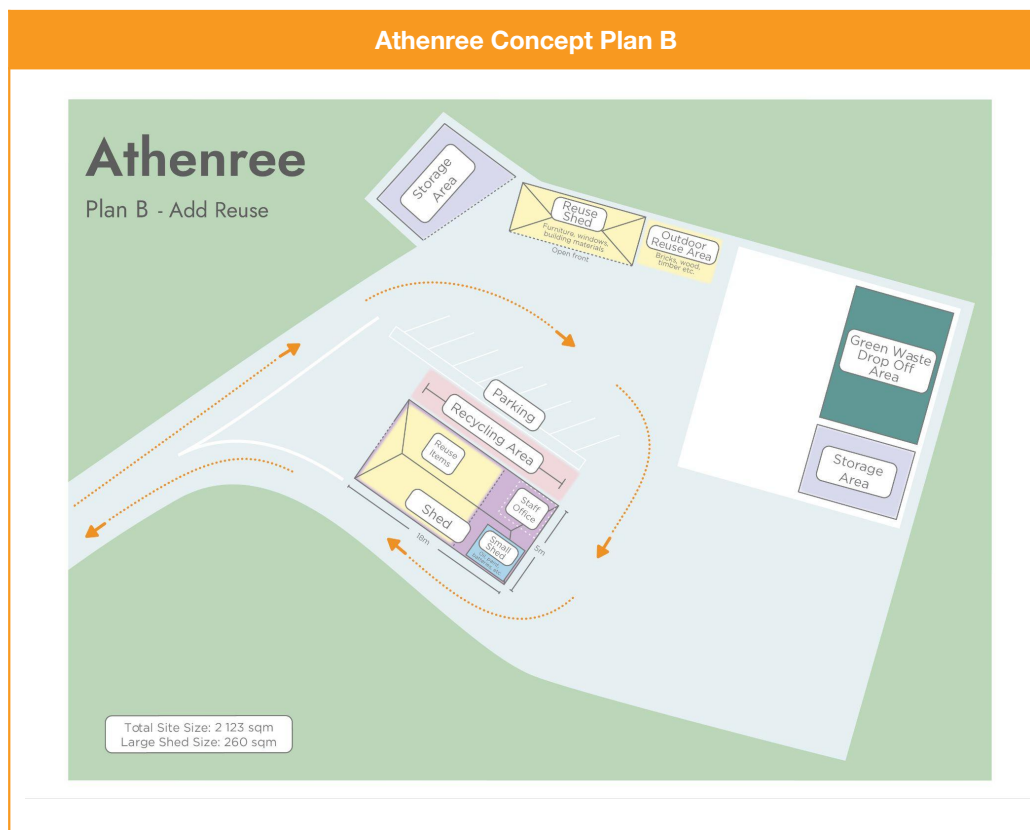
High Level Concept Plans have been developed to illustrate the additional activities that could be incorporated into each of the sites. The Concept Plans have been developed following an assessment by Harrison Grierson Consultants Limited that reviewed current approved resource consents as well as what resource consents and other assessments/consultation would be required to enable additional resource recovery activities across the three sites.

The Concept Plans focus on incorporating reuse retail only in an effort to reduce compliance effort and cost while still keeping resources in use and transitioning operations to the community. Whilst there are opportunities to reduce costs and earn income through greenwaste mulching and acceptance of solid waste such activities will trigger additional compliance. In addition, minimising activities may have the added benefit of reducing complexity if the sites are to be transitioned to the community.

Given the potential of a central government regulated container return scheme (CRS) for beverage containers and product stewardship regulation for e-waste and electronics, the table references these potential opportunities.

Athenree Concept Plan and Opportunities

The table below includes Concept Plan B for Athenree. This illustrates the layout of the site if reuse retail was incorporated. A full sized image of Plan B alongside Plan A (the current site layout) can be found in the appendix.

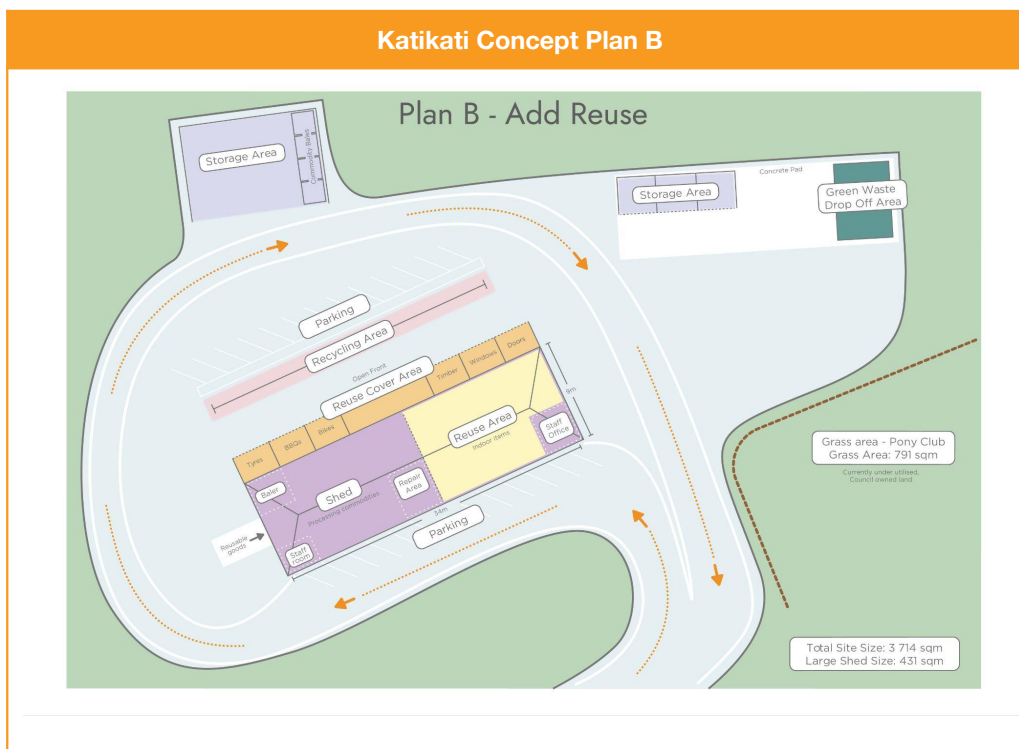


Athenree Opportunities			
Potential Activity	Area (sqm) / Location	Annual Income (estimated – where possible)	Additional potential OPEX (estimated)
Reuse Retail	350 sqm	\$175,000 (\$500 x 350)	1x FTE to manage reuse retail operations
Examples, Furniture, windows, building materials, etc	See Plan B (yellow areas on this map)	This figure is using Localised NZ's estimate that a CRRC can generate between \$500-\$1500 in revenue per square	
Retail materials displayed indoor and outdoor as			

Athenree Opportunities			
Potential Activity	Area (sqm) / Location	Annual Income (estimated – where possible)	Additional potential OPEX (estimated)
illustrated on the map		meter allocated to reuse retail. The range is to account for location of the site (potential customers / users), quality of retail experience etc.	
E-waste recycling programme	Space would need to be allocated in the shed	More research would be required to project	Additional FTE required to manage the programme
Container Return Scheme – Bottle Return Depot	See Map C – could operate in current recycling area	\$15,120 (glass) 252,000 bottles annually at 6c per bottle (7 tonnes per month)	OPEX costs depend on volumes of materials collected and the details of the programme. Estimates will be more likely following the rollout of the programme. The impact of kerbside collection of glass to be assessed for all three recycling centres.

Katikati Concept Plans and Opportunities

The table below includes Concept Plan B Katikati. This illustrates the layout of the site if it is to incorporate reuse retail. A full sized image of Plan B alongside Plan A (the current site layout) can be found in the appendix.



Katikati Opportunities			
Potential Activity	Area (sqm) / Location	Annual Income (estimated – where possible)	Additional potential OPEX (estimated)
Reuse Retail Examples, Furniture, windows, building materials, etc Retail materials displayed indoor and outdoor as illustrated on the map	Plan B 320 sqm - 500 sqm See yellow areas on the map	\$160,000 - \$250,000 (\$500 x 320 sqm) (\$500 x 500 sqm) This figure is using Localised NZ's estimate that a CRRC can generate between \$500-\$1500 in revenue per square meter allocated to reuse retail. The range is to account for location of the site	1x FTE to manage reuse retail operations

Katikati Opportunities			
Potential Activity	Area (sqm) / Location	Annual Income (estimated – where possible)	Additional potential OPEX (estimated)
		(potential customers / users), quality of retail experience etc.	
E-waste recycling programme	Space would need to be allocated in the shed.	More research would be required to project income.	Additional FTE required to manage the programme.
Container Return Scheme – Bottle Return Depot	See Map C – could operate in the current recycling area.	\$42,120 (glass) 702,000 bottles annually at 6c per bottle (19.5 tonnes per month). \$12,960 (1 and 2 plastics) 216,000 bottles annually at 6c per bottle (0.5 tonnes per month).	OPEX costs depend on volumes of materials collected and the details of the programme. Estimates will be more likely following the rollout of the programme. The impact of kerbside collection of glass to be assessed for all three recycling centres.

West Sites - Concept Plan Summaries
Athenree
Atheree CRC operates on a closed landfill, is in a rural zone and has significant ecological features. The assessment from Harrison Grierson Consultants Limited has outlined that a new Resource Consent would be required to undertake additional resource recovery / reuse retail activities. Additional assessments and approvals will also be required in relation to any new activities.
Katikati
Katikati CRC operates in a rural zone, has a natural feature/landscape and significant ecological feature on or near the current site. Expanding the current site will require a new Resource Consent as well as other assessments. However if any new activities can be confined to the current site this will require a variation as opposed to a new Resource

Consent as well as other supporting reports.

Both Sites

- Greenwaste mulching and solid waste disposal are activities delivered by other community resource recovery centres in Aotearoa and can bring benefits, however, due to the additional compliance/complexity they bring have not been included in the concept plans.
- CRS presents a good opportunity for CRRCs to earn income and is worth prioritising and preparing for.
- Electrical and electronic products (e-waste including large batteries) is one of six products that will require a regulated product stewardship scheme under the Waste Minimisation Act. This is a growing waste stream and many CRRCs already provide this service and can share expertise to help a new organisation get started and become part of a network.
- CRS would not be defined as a retail activity, however, it is likely that if the two sites do become bottle return depots they would have more traffic / visitors and this could be factored into any future resource consent applications.
- CRS projections are directional as they are based on the current volumes of glass and plastics collected at the sites. Volumes are likely to be higher. Specific details on how the programme will operate including the handling fee have yet to be announced by central government. Plastic volumes for Katikati are representative of both Athenree and Katikati.
- Coverage is recommended for reusable items where possible and temporary coverage solutions are available that are fit for purpose and do not require a building consent.

Findings – Site Assessment – East (Te Puke)

Site Assessment

The following table summarises the key attributes, strengths, limitations and potential additional activities / improvements for the Te Puke CRC.

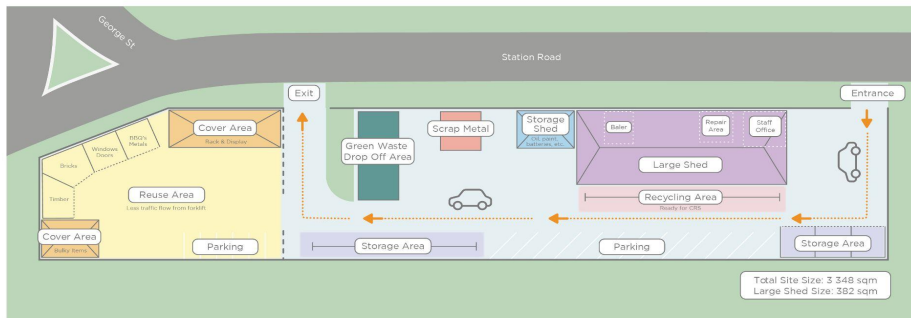
Te Puke Site Assessment	
Size	<p>Total size of site: 3,348 sqm Main Shed: 382 sqm</p> <p>Small garage currently utilised as storage.</p>
Strengths	<p>Overall the site is in good condition.</p> <p>Good sealed concrete area and pad for green waste collection.</p> <p>Good site layout, traffic flow and some additional space that can be utilised for resource recovery.</p> <p>Engaged and experienced staff members.</p> <p>Provides a more positive customer experience due to aesthetics inside</p>

Te Puke Site Assessment	
	<p>and outside the shed.</p> <p>Experienced, engaged and passionate staff.</p> <p>Scrap metal recycling services are provided due to proximity to scrap metal dealer, which means lower transportation costs.</p> <p>Located close to the CBD.</p> <p>Good area at the back of the site that could be utilised (currently a storage area).</p> <p>Maximum operational hours to 50 per week, opening hours Monday to Saturday 6am to 8pm and Sunday 1pm to 4pm.</p> <p>Is consented for solid waste management and disposal – discretionary activity.</p>
Limitations	<p>Does not accept household waste.</p> <p>Opportunity for standardisation by accepting HDPE janitorial plastic containers on site.</p> <p>Current resource consent allows for retail activity however there are limitations regarding the amount of space that can be used for retail activity (up to 100 sqm only).</p>
Potential for Additional Activities / Improvements	<p>There is a small amount of space available 800 sqm (indoor and outdoor) that could be used for reuse retail (requires variation to current resource consent).</p> <p>Although solid waste management and disposal is possible under the current consent this has not been included in concept plans due to the additional complexity and cost of introducing this service. It could, however, be included at a later date to both allow for the recovery of reusable items and to generate income.</p>

Findings - Concept Plan - East (Te Puke)

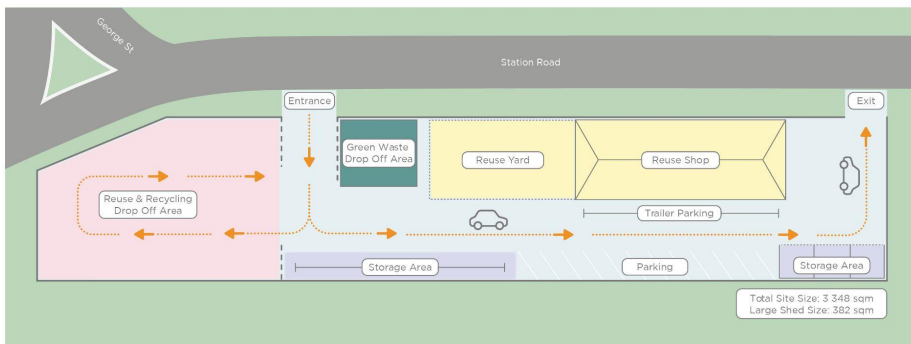
Te Puke Concept Plans B & C

Plan B - Add Reuse



Te Puke

Plan C - Add Reuse



Te Puke Opportunities			
Potential Activity	Area (sqm) / Location	Annual Income (estimated – where possible)	Additional potential OPEX (estimated)
Reuse Retail Examples, Furniture, windows, building materials, etc Retail materials displayed indoor and outdoor as illustrated on the map	600-800 sqm See reuse areas on the maps B & C	\$300,000 - \$400,000 (\$500 x 600 sqm) (\$500 x 900 sqm) This figure is using Localised NZ's estimate that a CRRC can generate between \$500-\$1500 in revenue per square meter allocated to reuse retail. The range is to account for location of the site (potential customers / users), quality of retail experience etc.	1x FTE to manage reuse retail operations
E-waste Recycling Programme	Space would need to be allocated in the shed	More research would be required to project	Additional FTE required to manage the programme
Container Return Scheme – Bottle Return Depot	See Map B – could operate in current recycling area	\$47,250 (glass) 792,000 bottles annually at 6c per bottle (22 tonnes per month) \$28,512 (1 and 2) plastics) 475,200 bottles annually at 6c per bottle (1.1 tonnes per month)	OPEX costs depend on volumes of materials collected and the details of the programme. Estimates will be more likely following the rollout of the programme. The impact of kerbside collection of glass to be assessed for all three recycling centres.

Te Puke Concept Plan Summary

- Te Puke CRC is in an industrial zone. The current resource consent permits retail activity (up to 100 sqm) and allows for longer operating hours when compared against the other two sites.
- The assessment report provided by Harrison Grierson Consultants Limited (see appendix) advised that a variation to the existing resource consent would be appropriate to increase the level of retail activity as well as change the layout of the site. Specialist reports would also be required (i.e. traffic) and approvals gained from neighbours, i.e. 1 George St, the Baptist Church and KiwiRail. The hours of operation of up to 50 hours per week are likely sufficient for any new activities.
- The current zoning and resource consents together with central location and site amenities make the Te Puke CRC better positioned to incorporate resource recovery activities.
- Greenwaste mulching and solid waste disposal are activities delivered by other community resource recovery centres in Aotearoa and can bring benefits, however, due to the additional compliance/complexity they bring have not been included in the concept plans.
- Two concept plans have been provided for the site given that the leased land from Kiwi Rail will be key to incorporating new activities and one plan/approach may be preferable to present to them.
- CRS presents a good opportunity for CRRCs to earn income and is worth prioritising and preparing for. The Te Puke CRC is better positioned to undertake this activity when compared with Athenree and Katikati. More specifically, its location, layout, shed setup and current resource consent conditions suggest it would be an easier transition when compared with Katikati and Athenree.
- Coverage is recommended for reusable items where possible and temporary coverage solutions are available that are fit for purpose and do not require a building consent.
- Electrical and electronic products (e-waste including large batteries) is one of six products that will require a regulated product stewardship scheme under the Waste Minimisation Act. This is a growing waste stream and many CRRCs already provide this service and can share expertise to help a new organisation get started and become part of a network.

Notes

- CRS projections are directional as they are based on the current volumes of glass and plastics collected at the site. Volumes are likely to be higher. Specific details on how the programme will operate including the handling fee have yet to be finalised.

Conclusions

- Community led/operated resource recovery enterprises continue to prove their effectiveness in pushing the activities of reuse and repair up the waste hierarchy and providing meaningful employment opportunities. Membership in the Zero Waste

Network continues to grow as new community led/operated organisations start up across Aotearoa. New organisations can access expertise through this network and establish partnerships with seasoned organisations such as Localised to win contracts and/or funding to operate a community enterprise focused on resource recovery.

- Reuse is a key component of a circular economy. Central Government continues to roll out regulation to move Aotearoa away from the take-make-dispose economy towards a more sustainable economy. The focus of moving to circular systems is happening globally as countries grapple with how to move away from the current flawed linear system.
- Kantar's (formerly Colmar Brunton) 2022 Better Futures report continues to demonstrate that kiwis are concerned about the environment and climate change. 'Too much waste/rubbish' is one of the top 10 concerns for New Zealanders. New Zealanders want to live more sustainably and are looking for options and education to enable that.
- Local Authorities continue to focus on waste minimisation and prevention as waste volumes continue to grow. Although reuse activities cost more to deliver they also create employment opportunities and keep resources in use. Local Authorities are best positioned to enable this activity as they can provide support and resources which aren't widely available due to a lack of regulation and capital.
- The three sites continue to be well used by the public following the rollout of the kerbside rubbish, recycling and organic waste services in July 2021. All sites are well maintained and operated. There is a good foundation to build upon.
- The three sites need to continue providing the current services leaving limited space available for other activities. However, there is opportunity to incorporate additional activities that will keep resources out of landfill and in use. Moreover, community organisations are well positioned to take advantage of CRS and other mandated product stewardship programmes that have the potential to provide steady income and potential customers.
- All three sites currently have resource consent limitations meaning that either a new Resource Consent or a variation to existing resource consent would be required to incorporate the activities outlined in this report. Additional engagement and assessments are also required to support these applications.
- Te Puke is best positioned to incorporate new resource recovery activities given its zone and current resource consents. This site is centrally located, in an industrial area and has good amenities. Given the current context Te Puke is likely to be a better place to begin a transition.
- Katikati and Athenree are also suitable for resource recovery, however, have greater levels of compliance to work through, therefore, time and cost.
- There are a number of established and credible organisations locally who are interested in operating the sites or supporting others to do so. Although most of the potential operators and Tangata Forum representatives are new to resource recovery they bring enthusiasm and a wealth of experience in other areas that would be beneficial for this project. In addition, for most, this is the first time they have heard of this opportunity.

- The options and recommendations below have been developed with the intention of minimising risk for both council and community organisations and setting up the relationship for success. Success factors for any transition would be to ensure there is strong and sustained support in the form of expertise, coaching and oversight for any new organisation.

Options and Recommendations

The project work to date has identified three possible ways forward:

1. Council operated, Community supported
2. Community & Council hybrid
3. Community operated, Council supported

The table below provides a summary of each option.

Option 1: Council operated, Community Supported

Council continues to operate the site(s) in the short-medium term (12-18 months) while working with industry experts and potential operator(s)

Rationale

There are a number of potential operators, however, they currently have limited capability and capacity. These organisations would benefit from learning more about the industry as well as the operations of a site, which will take time and require access to those with the experience. Additional insight into the operations of the two sites and the industry in general will give potential operator(s) a better sense of the type of work they are potentially going to be involved in. It is also important to note that all sites currently have experienced and committed staff, therefore, there is no pressing need to transition the sites.

Council and potential operator(s) would benefit from having access to specialist expertise in the form of a seasoned community operator. This would be someone who has operated a CRRRC and ideally in the early stages of development or transition. This person would be best positioned to support the development of a strategy to incorporate additional activities into the three sites alongside Council and potential operator(s). This industry expert and Council would benefit from having community involvement as the sites transition towards resource recovery.

Assuming that Council continues to operate the two the sites in the short to medium term, the following three approaches could be considered. These proposed approaches have the potential to access industry expertise to move the sites towards resource recovery, while providing an opportunity for Council and potential operators to collaborate ahead of a full transition. Council may consider using a combination of these. These approaches are:

1. Establish an Advisory Board

What is an Advisory Board?

An Advisory Board is a structured and collaborative method to engage with external advisors. They do not make legally binding decisions and are not responsible for governance. They generally meet 4-6 times per year, however, some meet monthly.

This could be an effective approach to bring in external expertise from those already working in the resource recovery sector and from those well connected to the local community. More specifically, an Advisory Board in this context could include an experienced site operator who would work alongside Council and potentially one or two representatives from community organisations who have expressed an interest in operating the sites.

A well functioning Advisory Board would require:

- A clear purpose on how the Council intends to move forward with this opportunity;
- Council to clearly define what skills and experience are needed for the board;
- Council to approach potential members (including potential operators) asking them to register or formally express their interest in being part of the Advisory Board;
- A strong chair to be appointed to ensure a robust process is followed at all times and objectives are met;
- Members to be paid to ensure participation and commitment and/or expenses covered;
- Additional budget be made available for current staff or new staff to undertake activities that are recommended by the advisory board.

2. Establish a Community Activator role focused on identifying and starting up reuse activities

What is a Community Activator?

A Community Activator would have established networks and credibility in the community. The role would focus on educating the community on waste minimisation/prevention alongside identifying resource recovery opportunities. More specifically, they would identify reusable items that could be diverted from landfill and look for sources and outlets for those items within the community.

By establishing this role, Council will have the opportunity to work alongside a community organisation to develop an approach to incorporate reuse, repair and retail activities into the community. Council could consider developing the role collaboratively meaning that the role description and scope could be co-developed.

About the Community Activator role

This would likely be a paid, part-time role that would enable a community organisation to leverage its community connections to engage the wider community on all things reuse. This role could:

- Provide education on the topics of waste prevention/minimisation, reuse etc;
- Identify what reusable items are needed in the community, i.e what are the gaps given there are a number of charity shops operating
- Connect with local businesses, other groups etc to identify sources of reusable items that could be made available to the community and develop an approach;
- Identify any gaps that need to be filled, i.e. what reusable items the charity shops do not accept that could be redirected to the community;
- Identify what items the charity shops need and explore sourcing those from within the community.

How has this approach been used before?

Localised has created a similar community activator role to work across its two Zero Waste Hubs in Auckland. This role has been taken on by the Kaipatiki Project, an Environment Centre on the North Shore who co-developed the role alongside Localised. This role is focused on educating the community and identifying outlets for reusable items that have been collected as part of Auckland's inorganic waste collection.

Although this is a different context the same approach could be used and working alongside the community organisation to co-develop the role and outcomes would be beneficial to both parties.

3. Council employs an industry expert in a management support role to work alongside the current team to expand activities using concept plans as a guide

What would this role look like?

This approach would involve Council employing an industry expert in a management support role. This industry expert would work alongside existing staff in a mentorship role and support the development of an approach to incorporate new activities into the sites as identified in the concept plans. This role could be for one day per week or more depending on the level of ambition and budget.

Upskilling current staff on reuse is essential, so that they are better equipped to support these new activities. Incorporating the Community Activator role and Advisory Board alongside this role is worth considering to ensure that potential operators are included in this work.

What are the potential challenges for this option?

- This approach is likely to result in less material being diverted from landfill than if a full or hybrid approach is taken (see next two options);
- There is a risk that potential operator(s) decide that the opportunity is not for them – loss of time and resources;
- Will require more oversight, time and direction from Council as well as resources to implement option(s), i.e. time to develop strategies, resources to bring in expertise, staff to deliver on projects as well as potential capital expenditure to deliver on projects.

What are the potential benefits of this option?

- Council and potential operator(s) have access to expertise which builds capability while providing an opportunity to start to incorporate additional activities into the site(s) at a pace that is comfortable Council;
- Council and potential operator(s) have the opportunity to build a relationship ahead of any transition – this could lead to a smoother transition;
- Council and potential operator(s) have the opportunity to gain insight into what the current gaps are in the community in terms of reusable items wanted / available;
- There is less risk with this option as Council retains its current role and the level of activity is likely smaller, at a slower pace and less likely to disrupt current services;
- Provides Council with time to consider other strategic developments outside of this scope of work that could have important implications for this project.

Option Two: Council and Community hybrid

Council continues to operate the current activities on the sites and community operates reuse retail activities

Rationale

This option seeks to balance the limited capability of potential operators with supporting Council's objective of minimising waste to landfill and moving towards a community operated/led model. More specifically, Katikati Tiaio, Envirohub and Vincent House have expressed an interest in operating the sites, however, they would require an experienced partner to work alongside them. This would be necessary to minimise the risk for both parties.

This option would see Council continue to operate the current activities on the site to ensure continuity of those services to the community while establishing a partnership with a community organisation(s) to run a reuse retail shop on the site. The community organisation(s) would be encouraged to establish a partnership / joint venture with an experienced operator such as Localised or CReW in Whakatane. This is a more ambitious approach than the first option as the focus moves to reuse retail from the outset that is operated/led by the community. However, risk is managed by Council retaining core services for the short-medium term and the involvement of an experienced

operator in establishment of a reuse retail shop.

This operational model of a Council and Community hybrid exists already as does the joint venture between a community organisation new to the industry and an experienced operator.

What would this option look like?

Council would continue to operate the CRCs and its current activities, however, it would establish a partnership with a community organisation to operate reuse retail activities. Given the limited experience of the potential operators, Council's procurement process could steer the community organisation(s) towards a partnership or joint venture with an established organisation such as Localised or CReW. This would minimise the risk for all parties involved.

What is an example of a community council hybrid?

Auckland Council operates the Waitakere Refuse and Recycling Centre. Within the transfer station McLaren Park Henderson South (MPHS) Community Trust operates The Tipping Point, a reuse retail shop. Council and MPHS have shared objectives and profit share agreement. This approach enables The Tipping Point to focus exclusively on reuse retail while working collaboratively with Council to achieve greater diversion. The Tipping Point has 6 FTEs, operates on 3500 sqm (inside and outside), has a turnover of \$489K and diverted 264.1 tonnes from landfill (figures are from the 2020 financial year).

What is an example of a Joint Venture?

Mahurangi Wastebusters operates two Community Recycling Centres in Auckland. It is a good example of a 'Council-led, Community delivered' model. Mahurangi Wastebusters was established in 2019 in response to an Auckland Council Request for Proposals for an operator of two Council-owned sites in Warkworth and Wellsford. Mahurangi Wastebusters is a joint venture between Localised Limited and an existing local charitable trust, Mahurangi Wastebusters Trust.

The company successfully won the competitive tender on price and community benefit with two large private enterprise waste companies being unsuccessful in their bid. Mahurangi Wastebusters took over the operation of the sites on 1 July 2019 and has handled approximately 1,700 tonnes of material since that date. In its first year of operation the community enterprise has turned over almost \$700k.

The involvement of Localised Limited enabled a successful bid as it was able to work alongside Mahurangi Wastebusters Trust during the procurement process and was positioned as a key partner in operations. It is important to note that Council's vision of 'zero waste 2040' was key as it underpinned the procurement criteria.

What are the potential challenges?

- There is risk associated with any change of operator or introduction of new services, however, this can be managed to some extent with an experienced partner such as CReW or Localised working alongside a community organisation.

What are the potential benefits?

- Volumes of material diverted from landfill are likely to be higher with this option when compared with the first option.

Option Three: Community operated, Council supported**Community operates the full site, supported by Council****Rationale**

The rationale for a Community operated, Council supported model is similar to Option Two, however, more quickly transitions to a full community operated / led approach. As outlined in Option Two establishing a joint venture with an experienced partner such as Localised or CReW would be necessary given the experience levels of the potential operators as well as the complexity involved with a transition and ongoing operations.

Although this is a larger undertaking the sites are smaller than many existing CRRCs (i.e. size, services, operations) and a partner such as Localised Limited brings significant expertise and experience to minimise the risk of a transition and there are advantages for an experienced partner delivering a full range of services from the outset.

What would this option look like?

As outlined above a good example of a Community delivered, Council supported approach is Mahurangi Wastebusters.

What are the potential challenges?

- The risk associated with a full transition is greater than Option 2 as a new operator is taking over existing services as well introducing new services. Again, working alongside an experienced partner can minimise these risks.

What are the potential benefits?

- Volumes of material diverted from landfill could be higher when compared with Options 1 and 2 as a new operator has the potential to bring in networks, knowledge, systems and processes that could improve current operations.

Appendix A – Case Study – Seagull Centre (Thames)



Summary

Seagull Centre is a community recycling and resource recovery organisation that has been operating in Thames since 2004. Located by the Thames Transfer Station the organisation is focused on diverting waste from landfill, providing local employment and ensuring the community has access to affordable goods. The organisation is self-funding (i.e. receives no Council funding for operations) employs 16 staff (8 FTEs) and is open seven days per week from 9:30 am to 4:00 pm. The site covers an area of 5000 sqm enabling it to collect and sell a wide range of goods including bulky items and building materials.

Background

Setup as a charitable trust, Seagull Centre has a catchment area of 10,000+ which has a higher proportion of older residents and those on a lower household income. Over the past 16 years the organisation has gone from strength to strength with a notable step change over

the past two years. The organisation is generating a surplus enabling it to reinvest into site improvements, recover more resources as well as provide grants to local community organisations.

The organisation has recently improved the layout of the site including optimising the flow of traffic. This upgrade was made possible with funding from the Ministry for the Environment's Waste Minimisation Fund. This has resulted in an improved experience for customers shopping for goods as well as those dropping off items. The improvements to the drop off area have doubled the amount of product coming into the centre which is translating into an increase in sales.

Services Provided

- Seagull Centre accepts the following items, diverting what it can from Landfill: Bric a brac, furniture, bikes, doors, windows, clothing and accessories, whiteware, collectibles, e-waste etc. A broad range of items are accepted providing they are clean with the potential to be sold.
- Operates reuse retail shop with a large range of affordable goods available in store as well as via its TradeMe site.
- Makes minor repairs to goods for sale.
- Operates e-waste repairs (minor), test and tag, dismantling and recycling services (items sent to Auckland Computer Recycling)
- Also operates an auction service for rare items and collectibles – bids can be made in store or online.

Impact Materials

- Diverting one tonne of material per day for the past two years (365 tonnes annually)
- Receives used goods from approx 40 customers (cars) per day
- Biggest sellers are bric a brac, clothing and electronics

Impact Local Community

- 16 jobs / 8 FTEs
- 10 volunteers
- Focus on those with barriers to employment
- Finds roles to suit the skill set of employees
- Grants totaling \$15K have been provided to local community organisations
- General manager is actively involved in supporting the establishment of other resource recovery organisations and network through Waikato Regional Council's CRC Peer Support Programme

Impact Retail Shop

- 130-140 transactions per day (average of \$10 per transaction)

Impact Economics¹⁰

- Income: \$509,792

¹⁰ All figures from Financial Summary – Year Ending 30 June 2021

<ul style="list-style-type: none"> • Expenses: \$457, 357 (surplus \$52,435)¹¹ • Wages: \$378,857 • Small income from e-waste recycling
Legal Entity / Ownership Charitable Trust operating a social enterprise
Management, Staffing and Governance One general manager / 8 FTEs / 4 trustees
Success Factors <ul style="list-style-type: none"> • Time on the ground – 16 years enables awareness in the community as well as the development of systems and processes that improve operations and sales • Understanding what is valuable and what isn't as well as using the space wisely • Building knowledge of not just resource recovery 101 but retail 101 to grow sales (i.e. strategic approach to the display and pricing of products) • Engaged staff that are empowered to make decisions and try new things • Space is key, the more space the more opportunity to accept, process and sell items • Good outlets for items such as e-waste or items that are hard to shift • Community support and collaboration with other centres in the district • Operating the same hours as the transfer station and being proactive in looking for ways to access materials on the way to the transfer station
Aspirations / Future Focus <ul style="list-style-type: none"> • Increase amount of building materials recovered and sold – has recently employed a new person who will focus on developing relationships in the industry (waste education role)
Constraints / Opportunities <ul style="list-style-type: none"> • The main constraint is not having access to materials at the transfer station that could be reused. Seagull Centre is consistently looking for opportunities that would enable this with Council as the private waste operator hasn't been receptive to date • Regulation from local and central government would enable more access to more materials (i.e. building materials) and an increase income (i.e. product stewardship programmes, container deposit scheme etc) leading to greater impact

¹¹ Receives peppercorn rent from Thames-Coromandel District Council

Appendix B – Case Study – CReW (Whakatane)



Summary

CReW is a community resource recovery organisation serving the needs of the Whakatāne community since 2012. It is a retail outlet for a large range of used goods, an e-waste recycler and community education hub. The organisation is expanding the site and intending to recover and sell more construction and demolition material.

Background

[CReW](#) was set up by a group of passionate locals with establishment costs provided from the Ministry for the Environment, Te Runanga o Ngati Awa (TRONA) and the Whakatāne District Council. The organisation is part of social services organisation, Pou Whakaaro.

After two years of operating the organisation was financially self-sufficient, more specifically, the organisation could fund 100% of operations from its sales activities.

CReW has built a successful organisation and is keen to see the model replicated in other parts of the country. It does a particularly great job of diverting challenging waste streams such as construction and demolition waste and bulky items from the landfill.

Services provided

- CReW accepts a broad range of materials, i.e. books, clothing, beds, whiteware and construction and demolition waste plus much more.
- Construction and demolition waste is one of the top waste streams by volume / income
- E-waste recycling – customers pay between \$2.00 and \$70.00 for e-waste items to be recycled.

<ul style="list-style-type: none"> Community education workshops on sustainable living, i.e. composting, worm farming, permaculture and the repair of household items. Current focus is expand the recovery of building materials – this is being developed in partnership with Whakatane District Council using funding from MFE
Business model <ul style="list-style-type: none"> Financials for 2021: Income: \$280K Expenses: \$273K (similar projections for 2022) The organisation says its margin is growing enabling capex purchases and site improvements. Operations are funded by the sale of donated items destined for landfill and e-waste recycling (the latter is currently a small contribution). Operates on land owned by Pou Whakaaro (peppercorn lease)
Impact model <ul style="list-style-type: none"> 312 Tonnes of material was diverted from landfill in 2018 (more recent figures unavailable) 95% of resources dropped off by the community are reused (95% reuse rate). Sustainable and inclusive employment is a key focus. Two current employees were referrals from social services organisation Pou Whakaaaro.
Legal entity & ownership <ul style="list-style-type: none"> In 2013 CReW formally became part of social services organisation, Pou Whakaaaro. Pou Whakaaaro and CReW are trading names of the EBAT Charitable Trust.
Governance <ul style="list-style-type: none"> Both organisations (CReW and Pou Whakaaaro) are governed by the EBAT Charitable Trust which has 7 trustees.
Management & staffing <ul style="list-style-type: none"> The General Manager is responsible for day to day operations and oversees the 6 staff (4.3 FTE) and 8 volunteers. General Manager currently oversees both Pou Whakaaro and CReW CReW pays the living wage and has inclusive and sustainable employment as a core part of its values.
Aspirations <ul style="list-style-type: none"> Continue to grow revenue and recover resources which will enable more jobs to be created and waste diverted from landfill. Focus on diverting more building materials from landfill and increase income from this activity.

Appendix C – Case Study – Waiuku Zero Waste Ltd (Auckland)



Summary

Waiuku Zero Waste Ltd has operated the Waiuku Community Recycling Centre (CRC) under contract to Auckland Council since 2014 in a Council-led, Community delivered model. Waiuku was the first Refuse Transfer Station to be redeveloped into a CRC and the first CRC of the Auckland Resource Recovery Network (RRN). The site is Zero Waste focused in order of priority on ReEducate, ReUse, Recycling and then Refuse Disposal.

Background

Waiuku Zero Waste Limited is a Community Enterprise established in 2014 (as a joint venture between two charitable community groups) to take over the existing Waiuku Refuse Transfer Station under contract to Auckland Council. The site has now been transformed into a Community Recycling Centre with a \$1.5 million Council upgrade (mainly on underground services, paving surfaces and a new 500m² ReUse shop).

The organisation has a catchment area of 20,000 residents stretching over Waiuku, Patumahoe, Clarks Beach and Awhitu Peninsula.

Services provided

- Waiuku Zero Waste accepts drop off of the following items, diverting what it can from landfill: general waste, green waste, cleanfill, scrap metal, timber (recycling), timber (reuse), tyres, e-waste, paper, cardboard, glass, PET, HDPE, polystyrene and reusable items.
- Commercial collections for business recycling and green waste collections for the community.
- Education programmes incorporating site tours for schools and interested community groups and work with other environmental groups in the community
- A retail shop and yard selling reusable goods and upcycled products.
- We offer event recycling services to the local Business Association and other businesses, and loan event items to schools and Marae

Impact Materials

- Recovery of 8,021 tonnes of material from landfill over seven and a half years of operation (from a total of 12,970 tonnes of material).
- WZWL currently recovers 67% by volume and 62% by weight of all material through the site.
- Continued to increase the range of materials accepted and recycled.
- Focus is on ReUse of Materials

Impact Contract & Council

- Annually reduced contract payments (current level is 50% of 1st year contract payment)
- Contract for service is now <20% of total revenue (60% when we first started)
- moving in 2023 to a grant based funding approach with Council
- WZWL have increased opening days from 3 days to 4 days at no cost to Council (33% increase)
- Open Book approach with Council
- We also assist other Auckland groups who are interested in running a recycling centre in their own area through site tours and advice

Impact Local Economy

- WZWL have created 12 new jobs compared to previous operator (0.5 FTE)
- All current employees are locals
- 58% of all expenditure is on wages
- Wages paid to date of \$2.5 million
- Annual wages are just over \$450,000, with a disposable income local economic impact of \$900,000¹
- WZWL use majority local suppliers - 70% within 50 kms

Impact ReUse Shop

- Major area of impact (Material ReUse, Revenue Growth, Job Creation and Carbon Reduction)
- From \$0 1st year to over \$220,000 per annum in 8th Year
- Reuse shop has now become a destination for not just locals but the wider Auckland area and beyond
- Donated goods to other opportunity shops, schools, pre-schools and the other Auckland Community Recycling Centres

Impact Economically

- Profits are retained within WZWL structure to continue to develop the business and Zero Waste services
- Annual turnover is now over \$800,000
- Financially still a marginal business

Impact Tool Library

- Waiuku Trust and WZW with support from Auckland Council has established a Tool Library on site during 2020
- This tool library model is about hiring cheaply (rather than buying) of tools for the community
- Currently setting up a complementary Makers Space to allow repair of items on site while skilled trades persons pass on skills to new users.

Legal Entity & Ownership

- Waiuku Zero Waste Ltd is a Limited liability company with charitable registration.
- Established as a joint venture between the Waiuku & Districts Community Workshop Trust (WADCOM) and Xtreme Zero Waste Inc (Raglan)
- Now 100% owned by WADCOM with Xtreme's 50% ownership transferred to WADCOM in 2018 (as per shareholders agreement).

Governance

- Five directors. Two directors from the Waiuku Trust and three independent directors.

Management & Staffing

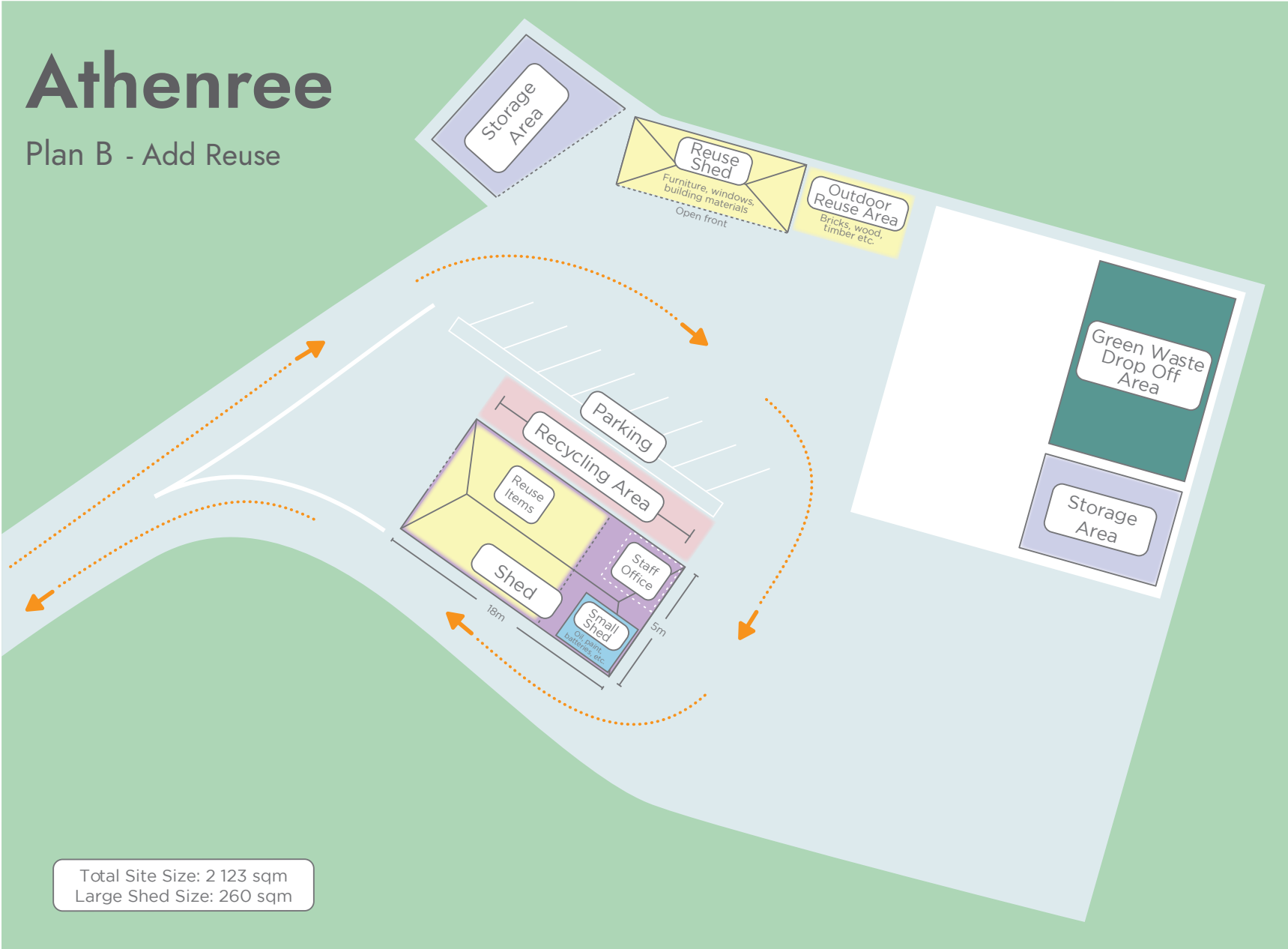
- The general manager is appointed by the directors and in turn is responsible for managing the business.
- Currently the business employs 13 paid staff in part - and full-time roles. This equates to 13.23 FTE's.
- Paid employees undertake the core services, and volunteers are utilised to assist with other tasks and projects. We have had 350 volunteers working over 2,500 hours in any one year
- Our staff are trained in site operations and hold all the appropriate licences (e.g. diggers, forklift, tag and test etc).

Aspirations

- To continue to grow and expand our Zero Waste services and education within the wider Franklin area
- Assist with advocating for, developing and operating a CRC in Pukekohe
- Take part in circular economy initiatives and carbon reduction
- Support and advocate for product stewardship schemes
- Be a take back depot (container deposits, stewardship products etc)
- Promote and support wider environmental initiatives
- Delivery of WMMP and Resource Recovery Network actions, or initiatives within the Auckland Council and Franklin Local Board Plans

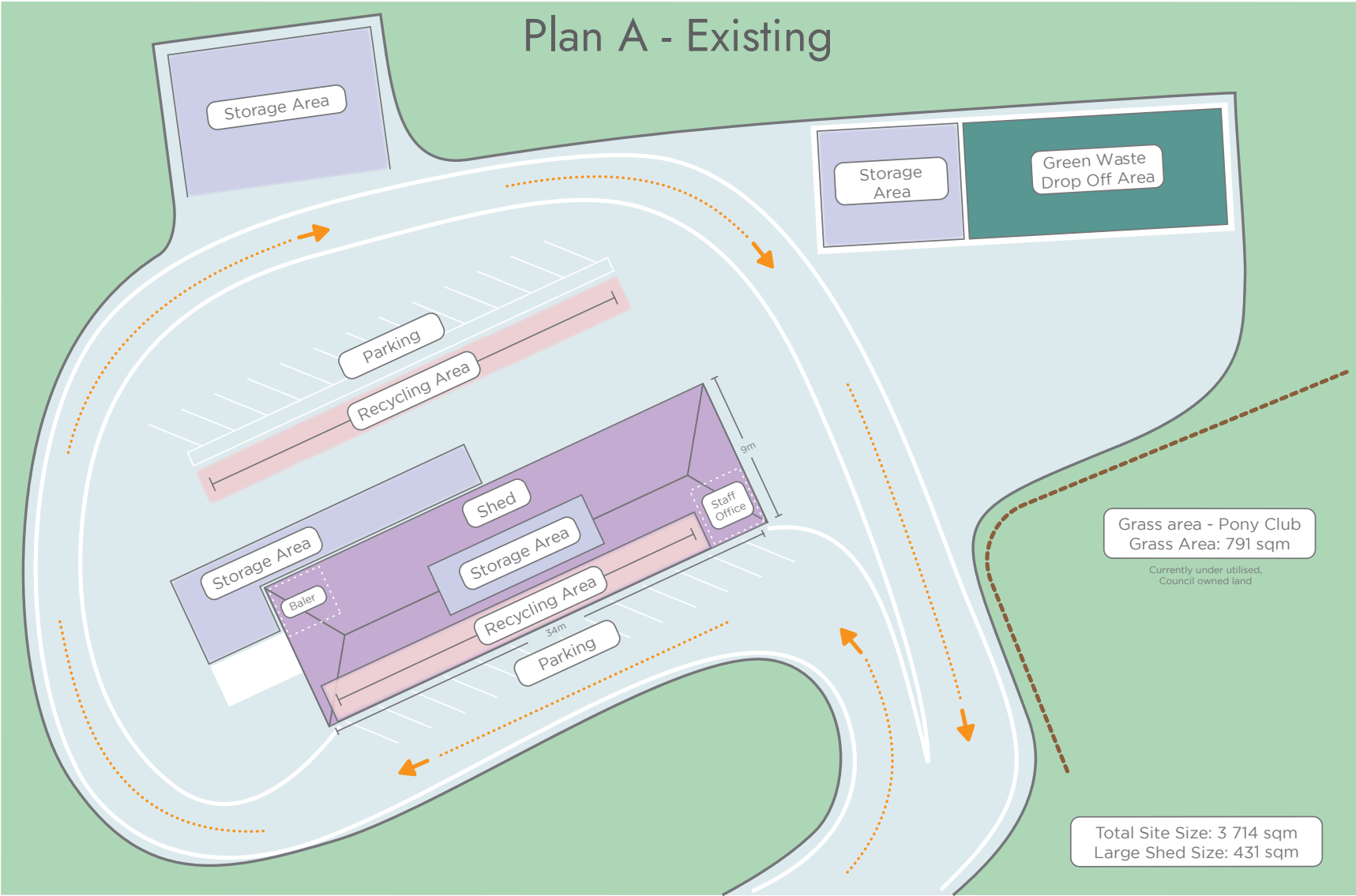
Appendix D – Concept Maps





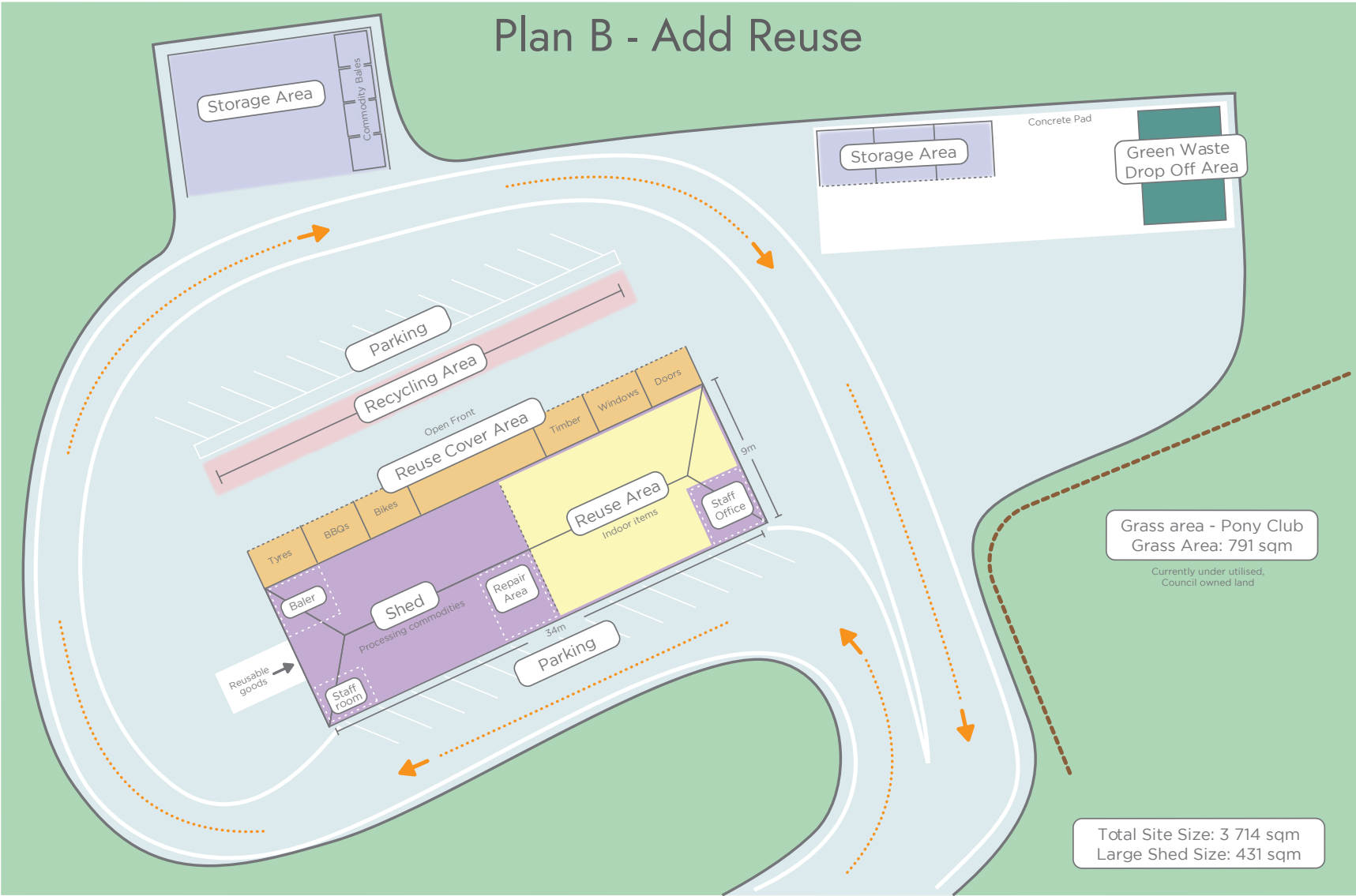
Katikati

Plan A - Existing



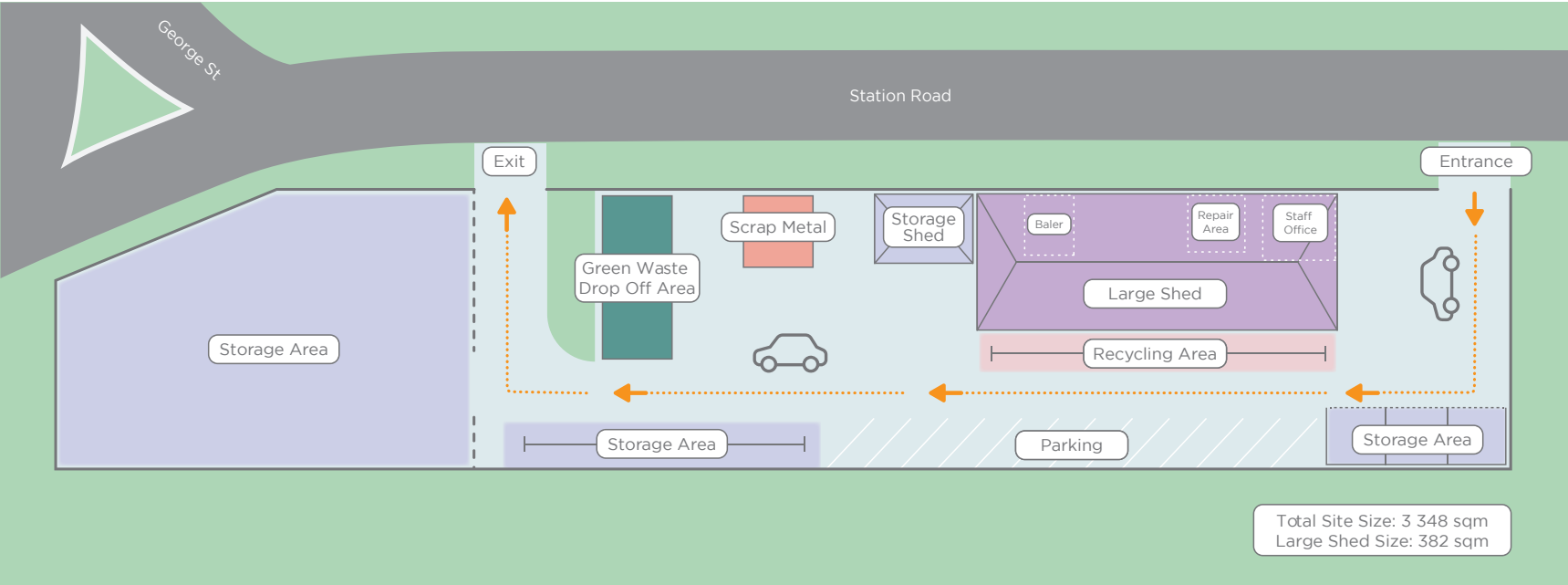
Katikati

Plan B - Add Reuse



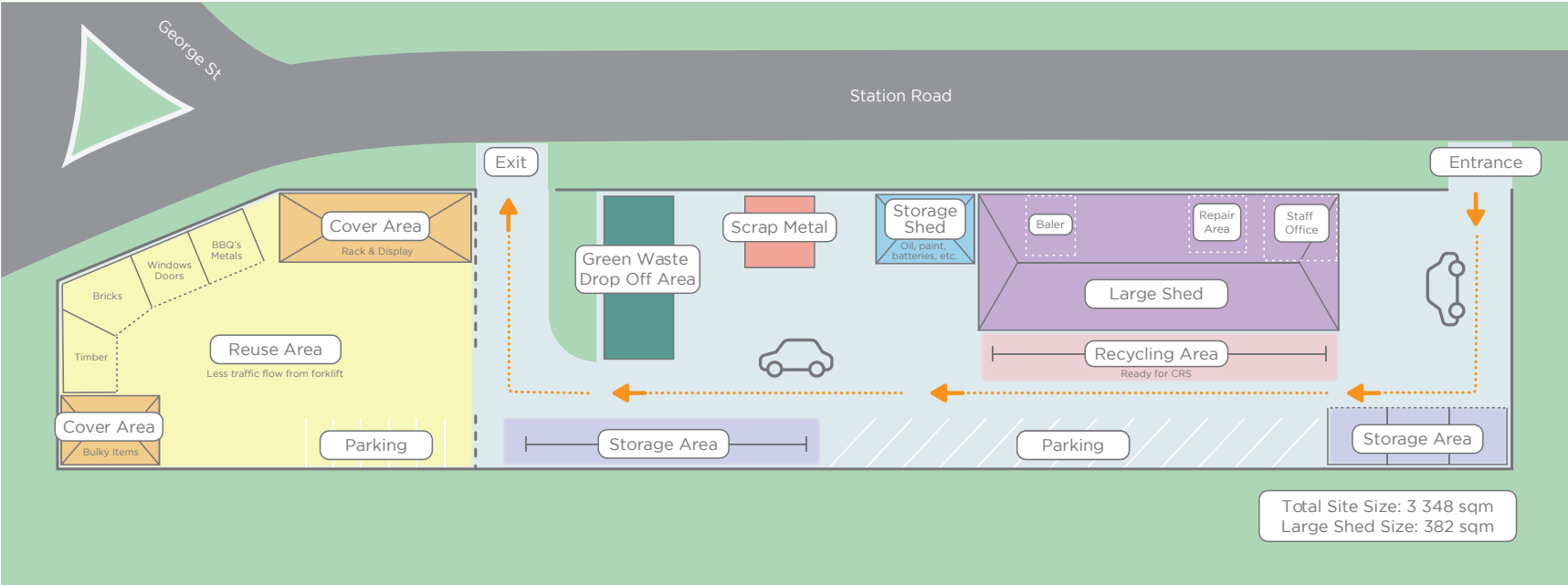
Te Puke

Plan A - Existing



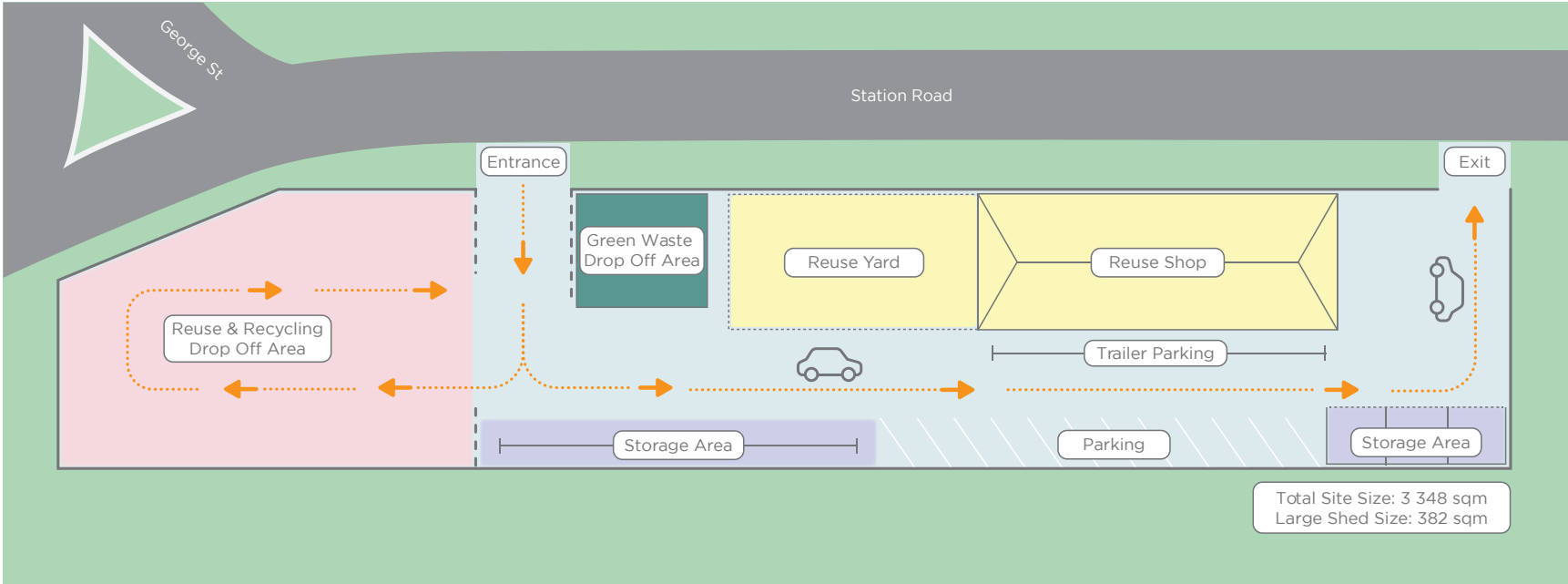
Te Puke

Plan B - Add Reuse



Te Puke

Plan C - Add Reuse



9.4 SMARTGROWTH QUARTERLY REPORT – FEBRUARY 2023**File Number:** A5122174**Author:** Tracey Miller, Strategic Advisor Resource Management**Authoriser:** Rachael Davie, General Manager Strategy and Community**EXECUTIVE SUMMARY**

1. This report has been prepared to provide an update on the SmartGrowth work programme over the last quarter. Key projects underway include the SmartGrowth Strategy, Industrial Land Study, the Housing and Business Development Capacity Assessment and the Priority Development Areas.

RECOMMENDATION

That the Strategic Advisor Resource Management's report dated 7 March 2023, titled SmartGrowth Quarterly Report – February 2023, be received.

BACKGROUND**SmartGrowth Strategy**

2. The SmartGrowth partners are currently developing a sub-regional spatial plan that will incorporate the National Policy Statement on Urban Development (NPS-UD) requirements for a Future Development Strategy. This document will be known as the SmartGrowth Strategy.
3. The Strategy will consider how housing, infrastructure, transport, community development and the environment need to be looked at together to achieve effective growth in the Western Bay of Plenty subregion.
4. The SmartGrowth strategy is an initiative between central and local government and tāngata whenua and will be woven into the 2024–2027 Long-Term Plan for each of the partner councils, as well as other key strategic planning documents.
5. The SmartGrowth Strategy is centered around the following key themes:
 - Urban Form and Centres (building off UFTI)
 - Infrastructure (Three Waters, Social Infrastructure)
 - Climate Change & Resilience
 - Housing and Business Development Capacity Assessment and Industrial Land (discussed further below)
 - Transport
 - Areas to be protected and developed carefully,
 - Blue-Green Environment
 - Tangata Whenua Spatial Plan
 - Future Development Strategy requirements

- Economic Well-being
 - Housing
 - Rural
 - Funding and Financing.
6. A final draft version of the strategy will be shared with the public for consultation from August – October 2023.
 7. A Local Government Act 2002 Special Consultative Procedure is required to meet the consultation needs of the Future Development Strategy component of the SmartGrowth Strategy. This will be required in August/September this year and one of the partner councils will be required to run the process (hearings/submissions).
 8. The Combined Tangata Whenua Forum is also working on a Tangata Whenua Spatial Plan to incorporate tangata whenua values, aspirations, and priorities. Direction from the Tangata Whenua Spatial Plan will feed into the SmartGrowth Strategy.
 9. The SmartGrowth Strategy is due to be adopted in late 2023.

Industrial Land Study

10. As identified above the SmartGrowth partners are developing a sub-regional SmartGrowth Strategy. A key part of this work is understanding our industrial land needs over the next 30 years.
11. The purpose of the Industrial Land Study is to identify potential locations for future industrial development and make recommendations on possible locations (3-6 shortlisted sites).
12. A geospatial framework has been developed to identify land suitable for industrial development. This framework has then been applied to identify locations for potential industrial development in the sub-region. The sites are ranked and scored using a mulita criteria analysis (MCA) which considers a wide range of factors such as geotechnical considerations and proximity to key transport links. The MCA needs to take into consideration wider planning/strategic content and in particular SmartGrowth/UFTI principles as well as national objectives and policies.
13. To date four potential broad area clusters have been identified, including Ōmokoroa and surrounds, Tauranga Eastern Link area, Tauriko and the Omanawa block and Te Puke / Paengaroa.
14. The next step in the Industrial Land Study is for the SmartGrowth project team to compile a short list of sites (3-6) for the project consultants to further assess. A report will then be prepared and made available through SmartGrowth.

Housing and Business Development Capacity Assessment

15. Western Bay of Plenty District Council, Tauranga City Council and Bay of Plenty Regional Council are required to undertake a Housing and Business Development Capacity Assessment (HBA) as part of their response to the National Policy Statement on Urban Development 2020 (NPS-UD). This assessment sets out the housing component required for the Tauranga Tier 1 urban environment, which covers the urban areas of Tauranga City and Western Bay of Plenty District.
16. HBAs must be prepared every three years to ensure planning decisions are well-informed and in time to inform Long Term Plans.
17. Two technical assessments have been undertaken to meet the NPS-UD requirements. The SmartGrowth Housing Capacity Assessment (December 2022) (updating the 2021 assessment). The second technical report that informs the HBA is the Business Capacity Assessment prepared by Market Economics (December 2022).
18. Tauranga City and the Western Bay of Plenty have seen a rapid and sustained increase in population, with the sub-region's population expected to increase to 282,900 people in the next 30 years.
19. Statistics NZ 2022 projections estimate the population will increase at a faster rate than in 2021. This means more land is needed for housing and employment.
20. It is estimated that an additional 42,990 new homes will need to be built over the next 30 years within the western Bay of Plenty subregion to meet housing demand comprising a mix of detached and attached dwellings. Tauranga City will require another 33,890 new houses and Western Bay of Plenty District another 9,100 new houses for its future population.
21. A housing insufficiency has been determined for the sub-region in the short, medium, and long-term (next 30 years), which reflects the delay in being able to bring to market new development areas due to infrastructure and national policy hurdles.
22. The final HBA report is being completed currently. The report and its key findings will be reported through SmartGrowth and as well to the Performance and Monitoring Committee in the next quarter.

Priority Development Areas

23. Priority Development Areas (PDAs) provide a focus on connecting key areas of the sub-region while supporting the core elements of transport and planning intensification. PDAs have been selected on the basis that they provide a focus on unlocking key development areas.
24. There are six PDA areas, these are: Ōmokoroa, Tauriko West, Te Papa, Wairakei-Te Tumu, Rangiora and a new Eastern Centre.

25. Progress made in the last quarter includes Tauranga City Council and Western Bay of Plenty District Council progressing Medium Density Residential Standards (MDRS) Plan Changes (Plan Change 33 and 92 respectively). These Plan Changes require medium density standards to be applied to all of Tauranga City, as well as Ōmokoroa and Te Puke within Western Bay of Plenty.
26. The construction contract for the interchange at Rangiuru Business Park has been awarded. The interchange is due for completion by 2024.
27. Ministers for Housing and Transport have confirmed a commitment to progressing a full business case for a new Eastern centre.
28. A report on the PDAs will be presented to the SmartGrowth Chief Executives Advisory Group (CEAG) on 9 March 2023.

9.5 SUBMISSION TO THE INTERIM STATE HIGHWAY SPEED MANAGEMENT PLAN**File Number:** A4953668**Author:** Tom Rutherford, Policy Analyst**Authoriser:** Rachael Davie, General Manager Strategy and Community**EXECUTIVE SUMMARY**

1. For the information of the Strategy and Policy Committee, this report presents a submission made by the Western Bay of Plenty District Council on the following matter:
 - (a) Submission to Waka Kotahi on the Interim State Highway Speed Management Plan.

RECOMMENDATION

1. That the Policy Analyst's report dated 7 March 2023 titled 'Submission to the Interim State Highway Speed Management Plan' be received.
2. That the following submission, shown as **Attachment 1** of the agenda report, is received by the Strategy and Policy Committee and the information is noted:
 - Western Bay of Plenty District Council submission to Waka Kotahi on the Interim State Highway Speed Management Plan, dated 12 December 2022.

ATTACHMENTS

1. **WBOPDC Submission – Interim State Highway Speed Management Plan** 



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

12 December 2022

Waka Kotahi NZ Transport Agency
PO Box 448
Waikato Mail Centre
HAMILTON 3240

ATTENTION: INTERIM STATE HIGHWAY SPEED MANAGEMENT PLAN

Name: Mayor Denyer
Organisation: Western Bay of Plenty District Council
Postal Address: Private Bag 12803, Tauranga Mail Centre, TAURANGA 3143
Daytime telephone: 0800 926 732
Email address: tom.rutherford@westernbay.govt.nz

Dear Sir / Madam

Feedback on the Interim State Highway Speed Management Plan

Thank you for the opportunity to provide feedback on the Interim State Highway Speed Management Plan.

We agree with the intentions of the Interim State Highway Speed Management Plan, with the aim being to lower the total number of deaths and serious injuries in New Zealand by 2030. We agree that this can be achieved through the implementation of speed and infrastructure changes on our State Highways that will make the networks safer. However, we seek to emphasise that reducing speed limits is not a replacement for the necessary continued investment in safety improvements and intersection improvements. It is imperative that it is acknowledged that amending speed limits is only an interim measure and will not address underlying issues, particularly relating to the future proofing of the transport network.

We request that Waka Kotahi undertake education campaigns with the general public to build community acceptance and understanding of any changes to speed limits and the rationale for their implementation. It is imperative that the public understand the reasons behind the changes and the research behind these decisions. Understanding the 'why', is key to increasing compliance and will ultimately save more lives.

The Bay of Plenty region plays a significant role in both producing and transporting goods, and with an increasing population in our region, having safe and reliable roads is imperative. State Highway 2 (SH2) is the most feasible route for access to the Waikato, Auckland, and wider New Zealand for approximately half of our District. It is also a key entry point to the Bay of Plenty for freight, particularly accessing the Port of Tauranga, and for visitors. A safe and efficient route is an absolute necessity for economic and social wellbeing and should be a matter of national importance.

We are appreciative that Waka Kotahi acknowledges that to be successful in achieving its objectives of ensuring our transport system protects and helps us to get to the places and people important to us, that its approach to managing speed needs to ensure users of the State Highway network and local communities are brought along on the journey too. This includes understanding the regional context and the impacts that these proposed changes will have.

The major safety concerns on SH2 north of Tauranga have been an urgent issue for some time and have consistently been raised with Waka Kotahi and the Ministry of Transport. SH2 has suffered from an unacceptably high crash rate which has had a significant negative impact on many people's lives and our communities. Death, grief, life changing injuries and fear have afflicted our people. We ask that Waka Kotahi make this area of SH2 a priority. We seek continued investment in intersection improvements on SH2 and across the State Highway network. For example, the intersection of SH29 and Soldiers Road is also an area of concern and needs action.

Proposed Speed Limit Changes – Supportive

Location	Location Specifics	Existing Speed Limit (km/h)	Proposed Speed Limit (km/h)
Katikati Main Street	Beach Road to Digglemann Park	50	40
Barrett Road intersection speed zone (ISZ)	On SH2, approaching intersection with Barrett Road and Plummers Road	80	80/60
Snodgrass Road intersection speed zone	On SH2, approaching intersection with Snodgrass Road and Te Puna Quarry Road	80	80/60
Te Puna to Bethlehem	East of Te Puna Road to east of Wairoa Bridge	90	80

We are supportive of these proposed speed limit changes, as they will play a role in

creating a safer transportation network in our District for both freight and people.

We are supportive of the reduction in speed in the central Katikati area from 50 km/h to 40 km/h on the Katikati main street from Beach Road to Digglemann Park, as this will create a safer State Highway network in a busy town centre, but we would not support extending the reduction to 40km/h any further than this. We also wish to acknowledge, as we have done through a number of previous submissions to Waka Kotahi that the primary underlying issue for this stretch of SH2 is capacity and safety improvements. Speed limit reviews do little to address this. There is a clear need to deliver the Katikati bypass which will deliver much needed safety, journey reliability and support for our growing communities. It enables the Katikati community to reclaim the town and enjoy a safer community. It would build resilience into the national transport network as the current Uretara river crossing becomes increasingly vulnerable to flooding owing to the effects of climate change. It would also enable more efficient transport of goods to and from the Port of Tauranga and Tauranga City generally.

We request that Waka Kotahi staff reiterate to the Waka Kotahi Board how improvements to this section of SH2 will provide multiple benefits expected to be provided from the government's transportation policy statement (GPS) and to emphasise the need for a bypass for Katikati.

We note that the SH2/Ōmokoroa Road interim intersection upgrade speed limit assumptions should be provided to the design team to assist this process and support consistency for road users along this corridor.

Proposed Speed Limit Changes - Oppose

Location	Location Specifics	Existing Speed Limit (km/h)	Proposed Speed Limit (km/h)
Regional boundary to Katikati	From regional boundary with Waikato	100	90
Tauriko to regional boundary (Kaimai)	Tauriko to regional boundary with Waikato	100	90

We are opposed to the proposed change to reduce the speed limit on SH2 from the regional boundary of Waikato through to Katikati from 100 km/h to 90km/h. This proposed change was not what was agreed to through the road safety improvements process previously undertaken by Waka Kotahi. The improved safety works were intended to allow for safe travel at 100km/h and therefore the proposed change is not justified.

Furthermore, the proposed change to lower the speed limit from 100 km/h to 90 km/h from the Tauriko to regional boundary with Waikato will mean that cars cannot safely and legally overtake freight vehicles. These vehicles are already restricted to travelling 90 km/h and bringing passenger vehicles to the same speed limit will restrict their ability to

overtake at safe and appropriate times.

The Waka Kotahi business case supporting these safety improvements included the length of SH2 from Waihi to Ōmokoroa again expecting 100km/hr to be reinstated once the safety works had been implemented. It acknowledged the importance of safe and efficient movement of people and goods between the Waikato and Bay of Plenty regions and within the sub-region.

Proposed Speed Limit Changes – Oppose and Need Clarification

Location	Location Specifics	Existing Speed Limit (km/h)	Proposed Speed Limit (km/h)
Kaimai weather (Bay of Plenty)	West of Soldiers Road to southwest of Hanga Road	Various (100, 90, 80, 70, 60, 50) depending on weather	Various (90, 80, 70, 60, 50) depending on weather

We are opposed to the proposed change to reduce the speed limit on SH2 over the Kaimai Ranges between west of Soldiers Road to southwest of Hanga Road.

We seek further clarification on when variable speed limits will be used on SH29 over the Kaimai Range, which we note were trial treatments when initially installed. In the Interim State Highway Speed Management Plan, Waka Kotahi has proposed to introduce a number of variable speed limits for the Bay of Plenty Region. We acknowledge that the Kaimai Ranges can, at times, be a difficult piece of the network to travel on, but the passing lanes and slow vehicle bays help enable road users to use it in a safe manner. We would like further information on when the variable speeds will be used and how they will be used, as these will have large impacts on both the transport of freight and people across our District.

We continue to see these proposed changes as only interim measures for the Kaimai Ranges and that a long term solution to support the safe and efficient movement of goods and people between the upper north island and the Bay of Plenty is needed as this continues to be a high growth region.

Ōmokoroa Intersection

We seek clarification from Waka Kotahi as to why the State Highway 2 / Ōmokoroa Road Intersection has not been included in the Interim State Highway Speed Management Plan. We assume that it may have been intentionally excluded due to its upcoming upgrade addressing safety and capacity issues and that following the completion of the upgrade, community engagement will be undertaken to address the appropriate speed limit. However, certainty around this matter is sought. We expect to be fully involved in this process.

Summary

We support the premise of the Interim State Highway Speed Management Plan and feel that changes to the current speed limits are required, in most areas, for the protection of our residents and visitors' lives and the wellbeing of our communities. However, we ask that further safety works continue to be prioritised in order to support speed limits appropriate for the State Highways in our district to remain as the backbone of a fast and efficient transport network.

We are more than happy to work with Waka Kotahi on any future proposals and look forward to seeing improvements on our State Highway network which will lower the total number of deaths and serious injuries.

Yours faithfully,



James Denyer

Mayor, Western Bay of Plenty District Council

9.6 SUBMISSION TO THE TARGETED REVIEW OF THE BUILDING (ACCREDITATION OF BUILDING CONSENT AUTHORITIES) REGULATIONS 2006

File Number: A5020549

Author: Tom Rutherford, Policy Analyst

Authoriser: Rachael Davie, General Manager Strategy and Community

EXECUTIVE SUMMARY

1. For the information of the Strategy and Policy Committee, this report presents a submission made by the Western Bay of Plenty District Council on the following matter:
 - (a) Submission to the Ministry of Business, Innovation and Employment on the Targeted Review of the Building (Accreditation of Building Consent Authorities) Regulations 2006.

RECOMMENDATION

1. That the Policy Analyst's report dated 7 March 2023 titled 'Submission to the Targeted Review of the Building (Accreditation of Building Consent Authorities) Regulations 2006' be received.
2. That the following submission, shown as **Attachment 1** to this report, is received by the Strategy and Policy Committee and the information is noted.

ATTACHMENTS

1. **WBOPDC Submission – Targeted Review of the Building (Accreditation of Building Consent Authorities) Regulations 2006** 



Western Bay of Plenty District Council
1484 Cameron Road,
Greerton, Tauranga 3112
P 07 571 8008
E customer.service@westernbay.govt.nz
westernbay.govt.nz

22 December 2022

Consultation: Targeted Review of the Building (Accreditation of Building Consent Authorities) Regulations 2006

Attention: Amy Strawbridge – amy.strawbridge@mbie.govt.nz

Ministry of Business, Innovation and Employment

PO Box 1473

Wellington 6140

New Zealand

Name: Mayor Denyer

Organisation: Western Bay of Plenty District Council

Postal Address: Private Bag 12803, TAURANGA 3143

Daytime telephone: 0800 926 732

Email address: tom.rutherford@westernbay.govt.nz

Western Bay of Plenty District Council submission to the Targeted Review of the Building (Accreditation of Building Consent Authorities) Regulations 2006.

Ministry of Business, Innovation and Employment,

We appreciate the opportunity to provide feedback to the Targeted Review of the Building (Accreditation of Building Consent Authorities) Regulations 2006.

We welcome MBIE's further consultation on the building consent regulations, particularly relating to Building Consent Authorities. We previously provided feedback to MBIE in September 2022 on the Review of the Building Consent System, with our submission favouring proportionate liability to support and incentivise the building industry to get it right the first time.

We generally agree with the proposed changes included in the consultation paper. The proposed reduction of frequency of competency assessments for building control officers, to two years instead of annually, will help reduce the organisational impact of lost billable time to undertake these assessments.

We are pleased to see sensible and practical changes proposed, such as advising MBIE and International Accreditation New Zealand (IANZ) of the departure of a building consent authority's quality assurance manager and the separation out of the building control functions (code compliance certificates, compliance schedules and notices to fix) so they are standalone provisions. This change will make it easier

Te Kaunihera a rohe mai i ngā Kuri-a-Whāreī ki Otamarakau ki te Uru

Western Bay of Plenty District Council – Submission to the Targeted Review of the Building (Accreditation of Building Consent Authorities) Regulations 2006



Western Bay of Plenty District Council
1484 Cameron Road,
Greerton, Tauranga 3112
P 07 571 8008
E customer.service@westernbay.govt.nz
westernbay.govt.nz

for building consent authorities to understand the relevant issues when in receipt of a notice of non-compliance by the building consent authority accreditation body.

We are not supportive of the proposed increase in fees for accreditation of building consent authorities. We acknowledge that there are ongoing cost pressures at the moment, but these fee changes will impact the cost of a building consent which will have to be passed onto the applicant. We also consider that insufficient rationale has been provided to justify the increase.

We seek further changes and suggest that other parts of the industry, including designers, builders and engineers be included within the competency assessment regime. The table attached below expands on these matters in more detail.

Background

Western Bay of Plenty District Council is a territorial local authority covering approximately 195,000 hectares. The population of the District is currently around 57,400. Towns in the District include Te Puke, Ōmokoroa, Katikati, Waihi Beach, Maketu and Pukehina.

We are a fast-growing district, and our population is expected to exceed 70,000 by 2041. We are classified as a 'Tier one' Council in terms of the National Policy Statement on Urban Development. We are currently progressing the Medium Density Residential Standards (MDRS) plan change which will enable more medium density developments and we expect this will impact building consent numbers and complexity.

In the year to May 2022, we processed 498 building consents, making us the 16th highest territorial authority to process building consents out of the 67 building consent authorities. The Western Bay of Plenty sub-region is one of the fastest growing areas in New Zealand. Our neighbours, Tauranga City Council, processed 1,369, making them the sixth highest in the country. The need to deliver growth and providing efficient and effective building control services is well understood by Council.

We are more than happy to discuss any matters for clarification or to expand further.

Yours sincerely,

A handwritten signature in blue ink that reads "James Denyer".

James Denyer
Mayor, Western Bay of Plenty District Council

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

Western Bay of Plenty District Council – Submission to the Targeted Review of the Building (Accreditation of Building Consent Authorities) Regulations 2006



Western Bay of Plenty District Council
 1484 Cameron Road,
 Greerton, Tauranga 3112
 P 07 571 8008
 E customer.service@westernbay.govt.nz
 westernbay.govt.nz

Amending the frequency of competency assessments for building control officers (Regulation 10(2))	
1. Do you agree with the problems identified regarding the frequency of competency assessments? Are there other issues or problems with the frequency of competency assessments that we have not identified?	We agree with the problems that have been identified regarding the frequency of competency assessments. The work required to undertake competency assessments is significant. For our Council, which is medium-sized, we have one staff member (one FTE) that spends roughly half a year undertaking these assessments. We also engage the services of a contractor for overflow and more high-end complex assessment.
2. In regard to the status quo: <ul style="list-style-type: none"> How much time is currently spent per employee preparing for and undertaking an annual competency assessment? Do you employ external people to carry out the competency assessments, and if so, how much does that cost? What is the total average cost of a competency assessment per employee? 	<p>Each employee spends between 8 – 24 hours preparing and undertaking the annual competency assessment, and this number increases if they are undertaking a level change assessment. This does not include the time taken to undertake internal audits.</p> <p>We employ an external resource for some assessments, and the cost can range from \$1,000 – \$3,000 per person.</p> <p>We would estimate that the organisational impact of lost billable time is approximately \$8,000 per employee involved in the assessment.</p>
3. Do you agree with the proposal that the frequency of competency assessments for building control officials under Regulation 10(2) should be reduced to two years instead of annually (with the ability to carry out assessments more frequently if needed)? Please explain your views.	<p>We are supportive of this proposed change.</p> <p>Further to our support, we ask that consideration be given to reducing the frequency of <u>full</u> competency assessments even further to three to five years, with the building control official being required to undertake an approved regular internal audit regime by their employer.</p>

Te Kaunihera a rohe mai i ngā Kuri-a-Whāreī ki Otamarakau ki te Uru

Western Bay of Plenty District Council – Submission to the Targeted Review of the Building (Accreditation of Building Consent Authorities) Regulations 2006



Western Bay of Plenty District Council
1484 Cameron Road,
Greerton, Tauranga 3112
P 07 571 8008
E customer.service@westernbay.govt.nz
westernbay.govt.nz

4. What do you think might be the risks of reducing the frequency of competency assessments? Do you think these risks could be mitigated and, if so, how?	There is minimal risk as any issues can be mitigated by good quality internal audit processes.
5. Do you have any other feedback about annual competency assessments?	We note that at present there is a shortfall of competency assessors available to Council. We suggest that other parts of the industry, including designers, builders and engineers be included within this regime, as at present is only councils.
An addition to the matters for which a building consent authority must notify MBIE and IANZ (Regulation 6A(1)(b)) and a change to the drafting of Regulation 7(2)(f)	
6. Do you agree with the issues identified with Regulation 6A(1)(b) and 7(2)(f)? Are there other issues or problems that we have not identified?	Yes, we agree with the issues that have been identified with Regulation 6A(1)(b) and 7(2)(f).
7. Do you agree with the proposed change to Regulation 6A(1)(b)?	Yes, the departure of a building consent authority's quality assurance manager can, on occasion, have a significant impact on how well a building consent authority performs. Therefore, informing both MBIE and IANZ of this departure and change of personnel seems logical.
8. Do you agree with the proposed change to Regulation 7(2)(f)?	Yes, separating out the building control functions listed (code compliance certificates, compliance schedules and notices to fix), so they are standalone provisions rather than being grouped together, will make it easier for building consent authorities to understand the relevant issues if they receive a notice of non-compliance by International Accreditation New Zealand (IANZ).
9. What impacts will these proposals have on your organisation?	Council may receive a higher frequency of General Non-Compliance (GNC) from International Accreditation New Zealand's (IANZ) reviews, but we will gain more clarity of the issues that are raised.

Te Kaunihera a rohe mai i ngā Kuri-a-Whāreī ki Otamarakau ki te Uru

Western Bay of Plenty District Council – Submission to the Targeted Review of the Building (Accreditation of Building Consent Authorities) Regulations 2006



Western Bay of Plenty District Council
 1484 Cameron Road,
 Greerton, Tauranga 3112
 P 07 571 8008
 E customer.service@westernbay.govt.nz
westernbay.govt.nz

10. Do you have any other feedback?	No.
An increase to the fees for accreditation of building consent authorities	
11. How would these fee changes impact your building consent authority? For example, what would the total cost impact of accreditation reviews be for your building consent authority?	These fee changes will impact the cost of a building consent which will have to be passed onto the applicant. Council has an obligation through its Revenue and Financing Policy to achieve its ratepayer/user fee ratio and ensuring a 100% cost recovery for building services. Therefore, any increase in cost would be passed onto the user fee.
12. Do you have any other feedback?	<p>The accreditation fees have always been ambiguous, and we would benefit in having some clarity in to how they are made up. The current formulae using consent numbers does not relate to the amount of work carried out on site by the auditing body.</p> <p>We acknowledge that at present there are ongoing nationwide cost pressures, but we do not believe that an increase in fees for accreditation should be undertaken until additional clarity is provided on actual costs so that we can then justify this to our residents, ratepayers, and consent applicants.</p> <p>We suggest that high performing councils be shifted to three years for accreditation assessments to recognise the commitment they are demonstrating to the accreditation process.</p> <p>We suggest that assessors be strongly encouraged to better utilise the recommendation option for minor non compliances. Currently there is a general reluctance from assessors to include recommendations, and all points (even very minor in nature) seem to be written up as a formal General Non-Compliance (GNC).</p>

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

Western Bay of Plenty District Council – Submission to the Targeted Review of the Building (Accreditation of Building Consent Authorities) Regulations 2006

9.7 SUBMISSION TO THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS AMENDMENT BILL

File Number: A5110316

Author: Tony Clow, Principal Policy Lead: Environmental Planning

Authoriser: Natalie Rutland, Environmental Planning Manager

EXECUTIVE SUMMARY

1. This report presents the submission made by the Western Bay of Plenty District Council to the Local Government Official Information and Meetings Amendment Bill.

RECOMMENDATION

1. That the Principal Policy Lead: Environmental Planning's report dated 7 March 2023 titled "Submission to the Local Government Official Information and Meetings Amendment Bill" be received.
2. That the following submission, shown as **Attachment 1** to this report, is received by the Strategy and Policy Committee and the information is noted.

ATTACHMENTS

1. **WBOPDC Submission - Local Government Official Information and Meetings Amendment Bill** 



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

26 January 2023

Committee Secretariat
Governance and Administration Committee
Parliament Buildings
Wellington
ga@parliament.govt.nz

Name: Mayor James Denyer
Organisation: Western Bay of Plenty District Council
Postal address: Private Bag 12803, Tauranga 3143
Phone: 0800 926 732
Email address: tony.clow@westernbay.govt.nz

Dear Sir/Madam

**Western Bay of Plenty District Council submission to the Local Government
Official Information and Meetings Amendment Bill**

We appreciate the opportunity to make a submission on the Local Government Official Information and Meetings Amendment Bill. We have read the Bill and reviewed the background information on the New Zealand Parliament website.

Council is generally supportive of the proposed changes to how natural hazard information must be provided in land information memoranda (LIMs). These requirements are largely consistent with how Council already provides information in LIMs about natural hazards and the effects of climate change. However, we note that some requirements are not entirely clear and need clarification as requested in our specific submission points under the headings further below.

We also support the introduction of a statutory responsibility for regional councils to provide natural hazard information to territorial authorities. Regional councils often hold information which is not held by territorial authorities. While in many cases this information is freely provided to and summarised for territorial authorities, there may also be times where it is not passed on. However, because

this information may still be of relevance to those considering the purchase of a property, it would be helpful to formalise the process of passing on and explaining such information to territorial authorities for the purpose of LIMs.

Council also welcomes the proposed changes that protect territorial authorities and regional councils from civil or criminal proceedings when disclosing natural hazards information in good faith. The natural hazard assessments supporting the creation of susceptibility maps are often very technical and complex. Council staff are typically not the technical experts and do their best to summarise and fairly represent the methodology, limitations and findings of the assessments under the guidance of those who are the technical experts.

The meaning of impact/s

In Clause 44B(1)(b), LIMs are required to contain information about the “impact of climate change that exacerbate natural hazards”. This is understood to mean how climate change may affect a natural hazard such as more intense rainfall and/or sea level rise increasing susceptibility to flooding. However, it’s not clear whether the use of the term “impact” means the same in Clauses 44B(2)(i) – (iii) below.

- (i) information about each hazard or impact that affects the land concerned:
- (ii) information about each potential hazard or impact, to the extent that the authority is satisfied that there is a reasonable possibility that the hazard or impact may affect the land concerned (whether now or in the future):
- (iii) information about the cumulative or combined effects of those hazards or impacts on the land concerned; and

If the use of the term “impact” is intended to mean the “impact of climate change that exacerbate natural hazards” in these clauses, this needs to be clear either by defining the term or making the full reference each time. Otherwise, it could be interpreted to mean how specific natural hazards impact a property e.g., loss of land or damage to buildings. If so, Council staff may attempt to speculate about what may happen if the natural hazard occurred on the land concerned. The ambiguity may also lead customers to expect a more detailed explanation of how the land may be affected than what may have been intended by the Bill.

The meaning of cumulative and combined effects

Clause 44B(2)(iii) requires territorial authorities to explain the “cumulative or combined effects of those hazards or impacts on the land concerned”. However, it is not clear what “effects” means and how they differ from “impacts” (unless impacts are intended to mean the “impact of climate change that exacerbate

natural hazards”). Further, it is not apparent what is meant by “cumulative” or “combined” in this particular case. This leaves territorial authorities needing to determine what may have been intended. One possible interpretation is the need to provide information from studies investigating multiple hazards occurring at the same time e.g., simultaneous flooding and coastal inundation events. It’s important for the terms in this clause to be defined or better explained to avoid confusion.

Regional councils providing information to territorial authorities

The Bill does not specify whether or not regional councils would be able to charge territorial authorities for the provision of natural hazards information to recover their own costs or for any other reason. Council is therefore concerned that this may be seen as a possibility. We would be strongly opposed if it was. This information should be passed on freely without the need for payment.

Both territorial authorities and regional councils carry out natural hazards research (in accordance with their functions and responsibilities) and for many reasons need to share it with each other e.g., for consents and projects. The purpose of this Bill is to ensure that natural hazards information is made available to those wishing to purchase property and this should be able to happen without the need for further agreement. We would ask that it is made clear that regional councils would not be able to charge for providing information about natural hazards.

As soon as is reasonably practicable in the circumstances

Regional councils are given flexibility in terms of when they must provide territorial authorities with information about natural hazards once they hold it (as soon as is reasonably practicable in the circumstances). This flexibility is needed because it does take time to ensure that information is accurate and clearly communicated to territorial authorities. It also needs to be readily usable by territorial authorities once they receive it e.g., GIS files that are in the right format and clearly labelled so that the maps can be easily added to GIS viewers.

Territorial authorities should also have this same flexibility when getting information ready to be provided within LIMs. Territorial authorities also need time to ensure that their information is accurate and clearly communicated to their customers. This is especially so when the territorial authority has commissioned a natural hazard assessment themselves. However, it would also be the case when they receive information from a regional council even if summarised as it may take time to understand that information and decide how to communicate it and make it available. There are also other practical considerations like the time it takes to

ensure that automated LIM processes are able to retrieve the correct summaries and maps concerning the natural hazards for a particular property.

To provide for this flexibility, Clause 44B(2)(a) could be reworded as follows:

"A land information memorandum must include, as soon as is reasonably practicable in the circumstances, the following information..."

Information which is not apparent from a District Plan

In the Local Government Official Information and Meetings Act, territorial authorities are currently only required to provide information in LIMs about special features or characteristics of land (which includes natural hazards) *"where it is not apparent from ... a District Plan"*. However, in the Bill, natural hazards have been separated from special features and characteristics and as a result this exemption would no longer apply to natural hazards. Is it intentional that information about natural hazards which is already in a District Plan should need to be repeated in a LIM when the same is not required for the other special features and characteristics?

We do not wish to speak to our submission however we are more than happy to discuss any matters for clarification.

Yours sincerely,



James Denyer

Mayor

Western Bay of Plenty District Council

9.8 SUBMISSION TO THE FUTURE FOR LOCAL GOVERNMENT REVIEW**File Number:** A5110395**Author:** Ariell King, Strategic Advisor: Legislative Reform and Special Projects**Authoriser:** Rachael Davie, General Manager Strategy and Community**EXECUTIVE SUMMARY**

1. For the information of the Strategy and Policy Committee, this report presents a submission made by the Western Bay of Plenty District Council on the following matter:
 - (a) Submission on the Review into the Future for Local Government (2022) 'He mata whāriki, he matawhānui'

RECOMMENDATION

1. That the Strategic Advisor: Legislative Reform and Special Projects report dated 7 March 2023 titled 'Submission on the Future for Local Government Review be received.
2. That the following submission, shown as **Attachment 1** to this report, is received by the Strategy and Policy Committee and the information is noted.
 - a. Submission on the Review into the Future for Local Government (2022) 'He mata whāriki, he matawhānui'

ATTACHMENTS

1. **Future for Local Government review – Submission**  



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

28 February 2023

Future for Local Government review

To be lodged online through the submissions portal:

<https://submissions.futureforlocalgovernment.govt.nz/have-your-say/submissions-to-the-review-into-the-future-for/>

Name: Mayor James Denyer

Organisation: Western Bay of Plenty District Council

Postal address: Private Bag 12803, Tauranga 3143

Phone: 0800 926 732

Email address: Emily.Watton@westernbay.govt.nz

Western Bay of Plenty District Council Submission on the Future for Local Government review

1. Western Bay of Plenty District Council (WBOPDC) welcomes the opportunity to provide feedback on the “Review into the Future for Local Government (2022) He mata whāriki, he matawhānui: Draft report” (the report). We think that the report is aspirational and clearly identifies issues and ideas for local government to consider.
2. WBOPDC would like to recognise the collaborative process that the review Panel have undertaken when preparing the report. It highlights the value of partnership and engagement when looking to the future and seeking positive change for Aotearoa New Zealand. We appreciate the opportunity to hear the Panel speak in December and the conversations with Antoine Coffin on 22 December 2022.
3. We would also like to note the challenges that the local government sector has faced – not only within the reform space – but more generally due to recent weather events. These events have highlighted the need for a local response, the responsiveness of our communities and central government.
4. The pace of reform is of concern to WBOPDC especially given that it coincides with two other significant reform processes – Three Waters reform and the Resource Management Act (RMA) reform. It appears these

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

processes, whilst concurrent, have been progressed in relative isolation from each other, and there are gaps and inconsistencies in the proposed arrangements and processes. We suggest that it may have been useful for the review of local government to be completed in advance of these two other reforms to provide a stronger foundation for the proposed changes anticipated by the other reforms.

5. In our recent submission to the RMA reform, we requested that the RMA reform process be put on hold until the recommendations of this review can be taken into account – particularly regarding the form and function of local government, but also in relation to additional funding mechanisms.
6. The pace and scope of these concurrent reforms is also placing significant pressure on local authorities, tangata whenua and other interested stakeholders to understand and respond in a meaningful way. Short submission timeframes have occurred directly after local elections and over the Christmas and summer holiday period. This has presented challenges in ensuring elected members can effectively engage in the reform process, as well as staff resourcing and availability of tangata whenua, and others involved in the multiple reform processes.
7. We have reiterated these messages in our submissions on the Three Waters reform and the Resource Management Act reform.
8. Our key messages below, illustrate our overall thoughts and responses to the report. In Table 1 we have provided specific responses to the recommendations and questions posed by the report.

Key messages from WBOPDC

Please take action

9. Over the past 15 to 20 years there have been a number of reviews of local government and the various roles and functions that the sector can or should be involved in. These reviews have been completed in good faith and the sector has willingly contributed time and energy. However, we would note that the numerous recommendations that have been proposed have not been implemented.
10. We ask that this review leads to change through the implementation of the recommendations. The ongoing uncertainty that the review and reform processes create is challenging for local government, our staff and our community. We are also concerned about the ongoing financial cost of

review processes and note that this money could be spent on delivering outcomes that have a positive impact on the wellbeing of our community.

Te Tiriti o Waitangi and Partnership

11. We appreciate that local government should ensure a more meaningful expression of rangatiratanga and a more culturally specific exercise of kāwanatanga with te ao Māori values reflected at all levels of the system. WBOPDC note that there may be some challenges in understanding what this may mean dependent on the context and place. We agree with the Panel that there may be different understanding of what a specific word may mean. This highlights the need for genuine conversations both with local government and with the community as we move forward.

Capacity and capability

12. The report identifies the need for capability and capacity building across many areas of local government. We note that this issue is exacerbated by the changes proposed in the Three Waters reform and the RMA reform. It is strongly recommended that due consideration be given to building the long-term capacity and capability in the fields of planning, project managers, scientists, Mātauranga Māori, transport, communication, engagement, and governance.

Funding – for the community and the local government sector

13. The Panel noted that the report was 'light' on specific funding mechanisms and that they would be focusing on this in preparation for the final report. We agree with this commentary and think that rates are still seen as the default funding stream.
14. We encourage the Panel to identify other meaningful funding streams and mechanisms, particularly where there is a national benefit or approach that could be utilised to provide local services. This may also translate into a need for a national policy approach or legislation rather than decentralisation.
15. There will always be limited funding and an oversubscription of requests. The competition for funding needs to be considered when identifying new funding approaches and supporting the achievement of outcomes in areas with the greatest need. Addressing equity issues across the country will be

challenging and there needs to be a consistent approach to funding decisions.

Keeping it local

16. We strongly support keeping the 'local' in local government and local governance. We understand that this is also the view of the Panel and that 'big' is not always better. We do however want to acknowledge the fundamental trade-off between scale, expert knowledge, and localism.
17. The success of keeping it local (and in achieving the outcomes identified by the community) in part will rely on a stronger and well-defined partnership between local and central government. This partnership needs to determine how national priorities can be implemented at a local level without the loss of local voice, or overriding the place-based initiatives that communities identify. A good example of this is the national approach anticipated in the Climate Change Adaptation Bill versus working with property owners directly affected by climate change.

Support for the focus on outcomes and wellbeing

18. We support the focus on community outcomes and achieving a higher level of wellbeing for our community. We want to note the difference between 'promote' (section 3, Local Government Act 2002) versus 'deliver' and how this might be considered in any structural reform.
19. There is an overlap of outcome intentions in this report with outcomes envisioned in the Natural and Built Environment bill and health reforms. It would be challenging to have multiple outcomes across different areas, and this is likely to create confusion as to how these outcomes are to be achieved and by whom. This deflects from the overall intention of stronger relationships and outcomes for local communities.
20. We understand that the Welsh Well-being of Future Generations Act 2015 could potentially address these issues, noting the limitations that have been identified following the Welsh Parliamentary review in 2021. We believe that legislative reform in this space will be necessary to achieve the intended outcomes and to enshrine a stronger relationship between local and central government.

We need to decide on the purpose and functions of local government

21. The purpose and functions of government at a local level need to be agreed before decisions are made on the most appropriate structure. Form should follow function.
22. We believe that building community resilience is one of the functions that must be retained at a local level. This is to ensure that we can be as prepared as possible for the ongoing impacts of natural disasters and the effects of climate change.

Simplicity should be a design principle for legislative and structural change

23. We think that simplicity needs to be one of the principles when considering legislative change and governance structures. When considering the multiple areas of reform and the report recommendations it appears that extra layers of bureaucracy will be created, with corresponding confusion for our community and an overall negative impact on achieving the community outcomes.

Prioritise the final recommendations

24. The Panel needs to determine an appropriate prioritisation and sequence for the final suite of recommendations. We acknowledge that in some instances there are no barriers to implementing several of the proposed recommendations. However, to achieve the fundamental shifts that the report identifies, we think a prioritised approach would be beneficial.



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

Table 1 – WBOPDC response to recommendations from the draft report

Discussion areas	Recommendations/questions	WBOPDC response
Thriving local government is vital for Aotearoa New Zealand	No specific recommendations/questions	We generally support the draft report and the direction that the Panel is recommending. This support is tempered with the key messages provided above and specific points below.
Revitalising citizen-led democracy	Recommendations 1. That local government adopts greater use of deliberative and participatory democracy in local decision-making.	We support the recommendations. Our understanding is that current legislation already provides for the use of deliberative and participatory democracy in local decision-making. We are always looking to make stronger connections with our community outside of the required formal processes. Good examples of this are events run by Council for community benefit, engagement with schools and community development initiatives. We also think that in some instances the requirement to use the

Te Kaunihera a rohe mai i ngā Kuri-a-Whāreī ki Otamarakau ki te Uru

Discussion areas	Recommendations/questions	WBOPDC response
	<p>2. That local government, supported by central government, reviews the legislative provisions relating to engagement, consultation, and decision-making to ensure they provide a comprehensive, meaningful, and flexible platform for revitalising community participation and engagement.</p> <p>3. That central government leads a comprehensive review of requirements for engaging with Māori across local government-related legislation, considering opportunities to streamline or align those requirements.</p> <p>4. That councils develop and invest in their internal systems for managing and promoting good quality engagement with Māori.</p>	<p>special consultative procedure (SCP) results in engagement processes that are superfluous and do not add any value to the outcome. A good example of this is the requirement to use the SCP to consult on thoroughfares for earthquake prone buildings.</p> <p>We are concerned that a review of the legislative provisions relating to engagement, consultation and decision-making is premature until the roles and responsibilities of local government and potential structural changes are confirmed. This feedback applies to all recommendations where a legislative review of specific functions is identified.</p> <p>We support the recommendations to review requirements for engaging with Māori across local government related legislation, and development and investment in Council systems to support engagement. We note that this would also partially address the capacity and capability issue that has been identified. However, we reiterate our comment above that some recommendations may be premature or require sequencing to ensure both the best outcome and the best use of available funding.</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<p>5. That central government provides a statutory obligation for councils to give due consideration to an agreed, local expression of tikanga whakahaere in their standing orders and engagement practices, and for chief executives to be required to promote the incorporation of tikanga in organisational systems.</p> <p>Question</p> <p>1. What might we do more of to increase community understanding about the role of local government, and therefore lead to greater civic participation?</p>	<p>We support the intention of the recommendation for a statutory obligation for the inclusion of agreed local tikanga whakahaere in standing orders, engagement practices and organisational systems.</p> <p>We agree with the Panel that there is a need to increase community understanding about the role of local government. We support civics education and the potential for on-line voting.</p>
A Tiriti-based partnership between Māori and local government	Recommendations	We generally support the recommendations and think that they should be one of the initial areas of focus. Understanding how a partnership between local government and Māori could operate is likely to set a strong foundation for the other roles and responsibilities for both parties. This would create the

Discussion areas	Recommendations/questions	WBOPDC response
	<p>6. That central government leads an inclusive process to develop a new legislative framework for Tiriti-related provisions in the Local Government Act that drives a genuine partnership in the exercise of kāwanatanga and rangatiratanga in a local context and explicitly recognises te ao Māori values and conceptions of wellbeing.</p> <p>7. That councils develop with hapū/iwi and significant Māori organisations within a local authority area, a partnership framework that complements existing co-governance arrangements by ensuring all groups in a council area are involved in local governance in a meaningful way.</p>	<p>framework and principles for consideration of structural change. This also needs to be considered in conjunction with the changes proposed in the Three Waters and RMA reform.</p> <p>We understand that these recommendations would shift the commentary about the relationship and responsibility of Te Tiriti to local government and may support stronger relationships at a local level.</p> <p>Funding would be required for iwi, hapū, local Māori organisations and local government to support the development of partnership frameworks. Consideration will need to be given to how a meaningful relationship with all parties in a particular area may be created.</p> <p>We think that a sustainable funding model needs to be developed to ensure elevation of Māori. There is a significant demand on Māori representation envisaged across the reform programmes. A sustainable funding model will assist in preparing people to take on these roles.</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<p>8. That central government introduces a statutory requirement for local government chief executives to develop and maintain the capacity and capability of council staff to grow understanding and knowledge of Te Tiriti, the whakapapa of local government, and te ao Māori values.</p> <p>9. That central government explores a stronger statutory requirement on councils to foster Māori capacity to participate in local government.</p> <p>10. That local government leads the development of coordinated organisational and workforce development plans to enhance the capability of local government to partner and engage with Māori.</p>	

Discussion areas	Recommendations/questions	WBOPDC response
	<p>11. That central government provides a transitional fund to subsidise the cost of building both Māori and council capability and capacity for a Tiriti-based partnership in local governance.</p>	
<p>Allocating roles and functions in a way that enhances local wellbeing</p>	<p>Recommendations</p> <p>12. That central and local government note that the allocation of the roles and functions is not a binary decision between being delivered centrally or locally.</p> <p>13. That local and central government, in a Tiriti-consistent manner, review the future allocations of roles and functions by applying the proposed approach, which includes three core principles:</p> <ul style="list-style-type: none"> the concept of subsidiarity 	<p>We support the focus on local wellbeing and outcomes. We note that outcomes have been included in past iterations of local government legislation and that perhaps the intended consequences were not achieved as there was not a similar legislative mandate for central government.</p> <p>Our concern with a non-binary approach to roles and functions is with the potential for a lack of ultimate responsibility and accountability.</p> <p>We support the three principles identified to review the future allocations of roles and functions. In our key messages we have highlighted the need for simplicity as a design principle.</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<ul style="list-style-type: none"> local government's capacity to influence the conditions for wellbeing is recognised and supported te ao Māori values underpin decision-making. <p>Questions</p> <ol style="list-style-type: none"> What process would need to be created to support and agree on the allocation of roles and functions across central government, local government, and communities? What conditions will need to be in place to ensure the flexibility of the approach proposed does not create confusion or unnecessary uncertainty? What additional principles, if any, need to be considered? 	<p>In regard to the proposed framework on page 110 Of the report we have the following questions:</p> <ul style="list-style-type: none"> Will decisions take longer under this model and what does this mean for achieving outcomes? Who makes the decision to depart from a 'local' approach? How does this model align with other recommendations for partnership and collaboration with other agencies who may not be at a local level? <p>We think that the provision of housing is an area that local government should be involved in. This aligns with our potential roles in managing growth and landuse planning, as well as promoting intergenerational wellbeing. There would need to be funding provided from central government to support such housing provision and various partners in the process.</p>

Discussion areas	Recommendations/questions	WBOPDC response
Local government as champion and activator of wellbeing	<p>Recommendations</p> <p>14. That local government, in partnership with central government, explores funding and resources that enable and encourage councils to:</p> <ul style="list-style-type: none"> a. lead, facilitate, and support innovation and experimentation in achieving greater social, economic, cultural, and environmental wellbeing outcomes b. build relational, partnering, innovation, and co-design capability and capacity across their whole organisation 	<p>Recommendation 14 appears to identify what the Panel considers could be the role of local government. We assume that this is to align with the other recommendations responding to the need for partnership and achieving outcomes.</p> <p>A good example of local government as an activator of wellbeing is the waiving of financial contributions for Community Housing Providers and for Papakāinga developments in the Western Bay of Plenty.</p> <p>We support progressive procurement and supplier diversity and note that this could be a national approach that is applied at a local level i.e., not every Council has to have a different Procurement Policy. There still needs to be the opportunity to support local businesses in any procurement approach.</p> <p>We are concerned that the focus is only on initiatives, innovations and ideas. There still needs to be a focus and understanding of the daily tasks and roles that Councils undertake e.g., regulatory functions, maintaining levels of services for community facilities.</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<ul style="list-style-type: none">c. embed social/progressive procurement and supplier diversity as standard practice in local government with nationally supported organisational infrastructure and capability and capacity buildingd. review their levers and assets from an equity and wellbeing perspective and identify opportunities for strategic and transformational initiativese. take on the anchor institution role, initially through demonstration initiatives with targeted resources and peer support	

Discussion areas	Recommendations/questions	WBOPDC response
	<p>f. share the learning and emerging practice from innovation and experimentation of their enhanced wellbeing role.</p> <p>Questions</p> <ol style="list-style-type: none"> 1. What feedback do you have on the roles councils can play to enhance intergenerational wellbeing? 2. What changes would support councils to utilise their existing assets, enablers, and levers to generate more local wellbeing? 	
A stronger relationship between central and local government	Questions	<p>Creating a collaborative and genuine relationship between the different parts of government requires each party to understand what they can offer. This aligns with the comments above regarding understanding roles and functions.</p> <p>We think that central government also need to become more of an enabler and align central government priorities with local community aspirations particularly in areas such as climate</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<ol style="list-style-type: none"> 1. As we work towards our final report, we want to consider the merits of the different examples. We are interested in your views as to how to rewire the system of central and local government relationships through developing an aligned and cohesive approach to co-investment in local outcomes. 2. To create a collaborative relationship between central and local government that builds on current strengths and resources, what are: <ol style="list-style-type: none"> a. the conditions for success and the barriers that are preventing strong relationships? b. the factors in place now that support genuine partnership? c. the elements needed to build and support a new system? 	<p>adaptation and mitigation, housing, multi-model transport networks, health, and education. There are a myriad of strategies, plans, policies and processes across central and local government that have different objectives and competing demands.</p> <p>We think that it would be beneficial for legislation to create a specific obligation for central government agencies to engage with local government. Our experience is that too often decisions made locally are not progressed due to competing priorities at a central government e.g., the development of roading networks. This is despite central government representation at the decision-making table. We also think that central government planning horizons need greater longevity, similar to what is required from local government in preparing Infrastructure Strategies and Asset Management Plans.</p> <p>We recognise the benefits of professional development, but we are concerned that a mandatory requirement may result in an excessive amount of money spent in this area.</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<p>d. the best options to get there?</p> <p>e. potential pathways to move in that direction and where to start?</p> <p>f. the opportunities to trial and innovate now?</p> <p>3. How can central and local government explore options that empower and enable a role for hapū/iwi in local governance in partnership with local and central government? These options should recognise the contribution of hapū/iwi rangatiratanga, kaitiakitanga, and other roles.</p>	
Replenishing and building on representative democracy	<p>Recommendations</p> <p>15. That the Electoral Commission be responsible for overseeing the administration of local body elections.</p>	<p>The future of democracy is a complex and interesting discussion, and one were there was not a shared view around the Council table. Democracy has evolved over time and should continue to do so. We expect there to be further discussions on this matter and for the purpose, roles, functions and structures of local governance to ultimately reflect what our</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<p>16. That central government undertakes a review of the legislation to:</p> <ul style="list-style-type: none"> a. adopt Single Transferrable Vote as the voting method for council elections b. lower the eligible voting age in local body elections to the age of 16 c. provide for a 4-year local electoral term d. amend the employment provisions of chief executives to match those in the wider public sector and include mechanisms to assist in managing the employment relationship. 	<p>communities need and want when participating in decision making that affects their everyday lives. We also think that effective democracy should provide for swifter decisions so that those who engage in these processes see the benefit of their input.</p> <p>We think there is value in considering a balance of elected and appointed representatives for local government. Part of this discussion needs to include identifying the key skills that a decision-maker needs.</p> <p>We support the recommendation that the Electoral Commission be responsible for overseeing the administration of local body elections.</p> <p>We do not support adopting Single Transferrable Vote as the voting method for council elections. We think that it makes the voting system more complicated and harder for people to understand.</p> <p>We do not support lowering the eligible voting age in local body elections to the age of 16.</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<p>17. That central and local government, in conjunction with the Remuneration Authority, review the criteria for setting elected member remuneration to recognise the increasing complexity of the role and enable a more diverse range of people to consider standing for election.</p> <p>18. That local government develops a mandatory professional development and support programme for elected members; and local and central government develop a shared executive professional development and secondment programme to achieve greater integration across the two sectors.</p> <p>19. That central and local government:</p>	<p>Council was divided, but overall in support of providing for a 4-year local electoral term.</p> <p>Support amending the employment provisions of chief executives to match those in the wider public sector and include mechanisms to assist in managing the employment relationship?</p> <p>We support a review of criteria for the remuneration of elected members and the provision of mandatory professional development for elected members. We suggest that this review should not be undertaken until such time as decisions are made regarding the structure of local government including whether there should be a combination of elected and appointed members.</p> <p>We support the development and implementation of a professional development and secondment programme between local and central government.</p> <p>We think that the suggestions in recommendation 19 need further examination in terms of the benefits that are anticipated by the proposed changes e.g., What would a health check of our democratic performance reveal? What are the potential costs of this process?</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<ul style="list-style-type: none">a. support and enable councils to undertake regular health checks of their democratic performanceb. develop guidance and mechanisms to support councils resolving complaints under their code of conduct and explore a specific option for local government to refer complaints to an independent investigation process, conducted and led by a national organisationc. subject to the findings of current relevant ombudsman's investigations, assess whether the provisions of the Local Government Official Information and Meetings Act 1987, and how it is being applied, support high standards of openness and transparency.	<p>Would it be necessary if some of the other recommendations regarding decision-making and engagement were implemented?</p> <p>We support retention of the option for Māori wards until such time as a better partnership approach is developed and agreed and that is in line with other recommendations regarding Te Tiriti o Waitangi.</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<p>20. That central government retain the Māori wards and constituencies mechanism (subject to amendment in current policy processes) but consider additional options that provide for a Tiriti-based partnership at the council table.</p> <p>Questions</p> <p>1. How can local government enhance its capability to undertake representation reviews and, in particular, should the Local Government Commission play a more proactive role in leading or advising councils about representation reviews?</p>	

Discussion areas	Recommendations/questions	WBOPDC response
	<p>2. To support a differentiated liberal citizenship, what are the essential key steps, parameters, and considerations that would enable both Tiriti- and capability-based appointments to be made to supplement elected members?</p>	
<p>Building an equitable, sustainable funding and financing system</p>	<p>Recommendations</p> <p>21. That central government expands its regulatory impact statement assessments to include the impacts on local government; and that it undertakes an assessment of regulation currently in force that is likely to have significant future funding impacts for local government and makes funding provision to reflect the national public-good benefits that accrue from those regulations.</p>	<p>We were surprised that central government regulatory impact statement assessments didn't already include the impacts on local government. We support the recommendation that these assessments be completed moving forward.</p> <p>We suggest that the assessment of regulation and required funding should be undertaken on completion of the discussion (and decision) on roles, responsibilities and structure.</p> <p>We recognise the benefits and challenges of funding for climate change adaptations and mitigations. However, we do not support a central government intergenerational fund for climate change. It is unclear how this would be taxed for and how creating a fund would be different from how central</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<p>22. That central and local government agree on arrangements and mechanisms for them to co-invest to meet community wellbeing priorities, and that central government makes funding provisions accordingly.</p> <p>23. That central government develops an intergenerational fund for climate change, with the application of the fund requiring appropriate regional and local decision-making input.</p> <p>24. That central government reviews relevant legislation to:</p> <p>a. enable councils to introduce new funding mechanisms</p>	<p>government budgets are currently allocated. We are also concerned that local needs would not be accurately reflected.</p> <p>There is an opportunity for funding mechanisms at a national level to fund local activities vs the use of rating per district. This could include having revenue and financing policy settings that apply nationally. This would also reduce the need for consultation and audit of these matters.</p> <p>There is also a need to simplify the Rating Act whilst being mindful of local matters when it comes to rating e.g., rating for orchards and some of the other local implications of creating a rating system.</p> <p>We support central government agencies paying local government rates and charges on all properties. This is also a proposed submission point for the Water Services Legislation Bill.</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<p>b. retain rating as the principal mechanism for funding local government, while redesigning long-term planning and rating provisions to allow a more simplified and streamlined process.</p> <p>25. That central government agencies pay local government rates and charges on all properties.</p> <p>Question</p> <p>1. What is the most appropriate basis and process for allocating central government funding to meet community priorities?</p>	
Designing the local government system to	Recommendations	As outlined above, we think that form should follow function. The roles, responsibilities and functions of local government, in partnership with Māori and central government, need to be confirmed before

Discussion areas	Recommendations/questions	WBOPDC response
enable the change we need	<p>26. That central and local government explore and agree to a new Tiriti-consistent structural and system design that will give effect to the design principles.</p> <p>27. That local government, supported by central government, invests in a programme that identifies and implements the opportunities for greater shared services collaboration.</p> <p>28. That local government establishes a Local Government Digital Partnership to develop a digital transformation roadmap for local government.</p> <p>Questions</p> <p>1. What other design principles, if any, need to be considered?</p>	<p>decisions are made regarding the most appropriate structure. There also needs to be an alignment with the structural proposals anticipated in the Three Waters and Resource Management Act reform. As such we do not have a view on any of the proposed models at this point in time. There was support from some around our Council table for unitary authorities, noting that there does seem to be a certain population size where these become unwieldy. We suggest that communities of interest may be a better approach when determining size and areas for a unitary authority. There was also general support for the continuation of community boards.</p> <p>We think that a community outcomes framework with Council as the backbone organisation and kaitiaki of the framework could be considered when designing the local government system. This would also align with the recommendations for local government to be a champion and activator of wellbeing.</p> <p>We have considered the Statutory Authority idea included in the report. We can see that there may be some benefits from this model, but we are unclear how it would interact with the current or future</p>

Discussion areas	Recommendations/questions	WBOPDC response
	<p>2. What feedback have you got on the structural examples presented in the report?</p>	<p>structures of local government, Taumata Arowai, the water service entities and the National Māori Entity contemplated through the RMA reform. It is also unclear how the annual co-investment decision would align with other funding processes e.g., the Annual Plan (if this still existed).</p> <p>We note that there are a number of examples of shared services across the country. There has been ongoing work in this space although it has not necessarily been helped with the requirements in section 17A of the Local Government Act. We also question whether this recommendation is required if some of the more fundamental recommendations are implemented.</p> <p>In respect of establishing a Local Government Digital Partnership we would like to highlight the ongoing work and mandate of Association of Local Government Information Management (ALGIM). ALGIM is already looking at how it could regionalise digital services and generally don't support a centre of excellence approach.</p>

Discussion areas	Recommendations/questions	WBOPDC response
System stewardship and support	<p>Recommendation</p> <p>29. That central and local government considers the best model of stewardship and which entities are best placed to play system stewardship roles in a revised system of local government.</p> <p>Questions</p> <p>1. How can system stewardship be reimagined so that it is led across local government, hapū/iwi, and central government?</p> <p>2. How do we embed Te Tiriti in local government system stewardship?</p>	<p>Agree that system stewardship is important and will assist in supporting the changes that may be implemented.</p>

Discussion areas	Recommendations/questions	WBOPDC response
	3. How should the roles and responsibilities of 'stewardship' organisations (including the Secretary of Local Government (Department of Internal Affairs), the Local Government Commission, LGNZ, and Taituarā) evolve and change?	

Yours sincerely,



James Denyer

Mayor

Western Bay of Plenty District Council

9.9 SUBMISSION TO THE SALE AND SUPPLY OF ALCOHOL (COMMUNITY PARTICIPATION) AMENDMENT BILL

File Number: A5104139

Author: Matthew Leighton, Policy and Planning Manager

Authoriser: Rachael Davie, General Manager Strategy and Community

EXECUTIVE SUMMARY

1. For the information of the Strategy and Policy Committee, this report presents a submission made by the Western Bay of Plenty District Council on the following matter:
 - (a) Submission to the Sale and Supply of Alcohol (Community Participation) Amendment Bill.

RECOMMENDATION

1. That the Policy and Planning Manager's report dated 7 March 2023 titled 'Submission to the Sale and Supply of Alcohol (Community Participation) Amendment Bill' be received.
2. That the following submission, shown as **Attachment 1** of the agenda report, is received by the Strategy and Policy Committee and the information is noted:
 - a. Western Bay of Plenty District Council submission to the to Sale and Supply of Alcohol (Community Participation) Amendment Bill, dated 12 February 2023.

ATTACHMENTS

1. **WBOPDC Submission - Sale and Supply of Alcohol (Community Participation) Amendment Bill** 



Western Bay of Plenty District Council
1484 Cameron Road,
Greerton, Tauranga 3112
P 07 571 8008
E customer.service@westernbay.govt.nz
westernbay.govt.nz

12 February 2023

Committee Secretariat
Justice Select Committee
Parliament Buildings
Wellington

ATTENTION: Sale and Supply of Alcohol (Community Participation) Amendment Bill

Name: Mayor Denyer
Organisation: Western Bay of Plenty District Council
Postal Address: Private Bag 12803, TAURANGA 3143
Daytime telephone: 0800 926 732
Email address: matthew.leighton@westernbay.govt.nz

Western Bay of Plenty District Council submission to the Sale and Supply of Alcohol (Community Participation) Amendment Bill.

Justice Select Committee,

We appreciate the opportunity to provide feedback on the Sale and Supply of Alcohol (Community Participation) Amendment Bill.

When the Sale and Supply of Alcohol Act was first introduced in 2012, it was to ensure the safe and responsible sale and consumption of alcohol. The objective of the Act was to minimise alcohol-related harm. The success of the Act in this regard is questionable, but it is clear effective community participation has not been as successful as intended. We welcome the proposed amendments.

We support the submission made by Taituarā. Our submission seeks to reiterate the key points and reflects our experience of working with the legislation and views we've heard from our community through our Local Alcohol Policy review processes.

The proposed changes in the Amendment Bill will provide the ability for our community to better participate in alcohol licensing decision-making processes.

Our Local Alcohol Policy was recently reviewed and adopted in 2022. The Policy introduced changes that reduced off-licence hours across the District and prevented any new bottle stores from opening in one of our wards. 135 submissions were received, with the majority of submitters supporting significant changes to the policy or requesting further restrictions. Several submitters raised concerns with the current legislation and prevalence of alcohol-related harm in our

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

Western Bay of Plenty District Council – Submission to the Sale and Supply of Alcohol (Community Participation) Amendment Bill.



Western Bay of Plenty District Council
1484 Cameron Road,
Greerton, Tauranga 3112
P 07 571 8008
E customer.service@westernbay.govt.nz
westernbay.govt.nz

communities. The daunting process of submitting on applications and the limited public awareness of the process or how to be involved was also raised.

In response to this Council resolved to reflect these views and seek positive changes to the legislation through engagement with Central Government.

We are pleased to see the contents of the Amendment Bill and support the proposed changes.

Appeals on Local Alcohol Policies

We are supportive of the changes in the proposed Bill which modify the way local alcohol policies (LAPs) are adopted and applied. LAPs ensure that our communities can have a say on the rules for our District and can reduce alcohol related harm in our community.

The proposed changes will remove the ability for parties to appeal provisional LAPs to the Alcohol Regulatory and Licensing Authority, whilst retaining the avenues for judicial review if necessary. The proposed changes will enable our District Licensing Committee to decline a licence renewal application if it would be inconsistent with the policies set out in our LAP.

When the Act was passed in 2012, we were given the ability to develop our own LAPs, in consultation with the communities we represent, so that the alcohol regulation would reflect the unique character and circumstances of our District. These changes to how LAPs are adopted and applied will minimise the barriers to adopting LAPs and ensure that they are more effective once they are in force, better serving as a tool for our community to reduce alcohol harm.

We are also supportive of the widening of the discretion to the District Licensing Committee so that it can more easily decline applications for licenses. This will allow District Licensing Committees to decline applications if they're inconsistent with our LAP. This further strengthens the LAP as the lead community document.

Objectors

We support the proposal to amend the legislation so that any person will be able to object to a licence application. This will make the process more accessible. Currently, only a small number of those who want to object to an application actually get the chance to do so, due to a number of different factors.

We have found that organisations who have an interest in alcohol harm reduction and would like to object to a licence or renewal application are often unable to do so. This has a flow on effect, as these organisations are then required to object as individuals in a personal capacity, rather than representing their relevant organisation. The change of allowing anyone to object, whether as an individual or

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

Western Bay of Plenty District Council – Submission to the Sale and Supply of Alcohol (Community Participation) Amendment Bill.



Western Bay of Plenty District Council
1484 Cameron Road,
Greerton, Tauranga 3112
P 07 571 8008
E customer.service@westernbay.govt.nz
westernbay.govt.nz

representing an organisation, removes a barrier that stands in the way of community engagement and involvement, however we feel that hearings should focus on the local aspect of the process. This could require a limit to local or sub-regional voices (recognising the cross-boundary nature of iwi and some community groups), rather than allowing any group in the country to speak.

We further support the proposal that trade competitors can only object if they are directly affected by the licence application. This change is consistent with similar provisions in the Resource Management Act.

Hearing Process

Finally, we are supportive of the proposed changes to how District Licensing Committee hearings are conducted. We believe that the proposed changes will ensure the hearings are more accessible and fairer to those who are participating. From our experience, we are aware that some participants in the District Licensing Committee hearings process have found it to be quite formal, particularly when lawyers are involved, who may be representing the interests of other parties.

We are supportive of the proposed changes in the Bill that will require District Licensing Committees to set up procedures so that hearings are run more informally, along with the proposal to remove cross-examination of submitters. Both of these proposed changes are a pragmatic and reasonable approach and will encourage submitters to feel more comfortable taking part in the hearing process.

Further, we are supportive of the proposed change to enable District Licensing Committees to hold hearings remotely. This change will allow submitters and participants to join proceedings by video link and phone, and will not require them to travel to attend in person.

We are more than happy to discuss any matters for clarification or to expand further.

We do not wish to be heard in support of our submission.

Yours sincerely,

A handwritten signature in blue ink that reads "James Denyer".

James Denyer
Mayor, Western Bay of Plenty District Council

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

Western Bay of Plenty District Council – Submission to the Sale and Supply of Alcohol (Community Participation) Amendment Bill.

9.10 NATURAL AND BUILT ENVIRONMENT BILL AND SPATIAL PLANNING BILL SUBMISSION**File Number:** A5115015**Author:** Tracey Miller, Strategic Advisor Resource Management**Authoriser:** Rachael Davie, General Manager Strategy and Community**EXECUTIVE SUMMARY**

1. For information of the Strategy and Policy Committee, this report provides the submission made by Western Bay of Plenty District Council on the following matter:
 - (a) Submission on the Natural and Built Environment Bill and Spatial Planning Bill.

RECOMMENDATION

1. That the Strategic Advisor Resource Management's report dated 7 March 2023, titled 'Natural and Built Environment Bill and Spatial Planning Bill Submission' be received.
2. That the following submission, shown as **Attachment 1** to this report, is received by the Strategy and Policy Committee and information is noted.
 - a) Western Bay of Plenty District Council Submission on the Natural and Built Environment Bill and the Spatial Planning Bill.

ATTACHMENTS

1. **Western Bay of Plenty District Council submission on NBEA and SPA Bills**  



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

Consultation: Natural and Built Environment Act and Spatial Planning Act Submission
Environment Select Committee
Parliament Buildings
Private Bag 18041
Wellington 6160
New Zealand

Name: Mayor James Denyer
Organisation: Western Bay of Plenty District Council
Postal Address: Private Bag 12803, TAURANGA 3143
Daytime telephone: 0800 926 732
Email address: tracey.miller@westernbay.govt.nz

Western Bay of Plenty District Council Submission on Natural and Built Environment Bill and Spatial Planning Bill

Introduction and key points

1. Western Bay of Plenty District Council (WBOPDC) welcomes the opportunity to provide feedback on the Natural and Built Environment Bill (NBEA) and Spatial Planning Bill (SPA), and appreciates the granted extension for submission lodgement (to 19 February 2023).
2. WBOPDC generally supports the reform of the resource management system. We recognise the drivers for resource management reform and appreciate the opportunities to improve the existing system; enable a more effective role for Māori, improve environmental outcomes, particularly in the face of climate change, reduce time delays and improve consistency across the board through greater national direction. However, there are several key areas of the NBEA and SPA that need greater consideration.
3. In order for reform to be successful, timeframes should enable meaningful and effective engagement to address potential implementation challenges to be identified and resolved. In our view, this reform programme is being undertaken too quickly and as a result effective implementation is at risk. We believe that this is a view generally shared by local government, tangata whenua and wider resource management stakeholders.
4. The pace of reform is especially concerning given it coincides with two other significant reform and review processes – Three Waters reform and the Future for Local Government review. It appears these processes, whilst concurrent, have been progressed in relative isolation from each other, and there are gaps and inconsistencies in the proposed arrangements and processes. The pace and scope of these concurrent reforms have placed significant pressure on local authorities, tangata whenua and other interested stakeholders to understand and respond in a meaningful way. Timing of submission processes have occurred directly after local elections and over the Christmas period with short timeframes. This has

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Otamarakau ki te Uru

A5105155

presented challenges in ensuring elected members can effectively engage in the reform process, as well as staff resourcing and availability of tangata whenua, lawyers and others involved in the planning profession.

5. It should be noted that WBOPDC generally supports the submission prepared by LGNZ and in particular endorses and supports the section entitled “local government’s main concerns.” For completeness, the excerpt is set out below:
- The loss of local voice in the new regional planning system. We’re concerned that councils’ (and ultimately communities’) ability to influence critical planning documents and decisions that affect their unique places will be significantly reduced.
 - That councils will continue to be responsible for implementing plans that they have limited input into or influence over. This creates accountability challenges.
 - That the proposed arrangements for supporting Regional Planning Committees (RPCs) are complex and present funding and resourcing challenges for councils.
 - That new clauses in the bills will generate costs for councils and communities in testing their meanings in court. While we broadly support the purpose and principles of Natural and Built Environment Bill and Spatial Planning Bill, we have some concerns around interpretation and implementation.
 - The need for central government to invest significantly more in its RM Reform programme, so that the costs don’t fall exclusively to local government. Transformational reform requires transformational resourcing by central government. This includes funding and resourcing to support iwi/Māori to participate meaningfully in the new system.
 - The potential for misalignment both between the three pieces of RM Reform legislation themselves and with other major reforms, in particular Three Waters Reform and the Review into the Future for Local Government.
 - That the Government’s work on the proposed Climate Adaptation Act is on a significantly slower track. This is despite the climate change adaptation challenges facing councils and their communities, and the need for this piece of legislation to integrate with the NBEA, the SPA and the proposed National Planning Framework.
 - The lack of clarity around arrangements for transition to and implementation of the new system. This is making it difficult for councils to plan.

Where LGNZ’s submission points encapsulates WBOPDC’s views entirely this will be noted within our submission.

6. WBOPDC does not wish to be heard by the Select Committee.

Part 1 - Key themes across NBEA and SPA

Loss of local voice and planning functions in local government

7. WBOPDC has significant concern over the loss of local decision making and local community representation in plan making. As identified in the LGNZ submission, under the reforms, the Minister for the Environment and Regional Planning Committee (RPC) are authorised to lead the preparation, assessment, and decision-making in relation to the new environmental management framework. They will be able to do this largely independent of local government and communities. This centralisation represents significant changes to the current functions of local government, and it is our overall view that change to the way that local government carries out one of its core functions needs much greater consideration and consultation with the sector.



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

8. In our view, the proposed centralisation of plan making will result in loss of local engagement and ownership in plan making processes. People need to feel empowered to shape their communities. Local government (or indeed a new RPC or independent hearing panel) are not qualified to tell a community what is right for them. The community need to have ownership over the planning process to work towards making their place unique to them. Community engagement in local decision-making leads to a greater sense of place and builds community connections. The centralised system as proposed does nothing to empower communities.
9. In summary there is a disconnect between accountability and responsibility and a disconnection from other local government functions (particularly LGA functions) and necessary expertise, communities and local place-making.

Community outcomes statements

10. Council has the opportunity to prepare Statements of Community Outcomes (SCOs). We note that these are not mandatory and there is no prescribed process to follow to develop SCOs, including any requirements for consultation with mana whenua or the wider community. Given SCOs seem to be one of the key mechanisms to reflect local voice at the Regional Planning Committee table, it seems questionable that there is no requirement to develop these in partnership with mana whenua and the wider community.
11. As with community outcomes promulgated under the Local Government Act, territorial authorities are often not the sole agency with a responsibility to deliver services contributing to community outcomes or to have an interest in the realisation of community outcomes. Therefore it seems questionable that territorial authorities could develop SCOs without engaging with other key organisations or agencies in its communities, given the criticality of the role of SCOs in both the RSS and NBE plan processes. We submit that the preparation of SCOs should be mandatory, and the legislation (or regulations) should set out a process for SCOs preparation that provides clarity on the involvement of mana whenua, the wider community and other agencies. It should also be clear on how regularly SCOs should be reviewed or the circumstances which would necessitate a review.
12. We also note that the scope of SCOs appears to be broader than statements of regional environmental outcomes (SREOs) which are environmentally focused. We query the merit in SCOs having a broader scope than SREOs, given the role of the Regional Planning Committee in terms of preparing RSS and NBE plans. There also appears to be no dispute resolution process in relation to consideration of SCOs and SREOs at the Regional Planning Committee. We also query how the legislation will ensure that significant issues for rural and provincial areas will not be overlooked where these conflict with priorities for larger urban areas – such as greenfield land supply for urban areas versus protection of productive land for rural areas.
13. Community outcomes are a component of the LGA and also may be considered through the locality planning process (Pae Ora (Healthy Futures) Act 2022). We seek clarity on whether these sets of outcomes promulgated under the different legislation are intended to be one and the same, or different ones developed for different legislative purposes. We are concerned that there is quite a broad scope and required application if one set of outcomes is

required across all three legislative processes. If there are to be different sets of outcomes then it is likely there could be complexity in reconciling inconsistencies. We also seek clarity to better understand how the system outcomes in s5 of the NBEA are to be reconciled against SCOs.

14. Pursuant to NBEA s645(5), SCOs do not have to comply with national direction, regulation or other planning documents. We query how the RPC will usefully consider SCOs that are inconsistent with national direction. For example, if a community in an area subject to flooding seeks to grow significantly or increase density.

Capacity and capability

15. The success of the proposed changes depends on the capacity and capability of the people who must implement it. The Randerson report identifies that one of the key failures of the RMA has been the failure to provide sufficient resources and build capability of people. Nationally, there is already existing resourcing shortages across the resource management system. This will be further strained as a result of reform. It is strongly recommended that due consideration be given to building the long-term capacity and capability in the fields of planning, project managers, scientists, Mātauranga Māori, transport, communication, engagement, and governance.
16. The Future for Local Government (FFLG) draft report identifies the need for capability and capacity building across many areas of local government. This requirement is closely tied to the need to adequately fund capability and capacity building in local government. Over the years there have been new requirements placed on local government which have not been adequately funded, which leads to funding challenges and may impact on the efficacy of implementation.

Communication

17. Another key matter for consideration is the need for clear communication for the general public on reform so they know what is happening at a high level. Key points on why the system is being reformed, timeframes and what the reform does and does not cover are critical.
18. During the Three Waters reform there was a lack of effective central government communication, which meant that a lot of alternative information or misinformation circulated in the community. 'Once in a generation' reforms that redistribute functions and responsibilities and/or include new or contentious concepts need a change management campaign or similar with the community to build understanding and awareness to reduce misinformation.
19. Education resources for councils to use to share with their communities would be welcomed. It would be useful if central government engaged with local government to understand the types of resources that would be useful to provide. Resources should be suitable to be provided electronically and cover key topics that people want to understand e.g., timeframes, new plans, how we will work with other councils, what it means to give effect to Te Tiriti o Waitangi and how this reform integrates with other key pieces of reform (in particular Three Waters and Future for Local Government).



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

Alignment with other reform

20. It is of paramount importance that alignment between key pieces of legislation occurs. Time and consideration needs to be given to ensure that the NBEA, SPA and future CAA will all work together.
21. Three Waters reform, the Future for Local Government (FFLG) review and the RMA reform all impact the other. As LGNZ has pointed out in its submission it is a lost opportunity that the FFLG report and completion of the review are happening concurrently with RMA reform. WBOPDC requests that the RM reform is slowed down to allow for the FFLG review to be completed.
22. The Future for Local Government review is fundamental to RMA reform, providing the foundation for successful policy and planning implementation. Proceeding with RMA reform without first undertaking a complete review of the way in which local government operates has resulted in complicated arrangements for strategy and policy making e.g., the Regional Planning Committee.
23. Additionally the premise of centralising or regionalising of territorial authority functions is at odds with the findings of the FFLG review, which places importance on localism and the principle of subsidiarity. It seems illogical that these processes, whilst concurrent, are so at odds in their fundamental approach to structure and function.
24. At the Taituarā conference in November 2022, Minister Mahuta responded to questions about the structural changes envisaged through the RMA and Three Waters reform, and how these align with FFLG review. It was indicated it would be the role of FFLG to consider the implications across the reform processes and bring this all together. This is concerning given that the FFLG review is simply that – a review. It will be up to the Government of the day to take up recommendations in this regard and promulgate any legislation to give effect to those recommendations. This is a risky approach in that recommendations to align the reform processes may not eventuate. It is also concerning that a ministerial oversight group has only recently been set up to address matters across the different reform programmes, when each of these processes have been underway for some time.
25. The timing for the RMA reform is critical, if the legislation is rushed it will be a lost opportunity. Without taking the time to get the new system right none of the drivers for change will be able to be adequately realised.
26. As identified in the Taituarā submission on the NBEA and SPA, because of the timing of the RMA reform and Three Waters, there is a concern regarding the ability of the new Water Services Entity's ability to be involved in early tranches of RSS and NBE plans due to the transition state they will be in. There also appears to be no consideration on the membership of the new Water Services Entities in the Regional Planning Committee, despite the fundamental importance of three waters infrastructure within spatial planning processes.
27. As identified in the LGNZ submission there is a need for the government to make a number of amendments to the NBEA Bill to clarify the relationship between Regional Planning

Committees and the proposed new Water Services Entities.

Part 2 - Pathway forward – transition and timeframes

28. Of critical importance to WBOPDC is understanding when and how the transition from the RMA to the NBEA will take place. There is currently a great deal of uncertainty how existing RMA requirements should be treated in the lead up to the transition. This makes workload and resourcing planning very difficult. WBOPDC's District Plan is due to be reviewed, and Council has commenced pre-engagement with the community. It has been previously advised that councils should continue to review significant resource management matters. This is now dependent on the timing and process for when the NPF, RSS and NBE Plans in each region are developed, and whether or not Bay of Plenty is one of the first model regions under the new system. WBOPDC requests detailed information on the expected timing for implementation of the new system for each region and as well clear guidance to councils who are due to review their district / city plans between now and the development of the NPF, RSS and NBE plans.
29. WBOPDC needs clarity on what weighting to give different planning documents particularly when it comes to decision making in consenting. For example, when the National Planning Framework is notified, what impact will this notification have on relevant sections of the RMA and consequentially the District Plan when it comes to consenting. Guidance is needed on what decision-making criteria will be relevant.
30. WBOPDC requests that written guidance is provided on proposed transition and timing for each council / region.

Part 3 - Funding and Resourcing

31. The RPC will be responsible for the plan-making process. This is a fundamental shift in local government planning in New Zealand. As identified in the LGNZ submission, with no strong local government voice in the plan-making processes, and without adequate funding from central government to support the RPC and secretariat roles or iwi/hāpu involvement, councils face an unfunded mandate to implement the new resource management system.
32. As identified in the LGNZ submission 'Part 4 Funding and Resourcing' with regard to Regional Planning Committees and their functions it is not reasonable to expect ratepayers to fund a largely undemocratic plan making process. Regional Planning Committees will make decisions that councils will be left to implement and enforce. Fundamentally there is a lack of transparency in this process.
33. There is significant concern regarding the requirement for councils to fund the implementation of plans over which they have had limited involvement in developing. As identified by LGNZ Central government has developed, and is imposing, the new centralised system and therefore should fund the system rather than pass the costs to local ratepayers. The proposed model also means that staff in the secretariat or new plan making roles under the RPC will technically be employed by a council but managed by the RPC or host council.
34. WBOPDC agrees with the recommendation by LGNZ that proposes a 50/50 split funding model for funding the RPC's and secretariats.



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

35. Funding the RPCs and secretariats requires further clarification. Working together in 'good faith' will not endure political tensions and disagreement in approach between councils. Reasons regarding apportionment of funding may be made based on population and densification. Guidance and certainty in approach is needed. As identified in the LGNZ submission it would be practical to link funding with the composition of the RPC.
36. As identified in the LGNZ submission as RPCs have separate legal standing from the councils, there may be instances where councils end up in the position of taking an appeal against RPC decisions. As RPCs include representatives from each of the councils, the council taking the appeal will end up paying for the appeal from both sides.
37. Regarding Independent Hearing Panels (IHPs) the NBEA Bill does not identify how these will be funded and by who, and this needs to be clarified.
38. The Bills have not identified any funding mechanisms for the work of the RPCs. If existing mechanisms continue to apply, e.g., as specified in the LGA, councils will need to determine whether or not the funds provided to the RPC will meet the necessary criteria in the LGA regarding the community being served. As identified in the LGNZ submission it appears that the LGA will need to be amended if councils are going to be funding the work of RPCs.
39. We encourage the Select Committee to explore additional funding mechanisms that local government could utilise. Significant additional funding that is likely to be required from local government to implement the new system, which we assume will be from existing funding sources. We note that this is a focus area for the Future for Local Government review, and request alignment of the findings within the final NBEA and SPA.

Funding for iwi/hapū

40. Funding the increased role of iwi/hapū in the new system falls to local government. It would be useful to understand what if any commitment central government has to increasing resourcing and building capability for iwi/ hapū. Imposing this cost on local government will mean that the role that iwi/hapū need to have in the new system will be critically underfunded in some councils. This will mean that an integral part of the new planning system will not be realised. This is further discussed in Part 5 of our submission.

Funding implementation

41. Council wish to emphasis significant concern over the potential to have to fund a process that it is not responsible for. As identified in the LGNZ submission with no strong local government voice in the plan-making processes, and without adequate funding from central government to support the RPC and secretariat roles or iwi/hāpu involvement, councils face an unfunded mandate to implement the new resource management system. Central government has developed, and is imposing a centralised system and should therefore fund the system rather than pass the costs to local ratepayers.
42. We support Simpson Grierson's view that the key issue identified with the proposed framework is that the RPC may become highly influential in making strategic decisions regarding provision of infrastructure or areas that may require protection, restoration or

enhancement. Given the link between RSS and long-term plans this could have implications for the allocation of council funds without those decisions going through a meaningful LGA process. Furthermore, as the RPC is not directly accountable to communities for making what may be funding decisions, we can see that this approach could have issues moving forward.

43. Further, the effect of the proposed amendment to the LGA will be that the RPCs (through RSS) will influence the provision of council infrastructure. We support Simpson Grierson's view that it is important for this influence to work in both directions, as the feasibility of councils' ability to provide infrastructure to service growth is an important relevant consideration for regional spatial planning. This is particularly important as, through the RSS, it appears that the RPC may identify provision of strategic infrastructure in an RSS that has not been considered in accordance with the LGA. This may create issues between councils and communities, as councils will remain responsible for funding and delivering the local authority projects that the RPC identifies.

Part 4 - Climate change

44. WBOPDC is supportive of the Government's intention to develop a Climate Adaptation Act (CAA). However, we are concerned about the timing of the CAA. Firstly, this is because of the need for the NBEA, SPA and CAA to be aligned. Secondly the effects of climate change are becoming increasingly more frequent and intense.
45. As identified in the LGNZ submission there is a need for councils and communities to have much greater clarity around how to build resilience and adapt to climate change.
46. It's difficult to comment on whether the new RM system will meet reform requirements without a key component of the new system drafted. To meet the Government's reform objectives, the NBEA, SPA and CAA (and the proposed NPF) must align. Government will need to make considerable progress on the CAA before the end of this parliamentary term. Like LGNZ, WBOPDC proposes that central government should partner with local government in developing the CAA. Councils have vital on-the-ground experience working with communities to build their resilience and support them to adapt to the impacts of climate change.
47. The three system outcomes within Clause 5 (b) of the NBEA in relation to; climate change and natural hazards; reduce emissions, removing gases and risk and resilience (as well as those related to protection and restoration of the natural environment), create tension with other system outcomes, such as "the ample supply of land for development...". Clear guidance must be provided on how to balance desired system outcomes in situations where these types of conflicts exist. These policy tensions are incredibly difficult for a growth region like the Western Bay of Plenty to reconcile. A contemporary example is the tension between the NPS-UD (providing land for housing) versus the NPS-FM and the need to protect and maintain marginal wetlands.
48. System outcome 5b(ii) Removal of greenhouse gas emissions from the atmosphere would be more aligned to the outcomes under 5a if it were to emphasise nature-based over engineered, chemical, and/or mechanical solutions due to the co-benefits of enhanced biodiversity and resilience.

Part 5 - Māori involvement and participation



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

49. WBOPDC supports the increased involvement of Māori and participation outlined in the Bills. However, the proposed funding arrangements are insufficient to ensure that Tangata Whenua are empowered to participate in the new system actively and effectively. Capacity to effectively participate is a matter that plagues the current RM system.

Regional Planning Committees

50. One of the key areas for Māori participation within the new system is through the Regional Planning Committee. The RPC is to be composed of iwi and hapū and local authority representatives which will be responsible for plan and strategy making for the Bay of Plenty region.
51. The Bill proposes that iwi and hapū within a region would form an iwi and hapū committee which will be responsible for:
- Leading the process to determine one or more Māori Appointing Bodies;
 - Agreeing with local authorities' composition arrangements for the region;
 - Engaging with iwi and hapū and other Māori groups with interests in the region before agreeing the Māori Appointing Bodies or the composition arrangements for the region; and
 - Keeping records of such engagement.

Māori Appointing Bodies

52. It is proposed that the iwi and hapū committee will identify Māori Appointing Bodies who will then be responsible for making appointments to the Regional Planning Committee. It is unclear why the appointments are not made by the iwi and hapū committee directly.
53. The additional step of the Māori appointing bodies complicates the process and adds an additional layer of administration, resource and funding for Tangata Whenua and local authorities.

Funding and Resource

54. The responsibilities of the iwi and hapū committee, and Māori participation generally, will require significant resource and funding to ensure effectiveness in the initial implementation stages, and in the long-term.
55. Funding and resourcing of the increasing role of Tangata Whenua within the new system cannot fall solely on local government. There will need to be significant investment to build capacity and capability amongst iwi and hapū members to enable Tangata Whenua to effectively participate and partner within the new system which will require support and funding commitment from central government.

Proposed Governance Approach

56. The Bay of Plenty Region consists of five district Councils and one city Council, as well as the Bay of Plenty Regional Council (7 local authorities in total). Within the same area there are 39 iwi groups and 260 hapū.

57. While composition arrangements for the RPC are to be agreed between local authorities and the iwi and hapū committee, the arrangements are unlikely to be too dissimilar to the minimums set out within the NBEA Bill (one member from each local authority and two from at least one Māori Appointing Body). These composition arrangements will not effectively represent the diversity of Tangata Whenua across the region and as such will not reflect true partnership. With an emphasis on the NBEA on giving effect to the principles of Te Tiriti o Waitangi, we are perplexed as to how the proposed partnership approach honours these principles.

SmartGrowth Governance Approach

58. Local authorities, Tangata Whenua and central government agencies have been planning at a sub-regional level in the western Bay of Plenty through the SmartGrowth strategy for almost 20 years.
59. The structure for SmartGrowth provides for four Tangata Whenua representatives on the leadership group committee (two from each territorial authority area), working alongside three representatives from each of the local authorities, Ministers, and representatives of central government agencies. A combined Tangata Whenua forum of representatives supports the work of the leadership group, providing direction and advice on key issues for Tangata Whenua which helps inform and guide decision-making and sub-regional priorities.
60. The SmartGrowth structure allows for Tangata Whenua to have a powerful voice around the decision-making table, and more broadly, for iwi and hapū to effectively participate and influence decision-making. A structure like SmartGrowth, but at a regional level, should be considered as the minimum composition arrangement for the RPC.

Mātauranga Māori

61. WBOPDC supports the increased recognition of Mātauranga Māori and tikanga within the resource management system and the requirement for any members of the Limit and Targets review panel to have at least a foundational knowledge of Mātauranga Māori.

National Māori Entity

62. WBOPDC supports the establishment of a National Māori Entity and the appointment process for members. The Entity has the potential to be a powerful body for ensuring that obligations to Tangata Whenua and Te Tiriti o Waitangi are met. The funding and resourcing on the Entity will be key to ensuring that it is able to fulfil its functions, powers, and duties adequately and effectively.

Freshwater Allocation

63. It is encouraging to see a new regime for the allocation of freshwater and other natural resources being proposed. WBOPDC has heard from Tangata Whenua several times their concerns around the current “first in first served” model of freshwater allocation and how this negatively impacts the development of whenua Māori and subsequently the aspirations of Tangata Whenua.

New definition – Te Ao Māori



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

64. New definitions and terms relating to the increased involvement of Māori and Māori concepts are proposed.
65. Clause 3 of the NBEA Bill provides a dual purpose including recognising and upholding te Oranga o te Taiao. Te Oranga o te Taiao is defined in Clause 7 to mean:
- (a) The health of the natural environment
 - (b) The essential relationship between the health of the natural environment and its capacity to sustain life; and
 - (c) The interconnectedness of all parts of the environment; and
 - (d) The intrinsic relationship between iwi and hapū and te Taiao
66. The NBEA Bill provides for Te Oranga o te Taiao statements to be prepared by iwi or hapū and provided to RPC's
67. Further guidance and direction is needed on how this new purpose is to be applied. A non-statutory guidance document would be helpful to explain each of the four concepts described above.
68. The remainder of Clause 3 states that the purpose of the Act is to enable the use, development and protection of the environment in a way that:
- (i) Supports the well-being of present generations without compromising the well-being of future generations;
69. It would be helpful to clarify whether there is any hierarchy in the purpose of the NBEA within Clause 3.
70. How does Te Oranga o te Taiao integrate with the concept of Te Mana o te Wai (which is integral to Three Waters Reform and the freshwater reforms)? It is not clear that the two key purposes within the NBEA are compatible: to recognise and uphold te Oranga o te Taiao and to enable the use, development and protection of the environment.

Part 6 - National Planning Framework

71. It is very difficult to provide thorough feedback on the proposed new system while a key component of the new system, being the National Planning Framework (NPF), has not been drafted. Council requests that a draft National Planning Framework is prepared, and sufficient consultation is carried out. The NPF is the anchor of the new resource management system and without seeing this drafted it is difficult to provide accurate feedback on how the new system may be implemented.
72. From what has been described of the proposed NPF, it appears that it will hold significant weighting in terms of setting overall policy direction. It has the potential to set rigid policies that will impact local government planning and decision making, like the medium density residential standards (MDRS) and the wetland policies under the National Policy Statement for Freshwater Management. New national direction on infrastructure is proposed through the NPF. It is not clear whether this will be provided as a draft for local government to provide input on. Western Bay requests that the NPF is developed in partnership with the LG

sector, or, at the very least we request the opportunity to provide feedback on any new national direction that is provided by the NPF.

73. The NPF is supported in principle in terms of its intent to provide direction on environmental matters and the creation of RSS and NBE plans. However, a key concern is that the Minister can provide this direction (including environmental limits and targets) without the involvement of local government, iwi/hapū or the wider community.
74. While national direction will provide consistency, it may not necessarily be helpful in some cases. For example, if there are flaws in the drafting of those provisions which make implementation difficult or if the provisions (such as limits/targets) fail to consider the issues and opportunities facing a particular area or environment.
75. Providing the chance for those mentioned to have meaningful involvement in the creation of the NPF should be provided for. This would ideally be in the form of a working group and include a number of experienced resource management practitioners from regional and city/district councils (with experience in plan writing and implementation). This would more likely ensure that the direction and specific wording of the NPF is as clear as possible in the first instance and that any need for regional or local variations to limits or targets are addressed in the NPF either directly or enabled in plan-making. Otherwise, each local authority will need to encounter and address any problems individually at implementation stage, which is likely to lead to different interpretations and solutions and ultimately a lack of consistency.
76. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act is an example of this happening recently. The amendments were made without the involvement of the affected territorial authorities, and each reached their own conclusions about what the legislation meant, including the nationally consistent mandatory provisions. On the other hand, the National Planning Standards were consulted on in stages and there was the chance for more meaningful input which resulted in significant improvements before implementation.
77. At this stage, it is unclear how many of the proposals in the NPF will work, in particular what the environmental limits and targets will look like and how they will operate. It would be beneficial that further thought is given to this before committing these to legislation. Council would like to understand further how a review panel may work and who will be responsible for gathering expert information and how this information will be kept up to date and relevant. Further information on how the environmental limits and targets work will be implemented is required.
78. While Section 37 states that the purpose of limits and targets is “to prevent the ecological integrity of the natural environment from degrading”, section 40 (2) (b) then allows a certain amount of “harm or stress to the natural environment”. These appear to be at odds with each other and clarification is needed.
79. The NPF will be developed by the Minister. Local government and communities are for the most part excluded from its development. Western Bay submits that local government and communities must be able to fully participate in the development of the NPF, including the setting of limits. Council would like to understand as a priority any further detail on any pre-notification engagement which may occur with iwi and local government.



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

80. Council understands that the NPF will be notified within 6 months of the NBEA's royal assent. Council would like to understand where we are in the order of implementing the NBEA and SPA, i.e., proposed timeframes for each region to begin implementing the new system.

Part 7 - Environmental limits

81. Environmental limits are an important aspect of the NPF. There is a clear intention to "hold the line", protect human health, and prevent further degradation of the natural environment's ecological integrity.
82. Targets are set as environmental goals to assist in improving the environment. These need to be measured and achieved in a specific timeframe with discretionary targets set where relevant to achieving system and planning outcomes.
83. Both environmental limits and targets are to be an important part of NBE Plans and will be outlined in the NPF. Until the NPF is provided there is no clear information on how these limits and targets will be framed and will operate, making it difficult at this time to understand their practicability.
84. The environmental limits and targets in the NPF will be related to "management units." Management units can be comprised of different areas depending on the limit and/or target it relates to and a management unit can relate to more than one environmental limit or target. While this makes sense logically, it could prove to add complexity between the NPF, RSS and NBE Plans. Particularly as NBE Plans are regionally based documents which may end up attempting to reconcile limits and targets relating to management units that are on a whole national level and others on a multi-catchment level or cross regionally. However, without a complete NPF to fully understand the relationship between environmental limits and targets with management units it's difficult to fully identify how these will work together in practice.
85. In relation to both limits and targets, there will be a requirement for monitoring and reporting. Again, it is challenging to provide feedback on the workability of the reporting requirements until an NPF is available. Further information is needed to understand the level of resourcing and funding that will be required. It is not clear how this will be managed practically between councils and the RPC and Secretariat.
86. Additionally, in the interpretation for environmental limit the use of the word "of" rather than "and" is noted; "*environmental limit means a limit set for ecological integrity of human health...*". This appears to be a minor drafting error that should be addressed to avoid confusion.

Part 8 – NBEA

Purpose of the Natural and Built Environment Bill (NBE) Part 1, Clause 3

87. Western Bay of Plenty District Council generally supports the purpose of the NBEA. The dual purpose, or cross over of the definition of Te Oranga o te Taiao and the first part of the

purpose will likely create interpretation and implementation issues. Conflict exists within the purpose of the Act (3(a)) “enable the use, development, and protection of the environment in a way that..” Protecting the environment and enabling the use and enabling development is very difficult to reconcile.

88. The incorporation of Te Oranga o te Taiao is supported. However, the incorporation of a Māori principle into legislation is going to come with many interpretation and litigation challenges. The requirement to recognise and uphold Te Oranga o te Taiao sitting within the purpose of the Bill is positive, however it appears at odds with the first line of the purpose ‘enabling the use, development of the environment’. Guidance on upholding Te Oranga o te Taiao will be welcomed. Iwi and hapū need to develop this guidance with support from MfE.
89. It should be clarified what the intention is regarding only being able to have regard to the purpose of the NBEA if the NPF doesn’t adequately cover a matter. For example when would it be appropriate to only take direction from the NPF and disregard the purpose of the NBEA. It should be clarified to help provide guidance to planners and decision makers.

Part 1 - Clause 4 – Te Tiriti o Waitangi

90. The RMA currently requires people exercising powers and performing functions and duties under the Act to take in to account the principles of the Treaty of Waitangi. The NBEA uses stronger language and requires all persons exercising powers and performing functions and duties under it to “give effect” to the principles of te Tiriti o Waitangi.
91. The requirement to give effect is a higher threshold than the requirement to merely take into account. This threshold is the same as that used under the Conservation Act. The Bill also makes reference to the principles of te Tiriti o Waitangi which is a shift away from the current reference to “the Treaty”.
92. Council generally supports the higher threshold of “giving effect to” the principles of te Tiriti o Waitangi. The principles of te Tiriti are not defined within the Bills but there are Waitangi Tribunal decisions and case law which outlines those principles. However, it may be difficult for those exercising powers and performing functions and duties in this space to give effect to the principles if there is not more guidance and clarity. In turn, it may also make it difficult to hold people accountable for giving effect to the principles.
93. A provision within the Acts allowing for the iwi and hapū committee to define the applicable principles of te Tiriti at a regional level could be an effective way for Tangata Whenua to exercise rangatiratanga within the new resource management system.

Part 1 - Clause 5 – systems outcomes

94. Council supports the change from effects management to outcomes. The shift from an effects focused system to a regime that is geared to deliver certain outcomes and/or achieve specific environmental limits or targets is positive.
95. Clause 5 provides 18 separate system outcomes that must be provided for, “to assist in achieving”, the NBEA Bill’s purpose. The outcomes themselves will not directly be considered when a resource consent is processed but they must be provided for in the National Planning



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

Framework, and the Natural and Built Environment Plans as below. The Bill does not prioritise or rank the system outcomes and it is expected that all outcomes will be actively promoted at the same time. There is a tension between all of these outcomes and how they could be achieved simultaneously.

96. As identified in Taituarā's submission, the term 'must provide' seems to be the equivalent of 'recognise and provide' in the RMA. If this is the case, in order to avoid unnecessary litigation, it would be practical to use the existing terminology.
97. There is no outcome focused around built form or urban design. The RMA reform is being described as making it "easier and more affordable to deliver housing in the places, people need, while protecting the natural environment". Regional spatial strategies are said to align infrastructure and land use planning to support well-functioning urban areas. Without a focus on urban design and well functioning urban areas within Clause 5 it is uncertain how this will be prioritised in urban development.
98. The NPF will become critical in determining resource management priorities and therefore the role of local government, iwi and hapū in the development of the NPF is of paramount importance. We request consideration of this within the NPF development process.

Part 9 - Regional Planning Committees

99. The NBEA Bill requires RPCs to be established in each region. They will act as stewards of Regional Spatial Strategies (RSS) and Natural and Built Environment Plans (NBE plans). Local Government will be responsible for implementing the plans.
100. As previously outlined the proposed Regional Planning Committee (RPC) will create a significant change to the function of planning in local government. Planning will be undertaken by the RPC however local government will remain responsible for implementation. This will likely result in a disconnected and fragmented system. As identified in the Taituarā submission "disconnecting planning functions from contributing functions such as science, consenting, compliance, infrastructure, and community development diminishes the prospect of integrated management and increases the possibility of duplication of effort."
101. WBOPDC is concerned that councils will be responsible for implementing plans over which they have limited influence. There is also a great deal of concern in relation to loss of community voice as a result of this new system. This is covered in Part 1 of this submission. There must be strong accountability mechanisms between RPCs and councils.
102. One of the primary drivers of this new RPC model appears to be to reduce the number of plans from 100 RMA plans to 15 NBE plans. The driver to reduce down the number of plans from over 100 to 15 is centered around simplicity and efficiency, however simplicity is not easily able to be achieved when it comes to implementation and management of the complexities of environmental protection and urban development.

103. Whilst the RSS must have particular regard to relevant Government policy statements and have regard to the Government's response to the New Zealand Infrastructure Strategy, we seek clarity on how Government will commit to funding required infrastructure agreed through the RSS process. In our existing spatial planning processes, we have had involvement with a range of government departments and agencies. Despite participating in the process and endorsing the final spatial plan, funding has not been committed as anticipated which has had significant effects on the delivery of growth areas. We understand that the RSS is intended to address schools and hospitals. Section 24 of the SPA links to the GPS for housing, transport, water and health, but makes no reference to education? Whilst there may not be a GPS for education, there needs to be clarity on how the Ministry of Education's priorities are interacting with the RSS.

RPC Funding

104. As identified in Part 3 of this submission, it is not clear how RPCs will be funded. WBOPDC does not support having to fund an independent body to carry out work over which Council will have very limited input. It is not appropriate to leave funding and financing as a discretionary matter to be agreed between Councils and the new committee.

105. There are multiple matters of concern regarding funding for the RPC, including;

- Funding for independent hearing panels
- Payment of staff seconded to secretariat roles
- Payment of RPC committee members
- Funding of appeals against RPC decisions
- How will RPC seek further funding and financing if required.

RPC Structure and Governance

106. As outlined in Schedule 9, clause 2 and 3, the RPC has the flexibility to establish its own structure. There is a minimum of at least 6 members but there is no upper limit. It should be noted that within some regions a minimum of two Māori representatives will be insufficient where there are multiple iwi and hapū groups.

107. A limit on the committee structure over all in terms of 'good governance' should be considered. Currently as it stands there is no limit overall and there is a risk that the committee becomes unable to achieve good decision making. Local authorities and Māori appointing bodies need to reach agreement. If it's not possible there is a dispute resolution process via the Minister. There is concern over the possible frequency of needing to use the Minister for dispute resolution processes and how realistic and feasible this is likely to be given workload and broader priorities.

108. It is unclear whether elected members will represent councils on the RPCs, if this is the case, elected members will be required to focus region wide although they will be representing their city or district council. There is a very real risk of a natural bias and 'patch protection'/parochialism playing out. In addition, it should be recognised that elected members will have existing workloads that will still need to be carried out and the practicalities of being able to work for both Council and a RPC. Council recommends the use of an independent chair to assist in fair and reasonable decision making.

109. We note the intention for there to be one representative appointed to the RPC for RSS



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

preparation that is an 'all of government representative.' We query how effective this will be given the breadth of government agency involvement required to effectively plan spatially. We note that this is also a lesser level of involvement and representation than we currently have as part of our sub-regional growth planning partnership (SmartGrowth), which currently includes the Minister of Local Government, Minister of Housing and senior representatives from Waka Kotahi, Kainga Ora and MHUD.

Secretariat and Director of RPC

110. The host local authority is the legal employer of the director and the secretariat. Existing council planning staff will become employed by the Secretariat. This may create a resourcing issue for other planning work at councils as well as development of NBE plans and Regional Spatial Strategies.
111. The Director can appoint staff to the secretariat which are paid for by councils. If the host council is the legal employer of the staff this raises employment concerns for councils. It is recommended that information is provided on how this may impact legal employment arrangements. It may be more practical that the Director and Secretariat be employed by the host council. This should be investigated and clarified for local government.
112. The future of planning in New Zealand will be shaped by this reform. The role of planners will change. There is the potential that planners may be in a job where they are not exercising as much judgement. It would be good to understand further the role of planners in the secretariat function and how this impacts workload and resourcing of planners left at councils for other planning work like private plan change requests.

RPC Implementation Agreements

113. As RPCs will operate independently of councils, this may complicate the relationship between strategic planning and infrastructure provision. Implementation plans may provide the opportunity for practical consideration as to how the RSS will be implemented, as well as consideration to the appropriate timing and funding. Implementation plans seek to identify the person responsible for delivery, but it is unclear how implementation plans and agreements will align with priorities for other agencies e.g., health and education. This means that the implementation plans and agreements are unlikely to resolve any of the implementation issues currently experienced through existing sub-regional or regional planning initiatives, where different agencies have competing priorities. Implementation agreements are not enforceable. This may be further exacerbated through the addition of Water Services Entities as additional 'persons' responsible for delivery.

Part 10 - Schedule 7: Preparation, Change and review of Natural and Built Environment Plans

NBE Plan Development

114. The Bill proposes the development of NBE plans – one per region to replace the multiple district and regional plans and policy statements. Where district councils are currently

charged with the plan making process and required to have a District Plan in place, that responsibility now falls to the new Regional Planning Committee (RPC). A new NBE plan will not be in place until the NPF is established, RPC is appointed, and the RSS is developed.

115. WBOPDC raised concern with the exposure draft around the potential to lose the local voice in this plan making system. This was a common issue raised in submissions to the select committee and resulted in further consideration to address the concern. Our concern in this regard prevails and is discussed earlier in our submission.

116. As a result, the NBEA Bill explanatory note states councils' ability to directly input 'local voice' into the NBE plan is through the voluntary Statement of Community Outcomes (SCO) or Statement of Regional Environmental Outcomes (SREO) instruments. The RPC is required to have regard to the SCO and SREO in their decision making. While the preparation of these instruments is at Councils discretion, it would seem remiss of a Council to choose not to prepare an instrument where it helps inform the development of NBE plans and ensures that 'local voice' is not lost. Given the importance and significance these instruments could have on decision making, further clarification and information on the content and development of these instruments, including consultation and the specific detail necessary is required.

117. It's noted the SCO relates to the functions of district councils, while SREO's are functions of regional and unitary authorities. SREO's have the purpose of recording a summary of the significant resource management issues of the region, or of a district, or local community within the region. Particularly where those regional environmental outcomes relate to a district or local community, it is considered there needs to be provision to enable the involvement from that district council in the preparation of an SREO.

NBE Policy Development

118. WBOPDC supports the changes to evaluation reports where they are succinctly and plainly expressed making them more useful and cost-effective.

119. The Bill provides a system for policy development from local councils through to the RPC. There is clarity on the process types (standard, proportionate and urgent). RPCs will determine whether a standard or proportionate process is required. The criteria set to determine this is not clear. It would seem appropriate that criteria is nationally set rather than left to the discretion of individual RPCs.

120. Independent and proportionate plan change processes cannot change the strategic content of NBE Plans. Only the RPC and constituent local authorities may initiate a change to the strategic content (Schedule 7 Clause 5(2)). Section 102 sets out what plans must include, the NBEA Bill states in 102(1) "A plan must have strategic content that reflects the major policy issues of a region and its constituent districts." Careful development and consideration of what constitutes a change of strategic content will be important. It is preferential that criteria is set so that the determination of strategic content is clear for all parties to understand and does not unduly limit plan change processes, or open up drawn out disagreements and litigation to reach a consensus.

121. The NBEA Bill continues to provide a pathway for private plan changes (independent plan changes). While greater certainty on the pathway and cycle for policy development is supported, overall the system is not responsive enough.



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

122. All councils are required to provide three yearly work programmes. to the RPC. The RPC then has two years to develop and notify the change. The RPC may choose to develop and notify similar plan changes together, which could alter the local council's expectation of delivery for a community within its three year work programme. There does not appear to be a process to allow responsive plan changes by Council. In fact, it appears that there is greater ability for private (now known as independent) plan changes to be more responsive than those initiated by Council.
123. WBOPDC has over the past 10 years progressed a number of plan changes that responded to an immediate need in our communities. An ability to act responsively at a local level is important. It is not clear these types of local issue plan changes would fit within the 'urgent' criteria set within the NBEA. It would seem they would otherwise need to be included and anticipated within a three yearly planning cycle and proceed via a proportionate process. We consider further consideration should be given to more responsive local plan making processes that are not anticipated through three yearly work programmes.

Part 11 - Regional Spatial Strategies (RSS)

124. RSS set the strategic direction for the use, development, protection, restoration, and enhancement of the environment over a long-term period (30 years). RSS are required to provide for integrated management and support the effective management of the environment and in addition give effect to the NPF under *clause 15*.
125. WBOPDC is generally supportive of the RSS approach. In particular, WBOPDC is supportive of mandatory spatial planning to help support integrated management of the natural and built environment. As already outlined WBOPDC has participated in long term spatial planning through SmartGrowth for at least 20 years and see the positive benefits that working closely with stakeholders and partners can bring.
126. Further clarity is needed on coordinated funding arrangements between local authorities.
127. As identified in the Taituarā submission, RSS will be prepared by RPCs. The process for preparing RSS must be adopted by the RPC. The process must encourage participation by the public and those who may be involved in implementing the RSS according to *clause 32*. WBOPDC is supportive of the need to provide for local communities to input into matters that affect them. However, the drafting of this clause could be strengthened to require engagement with infrastructure providers.
128. Engagement agreements, as outlined in Clauses 37-41, provide a mechanism for the RPC to outline how Māori will participate in the development of RSS and how this participation will be funded. WBOPDC requests that further information on funding for resourcing to enable participation. As identified in the Taituarā submission:

"central government should fund, resource and support Māori participation, including the development of iwi and hapū capacity and capability and the development of engagement agreements. Because central government has constructed RPCs as independent of local

authorities it should be expected to fund contributions. Local authorities on the other hand, should not be expected to fund an agreement they are not party to. The level of funding and resource is likely to be significant, especially during the first iteration, due to the complexity of these arrangements. The number of Māori groups that need to be invited will be large in many regions. For example, the Bay of Plenty has 39 iwi and treaty settlement entities and places within it such as Tauranga are hapū-centric. We are also concerned that there is no provision for mediation (or any other dispute resolution mechanism) if an agreement cannot be reached after best endeavours. This may be critical as funding is likely to be an issue.”

RSS preparation

129. As identified in the Taituara submission, the RPC must have particular regard to Government policy statements, SREOs and SCOs, and iwi planning documents when preparing a RSS. In addition, the RPC must have regard to any strategies, plans, or other instruments made under other legislation or for the purpose of complying with New Zealand’s international obligations, and the Government statements responding to reports provided under *part 2, subpart 3 of the New Zealand Infrastructure Commission/Te Waihanga Act 2019*. Furthermore, the RPC must recognise and provide for planning documents prepared by customary marine title groups (*clause 26*) and protected Māori land (*clause 27*).
130. It is questionable whether or not the terms ‘particular regard’ or ‘regard’ offer enough certainty that the above planning documents will be given adequate consideration. Considerable work has already been undertaken in regional spatial planning and this work should be carried forward and incorporated in the new regional spatial strategy.
131. As identified by Taituarā, *Clause 25 (3)* directs the RPC to disregard effects on scenic views from private properties or land transport assets and the effect on the visibility of commercial signage or advertising. Council agrees that this Clause needs some further consideration. The Clause removes the protection for views that maintain, or enhance the relationship of Māori with their ancestral land, water sites, and waahi tapu, and other taonga. The removal of protection of views also has the potential to impact the tourism industry (view shafts from walking and cycling tracks, look out points in particular).
132. Regarding the preparation of RSS, WBOPDC requests that there is an ability for the constituent councils and iwi to review the draft RSS before notification and then be able to provide further comment if required. Consultation and engagement of the draft is particularly important given that there is no requirement to hold a hearing and no appeals proposed. Council supports proposed Step 4 within Schedule 4 to provide opportunity for further comment on the draft regional spatial strategy in certain circumstances however request that this is not only for the instance where the strategy is materially different from when the draft is first notified. Council recommends that is a requirement to seek further comments from stakeholders who are materially impacted by the RSS, e.g., tangata whenua, local government and landowners.

Part 12 - Compliance, monitoring and enforcement

133. Council supports the s.277 provision to provide for a review of resource consent conditions.



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

The additional provisions that are included in section (3) are supported. The RMA section 128 was limited in that it did not provide for exceptional circumstances for review. Councils have struggled to address matters that need to be reviewed in older/existing consents, especially where there is non-compliance with current rules and requirements. Addressing these matters where a consent is in place have been legally frustrating where no review provisions were included in the original consent decision. This change will provide greater opportunity to address exceptional environmental and wider effects of existing consents.

Part 12 Compliance and enforcement

134. The provisions in this part of the Bill provide consistent and robust tools for addressing compliance matters. The re-statement of the enforcement processes from those in the RMA provide an established framework for Officers, community and the Courts to address matters of non-compliance.
135. Overall Council supports the broadening of cost recovery provisions set out for compliance monitoring and enforcement of permitted activities and investigations of non-compliant activities.
136. However, the monitoring of permitted activities as currently drafted does not specify which permitted activities must be monitored or to what extent they must be monitored. Clause 783(1) to monitor "*permitted activities that have effect in the region or district*" could be interpreted to mean that all permitted activities that have effect in the district will need to be monitored. To do this would require significant resourcing for Council especially given that the number of permitted activities is proposed to increase under this legislation. This needs to be clarified. It would be useful to understand the intention and benefit of monitoring permitted activities. There needs to be a clear demonstrable benefit to the community to justify the implications of increased levels of monitoring.
137. For many permitted activities it may be a more balanced approach for Councils to have discretion to fulfil monitoring obligations as they see fit, where there could be reliant on the public to report complaints for certain activities. This clarification becomes even more important when considering cost recovery. It is anticipated that there is potential for a negative reaction from the community if they have been sent an invoice for permitted activity monitoring especially if they have seen no benefit from this monitoring. As identified previously national level communication is important to set expectations around the importance of environmental protection.
138. The connection between the two cost recovery regimes in clause 781 and 821 is unclear. The extent to which a Council can use its discretionary power under clause 781 outside of the administrative charges imposed under clause 821 is not obvious. Clarity on the relationship between these two clauses would help Councils to have certainty regarding when and how additional costs for monitoring an activity can be applied.
139. Drafting attention needs to be applied to specific provisions in the NBEA e.g., s.708 and s.781, these sections provide for persons to avoid, remedy or mitigate effects. In other sections e.g., s.718 there is a requirement to avoid, minimise, remedy, offset or provide for redress.

140. Council is supportive of the overall strengthening and widening of enforcement powers available. Although, it is noted that the responsibility for compliance monitoring and enforcement will remain with Councils who have not set the rules.
141. The use of Adverse Publicity Orders is seen as a useful deterrent for corporations to remain compliant as reputation can be a strong driver for compliance.
142. The increase in fines is supported and as is the reduction in prison terms. The reduction in prison terms means the option for a defendant to elect trial by jury is removed, which is often used to delay the hearing and remove the control of the prosecution from the Council to the Crown Prosecutor.
143. Monetary Benefit Orders (MBO) are a useful addition to the enforcement options. As these orders can be made outside of criminal proceedings Council would have a more efficient way to recover money that has been acquired by breaching rules. However, it is noted that there is no limitation period set out for an MBO being made. This uncertainty should be addressed.
144. Enforceable Undertakings (EU) need to be further clarified. While an offender must admit to offending, pay compensation and undertake to rectify non-compliance, the limitation periods surrounding enforcement of the undertaking is unclear. Does the limitation period begin when Council has knowledge of the original offence or does it begin when knowledge of the non-compliance with the undertaking has occurred. As EUs already exist in New Zealand legislation under the Health and Safety at Work Act 2015 which expressly extends the limitation period, a similar approach in the NBEA would provide certainty in the matter.
145. The new section 708(1)(c) provides an additional compliance tool, by including a specific clause for an abatement notice for unreasonable noise and 709(2) provides for seizure for non-compliance with an abatement notice. This provision is supported, Council enforcement for noise matters not related to business activities, and of a long standing or repeated nature has been difficult and the ongoing noise has resulted in negative community effects. This will provide an additional avenue to address non-compliance as opposed to taking matters direct to the Environment Court, or the short-term provisions provided for excessive noise matters.
146. Cost recovery provisions included in s.781 are supported. Those persons where it can be clearly demonstrated are non-complying with the Act should carry the costs of the enforcement agency/regulator. The costs of compliance functions undertaken by Councils are predominantly ratepayer funded. Complaints are increasing, this is reflective of the community changes where it is quicker and less confrontational to address complaints to Council rather than talk to the other party direct. As a result, compliance volumes and community expectations are higher than when the RMA came into effect. This has resulted in increasing costs to Councils and increasing costs of compliance and monitoring impact on ratepayers, with little to no opportunity/lever to recover any costs. It is noted that the recovery of costs for non-compliant activities will be likely to be poorly received and will carry a higher probability of default or non-payment.
147. Section 782 provides for Regulations to be promulgated for compliance and monitoring activities. The introduction of Regulations is supported. This will provide consistency and transparency in the delivery of these activities nationally.
148. Section 783 provides for Local Authorities to undertake “state of the environment



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

monitoring" a new subsection (5) requires that Local authorities provide iwi and hapū with opportunities to be involved in the development and implementation of monitoring methods and approaches and development of policy and guidance on the regional monitoring strategy and carry out monitoring where agreed with the Local Authority. This is supported noting that the means for recovery of respective parties' time to input into the development of policy and supporting documentation will be necessary.

149. The requirement in clause 783(1)(g) to monitor "*permitted activities that have effect in the region or district*" could significantly increase workloads for local authorities. As currently drafted, the provision does not qualify which permitted activities must be monitored or what adequate monitoring involves. On its face, the provision requires local authorities to monitor all permitted activities, no matter what the activity is. It is unrealistic for local authorities to do so, and there should be a proportionate monitoring requirement depending on the potential effect/impact of the activity, and in some cases to monitor only based on complaint. It would be useful to acknowledge that local authorities have a discretion to carry out their monitoring obligations.

150. In addition to the regular monitoring, compliance and enforcement completed by Council, there is the additional requirement to report every three years on the efficiency and effectiveness of plans, fund and implement a monitoring and reporting strategy and develop and implement a compliance and enforcement strategy. These new requirements will require additional resourcing and funding and therefore any gains in the efficiency of the system made in other areas has the potential to be lost. Council will need sufficient funding from central government to fulfil all its significant implementation roles in the new system.

151. The monitoring and reporting strategy is prepared by the RPC. While the committee must ask Council to provide input to the strategy there is no requirement for the RPC to include this input or provide a reason for not including it. This should be a requirement.

Part 13 - Financial Contributions – Environmental Contributions

152. The NBEA bill proposes the replacement of financial contributions with a new term 'environmental contributions' WBOPDC supports the continued inclusion of these provisions within new legislation. Western Bay operates under a financial contributions model without the reliance of development contributions under the LGA. Continuing to provide a mechanism with increased specificity within s112 (including the consideration of how environmental contributions may be applied differently in different districts) can enable local councils to continue with developed systems and processes for these contributions. It also appears to provide flexibility for Councils to utilise a development contributions policy for a certain purpose alongside environmental contribution rules (for another separate purpose – not 'double dipping') where deemed appropriate.

Part 14 – Consenting and Designations

153. As identified in NBEA Part 8 (subpart 1) the process for designations has changed. An initial notice of requirement to identify and protect a spatial footprint as well as a Construction and Implementation Plan (CIP) is generally supported. It should be clarified whether or not the

proposed designation process requires a resource consent, and if it does, whether or not this is a duplication in roles between the consenting authority and the RPC. As identified in the Taituarā submission, if there is now no longer a need to obtain a resource consent and the CIP is the mechanism for enabling work to be carried out, then this should be undertaken by local government. The processing requirements to construct infrastructure are more aligned with the resource consent process in local government (than the RPC).

154. The number of activity classes available for resource consents has been reduced, with the removal of 'non-complying' (Clause 153). Controlled activities can now be refused, making them more like restricted discretionary activities. As identified in the LGNZ and Taituarā submissions, this change to the controlled activity category will reduce certainty to applicants and narrows the ability for local government to 'control' activities that have limited effects.

155. The removal of non-complying activities will likely increase the amount of prohibited activities needed to be listed. Clarification on how to manage previous non-complying activities is needed.

156. NBEA Clause 156 sets out activities that may be permitted with or without requirements. The National Planning Framework or a plan may identify a permitted activity, subject to compliance with conditions or requirements specified in the NPF or an NBE Plan. It should be clarified that there will need to be consistency between the NPF and the NBE Plan to ensure consistency.

157. As identified in the Taituarā submission Clause 223 outlines the considerations for consent authorities when processing an application for resource consent. As drafted, if an application is contrary to an environmental limit or target, then the processing planner will require a great deal of information to be able to determine whether or not an environmental limit or target will not be exceeded. Alternatively, NBE plans could deal with issues upfront by prohibiting activities that will exceed environmental limits or targets. Irrespective of the above environmental limits or targets will need to be clearly and accurately defined. However, this is not always practicable and variation can sometimes be required.

158. NBEA clause 302 introduces permitted activity notices (PANs), which are required to be produced in 10 days. There is concern that PANs will increase workloads considerably and that the 10-day period may be unrealistic. As identified in the Taituarā submission, this is of concern as the value of PANs is not clear. Law abiding citizens will want to receive PANs for insurance purposes and sale, much like certificate of compliance. Those who have less regard to the law are unlikely to apply for them, regardless of any requirement in the NPF - particularly as they can be used to target and recover monitoring costs. Council requests that the purpose of PANs and the value they add be clarified.

WBOPDC are pleased to have had the opportunity to provide further feedback on the two bills and look forward to the upcoming release of the Climate Change Adaptation Act.



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

We welcome the opportunity to discuss guidance material needed for the local government sector and also the development of tools needed to implement the new resource management system.

We look forward to the Select Committee's consideration of the recommendations WBOPDC makes through this submission.

Yours sincerely,

A handwritten signature in black ink that reads "James Denyer". The signature is written in a cursive, flowing style.

James Denyer
Mayor
Western Bay of Plenty District Council

10 INFORMATION FOR RECEIPT