

Mā tō tātou takiwā
For our District

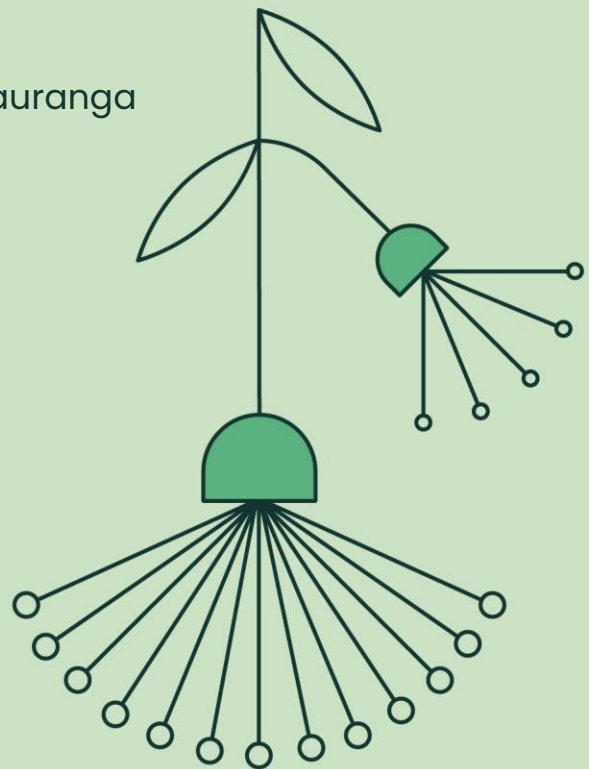
Strategy and Policy Committee

Kōmiti Rautaki me Kaupapa Here

SPC24-5

Thursday, 25 July 2024, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



Strategy and Policy Committee

Membership:

Chairperson	Mayor James Denyer
Deputy Chairperson	TBC
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.
- 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, 1484 Cameron Road, Tauranga on: Thursday, 25 July 2024 at 9.30am

Order Of Business

1	Karakia	6
2	Present	6
3	In Attendance	6
4	Apologies	6
5	Consideration of Late Items	6
6	Declarations of Interest	6
7	Public Excluded Items	6
8	Public Forum	6
9	Presentations	6
10	Reports	7
10.1	Review of Easter Sunday Shop Trading Policy 2024.....	7
10.2	Submission on the International Visitor Conservation and Tourism Levy 2024	22
10.3	Submission on the Local Government (Water Services Preliminary Arrangements) Bill, June 2024.....	25
10.4	Submission on the draft Land Transport Rule - Setting of the Speed Limits 2024	30

1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

2 PRESENT**3 IN ATTENDANCE****4 APOLOGIES****5 CONSIDERATION OF LATE ITEMS****6 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.

7 PUBLIC EXCLUDED ITEMS**8 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 relationship management system as a service request, while those requiring further investigation will be referred to the Chief Executive.

9 PRESENTATIONS

10 REPORTS

10.1 REVIEW OF EASTER SUNDAY SHOP TRADING POLICY 2024

File Number: A6211797

Author: Rebecca Gallagher, Senior Policy Analyst

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

The purpose of this report is to outline the review requirements of the Easter Sunday Shop Trading Policy and adopt the statement of proposal for consultation as set out in **Attachment 1**.

RECOMMENDATION

1. That the Senior Policy Analyst's report dated 25 July 2024 titled 'Review of Easter Sunday Shop Trading Policy 2024' 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 Draft Easter Sunday Shop Trading Policy 2024 and Statement of Proposal, as set out in **Attachment 1** of this report, shall be adopted for the purpose of consultation from 5 August 2024 – 6 September 2024.
4. That the Chief Executive is authorised to make any required editorial changes to the draft Easter Sunday Shop Trading Policy or Statement of Proposal.

BACKGROUND

1. The Shop Trading Hours Act 1990 ("the Act") was amended on 30 August 2016 to enable territorial authorities to adopt a policy to allow shop trading in their districts on Easter Sunday. The Act does not change any of the other restricted trading days (being Good Friday, ANZAC Day or Christmas Day), nor does it remove employee's rights to choose not to work on Easter Sunday.
2. Council adopted an Easter Sunday Shop Trading Policy on 6 December 2017 allowing businesses to trade on Easter Sunday if they wish. Since this policy was adopted, the only issue raised has been confusion about whether a business can open or not, not if they should.
3. A statement of proposal is set out in **Attachment 1** together with a draft policy, with the preferred option being keeping the policy as it is. The only change proposed to the draft policy from the current Easter Sunday Shop Trading Policy is updating the Western Bay of Plenty District map.

Shop Trading Hours Act requirements

4. The Act states that territorial authorities may have a local Easter Sunday Shop Trading Policy, either within the whole of its district, or any part or parts of its district.
5. If a policy is not adopted, then the exemptions of which shops may remain open on Easter Sunday under Section 4 of the Shop Trading Hours Act, will still apply. Generally, this includes:
 - Small shops only selling food, drink, personal items, fuel and automotive needs;
 - Souvenir and duty free shops;
 - Prepared/cooked food for immediate consumption;
 - Book, newspaper, magazine stores at public transport terminals;
 - Pharmacies;
 - Garden centres.
6. The policy cannot define specific opening hours or determine what types of retailers may open. The policy can also not control or override shop trading provisions in any other legislation, such as restrictions made under the Sale and Supply of Alcohol Act 2012. If a venue cannot currently sell alcohol on Easter Sunday, this policy will not change that.
7. The Act allows employees to refuse to work on Easter Sunday without providing a reason to their employer, only that the employer must be notified of the employee's decision.
8. Having a policy does not change any of the requirements relating to Good Friday. Shop trading on Good Friday continues to be a restricted trading day under the Act.
9. There is a current Members Bill before Parliament, which if passed, would remove the need for a policy and allow for trade. The Bill would also remove the restrictions around the sale and supply of alcohol on Good Friday and Easter Sunday. At the time of writing this paper, the select committee has not sought submissions on the Bill.

Policy review requirements

10. The Act requires the policy to be reviewed every five years (with a two-year grace period) or the policy will be revoked. To avoid our policy lapsing, we would need to complete the review by 6 December 2024.
11. When reviewing the policy, we are required to use the special consultative procedure to decide whether to amend, revoke, replace or continue the policy without amendment.
12. Under the Act Council is unable to delegate the adoption of an Easter Sunday Trading Policy to Committee. Therefore, the Strategy and Policy Committee can only recommend to Council whether or not to adopt a policy.

Neighbouring councils’ approaches

- 13. Tauranga City Council, Rotorua Lakes Council, Whakatāne District Council, Matamata-Piako District Council and Hauraki District Council all have Easter Sunday Shop Trading policies that are the same as our current approach, which is allowing trade throughout their districts on Easter Sunday.

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 **medium** significance as the policy has been in place since 2017, with little to no complaint or concerns raised. The review is a legislative requirement. Targeted consultation with our shop owners and church groups will be undertaken.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

- 17. We are required to adopt a statement of proposal, seek public feedback for one month and allow for the opportunity for spoken interaction, in accordance with s83 of the Local Government Act 2002.

Interested/Affected Parties	Planned Consultation		
Interested parties/groups	Public consultation would then occur between 5 August to 6 September, followed by Strategy and Policy Committee deliberations in October.	Planned	Completed
General Public	Shop owners and church groups will be directly notified of the consultation.		

ISSUES AND OPTIONS ASSESSMENT

- 18. Through consultation on the draft policy in 2017, 54 submissions were received. 36 (67%) supported the policy, and 18 (33%) opposed the policy. Of the supportive submissions, two (6%) submitted that the policy should apply to only parts of the district (generally being town centres), while the remaining 94% of supportive submissions agreed that the policy should cover the entire district.
- 19. There are three options available to review the policy:
 - (a) Keep the Policy as is (the preferred option).
 - (b) Remove the Policy.
 - (c) Amend the Policy to allow for trading in specified areas.

The advantages and disadvantages of each option are set out below and are set out in the Statement of Proposal in **Attachment 1**.

<p>Option A: Continue with the current policy approach (preferred option and set out in Attachment 1)</p> <p>This means allowing trading across the Western Bay of Plenty District on Easter Sunday.</p>	
<p><u>Advantages</u></p> <p>This option gives employers the opportunity to make an individual decision as to whether they trade or not. It provides opportunities for increased trading revenue for those businesses that decide to open.</p> <p>One of Council’s Community Outcomes is a ‘Thriving Economy’. Easter weekend is one of the peak holiday periods, during which the demand for goods and services can be higher than other periods of the year. The opportunity to open shops on Easter Sunday can help to meet those demands and will help to promote economic development in the District. This also means that our District is aligned to other councils in the area, and not at a competitive disadvantage in terms of attracting visitors.</p> <p>Enabling trading on Easter Sunday provides alternative activities for an increasing proportion of the population</p>	<p><u>Disadvantages</u></p> <p>Although employees have the right to refuse to work on Easter Sunday, they may feel pressured to work. Employees may not be aware of protections in the law, such as their right to refuse to work on this day. However, this is likely to be the case on other holiday days. Monitoring whether employees feel pressured to work, and ensuring employees understand their employment rights is outside the scope of this policy.</p> <p>A District-wide policy may also impact on the ability of employees and employers to engage in cultural, religious or whānau activities on Easter Sunday.</p>

<p>that do not observe religious holidays, or are of a different religion to that observed on Easter Sunday.</p> <p>A District-wide policy prevents confusion and frustration for businesses, residents, and tourists as it sets clear and consistent rules. If unrestricted trading on Easter Sunday continues, this will mean there is a lower administrative burden (for the Ministry of Business, Innovation and Employment) than would be the case if only specified areas could trade.</p> <p>Trading on Easter Sunday is also an opportunity for employees to choose to work and gain an additional day's wages or revenue, noting that Easter Sunday is not a paid public holiday and employees are not entitled to be paid time and a half or an alternative day off. Employees can still refuse to work on Easter Sunday if they want to.</p>	
---	--

<p>Option B: Remove the policy.</p> <p>This means having no specific Policy and trading on this day reverts to the rules under the Shop Trading Hours Act 1990, and therefore only certain shops can open.</p>	
<p><u>Advantages</u></p> <p>This option protects an important day in the Christian religion. According to the 2018 census 33.3% of people in the Western Bay of Plenty District identify as Christian. 51.1% identify as having no religion.</p> <p>This option means that whanau, social, cultural and recreational benefits are supported through a guaranteed day where a majority of employees are not working.</p> <p>A limited number of shops will remain open to service the District on Easter Sunday.</p>	<p><u>Disadvantages</u></p> <p>This option would re-implement stricter rules around shops trading. This option may create inconsistencies between our District and other districts in the Bay of Plenty area, meaning tourists may choose to visit those other districts during Easter weekend. This could negatively impact our local economy.</p> <p>Council could be seen as not supporting its community outcome of a “Thriving Economy.”</p> <p>Only limited shops would be able to open on Easter Sunday, meaning those employed at the shops not able to open will lose the opportunity to work an additional day. This option may create confusion and frustration for businesses, residents and tourists.</p> <p>Another disadvantage is that some businesses may choose to open anyway and risk prosecution.</p>

<p>Option C: Amend the Policy to allow for trading in specified areas. This means only allowing trading in specified areas within the Western Bay of Plenty District.</p>	
<p><u>Advantages</u></p> <p>This option provides an opportunity to consider the needs and opinions of each smaller community in the Western Bay District.</p> <p>It enables some communities to have shops open if they want to, while other communities may choose to have shops remain closed.</p> <p>This option also allows the opportunity to focus on trading in specific areas of the District.</p>	<p><u>Disadvantages</u></p> <p>This option may create confusion and frustration for businesses, residents and tourists. It increases the administrative burden on the Ministry of Business, Innovation and Employment in terms of enforcement activity.</p> <p>This approach may be seen to favour businesses in certain areas, whereas other businesses would have to remain closed.</p> <p>This option also increases the administrative burden on the Council, in planning for and specifying which communities can have shops opened to trade, and which cannot. There is no known information to support Council decision-making to enable trading in some areas of the district compared to others.</p>

20. A statement of proposal is set out in **Attachment 1**, which has our preferred option being the continuation of the current approach (allowing trading on Easter Sunday).

<p>Option A <i>That the Committee adopt the Draft Easter Sunday Shop Trading Policy and Statement of Proposal (as set out in Attachment 1) for public consultation.</i></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>Meets the legislative requirements of the Act.</p> <p>Allows for the opportunity to hear from the community on the policy options.</p>

<p>Option B <i>That the Committee <u>does not</u> adopt the Draft Easter Sunday Shop Trading Policy and Statement of Proposal (as contained in Attachment 1) for public consultation</i></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>Allows for further consideration of the options.</p> <p>May result in not being able to adopt a new policy before Easter 2025, which may increase confusion regarding the rules or that shops may be unable to trade on Easter Sunday.</p>

STATUTORY COMPLIANCE

21. The recommendations in this report meets the requirements of the Local Government Act 2002 and the Shop Trading Act 1990.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
Review of Easter Sunday Shop Trading Policy	All costs associated with the consultation on the Easter Sunday Shop Trading Policy are included in current budgets.

ATTACHMENTS

1. **Draft Easter Sunday Shop Trading Policy and Statement of Proposal**  

Easter Sunday Shop Trading Policy

STATEMENT OF PROPOSAL
2024



Introduction

Currently all shops in the Western Bay of Plenty District can choose to open on Easter Sunday. This is enabled through Council's Easter Sunday Shop Trading Policy. We are checking if we should continue with this approach or make any changes.

In 2016 the Shop Trading Hours Act 1990 ("the Act") was amended to enable all councils to choose whether to allow shops in their Districts to trade on Easter Sunday. The Act does not change any of the other restricted trading days (being Good Friday, ANZAC Day or Christmas Day), nor does it remove employee's rights to choose not to work on Easter Sunday.

Council adopted the current Easter Sunday Shop Trading Policy on 6 December 2017. The Policy applies to the whole Western Bay of Plenty District and allows shops to trade on Easter Sunday if they want to.

Now, Council needs to review its Easter Sunday Shop Trading Policy to make sure it's still right for our District.

Decisions on the future direction of the policy are required by the end of this year.

There is proposed legislation which if passed would remove the need for a policy and allow for trade. However, due to legislative timing it is not possible for us to wait for the outcome of that Bill if it progresses.

Consultation opens on Monday 5 August and closes Friday 6 September and final decisions are planned to be made at the end of November 2024.

What are the options

Our preferred option:

Option 1: Keeping the Policy as it is

- This means allowing trading across the Western Bay of Plenty District on Easter Sunday. The draft Policy is attached below.

Other options considered:

Option 2: Removing the Policy

- This means having no specific Policy. Trading on this day reverts to the rules under the Shop Trading Hours Act 1990, and therefore only certain shops can open.
- Those shops include dairies, service stations, takeaway bars, restaurants and cafes, duty free stores, shops providing services but not selling goods (e.g. a hairdresser), real estate agencies, pharmacies, garden centres, shops at public transport hubs, shops within an exhibition or show, and souvenir stores.
- The occupier of a shop not allowed to trade could be liable for a fine of up to \$1,000 for trading on Easter Sunday issued by the Ministry of Business, Innovation and Employment

Option 3: Amend the Policy to allow for trading in specified areas.

- This means only allowing trading in certain areas within the Western Bay of Plenty District and not across the whole district.



Analysis of options

Option 1 - Keep the Policy as is (status quo) - Preferred Option

We currently allow trading across the Western Bay of Plenty District, if the business chooses to trade. This option would continue this approach. It is the preferred option.

Advantages

- This option gives employers the opportunity to make an individual decision as to whether they trade or not. It provides opportunities for increased trading revenue for those businesses that decide to open.
- One of Council's Community Outcomes is a 'Thriving Economy'. Easter weekend is one of the peak holiday periods, during which the demand for goods and services can be higher than other periods of the year. The opportunity to open shops on Easter Sunday can help to meet those demands and will help to promote economic development in the District. This also means that our District is aligned to other councils in the area, and not at a competitive disadvantage in terms of attracting visitors.
- Enabling trading on Easter Sunday provides alternative activities for an increasing proportion of the population that do not observe religious holidays or are of a different religion to that observed on Easter Sunday.
- A District-wide policy prevents confusion and frustration for businesses, residents, and tourists as it sets clear and consistent rules. If unrestricted trading on Easter Sunday continues, this will mean there is a lower administrative burden (for the Ministry of Business, Innovation and Employment) than would be the case if only specified areas could trade.
- Trading on Easter Sunday is also an opportunity for employees to choose to work and gain an additional day's wages or revenue, noting that Easter Sunday is not a paid public holiday and employees are not entitled to be paid time and a half or an alternative day off. Employees can still refuse to work on Easter Sunday if they want to.

Disadvantages

- Although employees have the right to refuse to work on Easter Sunday, they may feel pressured to work. Employees may not be aware of protections in the law, such as their right to refuse to work on this day. However, this is likely to be the case on other holiday days. Monitoring whether employees feel pressured to work, and ensuring employees understand their employment rights is outside the scope of this policy.
- A District-wide policy may also impact on the ability of employees' and employers' to engage in cultural, religious or whānau activities on Easter Sunday.

Option 2 - Remove the Policy

This means having no specific Policy and trading on this day reverts to the rules under the Act, which means only certain shops can open.

The occupier of a shop not allowed to trade could be liable for a fine up to \$1,000 for trading on Easter Sunday. Enforcement is undertaken by Central Government.

Advantages

- This option protects an important day in the Christian religion. According to the 2018 census 33.3% of people in the Western Bay of Plenty District identify as Christian. 51.1% identify as having no religion.
- This option means that whānau, social, cultural and recreational benefits are supported through a guaranteed day where a majority of employees are not working.
- A limited number of shops will remain open to service the District on Easter Sunday.

Disadvantages

- This option would re-implement stricter rules around shops trading. This option may create inconsistencies between our District and other districts in the Bay of Plenty area, meaning tourists may choose to visit those other districts during Easter weekend. This could negatively impact our local economy.
- Council could be seen as not supporting its community outcome of a "Thriving Economy".
- Only limited shops would be able to open on Easter Sunday, meaning those employed at the shops not able to open will lose the opportunity to work an additional day. This option may create confusion and frustration for businesses, residents and tourists.
- Another disadvantage is that some businesses may choose to open anyway and risk prosecution.

Option 3 - Amend the Policy to allow for trading in specified areas

This means only allowing trading in specified areas within the Western Bay District e.g. Katikati, Waihi Beach, Te Puke.

Advantages

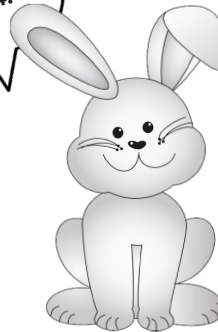
- This option provides an opportunity to consider the needs and opinions of each smaller community in the Western Bay District.
- It enables some communities to have shops open if they want to, while other communities may choose to have shops remain closed.
- This option also allows the opportunity to focus on trading in specific areas of the District.

Disadvantages

- This option may create confusion and frustration for businesses, residents, and tourists. It increases the administrative burden on the Ministry of Business, Innovation and Employment in terms of enforcement activity.
- This approach may be seen to favour businesses in certain areas whereas other businesses would have to remain closed.
- This option also increases the administrative burden on the Council, in planning for and specifying which communities can have shops opened to trade, and which cannot. There is no known information to support Council decision-making to enable trading in some areas of the district compared to others.

Have your say

We need your feedback by 5pm, 6 September 2024.



Please tell us your thoughts on the proposed changes.

You can do this by:

- Entering it online at www.haveyoursay.westernbay.govt.nz
- Posting it to: Have Your Say, Western Bay of Plenty District Council, Private Bag 12803, Tauranga, 3143
- Emailing it to haveyoursay@westernbay.govt.nz
- Delivering it to:
 - Western Bay of Plenty Barks Corner Office, 1484 Cameron Rd, Greerton
 - Te Puke Library and Service Centre, 130 Jellicoe St, Te Puke
 - The Centre - Pātuki Manawa, Katikati Library, Service Centre & Community Hub, 21 Main Rd, Katikati
 - Waihi Beach Library & Service Centre, 106 Beach Rd, Waihi Beach
 - Ōmokoroa Library & Service Centre, 28 Western Ave, Ōmokoroa

Feedback forms are available online, at our service centres listed above, or through calling the Council (07 571 8008) to request a hard copy.

Giving effective feedback

Online and hard copy submission forms provide the opportunity to express your views on the proposed changes.

Feedback on matters outside the scope of the Easter Sunday Shop Trading Policy cannot be considered by the Council as part of this review process, but may be deferred to other processes.

Period for feedback opens: 5 August 2024

Period for feedback closes: 6 September 2024

Opportunity to speak: You can also speak and tell us about your thoughts in person. If you would like to speak in Council Chambers, to the Mayor and Councillors, please email haveyoursay@westernbay.govt.nz to register by 6 September 2024. We will then confirm dates and timing with you.

Council adopts the policy: Decisions and adoption by Council planned for November 2024

What happens next

Council will acknowledge in writing or by email (if provided) the receipt of your feedback and all feedback will be considered through Council's deliberations process.

All submitters who provide email or postal details will be notified of our decisions.



Te Kaunihera a rohe mai
i Ngā Kuri-a-Whāreī ki
Ōtamarakau ki te Uru



Western
Bay of Plenty
District Council

westernbay.govt.nz



Council Policy

DRAFT Easter Sunday Shop Trading Policy

1 Relevant legislation

Shop Trading Hours Act 1990

2 Objective

To enable shops in the Western Bay of Plenty District to trade on Easter Sunday if they wish to.

3 Definitions

The Act Means the Shop Trading Hours Act 1990

Shop Has the same meaning as the Act

4 Policy Principles

- 4.1 Any shop is permitted to open on Easter Sunday in the Western Bay of Plenty District (see map in Appendix One).
- 4.2 This Policy applies to the shops trading in the Western Bay of Plenty District.
- 4.3 This Policy neither requires shops to open, or individuals to shop on Easter Sunday.
- 4.4 All shop employees can refuse to work on Easter Sunday, pursuant to the provisions in the Act.

5 Exemptions

- 5.1 This Policy does not:
 - a) Apply to any day other than Easter Sunday.
 - b) Control the types of shops that may open, or their opening hours.
 - c) Apply to the sale and supply of alcohol on Easter Sunday from licenced premises, which is regulated by the Sale and Supply of Alcohol Act 2012.

Council Policy

DRAFT Easter Sunday Shop Trading Policy



6 Policy Procedures

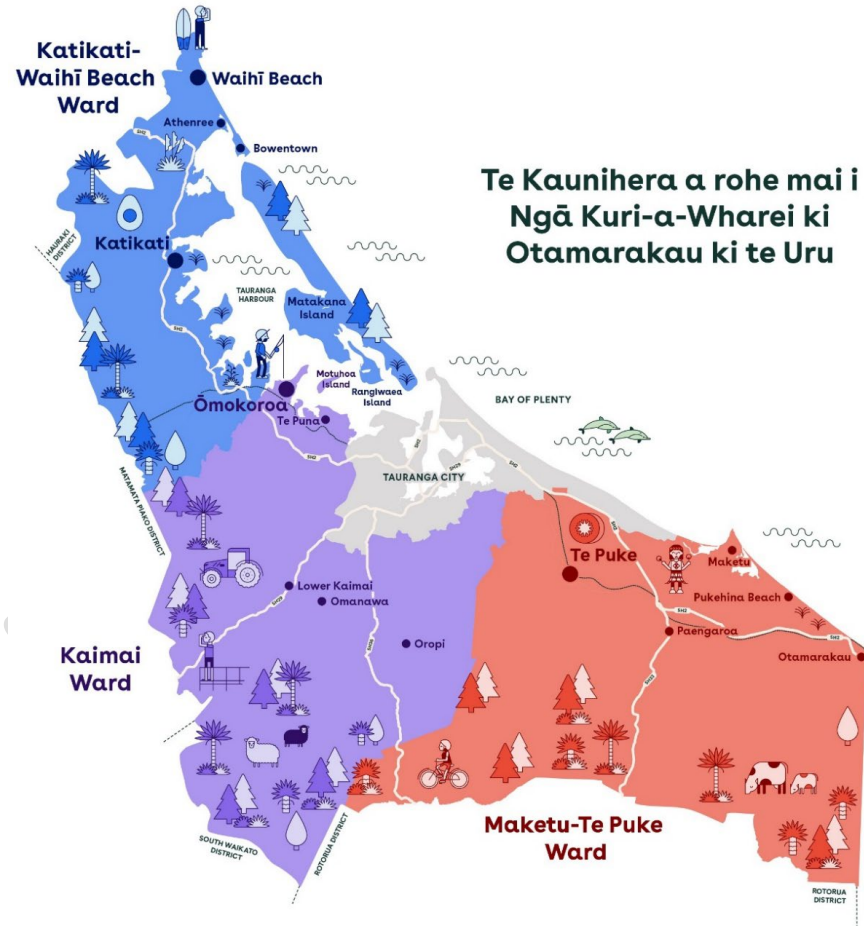
- 6.1 Council is not responsible for the enforcement of this Policy. Enforcement will be undertaken by the central government department that is responsible for the administration of the Act.
- 6.2 This policy shall be reviewed when required, using the Special Consultative Procedure in order to determine whether to amend, revoke, replace or continue the policy.

Group	Strategy and Community	Contact (3rd Tier Manager)	Policy and Planning Manager
Supersedes	Easter Sunday Shop Trading Policy 2017		
Creation Date	6/12/2017	Resolution Reference	PP9.1 2017
Last Review Date		Resolution Reference	
Review Cycle	N/A	Date	
Authorised by	Council	Date	

Council Policy

DRAFT Easter Sunday Shop Trading Policy

Appendix One: Map of the Western Bay of Plenty District



10.2 SUBMISSION ON THE INTERNATIONAL VISITOR CONSERVATION AND TOURSIM LEVY 2024

File Number: A6378701

Author: Ariell King, Strategic Advisor: Legislative Reform and Special Projects

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

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) International Visitor Conservation and Tourism Levy 2024.

RECOMMENDATION

1. That the Strategic Advisor: Legislative Reform and Special Projects report dated 25 July 2024 titled 'Submission on the International Visitor Conservation and Tourism Levy 2024' be received.
2. That the submission, shown as **Attachment 1** to this report, is received by the Strategy and Policy Committee and the information is noted.

ATTACHMENTS

1. **Submission on the International Visitor Conservation and Tourism Levy 2024**  



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

11 June 2024

Ministry of Business, Innovation and Employment

PO Box 1473

Wellington 6140

By email: IVLconsultation@mbie.govt.nz

Attention: International Visitor Conservation and Tourism Levy submissions

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: ariell.king@westernbay.govt.nz

Submission on the International Visitor Conservation and Tourism Levy 2024

Western Bay of Plenty District Council (WBOPDC) appreciates the opportunity to submit on the proposed changes to the International Visitor Conservation and Tourism Levy (the Levy).

We generally support the submission prepared by Taituarā – Local Government Professionals Aotearoa.

WBOPDC's response to the questions posed by the discussion document "*Proposed changes to the International Visitor Conservation and Tourism Levy*" is as follows:

1. We **agree** that the current levels of IVL revenue (approximately \$80 million) are not sufficient to address issues facing tourism and conservation.
2. We **agree** that the IVL should be used to address some of the costs for tourism and conservation currently funded by the Crown.
3. We support an increase by \$65 to \$100.
4. We support this increase as it will provide additional funding to address the rising costs required to maintain infrastructure that supports tourism in Aotearoa New Zealand.



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

It could also assist in mitigating and managing biosecurity risks and waste issues due to visitor access to our conservation estate.

5. We support the levy funding the following areas:
 - a. Strongly agree - Address visitor pressure on mixed-use tourism infrastructure and wider tourism assets.
 - b. Strongly agree - Address visitor pressure on the public conservation estate
 - c. Agree - Support investment into 'club goods', projects, or initiatives that the tourism or conservation sector might benefit from but are hard for individual businesses to develop or commercialise.
 - d. Disagree - Contribute to the funding mix for international tourism marketing costs (investment into Tourism New Zealand).
 - e. Agree - Support ongoing or future Crown investment into tourism and conservation activities.
 - f. Disagree - Fund, or contribute to the funding of, other initiatives relating to tourism.

6. We think that local government assets that support tourism e.g. public toilets, shared paths and playgrounds should be explicitly identified as a funding priority.

Given that the environment is probably our most important selling point to overseas tourists, we would also like to see conservation work better funded more generally and not have to rely on any proposed uplift in the IVL to increase the operational spend in the conservation sector.

Yours sincerely,

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

James Denyer
Mayor
Western Bay of Plenty District Council

10.3 SUBMISSION ON THE LOCAL GOVERNMENT (WATER SERVICES PRELIMINARY ARRANGEMENTS) BILL, JUNE 2024

File Number: A6378725

Author: Ariell King, Strategic Advisor: Legislative Reform and Special Projects

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

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 Local Government (Water Services Preliminary Arrangements) Bill, June 2024.

RECOMMENDATION

1. That the Strategic Advisor: Legislative Reform and Special Projects report dated 25 July 2024 titled 'Submission on the Local Government (Water Services Preliminary Arrangements) Bill, June 2024' be received.
2. That the submission, shown as **Attachment 1** to this report, is received by the Strategy and Policy Committee and the information is noted.

ATTACHMENTS

1. **Western Bay of Plenty District Council submission to the Local Government (Water Services Preliminary Arrangements) 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

13 June 2024

Ministry of Business, Innovation and Employment

PO Box 1473

Wellington 6140

Submitted online via <https://www.parliament.nz/en/pb/sc/make-a-submission>

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: ariell.king@westernbay.govt.nz

Western Bay of Plenty District Council submission to the Local Government (Water Services Preliminary Arrangements) Bill

Finance and Expenditure Committee,

Western Bay of Plenty District Council (Council) thanks the Select Committee for the opportunity to submit on the Local Government (Water Services Preliminary Arrangements) Bill (the Bill).

There has not been a reasonable amount of time provided to allow our elected members and staff to consider the Bill and provide feedback that reflects the views of our community and elected members. We have also not had the opportunity to genuinely engage with our mana whenua partners and understand their thoughts and views and support them in the Council's submission.

We appreciate that the government wishes to move at pace to create legislation that supports sustainable water delivery across New Zealand. However, we question whether reducing timeframes, and therefore removing the ability of local government to properly consider the legislation, is conducive to achieving the outcome that is sought.

We generally support the submission of Taituarā Local Government Professionals.

Page 1
A6333488



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

The Bill does not provide enough certainty or clarity to enable us to assess an alternative water service delivery arrangement beyond the status quo (Council delivered), work for which has been progressed through our LTP, Infrastructure Strategy and waters asset management plans.

Accordingly, we support the submission of Taituarā whereby the Committee works with the local government sector to identify a realistic maximum timeframe for the development of the service delivery plans. This will enable the second bill to be progressed and a sense of the economic regulation framework to emerge which will give us the foundation upon which to assess the merits (or otherwise) of alternative service arrangements beyond the status quo. The extension sought will also allow Council the opportunity to socialise the options with both tangata whenua and our wider communities.

Will this Bill support the outcome that is sought?

The Bill's explanatory note includes the following statement:

The single broad policy for this Bill is to lay the foundation for a new framework of water services management and financially sustainable delivery models that meet regulatory standards, including a new water services delivery arrangement for Auckland. Councils will be able to use the provisions to start planning future water service delivery and undertake steps to establish, join, or amend council-controlled organisations from the day after Royal assent.

The foundation is presumably the Water Service Delivery Plans. We submit that these plans will not offer any further guidance or information that we do not already have or that was not already considered as we prepared our long-term plan, including the financial strategy and infrastructure strategy. This existing information could be used to 'lay the foundation for information disclosure as part of a future comprehensive economic regulation regime'.

It appears that the second bill (signalled through this process) will provide a greater level of detail including long-term requirements for financial sustainability, establishing new classes of council-controlled water organisations and service delivery models, and providing for comprehensive economic regulation.



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

We submit that the second Bill should be in place before we embark on establishing a new long-term replacement regime for water service delivery. Council needs to understand what is the preferred water service delivery option for Western Bay of Plenty e.g. status quo, a water services CCO or a contract model where services are shared with other Councils. This takes time and requires evidence (some of which is likely to be mandated in the second Bill). Using existing LGA processes would also ensure that Council's obligations (and preference) for engaging with Māori and the wider community is fulfilled, ensuring that we meet our legislative obligations for decision making in respect of waters.

Does financially sustainable also mean affordable?

We also note that the term 'financially sustainable'¹ water service delivery does not seem to consider whether this includes 'affordable' service delivery. i.e. consideration of whether Water Service Delivery Plans are financially sustainable from the perspective of both local authorities / CCOs, and the communities they serve. In addition, does financial sustainability come at the expense of other matters that our community think is important e.g. building asset resilience, the importance of Te Mana o Te Wai to our iwi partners, cultural requirements, mitigating and managing climate change, or improving the environment?

Support the temporary exemption for s17A reviews

We support the temporary exemption from the cost-effectiveness review (*s58 Exemption from cost-effectiveness review*) laid out in section 17A of the Local Government Act 2002 that relates to a decision to establish, join, or amend a water services council-controlled organisation.

¹financially sustainable means, in relation to a territorial authority's delivery of water services, that—

- (a) the revenue applied to the authority's delivery of those water services is sufficient to ensure the authority's long-term investment in delivering water services; and
- (b) the authority is financially able to meet all regulatory standards and requirements for the authority's delivery of those water services



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

Changes to the RMA and NPS FM are counterintuitive to this Bill

Council is also considering the Resource Management (Freshwater and Other Matters) Amendment Bill. We note that the proposed removal of some of the requirements in the National Policy Statement for Freshwater Management (NPS FM) will negatively affect water quality which will increase treatment costs, particularly for surface water supply intakes. This seems counterintuitive to the proposed 'financially sustainable' approach.

Yours sincerely,

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

James Denyer
Mayor
Western Bay of Plenty District Council

10.4 SUBMISSION ON THE DRAFT LAND TRANSPORT RULE – SETTING OF THE SPEED LIMITS 2024

File Number: A6391831

Author: Katy McGinity, Senior Policy Analyst

Authoriser: Cedric Crow, General Manager Infrastructure Services

EXECUTIVE SUMMARY

For the information of the Strategy and Policy Committee, this report presents a submission made by Western Bay of Plenty District Council on the following matter:

- (a) Draft Land Transport Rule – Setting of Speed Limits 2024.

RECOMMENDATION

1. That the Senior Policy Analyst's report dated 25 July 2024 titled 'Submission on the Draft Land Transport Rule – Setting of Speed Limits 2024' be received.
2. That the submission, shown as **Attachment 1** to this report, be received by the Strategy and Policy Committee and the information noted.

ATTACHMENTS

1. **Submission on the Draft Land Transport Rule – Setting of Speed Limits 2024** 



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

11 July 2024

Te Manatū Waka (Ministry of Transport)
PO Box 3175
Wellington 6140
New Zealand
By email: speedrule@transport.govt.nz

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: katy.mcginity@westernbay.govt.nz

The Draft Land Transport Rule: Setting of Speed Limits Rule 2024

We appreciate the opportunity to provide feedback on the draft Land Transport Rule: Setting of Speed Limits Rule 2024 (the draft Speed Rule). We do not wish to speak to our submission.

Background

WBOPDC is a territorial local authority covering approximately 195,000 hectares. The population of the district is currently around 58,000. 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, an increase of 21% in only 17 years. The district has approximately 920km of sealed roads, 157km of unsealed roads and 126 roads intersecting with the state highway network. We provide a significant amount of roading infrastructure and have experienced first hand the impact of recent weather events on our network. Over the last two years, emergency works alone have cost upwards of \$20 million, well above the annual average of less than \$1 million.

WBOPDC has an integral role in responding to the needs of our communities and the burden of increasing costs coupled with a constrained labour market has resulted in additional pressure being felt. Local government needs support from central government to provide the necessary levels of service to our communities and ensure safe access is maintained across the network.

Page **1** of **5**



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

Submission points

The below sets out in more detail our individual submission points from staff and elected members.

Proposal 1 – require cost benefit analysis for speed limit changes

WBOPDC understands from the Minister that such a proposed cost benefit analysis would be a short and simple exercise that does not add costs and red tape to local government decision-making. Councils across the country are already experiencing increased costs which are being passed on to ratepayers. Another unbudgeted imposition will exacerbate this further and comes after this Council has consulted on the Long Term Plan. **WBOPDC seeks confirmation that a proposed CBA would not be onerous or incur additional expense to implement.**

Proposal 2 – strengthen consultation requirements

Under the requirements of the previous legislation the WBOPDC already undertook significant consultation in the development of its Speed Management Plan and published a decision story explaining how feedback was considered. WBOPDC submits that the requirement to undertake and publish a cost benefit analysis for each proposed speed limit change as part of the consultation process is potentially onerous and as per our feedback above, seeks assurance that CBAs will aid decision-making and not add cost to the process.

Proposal 3 – require variable speed limits outside school gates

WBOPDC supports the distances stipulated for the stretch of road *outside a school gate* which should be a minimum distance and not fixed and noting it is the total length requirement. Requiring fixed distances either side of a school gate is impractical.

WBOPDC supports the reduced requirements allowing static variable speed limit signs.

WBOPDC requests any resulting changes to a local authority's variable speed limits outside school gates should be aligned with the normal Speed Management Plan process timing in order not to burden local government processes further.



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

Proposal 4 – introduce a Ministerial Speed Objective

WBOPDC submits that this requirement is unnecessary given it could change with every electoral cycle. If the Ministerial Speed Objective does eventuate further details on its contents would be required before support is provided.

Proposal 5 – changes to speed limits classifications

WBOPDC suggests the following changes to the table of speed limit classifications proposed:

Urban Streets	Class of road	Descriptions	Current guidance	Proposed speed limit	WBOPDC proposed speed limit
	Urban streets	Residential and neighbourhood streets, and streets that provide access to support businesses, shops, on street activity and services.	30–40 km/h	50 km/h	30–50 km/h
	Civic spaces	Streets mainly intended for localised on-street activity with little or no through movement.	10 – 20 km/h	10 – 20 km/h	No change to proposed
	Urban connectors	Streets that provide for the movement of people and goods between different part of urban areas, with low levels of interaction between the adjacent land use and the street.	40 – 60km/h	50 – 80 km/h	No change to proposed
	Urban transit corridors	Urban motorways and corridors that provide for movement of people and good within an urban environment.	80 – 100 km/h	80 – 100 km/h	No change to proposed
Rural roads	Peri-urban roads	Roads that primarily provide access from residential property on the urban fringe, where the predominant adjacent land use is residential, but usually at a lower density than in urban residential areas.	50 – 80 km/h	50 – 80 km/h	No change to proposed
	Stopping places	Rural destinations that increase activity on the roadside and directly uses the road for access.	40 – 80 km/h	50 – 80 km/h	No change to proposed



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

Rural roads	Roads that primarily provide access to rural land for people who live there and support the land-use activity being undertaken.	60 – 80 km/h	80 – 100 km/h	60-100 km/h
Rural connectors	Roads providing a link between rural roads and interregional connectors.	60 – 100 km/h 60 – 100 km/h	80 – 100 km/h	60-100 km/h
Interregional connectors	Roads that provide for movement of people and goods between regions and strategic centres in a rural context.	60 – 110 km/h	100 km/h	60-110 km/h
Expressways	State highways that are median divided, with two or more traffic lanes in each direction, grade separated intersections, access controlled, with a straight or curved alignment.	N/A	100-110km/h	No change to proposed

Exceptions to the table of classifications

WBOPDC does not support exceptions to the table of classifications and submits that the bands in the table of classifications should be wide enough to accommodate these situations.

Proposal 6 – update the Director’s criteria for assessing speed management plans for certification

WBOPDC do not support this proposal and submit that an RCA should have the authority to set speed limits within its jurisdiction and not have to seek certification from central government to confirm these if they fall within the road classification ranges. Requiring certification of speed management plans is another onerous and unbudgeted requirement placed on Council’s.

Proposal 7 – reverse recent speed limit reductions

WBOPDC do not support the timelines set out in the proposal to reverse recent speed limit reductions and requests any resulting changes to a local authority’s speed limits should be aligned with the normal Speed Management Plan process timing in order not to burden local government processes further.



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

WBOPDC would support consideration of a 120km/h limit on roads that are built and maintained, and will be managed, to safely accommodate that speed.

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

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