



Local Government Commission
Mana Kāwanatanga ā Rohe

**REORGANISATION IMPLEMENTATION SCHEME
FOR BOUNDARY ALTERATIONS BETWEEN
WESTERN BAY OF PLENTY DISTRICT AND TAURANGA CITY**

INTRODUCTION

On 3 December 2020 the Local Government Commission adopted a reorganisation plan under clause 12 , Schedule 3 of the Local Government Act 2002 for

- (a) the transfer of areas at Belk Road, Keenan Road and Tara Road from Western Bay of Plenty District to Tauranga City; and
- (b) the transfer of an area south of the Tauranga Eastern Link Toll Road from Tauranga City to Western Bay of Plenty District.

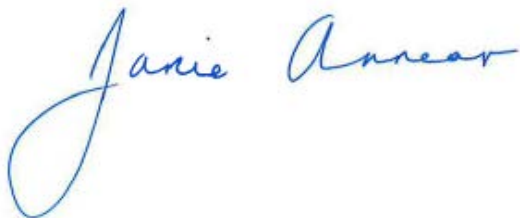
The reorganisation plan was given effect to by an Order in Council made on 15 February 2021.

Clause 41, Schedule 3 provides that where a reorganisation plan has been given effect to by Order in Council the Commission must prepare and issue a reorganisation implementation scheme. The reorganisation implementation scheme sets out the detail of the reorganisation described in the reorganisation plan, in particular the transitional arrangements.

The Commission has, therefore, prepared and issued the following reorganisation implementation scheme.

A handwritten signature in black ink that reads "B. J. Duffy". The signature is written in a cursive style with a large initial 'B' and 'D'.

Brendan Duffy
Chairperson

A handwritten signature in blue ink that reads "Janie Annear". The signature is written in a cursive style with a large initial 'J'.

Janie Annear
Commissioner

A handwritten signature in blue ink, appearing to read 'Sue Piper', written in a cursive style.

Sue Piper
Commissioner

15 February 2021

BELK, KEENAN AND TARA ROADS REORGANISATION IMPLEMENTATION SCHEME

Pursuant to clause 41(2) of Schedule 3 of the Local Government Act 2002, the Local Government Commission has prepared a reorganisation implementation scheme as follows:

Preliminary provisions

1. Purpose

The purpose of this scheme is to:

- (a) Set out the detail of the reorganisation described in the reorganisation plan for the transfer of the Belk Road, Keenan Road and Tara Road areas from Western Bay of Plenty District to Tauranga City adopted by the Local Government Commission on 3 December 2020 and describe how it is to be implemented; and
- (b) Promote good local government in a way that meets the needs and preferences of affected communities.

2. Commencement

It is proposed that this scheme comes into force on 1 March 2021.

3. Interpretation

The following terms have their meaning in this scheme as follows:

Act means the Local Government Act 2002.

Area B means the area defined on map LG-022/023-2020-Boundary-2 deposited with the Local Government Commission, available on the Local Government Commission's website.

Area C means the area defined on map LG-022/023-2020-Boundary-3 deposited with the Local Government Commission, available on the Local Government Commission's website.

Area D means the area defined on map LG-022/023-2020-Boundary-4 deposited with the Local Government Commission, available on the Local Government Commission's website.

Area E means the area defined on map LG-022/023-2020-Boundary-5 deposited with the Local Government Commission, available on the Local Government Commission's website.

Boundary alterations

4. Boundary alterations

The boundaries of Western Bay of Plenty District and Tauranga City are altered by:

- (a) excluding Areas B, C and D from Western Bay of Plenty District and including them in Tauranga City.
- (b) excluding Area E from Tauranga City and including it in Western Bay of Plenty District.

Representation

5. Territorial authority wards

(1) Areas B and C are excluded from the Kaimai Ward of Western Bay of Plenty District and included in the Otumoetai-Pyes Pa Ward of Tauranga City .

(2) Area D is excluded from the Maketu-Te Puke Ward of Western Bay of Plenty District and included in the Mount Maunganui-Papamoa Ward of Tauranga City.

(3) Area E is excluded from the Mount Maunganui-Papamoa Ward of Tauranga City and included in the Maketu-Te Puke Ward of Western Bay of Plenty District.

6. Te Puke Community

(1) Area D is excluded from the Te Puke Community.

(2) Area E is included in the Te Puke Community.

7. Regional constituencies

(1) Area B, C and D are excluded from the Western Bay of Plenty Constituency of Bay of Plenty Region and included in the Tauranga Constituency of Bay of Plenty Region.

(2) Area E is excluded from the Tauranga Constituency of Bay of Plenty Region and included in the Western Bay of Plenty Constituency of Bay of Plenty Region.

8. Representation reviews

Clauses 5, 6 and 7 are subject to any review of representation arrangements undertaken under Part 1A of the Local Electoral Act 2001 prior to the triennial elections of local authorities to be held on 8 October 2022.

Effect on other matters

9. Affected local authorities continue in existence

(1) The Western Bay of Plenty District Council and the Tauranga City Council, being territorial authorities, continue in existence.

(2) The districts for those local authorities are the Western Bay of Plenty District and Tauranga City.

10. Affected iwi and hapū

For the purposes of clause 14(2) of the Schedule 3 of the Act it is noted that:

- (a) Areas B and C fall within the areas of interest of hapu Ngāti Kahu, Ngāti Rangī, Ngāti Pango, Pirirakau, Ngāti Hangarau, and Ngāi Tamarawaho, which whakapapa to Ngāti Ranginui iwi of Tauranga Moana.
- (b) Areas D and E fall with the area of interest of Ngā Pōtiki, which whakapapa to Ngāi Te Rangī iwi of Tauranga Moana.

Transitional matters relating to Areas B, C and D

11. General

Except as provided by clauses 12, 13 and 14, clause 45 of Schedule 3 of the Act applies to this scheme in respect of Areas B, C and D.

12. Long term plans

The Long Term Plan adopted by the Western Bay of Plenty District Council for the period 2018/2028 continues to apply to Areas B, C and D until the Long Term Plan to be adopted by the Tauranga City Council for the period 2021/2031 becomes operative.

13. Annual plan

The annual plan adopted by the Western Bay of Plenty District Council for 2020/2021 continues to apply to Areas B, C and D until the close of 30 June 2021.

14. Rates

(1) All rates and charges payable to or owing to the Western Bay of Plenty District Council in respect of Areas B, C and D for the financial year ending 30 June 2021 continue to be collected by and payable to that council.

(2) From 1 July 2021, all rates and charges assessed for Areas B, C and D shall be collected by and payable to the Tauranga City Council.

15. Resource Management Act

(1) Notwithstanding section 81 of the Resource Management Act 1991, the Western Bay of Plenty District Council's operative district plan as it relates to Areas B, C and D continues to apply those areas until 1 April 2024 and until that time is deemed to be part of the Tauranga City Council's district plan.

(2) Despite subclause (2), the Tauranga City Council may at any time before 1 April 2024 change, vary or replace the Western Bay of Plenty District Council's operative district plan as it relates to Areas B, C and D.

(3) All matters under the Resource Management Act 1991 relating to Areas B, C and D become the responsibility of the Tauranga City Council from 1 March 2021.

16. Policies

(1) Subject to clause 17, any policy prepared by the Western Bay of Plenty District Council, in so far as it applies to Areas B, C and D, continues to apply to that area until that policy is, in relation to its application to Areas B, C and D, revoked, amended or replaced by the Tauranga City Council.

(2) For the sake of clarity, any existing Tauranga City Council policies in so far as they apply to Areas B, C and D, and to the extent that the subject-matter in them is covered by the Western Bay of Plenty District Council's policies, will not apply to those areas until the Western Bay of Plenty District Council's policies have been revoked, amended or replaced by the Tauranga City Council.

(3) The Tauranga City Council shall, as soon as practicable but within 2 years, adopt (with amendments as it thinks fit), replace or revoke those policies.

17. Bylaws

(1) Except as provided by clause 17 of this scheme, clause 46 of Schedule 3 of the Act applies to bylaws in force in Areas B, C, and D and the Western Bay of Plenty District Council's remain in force in those areas.

(2) For the sake of clarity, any existing Tauranga City Council bylaws in so far as they apply to Areas B, C and D, and to the extent that the subject-matter in them are covered by the Western Bay of Plenty District Council's bylaws will not apply to those areas until the Western Bay of Plenty District Council bylaws have been confirmed, amended or revoked under clause 46(5) of Schedule 3 of the Act.

18. Election signs

For the purpose of regulating election signs at any poll or election:

- (a) The Western Bay of Plenty District Council's Election Signs Policy and clause 4D:4.1.1 of the Western Bay of Plenty District Plan cease to apply to Areas B, C and D; and
- (b) The Tauranga City Council's Local Elections Policy, clause 14 of the Street Use and Public Places Bylaw 2018, and rules 4D.2.1 and 4D.2.2 of the Tauranga City Plan apply to Areas B, C and D.

Transitional matters relating to Area E

19. General

Except as provided by clauses 20, 21 and 22, clause 45 of Schedule 3 of the Act applies to this scheme in respect of Area E.

20. Long term plans

The Long Term Plan adopted by the Tauranga City Council for the period 2018/2028 continues to apply to Area E until the Long Term Plan to be adopted by the Western Bay of Plenty District Council for the period 2021/2031 becomes operative.

19. Annual plan

The annual plan adopted by the Tauranga City Council for 2020/2021 continues to apply to Area E until the close of 30 June 2021.

20. Rates

(1) All rates and charges payable to or owing to the Tauranga City Council in respect of Area E for the financial year ending 30 June 2021 continue to be collected by and payable to that council.

(2) From 1 July 2021, all rates and charges assessed for Area A shall be collected by and payable to the Western Bay of Plenty District Council.

21. Resource Management Act

(1) In accordance with section 81 of the Resource Management Act 1991:

- (a) The operative district plan prepared by the Tauranga City Council as it relates to Area E continues to apply to Area E and is deemed to be part of Western Bay of Plenty District Council's district plan.
- (b) The Western Bay of Plenty District Council shall, as soon as practicable but within 2 years, make such changes to its district plan as it considers necessary to cover Area E.

(2) All matters under the Resource Management Act 1991 relating to Area E become the responsibility of the Western Bay of Plenty District Council from 1 March 2021.

22. Policies

(1) Subject to subclauses (2) and (3), all policies of the Western Bay of Plenty District Council apply to Area E from 1 March 2021.

(2) Subject to subclause (3), the policies of the Tauranga City Council relating to collection of revenue (including revenue and financing policies, rating and fees and charges policies) continue to apply to Area E until the Western Bay of Plenty District Council's Long Term Plan for the period 2021/2031 becomes operative; thereafter, the relevant policies of Western Bay of Plenty District Council will apply to Area E.

(3) The Tauranga City Council's development contributions policy continues to apply to Area E until the Western Bay of Plenty District Council changes its District Plan, as envisaged in clause 21 (1)(b); thereafter, the Western Bay of Plenty District Council's financial contributions policy and/or development contributions policy will apply to Area E.

(4) Notwithstanding subclause (3), any development contributions or financial contributions levied on or after 1 March 2021 will accrue to the Western Bay of Plenty District Council.

22A. Bylaws

(1) Clause 46 of Schedule 3 of the Act does not apply to bylaws in force in Area E.

(2) For the sake of clarity, the Tauranga City Council's existing bylaws cease to apply to Area E from 1 March 2021 and the existing bylaws of the Western Bay of Plenty District Council will apply to Area E from that date.

23. Election signs

For the purpose of regulating election signs at any poll or election:

(c) The Tauranga City Council's Local Elections Policy, clause 14 of the Street Use and Public Places Bylaw 2018, and rules 4D.2.1 and 4D.2.2 of the Tauranga City Plan cease to apply to Area E; and

(d) The Western Bay of Plenty District Council's Election Signs Policy and clause 4D:4.1.1 of the Western Bay of Plenty District Plan apply to Area E.