

Mā tō tātou takiwā
For our District

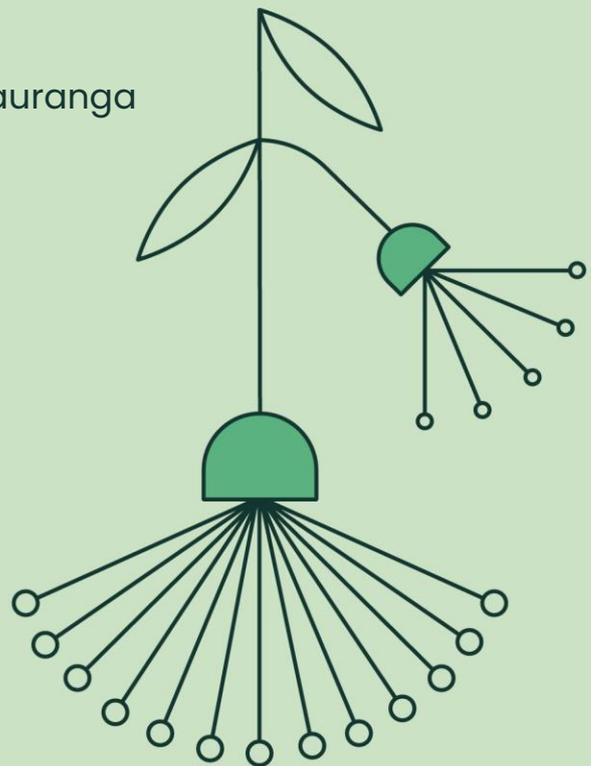
Council

Te Kaunihera

CL23-11

Thursday, 29 June 2023, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



Council

Membership:

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

Role:

The Council is responsible for:

- Ensuring the effective and efficient governance and leadership of the District.
- Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Power to Act:

To exercise all non-delegable functions and powers of the Council including, but not limited to:

- The power to make a rate;
- The power to make a bylaw;
- The power to borrow money, purchase, or dispose of assets, other than in accordance with the Long Term Plan;
- The power to adopt a Long Term Plan, a Long Term Plan Amendment, Annual Plan or Annual Report and to receive any related audit report;
- The power to appoint a chief executive;
- The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Local Governance Statement;

- The power to adopt a remuneration and employment policy;
- The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991;
- The power to approve or amend the Council's Standing Orders;
- The power to approve or amend the Code of Conduct for Elected Members;
- The power to appoint and discharge members of committees;
- The power to establish a joint committee with another local authority or other public body;
- The power to make a final decision on a recommendation from the Parliamentary Ombudsman where it is proposed that Council not accept the recommendation.
- To exercise all functions, powers and duties of the Council that have not been delegated, including the power to compulsorily acquire land under the Public Works Act 1981.
- To make decisions which are required by legislation to be made by resolution of the local authority.
- To authorise all expenditure not delegated to officers, Committees or other subordinate decision-making bodies of Council, or included in Council's Long Term Plan or Annual Plan.
- To make appointments of members to Council Controlled Organisation Boards of Directors/ Trustees and representatives of Council to external organisations.
- To monitor the performance of and make decisions on any matters relating to Council Controlled Organisations (CCO), including recommendations for modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent), including as recommended by the Strategy and Policy Committee.
- To approve joint agreements and contractual arrangements between Western Bay of Plenty District Council and Tauranga City Council and/or any other local authority including the requirement to review the terms of any such agreements or contractual arrangements.
- To approve the triennial agreement.
- To approve the local governance statement required under the Local Government Act 2002.
- To approve a proposal to the Remuneration Authority for the remuneration of Elected Members.
- To approve any changes to the nature and delegations of Committees.

Procedural matters:

Approval of elected member training/conference attendance.

Mayor's Delegation:

Should there be insufficient time for Council to consider approval of elected member training/conference attendance, the Mayor (or Deputy Mayor in the Mayor's absence) is delegated authority to grant approval and report the decision back to the next scheduled meeting of Council.

Power to sub-delegate:

Council may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body, subject to the restrictions on its delegations and any limitation imposed by Council.

Notice is hereby given that a Meeting of Council will be held in the
Council Chambers, 1484 Cameron Road, Tauranga on:
Thursday, 29 June 2023 at 9.30am

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1 KARAKIA

Whakatau mai te wairua
Whakawātea mai te hinengaro
Whakarite mai te tinana
Kia ea ai ngā mahi

Āe

Settle the spirit
Clear the mind
Prepare the body
To achieve what needs to be
achieved.
Yes

2 PRESENT

3 IN ATTENDANCE

4 APOLOGIES

5 CONSIDERATION OF LATE ITEMS

6 DECLARATIONS OF INTEREST

7 PUBLIC EXCLUDED ITEMS

8 PUBLIC FORUM

9 COMMUNITY BOARD MINUTES FOR RECEIPT

9.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 31 MAY 2023

File Number: A5486584

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Katikati Community Board Meeting held on 31 May 2023 be received.

ATTACHMENTS

1. Minutes of the Katikati Community Board Meeting held on 31 May 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
KATIKATI COMMUNITY BOARD MEETING NO. KKC23-4
HELD IN THE CENTRE - PĀTUKI MANAWA, 21 MAIN ROAD, KATIKATI
ON WEDNESDAY, 31 MAY 2023 AT 7.00PM**

1 PRESENT

Chairperson J Clements, Member N Mayo, Member A Earl, Member T Sage, Cr A Henry and Cr R Joyce

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), A Hall (Roading Engineer East and West), and G Golding (Governance Manager)

OTHERS IN ATTENDANCE

Mayor James Denyer, Waihi Beach Community Board Chairperson R Goudie, and Katikati-Waihi Beach Councillor A Sole

The Chairperson acknowledged the flooding events that occurred at Waihi Beach over recent days, and sent thoughts and best wishes to the affected community.

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Members were advised that if they had an interest (actual, potential, pecuniary or non-pecuniary interest) in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and were advised to withdraw from the meeting table for the item. [As per the Local Authorities (Member's Interest) Act 1968].

- Councillor Henry advised the Board that she had a declaration of interest regarding report 9.3 of the agenda - Katikati War Memorial Hall Funding Request.

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

7.1 JACQUI KNIGHT – KATCH KATIKATI UPDATE

Ms Knight was in attendance to provide an update on behalf of Katch Katikati, in relation to Waitekohekohe Recreational Reserve. The following points were noted:

- Katch Katikati had secured funding of \$100,000 from TECT. This funding would be put towards a weather shelter within the mountain bike park, pest control, and development of more mountain bike and equestrian tracks.
 - The development was going well and Katch Katikati would be seeking additional funding in the future.
-

7.2 PAULA GAELIC – WESTERN BAY MUSEUM

Ms Gaelic was in attendance to provide the Board with an update on behalf of the Western Bay Museum. The following points were noted:

- In order to coordinate the 2023 Matariki event, a collaboration had been organised between Katikati Primary, Katikati College, Poutama Pathways to Employment, Katikati Resource Centre, Te Rūnanga o Ngāi Tamawhariua, and Katch Katikati. This event would be held at Park Road Reserve.
 - The group had secured funding from The Tauranga Western Bay Community Event Fund for the Matariki event, which will allow free entry for everyone.
 - Katch Katikati would be hosting workshops with school children, to make 500 star lanterns.
 - Local Kaumātua, kuia, and kapa haka groups were supplying kai for the event.
 - The Ambassador for Ireland was travelling to visit the museum and Te Rereatukahia Marae.
 - The Western Bay Museum was celebrating the 150-year anniversary of the Ulster Plantation.
 - The museum hit a visitor record for the month of April, with 1000 visitors through the doors. This was due to two major events hosted by Katch Katikati: the Sheds and Studios Ramble, and the Katikati Street Party.
 - The museums next exhibition was Treasures of Cultures. This had been opened for community participation, with great responses from Katikati's diverse community.
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7.3 KEN SHIRLEY – BAY OF PLENTY REGIONAL COUNCIL (BOPRC)

Mr Shirley was in attendance to present on Fresh Water Reforms. The following points were noted:

- The reform was introduced by Central Government through the National Freshwater Policy Statement in 2020. This instructed Regional Council's across
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New Zealand (NZ) to undertake action to protect and restore freshwater in the country.

- Alongside this, the National Environment Standards for Freshwater was passed in 2022 by Central Government. This was tied in with 'Te Mana o te Wai', which referred to the vital importance of the health of NZ's freshwater, and the integration of management for freshwater across the country.
 - BOPRC had divided the region from the East Cape through to Waihi Beach into 13 freshwater management units. One of which, included all sub-catchments (including the Wairoa River) that drained into the Tauranga Harbour.
 - As part of the framework from Central Government, Regional Council's had been tasked with five key actions:
 - Protect existing inland and coastal wetlands.
 - Protect urban and rural streams from infilling.
 - Extensive connectivity of fish habitats.
 - Set minimum requirements for feedlots and other stock holding areas.
 - Improve all practices in terms of winter grazing and forage crops.
 - BOPRC needed to update the Regional Policy Statement for water quality and land user chapters.
 - There was clear instruction from Central Government to increase Tangata Whenua involvement within regional council's, which was to be notified by December 2024.
 - Rivers, lakes, and streams within New Zealand, were feeling the pressure of intensive farming, development, growing population, and land use changes. This was effecting fish and aquatic life, and how we used water.
 - National direction for freshwater management was for BOPRC to review and update the Bay of Plenty Natural Resources Regional Plan, which became operative in 2008. This would notify changes that implemented the National Policy Statement for Freshwater Management.
 - BOPRC had several drop-in sessions around the region in the past months, to provide information and answer public questions.
 - Formal submissions and hearings would start in 2024, noting that Tangata Whenua and the Community would be involved throughout the whole process.
 - The issues that BOPRC had identified in the Tauranga/Western Bay management unit are: sedimentation, associated ecological decline (especially in estuaries), high-nutrient levels, localised swimming water quality decline caused by high bacterial loads, poor aquatic life, possible over-allocation into the Tuapiro sub-catchment, Boyd Stream, and Uretara Stream, and general sensitivity of Tauranga Harbour (in terms of kaimoana).
 - Per capita, the Tauranga Harbour was in a better state than many harbours in NZ, and there was a need to ensure this did not deteriorate.
 - A large contaminant load reduction was required, with a goal of reducing E. coli bacteria by 65% in waterways.
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- There would be changes occurring in terms of water quality, including: tighter restrictions on some land uses, a focus on catchments affecting estuaries or lakes, improved fresh water accounting, limits more rigorously applied, and better allocation of water.
- Regional council's across NZ had concerns with the costs involved with the reforms, as the decision on whether to implement the reforms did not lie with them. Mr Shirley was of the belief that regional council's had better overview of what was needed for their area, and the direction from Central Government was a 'one size fits all' approach.
- It was believed that the legislation could potentially impact community groups that were involved in environmental projects.
- There were a number of regulations that were yet to be received by BOPRC, including Freshwater Farm Plan Regulations, Drinking Water Standards, National Environment Standards, and Regulations for Plantation Forestry.
- The farming industry was concerned with the financial impact these reforms would have.
- It was requested that there be some additional drop-in information sessions scheduled for the Katikati-Waihi Beach area. Mr Shirley noted that he would endeavour to schedule and facilitate these.
- Some parts of NZ had soil types that eroded easier than others, and regulations for farmers was dependent on the region.
- As the operative date for Freshwater Farm Plan Regulations was not until 2024, and the regulations were still under development, no specifics could be provided on how the regulation would be rolled out to farmers.

8 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE KATIKATI COMMUNITY BOARD MEETING HELD ON 5 APRIL 2023

RESOLUTION KKC23-4.1

Moved: Member T Sage

Seconded: Cr A Henry

1. That the Minutes of the Katikati Community Board Meeting held on 5 April 2023 as circulated with the agenda be confirmed as a true and correct record.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

9 REPORTS

9.1 CHAIRPERSON'S REPORT – MAY 2023

The Board considered a report from the Chairperson. The report was taken as read with further discussion on the below items:

- Member Sage commended the photographs of the shared pathway.
- The Market Square plan was being developed by Boffa Miskell, and would be presented to the next Katikati Community Board meeting in July 2023.
- The Chairperson commended Katch Katikati on the recent Street Party event, as it highlighted the versatility of the Market Square space.
- Recent weather events highlighted the need for bus shelters in the area.

RESOLUTION KKC23-4.2

Moved: Member T Sage

Seconded: Member N Mayo

1. That the Chairperson's report dated 31 May 2023, titled 'Chairperson's Report – May 2023' be received.

CARRIED

9.2 COUNCILLOR'S REPORT – MAY 2023

The Board considered a report from Councillor Henry. The report was taken as read with further discussion on the below items:

- Council had received submissions on the Annual Plan, and the Issues and Options Papers were being presented at the Annual Plan/Long Term Plan committee on 14 June 2023.
- The next Katikati-Waihi Beach Community Forum was being held on 14 June 2023, at 7pm, at the Bowentown Boating Club. Cr Henry encouraged the community to attend, and to register their topics for discussion to Council prior to the meeting.

RESOLUTION KKC23-4.3

Moved: Cr A Henry

Seconded: Member A Earl

1. That the Councillor's report dated 31 May 2023 titled 'Councillor's Report – April 2023' be received.

CARRIED

9.3 REQUEST FOR FUNDING – KATIKATI WAR MEMORIAL HALL

Cr Henry declared an interest in this item, and took no part in the discussion or voting thereon.

The Board considered a report from the Governance Support Administrator. The report was taken as read with further discussion on the below items:

- The remaining budgets for the Katikati Community Board was exclusive of GST, with the next financial year beginning on 1 July 2023.
- The Street Decorations budget was not enough to cover this funding request as well as the request from report 9.4. It was noted that any deficit in the account would be covered by a surplus from another of the Board's budgets.
- It was suggested that in the next financial year, there should be a round of advertisements to call for grant applications.
- The Board expressed discomfort with the Street Decorations budget being in a deficit. It was suggested that the remaining funding requested be sourced from the Katikati Community Board Grants budget.

RECOMMENDATION

1. That the Governance Support Administrator's report dated 31 May 2023 titled 'Request for Funding – Katikati War Memorial Hall' 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 Katikati Community Board approve the funding request of \$3,510.00 from the Katikati War Memorial Hall Committee, to contribute towards the purchase of new Christmas garlands and decorations. This will be funded from the Katikati Community Board's Street Decorations budget.

AMENDMENT

Moved: Cr R Joyce

Seconded: Member T Sage

- That numbers 1 and 2 remain the same.
 - That number 3 be amended as follows:
3. That the Katikati Community Board approve the funding request of \$3,510.00 from the Katikati War Memorial Hall Committee, to contribute towards the purchase of new Christmas garlands and decorations. \$2,500.00 will be funded from the Katikati Community Board's Street Decorations budget, and the remaining \$1,010.00 funded from the Katikati Community Board Grants budget.

The amendment was put and declared **carried** and became the substantive motion.

SUBSTANTIVE MOTION:

RESOLUTION KKC23-4.4

Moved: Cr R Joyce

Seconded: Member T Sage

1. That the Governance Support Administrator's report dated 31 May 2023 titled 'Request for Funding – Katikati War Memorial Hall' 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 Katikati Community Board approve the funding request of \$3,510.00 from the Katikati War Memorial Hall Committee, to contribute towards the purchase of new Christmas garlands and decorations. \$2,500.00 will be funded from the Katikati Community Board's Street Decorations budget, and the remaining \$1,010.00 funded from the Katikati Community Board Grants budget.

CARRIED

9.4 REQUEST FOR FUNDING – KATCH KATIKATI

The Board considered a report from the Governance Support Administrator. The report was taken as read.

RESOLUTION KKC23-4.5

Moved: Cr R Joyce

Seconded: Member T Sage

1. That the Governance Support Administrator's report dated 31 May 2023 titled 'Request for Funding – Katch 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 the Katikati Community Board approve the funding request of \$2,250.00 from Katch Katikati, to contribute towards the purchase of Matariki flags. This will be funded from the Katikati Community Board Grants budget.

CARRIED

9.5 APPLICATION FOR ROAD NAMING 155, 149A, AND 149B TETLEY ROAD, KATIKATI

The Board considered a report from the Senior Consents Planner. The report was taken as read with further discussion on the below items:

- It was clarified that 'Matuku Place' was also proposed for a road in Athenree, but the proposal is highly unlikely to go ahead.
- The Board was supportive of the proposed road name 'Matuku Place' for Katikati.

RESOLUTION KKC23-4.6

Moved: Cr R Joyce

Seconded: Member N Mayo

1. That the Senior Consents Planner's report dated 31 May 2023 titled 'Application for Road Naming 155, 149A, and 149B Tetley Road, 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 the Katikati Community Board consider and provide feedback on the proposed road name "Matuku Place".

CARRIED

9.6 OPERATIONAL REPORT

The Board considered a report from the Governance Support Administrator. The report was taken as read with further discussion on the below items:

- It was queried whether the issues faced with stormwater and flooding had been addressed moving forward. The Roading Engineer (East and West) noted that these issues were continuous, specifically in low-lying and coastal areas, and it was difficult to plan for unforeseen weather events. Contractors were contractually obligated to inspect all culverts and cross-culverts annually, while also responding to service requests and maintenance issues.
 - The Board and members of the public were encouraged to raise a Service Request when concerned about blocked culverts and/or drains.
 - There had been discussions in the community about the need to increase routine inspections for drains/culverts in Katikati and floodable areas such as Waihi Beach, to better manage the risk of flooding.
 - The Chairperson commended the contractors responses to reports of blocked drains/flooding, noting that action taken was within hours of his service requests being lodged.
 - The Katikati War Memorial Hall Committee had received minimal contact on earthquake-proofing the hall. The Chief Executive Officer clarified that there had
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been a Council engineer assigned to this, as noted in the report. An email would be sent to the Hall Committee to update them on the progress.

RESOLUTION KKC23-4.7

Moved: Cr A Henry

Seconded: Member N Mayo

1. That the Governance Support Administrator's report dated 31 May 2023 titled 'Operational Report' be received.

CARRIED

9.7 INFRASTRUCTURE SERVICES REPORT KATIKATI COMMUNITY BOARD MAY 2023

The Board considered a report from the Deputy Chief Executive/General Manager Infrastructure Group. The report was taken as read with further discussion on the below items:

- Bay of Plenty Regional Council (BOPRC) were involved in the 'Next Steps' of the Highfields Stormwater Pond project, as they managed the requirements for stormwater ponds and lakes. There was a meeting scheduled with Council's stormwater engineers and Jim Davison, and an update would be provided to the Board.
- The tactile pavers were estimated at a cost of \$3,000-\$5,000.
- The pedestrian crossing on Beach Road, between Katikati Primary and Katikati College was rapidly deteriorating, and it was requested that this be inspected.
- There was a discussion on the installation of bus shelters in the area, and whether new shelters should be installed instead of refurbished shelters. The installation of a new, modern bus shelter with three sides and seating was estimated at \$15,000. An option for Kiwispan bus shelters was also proposed, which would cost roughly \$4,000.
- Council do not maintain rural, school-style bus shelters, and would only be inspected if they posed a safety issue. Residential and urban bus shelters were maintained by WestLink and were classed as a Council asset.
- The Board deferred the discussion on the two bus shelters outside Tuapiro Marae and Te Rereatukahia Marae, so that the Board could investigate and seek some direction on what was needed.

RESOLUTION KKC23-4.8

Moved: Member T Sage

Seconded: Member A Earl

1. That the Deputy Chief Executive's report dated 31 May 2023, titled 'Infrastructure Services Report Katikati Community Board May 2023', be received.

CARRIED

RESOLUTION KKC23-4.9

Moved: Cr R Joyce

Seconded: Member A Earl

2. That the Katikati Community Board fund the installation of Tactile Pavers at the Beach Road zebra crossing, **up to a cost of \$5,000.00**, further to a request from a locally sight impaired resident. This will be funded from the Katikati Community Board Rooding Account.

CARRIED

RESOLUTION KKC23-4.10

Moved: Chairperson J Clements

Seconded: Cr R Joyce

3. That the Katikati Community Board approve the amendments to the Projects Priority list as follows:

Projects Priority	Priority
Market Square	1
Bus Shelters	1
Kotahi Lane Sealing	1
Stage 1 Town Centre Village Pathways Upgrade – Katikati War Memorial Hall to Museum	1
Uretara Landing Reserve Upgrade	2
Stage 2 Town Plan – Pedestrian Refuge at the BP Service Station	2
Mulgan Street to Uretara Bridge Embankment	2

CARRIED

RESOLUTION KKC23-4.11

Moved: Member A Earl

Seconded: Cr R Joyce

4. That the Katikati Community Board fund the installation of two new bus shelters, on Park Road by 'Summerset by the Sea', and on Binnie Road. This will be funded from the Katikati Community Board Rooding Account.

CARRIED

9.8 KATIKATI FINANCIAL REPORT – APRIL 2023

The Board considered a report from the Financial Business Advisor. The report was taken as read.

RESOLUTION KKC23-4.12

Moved: Member T Sage

Seconded: Cr A Henry

1. That the Financial Business Advisor’s report dated 31 May 2023, titled ‘Financial Report Katikati – April 2023’, be received.

CARRIED

The Meeting closed at 8:45pm.

Confirmed as a true and correct record at the Katikati Community Board meeting held on 26 July 2023.

.....
Chairperson J Clements

CHAIRPERSON

9.2 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 6 JUNE 2023

File Number: A5487471

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Ōmokoroa Community Board Meeting held on 6 June 2023 be received.

ATTACHMENTS

1. Minutes of the Ōmokoroa Community Board Meeting held on 6 June 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
ŌMOKOROA COMMUNITY BOARD MEETING NO. OMC23-4
HELD IN THE ŌMOKOROA LIBRARY & SERVICE CENTRE, WESTERN AVENUE, ŌMOKOROA
ON TUESDAY, 6 JUNE 2023 AT 7.00PM**

1 PRESENT

Chairperson P Presland, Deputy A Hughes, Member B Bell, Member G Neilson, Cr M Grainger and Cr D Thwaites

2 IN ATTENDANCE

A Hall (Roading Engineer East and West), and G Golding (Governance Manager)

OTHERS IN ATTENDANCE

Mayor James Denyer, Councillor Allan Sole (Katikati-Waihī Beach Ward)

3 APOLOGIES

The Chairperson noted that Deputy A Hughes was delayed but would be present shortly.

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

7.1 CHRIS DEVER - CIVICS

Mr Dever was in attendance to speak regarding civic matters. The following points were noted:

- Mr Dever was of the belief that a function of the Community Board was to ensure that the Councillors kept the community priorities front of mind at the decision-making table.

- It was believed that the role of the Chief Executive Officer and the Mayor was to keep Council in order and ensure Council representatives maintained cohesiveness.
 - He reminded Councillors that there were significant concerns within the community, including State Highway 2 (SH 2) traffic.
 - There was public expectation that Elected Members should campaign for the communities wants and needs, rather than diverting to policies. It was believed that Councillors should be instigating conversations with organisations such as Waka Kotahi (NZTA) and Bay of Plenty Regional Council, rather than referring these conversations to the public.
-

At 7:05 pm, Deputy A Hughes entered the meeting.

7.2 JO RICHARDS – NOXIOUS WEEDS AND GRAFFITI

Ms Richards was in attendance to speak regarding noxious weeds and graffiti. The following points were noted:

- Mothweed was a noxious weed that spread seeds when the pod burst.
- Coming up to the Te Puna roundabout towards Tauranga, there was a large patch of mothweed on the right hand side. A service request had been submitted to Council, and a response was received that it was not classed as a noxious weed, and therefore no action would be taken.
- There was a corrugated iron fence covered in graffiti at the Te Puna roundabout. A service request was submitted, and the response received was that the graffiti was on private property, and that Council could take no action. There was concern that this graffiti would not be addressed.
- Ms Richards was of the belief that Council should maintain these issues for the community.

The Roding Engineer (East and West) noted that Council had an approach of ‘the good neighbour’, which meant that if there were noxious weeds growing over a fence/boundary line to Council property, that it would be attended to. Noxious weeds were defined by Bay of Plenty Regional Council (BOPRC), which was outlined in the contract between Council and WestLink. Contractors would be requested to inspect the patch of mothweed as a discretionary item. It was noted that mothweed fell within the category of ‘sustained control’ on BOPRC’s noxious weeds list, alongside gorse and blackberry.

The Roding Engineer (East and West) also confirmed that, because the graffiti was on private property, Council had no responsibility to remove it and were exempt to the Fencing Act 1978. An exception would occur if the graffiti featured obscene images or language.

The Board noted that Waka Kotahi had not maintained noxious weeds, such as privet and woolly nightshade, on their own compound lots in the area. The mothweed on the industrial road in Te Puna would be investigated.

7.3 DES HAMMOND – STATE HIGHWAY 2 (SH 2)

Mr Hammond was in attendance to speak to the Board regarding concerns with State Highway 2 (SH 2). The following points were noted:

- Mr Hammond commended the Chairperson on his recent article in the Lizard News.
- There was concern regarding the decision-making process in relation to planning for growth.
- There was fear that residents of Ōmokoroa were becoming 'locked in' to the area, due to commute times and future roadworks. It was noted that residents were taking two plus hours to travel from Ōmokoroa to Tauranga City.
- The Chairperson noted that the Board had no involvement in the SH 2 roadworks, as it was a Waka Kotahi project. The Board could only lead and support local projects and activities.
- The Board was strongly representing the communities views, and was willing to initiate conversations regarding community concerns, but had limited effect on Central Government decisions.
- As frustration continued to build, the welfare of residents was a main concern.

The Roading Engineer (East and West) noted that the temporary traffic management was designed for safety and traffic flow, and that it was a delicate and difficult balance. The Chairperson encouraged the public to continue highlighting their concerns to the Community Board and Council, and that the Board would advocate these issues upwards if and when appropriate.

7.4 LINDA CHALMERS – STATE HIGHWAY 2 (SH 2)

Ms Chalmers was in attendance and spoke regarding concerns with SH 2. She endorsed the issues that had already been raised, and noted the following points:

- The situation was becoming increasingly frustrating.
- It was suggested that the use of commuter train carriages and ferry rides were mechanisms that could be used to transport residents into Tauranga.
- Council needed to progress the communities concerns in relation to this issue.

The Board suggested that Council could harvest the community concerns and investigate further in order to provide a response and level of comfort that concerns were being heard.

7.5 MATTHEW FARRELL – VARIOUS TOPICS

Mr Farrell was in attendance to speak to the Board on the below points:

- Concern over the below areas:
 - Railway bridge retaining;
 - Fire station to bridge; and
 - Kaimai Views to bridge.
- An update was requested regarding roading and reserves for Kaimai Views, including discussions in relation to contract renewals.
- A status of the bridge at the end of Prole Road was requested.
- It was requested that an update be provided on the new Ōmokoroa Sports Pavilion on Western Avenue. Clarity was needed on whether this was just going to be a bookable space or whether it was planned to be used for youth groups, in an attempt to address youth issues in the area.
- Mr Farrell urged for consultation on the use of the empty space where the Old Sports Pavilion once sat. There was a need for a multi-use space on this site, rather than being developed into tennis courts.
- An email had been received from Waka Kotahi regarding the SH 2 concerns, outlining that the road rehabilitation between Wairoa Bridge and Bethlehem was commencing on 6 June 2023, between the hours of 8pm and 5am. Motorists were advised that peak time congestion would continue while works continued throughout June. The cycleway was planned to be completed in July, which should alleviate the traffic issues.

The Board noted that the Kaimai Ward Reserve Management Plan was up for renewal in 2024, which provided opportunities for submissions and public consultation.

Delays with Ōmokoroa Stage 2 had resulted in delays with the redevelopment of the footpath by the Ōmokoroa Settler’s Hall, as integration of road level changes was required, in order to achieve the sufficient standard. The Chairperson requested that the Board discuss this issue at a later date.

8 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 11 APRIL 2023

RESOLUTION OMC23-4.1

Moved: Member G Neilson

Seconded: Deputy A Hughes

1. That the Minutes of the Ōmokoroa Community Board Meeting held on 11 April 2023 as circulated with the agenda be confirmed as a true and correct record.

-
2. That the Chairperson’s electronic signature be inserted into the confirmed minutes.

CARRIED

9 REPORTS

9.1 ŌMOKOROA COMMUNITY BOARD CHAIRPERSON'S REPORT – JUNE 2023

The Board considered a report from the Chairperson. The report was taken as read, with further discussion on the below items.

Member Hughes provided the Board with a brief overview of his report 9.3 ‘Member’s Update – Ōmokoroa Community Policing and Ōmokoroa Community Response Plan’. The below additional information was provided:

- The Ōmokoroa Community Policing Group managed the Neighbourhood Watch, Community Patrol, and graffiti in the area.
- In conjunction with the Community Board, the Community Policing group were having discussions regarding increased police presence in the community, with a goal of establishing a police station in Ōmokoroa.

RESOLUTION OMC23-4.2

Moved: Member B Bell

Seconded: Deputy A Hughes

1. That the Chairperson’s report dated 6 June 2023 titled ‘Ōmokoroa Community Board Chairperson’s Report – June 2023’ be received.

CARRIED

9.2 ŌMOKOROA COMMUNITY BOARD COUNCILLOR'S REPORT – JUNE 2023

The Board considered a report from Cr Thwaites. The report was taken as read, with further discussion on the below items:

The second iteration of the revaluations were rejected by the Valuer-General, resulting in another delay.

Council may not adopt the Annual Plan in the expected timeframe. Hearings were set for July 2023, and the Annual Plan was planned to be adopted on 30 August 2023. There were no immediate consequences of this late adoption.

Cr Thwaites would be raising concerns regarding SH 2 at the Regional Transport Committee meeting on 15 June 2023.

Council was attempting to get Stage 2 of the Tauranga Northern Link (TNL) approved.

RESOLUTION OMC23-4.3

Moved: Cr D Thwaites

Seconded: Cr M Grainger

That the Councillor's report dated 6 June 2023 titled 'Ōmokoroa Community Board Councillor's Report – June 2023' be received.

CARRIED

9.3 MEMBER'S UPDATE - ŌMOKOROA COMMUNITY POLICING AND ŌMOKOROA COMMUNITY RESPONSE PLAN

The Board considered a report from Member Hughes. The report was taken as read.

RESOLUTION OMC23-4.4

Moved: Member B Bell

Seconded: Member G Neilson

1. That Member Hughes' report dated 31 May 2023 titled 'Member's Update – Ōmokoroa Community Policing and Ōmokoroa Community Response Plan' be received.

CARRIED

9.4 COMMUNITY BOARD OPERATIONAL REPORT

The Board considered a report from the Governance Advisor. The report was taken as read, with further discussion on the below items:

There was confusion about the \$50,000 committed expenditure for bus shelters. It was clarified that would be investigated and ensured that it was removed from the committed expenditure.

RESOLUTION OMC23-4.5

Moved: Member B Bell

Seconded: Member G Neilson

1. That the Governance Advisor's report dated 6 June 2023 titled 'Community Board Operational Report' be received.

CARRIED

9.5 ADOPTION OF ŌMOKOROA COMMUNITY BOARD STANDING ORDERS FOR THE 2022-2025 TRIENNIUM

The Board considered a report from the Governance Advisor. The report was taken as read.

RESOLUTION OMC23-4.6

Moved: Member B Bell

Seconded: Deputy A Hughes

1. That the Governance Advisor’s report dated 6 June 2023 titled ‘Adoption of Ōmokoroa Community Board Standing Orders for the 2022-2025 Triennium’ 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.

CARRIED

RESOLUTION OMC23-4.7

Moved: Cr M Grainger

Seconded: Member B Bell

3. That, pursuant to Clause 27 of Schedule 7 of the Local Government Act 2002, the Ōmokoroa Community Board **adopts** the Western Bay of Plenty District Council Community Board Standing Orders for the 2022-2025 triennium as per **Attachment 1** of this report by a vote in support of not less than 75% of members present and voting.

CARRIED

9.6 INFRASTRUCTURE GROUP REPORT ŌMOKOROA COMMUNITY BOARD JUNE 2023

The Board considered a report from the Deputy Chief Executive Officer. The report was taken as read, with further discussion on the below items:

The Chairperson clarified that the issue regarding bollards at the end of the esplanade was a Council decision to make.

The Board decided to have a discussion regarding this at a later date, with the Deputy Chief Executive Officer and Roading Engineer (East and West), to revisit options. This information would be communicated to concerned members of the public, including Fred Textor, if it had not been done so already.

RESOLUTION OMC23-4.8

Moved: Deputy A Hughes

Seconded: Member G Neilson

1. That the Deputy Chief Executive’s report, dated 6 June 2023 titled ‘Infrastructure Group Report Ōmokoroa Community Board June 2023’ be received.
2. That the proposal from the Ōmokoroa Community Board to fund the supply and installation of approximately 6 meters of pool fencing along the edge of the seaside garden, which borders the Ōmokoroa Boat Club front deck and steps, be accepted. Included in this proposal is railing that will be added adjacent to the steps, pushing pedestrians away from the edge of the path to prevent potential falls. This would be funded from the Ōmokoroa Community Board Roothing account, **up to a cost of \$5,000.00.**

CARRIED

9.7 FINANCIAL REPORT ŌMOKOROA – APRIL 2023

The Board considered a report from the Financial Business Advisor. The report was taken as read.

RESOLUTION OMC23-4.9

Moved: Member B Bell

Seconded: Member G Neilson

1. That the Financial Business Advisor’s report dated 6 June 2023 and titled ‘Financial Report Ōmokoroa – June 2023’ be received.

CARRIED

The Meeting closed at 8.24pm.

Confirmed as a true and correct record at the Ōmokoroa Community Board meeting held on 1 August 2023.

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Chairperson P Presland

CHAIRPERSON

9.3 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 8 JUNE 2023

File Number: A5506927

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Te Puke Community Board Meeting held on 8 June 2023 be received.

ATTACHMENTS

1. Minutes of the Te Puke Community Board Meeting held on 8 June 2023

**MINUTES OF Western Bay of Plenty District Council
Te Puke Community Board Meeting No. TPC23-4
HELD IN THE Te Puke Library and Service Centre, 130 Jellicoe Street, Te Puke
ON Thursday, 8 June 2023 AT 7.00pm**

1 PRESENT

Chairperson K Ellis, Member D Snell, Member K Summerhays, Cr G Dally and Cr A Wichers.

2 IN ATTENDANCE

R Davies (General Manager Strategy and Community), P Watson (Reserves and Facilities Manager), C McLean (Senior Transportation Engineer) and C Irvin (Senior Governance Advisor).

3 APOLOGIES

Member A Paudel – Leave of Absence

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

- A. Chairperson Ellis and Member Snell both declared non-financial interests in the following items:
- 10:4: Te Puke Community Board Grant Applications June 2023 – Grant Application from Lion Brothers Sports and Cultural Club.
- B. Councillor Dally declared a non-financial interests in the Te Puke Urban Cycleways item.

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

A. Don Paterson – The Use of Glyphosate for Spraying in Te Puke

- Mr Paterson was in attendance to ask the Te Puke Community Board to ask Council to look for alternative substances for spraying instead of using Glyphosate.
- Glyphosate was a highly toxic substance that had been banned in over thirty countries.

- The chemical made its way into streams, adversely affecting animals and the environment.
- It was felt that this toxic substance did not have to be used and that there were plenty of alternative options.

B. Tracey Wallace-Hutchins – Accessibility in the Community

- Ms Wallace-Hutchins was working with Poutiri Charitable Trust to achieve more disability accessibility in the community and looking at how the needs of these communities could be better met.
- Most people had experienced some form of physical barrier out in the community, whether directly or indirectly. One in four members of the community had accessibility needs.
- There were not only physical barriers, but unseen barriers such as a sight and/or hearing impairment. A 'Hidden Disabilities' card had been created to wear as a tag to improve awareness around this.
- Bay of Plenty Regional Council's 'Bee' card had been taken up very well by disabled members of the community.
- The Hāpai Access Card was a communication tool with various symbols representing different disabilities and/or challenges. It was an internationally recognised card and system, and provided an opportunity for businesses to engage more with people with accessibility needs.
- There had been some engagement with disability groups in the community, which was something that would like to be pursued further.

8 PRESENTATIONS

8.1 TRANSPORT CHOICES – TE PUKE URBAN CYCLEWAYS

The Committee considered a report dated 8 June from the Cycleways Manager, who spoke to a PowerPoint presentation summarising the following points:

Transport Choices – Te Puke Urban Cycleways

- Background
- Walking and Cycling Action Plan: Te Puke Urban Cycleway/Walkway Connection Strategy
- Land Use
- Option Examples (separated cycleway)
- Key Design Considerations
- Communication and Engagement:
 - Stage One – Stakeholder Pre-Engagement; and
 - Stage Two – Community Wide Consultation

Next Steps

Staff responded to questions as follows:

- At this stage, staff did not have all the answers in terms of medium-density rules and parking, and the impact of these issues. However, this needed to be integrated into the Spatial Plan processes that were yet to be worked through.
- It would be necessary to talk to all business owners along the proposed cycleway roads about the impact and implications of the proposed cycleways.
- In terms of a shared pathway, the preferred options were those that had the best user safety. Shared paths worked well when they were wide enough and were in a slow speed environment. However, speedy cyclists could pose a danger to pedestrians.
- At this stage, the most important thing was to engage with people and not to arrive at any concept design conclusions before any community engagement had been completed. The project had extremely tight timeframes, so this was a balancing act.
- This was a massive opportunity for Te Puke where \$2.4M was being funded for this project. The funding had to be spent by June 2024. If the community did not end up using this funding, it would be allocated to another place in the country.
- This fund had nothing to do with Council budgets. It was important that the community understood that roading infrastructure was completely separate from this cycleway funding.
- Within the time frames given, Waka Kotahi had locked Te Puke into routes A1 and A2. Depending on the outcome of the engagement process, Waka Kotahi may be open to a hybrid version of the proposed routes.

RESOLUTION TPC23-4.1

Moved: Cr A Wichers

Seconded: Member K Summerhays

1. That the Cycleways Manager presentation dated 8 June 2023 titled 'Transport Choices - Te Puke Urban Cycleways' be received.

CARRIED

9 MINUTES FOR CONFIRMATION

9.1 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 13 APRIL 2023

RESOLUTION TPC23-4.2

Moved: Cr A Wichers

Seconded: Cr G Dally

1. That the Minutes of the Te Puke Community Board Meeting held on 13 April 2023 as circulated with the agenda be confirmed as a true and correct record.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.
3. That the following amendments be made to the Public Forum section of the minutes:
 - Te Puke Gymsport:
 - Te Puke Gym Sport currently paid \$80k per annum in rent.
 - 'It was assumed that the future maintenance and operational costs would be less than the current rent paid on the existing building'.
 - Seumi Allan – Adopt a Street
 - Name correction: Suemi

CARRIED

10 REPORTS

10.1 TE PUKE COMMUNITY BOARD – CHAIRPERSON'S REPORT JUNE 2023

The Committee considered a report dated 8 June from the Chairperson, who took the report as read.

Community Plan

The General Manager Strategy and Community provided the following points:

- 'Tō Wāhi' was a complete engagement platform and the first phase of the community lead conversation which was led by CoLAB. This was primarily around identifying immediate priorities that would be useful for Long Term Plan (LTP) purposes.
- The Spatial Plan was a bigger and more involved community process than the initial Tō Wāhi events (to be held before 30 June 2023). There would be room for the community planning process within this, however the Spatial Plan (which was a bigger conversation around growth) would be led by Council. The intention was that it would be community-led as opposed to being led by Elected Members.
- To be truly community-led, there was a desire for CoLAB (a network of community stakeholders) to be the organisation that picked up the mantle of the first phase of identifying key priorities and engaging on these with the wider Te Puke community. If the community felt that CoLAB was not on point, they would make that known.

Inorganic Rubbish Collection

- The Chairperson advised she wished to organize a rubbish collection for Te Puke in spring, in collaboration with EPIC Te Puke's main street clean up, using big rubbish bins placed around the community where people could bring their old appliances (amongst other things).

- It was suggested and agreed that the Board workshop this matter and invite Council's Operations Manager to provide input.

RESOLUTION TPC23-4.3

Moved: Member D Snell

Seconded: Member K Summerhays

That the Chairperson's report dated 8 June 2023 titled 'Te Puke Community Board Chairperson's Report – June 2023' be received.

CARRIED

10.1.1 INSTALLATION OF WIFI IN JUBILEE PARK

The Chairperson advised that EastPack had agreed to fund the operational costs of the Wi-Fi in Jubilee Park for three years (ending 2026). The Board was extremely appreciative of this generous offer.

RESOLUTION TPC23-4.4

Moved: Member K Summerhays

Seconded: Member D Snell

1. That the Te Puke Community Board approves the installation of public Wi-Fi in Jubilee Park at an estimated cost of \$3,000, funded from the contingency account.
2. That the Te Puke Community Board thanks EastPack for the commitment to three years of funding to meet the operational costs of the Wi-Fi in Jubilee Park, ending 2026.
3. That the Te Puke Community Board makes a submission to the Draft Long Term Plan for Council to fund the public Wi-Fi in Jubilee Park on an ongoing basis.

CARRIED

10.1.2 ALTERNATIVE OPTIONS TO GLYPHOSATE FOR SPRAYING IN TE PUKE

The Te Puke Community Board would like to explore alternative options to Glyphosate for spraying in Te Puke.

Reserves and Facilities Manager advised that:

- Council did not do any spraying around playgrounds (amongst other areas). Every single spray job was registered on the Western Bay of Plenty District Council website and signage was put up at spray sites.
 - Staff would investigate bringing back some alternative options for the Board to consider.
-

RESOLUTION TPC23-4.5

Moved: Member D Snell

Seconded: Chairperson K Ellis

That Council staff explore alternative options for spraying in Te Puke before the new spraying contract begins.

CARRIED

10.1.3 BUS SHELTERS ON MANOEKA ROAD

Staff advised that, if the MenzShed was engaged to do the bus shelter refurbishments, they would provide the Board with information in relation to any health and safety implications of the MenzShed being involved.

RESOLUTION TPC23-4.6

Moved: Cr A Wichers

Seconded: Member D Snell

That the Te Puke Community Board approach the MenzShed regarding them carrying out the refurbishment of the bus shelter on Manoeka Road, that the cost for this refurbishment comes out of the Te Puke Community Board's roading budget, and that staff advise the community board in relation to any health and safety implications as a result of the Menzshed undertaking this work.

CARRIED

10.2 TE PUKE COMMUNITY BOARD - COUNCILLOR'S REPORT - JUNE 2023

The Committee considered a report dated 8 June 2023 from Councillor Wichers, who took the report as read.

Annual Plan Submission

The General Manager Strategy and Community provided the following points:

- Every submitter to the Annual Plan would be provided with a document that outlined the key decisions made and the reasons why.
 - At this stage, it was likely that this document would be out sometime after 30 August 2023.
-

RESOLUTION TPC23-4.7

Moved: Chairperson K Ellis

Seconded: Member D Snell

That Councillor Wichers' report dated 8 June 2023 titled 'Te Puke Community Board Councillor's Report – June 2023' be received.

CARRIED

10.3 ADOPTION OF TE PUKE COMMUNITY BOARD STANDING ORDERS FOR THE 2023-2025 TRIENNIUM

The Committee considered a report dated 8 June 2023 from the Senior Governance Advisor. The report was taken as read.

RESOLUTION TPC23-4.8

Moved: Member K Summerhays

Seconded: Cr A Wichers

1. That the Senior Governance Advisor's report dated 8 June 2023 titled 'Adoption of Te Puke Community Board Standing Orders for the 2022-2025 Triennium' 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, pursuant to Clause 27 of Schedule 7 of the Local Government Act 2002, the Te Puke Community Board adopts the Western Bay of Plenty District Council Community Board Standing Orders for the 2022-2025 triennium as per **Attachment 1** of this report by a vote in support of not less than 75% of members present and voting.

CARRIED

10.4 TE PUKE COMMUNITY BOARD – GRANT APPLICATIONS – APRIL 2023

The Committee considered a report from the Senior Governance Advisor. The report was taken as read.

RESOLUTION TPC23-4.9

Moved: Member K Summerhays

Seconded: Chairperson K Ellis

-
1. That the Senior Governance Advisor's report dated 8 June 2023 titled 'Te Puke Community Board Grant Applications – June 2023' be received.

CARRIED

10.4.1 TE PUKE GYMSPORT GRANT APPLICATION

RESOLUTION TPC23-4.10

Moved: Chairperson K Ellis

Seconded: Cr G Dally

2. That the Te Puke Community Board approve the grant application from Te Puke Gymsport for \$3,000 to contribute towards costs associated with supporting phase one of the construction of the Bay of Plenty Movement HQ, design and build consent phase. This grant will be funded from the Te Puke Community Board Grants Account, subject to all accountabilities being met.

CARRIED

10.4.2 LION BROTHERS SPORTS AND CULTURAL CLUB GRANT APPLICATION

RESOLUTION TPC23-4.11

Moved: Member K Summerhays

Seconded: Cr A Wichers

That the Te Puke Community Board does not approve the grant application from Lion Brothers Sports and Cultural Club.

CARRIED

10.5 TE PUKE COMMUNITY BOARD – FINANCIAL REPORT APRIL 2023

The Committee considered a report dated 8 June 2023 from the Financial Business Advisor. The report was taken as read.

RESOLUTION TPC23-4.12

Moved: Member K Summerhays

Seconded: Cr G Dally

The Financial Business Advisor's report dated 8 June 2023 titled 'Te Puke Community Board – Financial Report April 2023' be received.

CARRIED

10.6 INFRASTRUCTURE GROUP REPORT TE PUKE COMMUNITY BOARD JUNE 2023

The Committee considered a report dated 8 June 2023 from the Executive Assistant Infrastructure. The report was taken as read.

Removal of Trees:

The Senior Transportation Engineer advised that:

- As a general rule of thumb, Council was not liable for lack of maintenance in road reserves.
- The owner of a property who had a tree intruding over their property was entitled to trim it to the boundary.
- The costs for tree removals came out of Council's operational budget.
- It was preferable not to replace any tree that was removed from a street because trees were generally a maintenance liability on streets.

Member Summerhayes wished it to be noted that the community was losing trees on Harris Street, Te Puke, where there was already a lack of trees.

Infrastructure Report:

The Senior Transportation Engineer advised that there was a mistake in the Infrastructure Report, which he would correct and email to the Board by way of an update.

RESOLUTION TPC23-4.13

Moved: Cr A Wichers

Seconded: Chairperson K Ellis

That the Deputy Chief Executive's Report dated 8 June 2023 titled 'Infrastructure Group Report Te Puke Community Board June 2023' be received.

CARRIED

10.6.1 REMOVAL OF THE GINKO TREE

RESOLUTION TPC23-4.14

Moved: Cr A Wichers

Seconded: Chairperson K Ellis

That the Te Puke Community Board approve the removal of a Ginkgo tree, located on the grass berm of the road corridor near 19 Bayview Street, Te Puke. This request was

made from the adjacent landowner, who expressed concerns about property damage, safety issues, and the unpleasantness caused by the fruit falling and rotting on private property, the footpath and berm areas.

There is no expectation for the Board to fund this felling in whole or in part.

CARRIED

10.6.2 FELLING OF THE NATIVE TOTARA TREE

RESOLUTION TPC23-4.15

Moved: Cr G Dally

Seconded: Cr A Wichers

That the Te Puke Community Board approve the felling of a Native Totara Tree situated within the grass berm of the road corridor at 13 Beatty avenue, Te Puke. The adjacent landowner has made this request, expressing concerns about property damage and the difficulty of constructing a new fence due to root ball heave that is affecting ground levels.

There is no expectation for the board to fund this felling in whole or in part.

CARRIED

Member Summerhayes abstained from voting on this matter and requested that this be recorded.

10.6.3 FELLING OF THE BANKSIA TREE

RESOLUTION TPC23-4.16

Moved: Member D Snell

Seconded: Cr A Wichers

That Te Puke Community Board approve the felling of a Banksia tree situated within the grass berm of the road corridor at 9 Harris Street, Te Puke. The adjacent landowner has made this request, expressing concerns about property damage, falling branches and difficulty to construct a new fence and paved area within the property due to root ball heave that is affecting ground levels.

There is no expectation for the Board to fund this felling in whole or in part.

CARRIED

10.6.4 TE PUKE STREET TREE POLICY

RESOLUTION TPC23-4.17

Moved: Cr A Wichers

Seconded: Member K Summerhays

That the Te Puke Community Board recommend to Council that it explores a street tree policy.

CARRIED

10.6.5 UPDATES TO INFRASTRUCTURE REPORT 8 JUNE 2023

Updates to Infrastructure 8 June 2023 Report

That the Senior Transportation updates/corrects the error in the 8 June 2023 Infrastructure report and email this to the Te Puke Board members.

10.7 COMMUNITY BOARD OPERATIONAL REPORT

The Committee considered a report dated 8 June from the Governance Support Administrator. The report was taken as read.

RESOLUTION TPC23-4.18

Moved: Chairperson K Ellis

Seconded: Cr A Wichers

1. That the Governance Support Administrator's report dated 8 June 2023 titled 'Community Board Operational Report' be received.

CARRIED

Councillor Wichers provided a karakia to close the meeting.

The Meeting closed at 9.22pm.

Confirmed as a true and correct record at the Te Puke Community Board meeting held on 3 August 2023.

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Chairperson K Ellis

CHAIRPERSON / MAYOR

unconfirmed

9.4 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 13 JUNE 2023

File Number: A5514690

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Maketu Community Board Meeting held on 13 June 2023 be received.

ATTACHMENTS

1. Minutes of the Maketu Community Board Meeting held on 13 June 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
MAKETU COMMUNITY BOARD MEETING NO. MKC23-4
HELD IN THE MAKETU COMMUNITY CENTRE, WILSON ROAD, MAKETU
ON TUESDAY, 13 JUNE 2023 AT 7.00PM**

1 PRESENT

Chairperson L Rae, Deputy R Corbett, Member T Hopping, Cr R Crawford and Deputy Mayor J Scrimgeour.

2 IN ATTENDANCE

R Davie (General Manager Strategy and Community), C McLean (Senior Transportation Engineer) and C Irvin (Senior Governance Advisor).

KARAKIA

The Chairperson opened the meeting with a karakia.

3 APOLOGIES

APOLOGY

RESOLUTION MKC23-4.1

Moved: Cr R Crawford

Seconded: Member T Hopping

That the apology for absence from Member D Walters be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 MINUTES FOR CONFIRMATION

8.1 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 18 APRIL 2023

RESOLUTION MKC23-4.2

Moved: Member T Hopping

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes of the Maketu Community Board Meeting held on 18 April 2023 as circulated with the agenda be confirmed as a true and correct record.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

9 REPORTS

9.1 MAKETU COMMUNITY BOARD – CHAIRPERSON'S REPORT – JUNE 2023

The Board considered a report dated 13 June 2023 from the Chairperson. The report was taken as read.

Maketu/Te Puke Community Forum (4 April 2023):

- The Chairperson wished to thank Council staff for organising this meeting, and in particular, the Network Drainage Engineer for his engagement at the meeting.

Macrocarpa Tree:

- It was good to have the tree trimmed, with a blessing held beforehand.

Civil Defence:

- The hui for June 2023 had to be postponed and was yet to be rescheduled. However, this was progressing well.

Deputy Mayor Scrimgeour advised that Mayor James Denyer wished to pass on his commendation to the Chairperson for a very good report.

RESOLUTION MKC23-4.3

Moved: Chairperson L Rae

Seconded: Deputy Mayor J Scrimgeour

That the Chairperson's report dated 13 June 2023 titled 'Maketu Community Board Chairperson's Report – June 2023' be received.

CARRIED

9.1.1 PAYMENT OF INVOICE TO TRIM MACROCARPA TREE

RESOLUTION MKC23-4.4

Moved: Member T Hopping

Seconded: Deputy R Corbett

That the Maketu Community Board agree to pay the invoice to trim the Macrocarpa tree (**Attachment 1** of the report), to be paid out of the Board's contingency account.

CARRIED

9.2 MAKETU COMMUNITY BOARD – COUNCILLOR'S REPORT – JUNE 2023

The Board considered a report dated 13 June 2023 from Councillor Crawford, who took the report as read, summarised the main points, and discussed the following items:

- Concern was expressed regarding the actions from the first Maketu/Te Puke Community Forum not being completed. Councillor Crawford advised he was asking for clarification around closing the loop from an Elected Members perspective and staff follow up/responses. This was a new meeting process and as such was a learning curve.
 - The Chairperson advised she felt the Community Forum was a much more connected process than the previous Ward Forum meetings, which allowed for more direct networking with the community.
-

RESOLUTION MKC23-4.5

Moved: Cr R Crawford

Seconded: Deputy Mayor J Scrimgeour

That Councillor Crawford's report dated 13 June 2023 titled 'Maketu Community Board – Councillor's Report – June 2023' be received.

CARRIED

9.3 ADOPTION OF MAKETU COMMUNITY BOARD STANDING ORDERS FOR THE 2022-2025 TRIENNIUM

The Board considered a report dated 13 June 2023 from the Senior Governance Advisor. The report was taken as read.

RESOLUTION MKC23-4.6

Moved: Chairperson L Rae

Seconded: Member T Hopping

1. That the Senior Governance Advisor's report dated 13 June 2023 titled 'Adoption of Maketu Community Board Standing Orders for the 2022-2025 Triennium' 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, pursuant to Clause 27 of Schedule 7 of the Local Government Act 2002, the Maketu Community Board adopts the Western Bay of Plenty District Council Community Board Standing Orders for the 2022-2025 triennium as per **Attachment 1** of this report by a vote in support of not less than 75% of members present and voting.

CARRIED

9.4 MAKETU COMMUNITY BOARD – FINANCIAL REPORT APRIL 2023

The Board considered a report dated 13 June 2023 from the Financial Business Advisor. The report was taken as read.

- The Chairperson confirmed that, in terms of the funds committed to the Maketu Surf Lifesaving Club and BBQ, staff were waiting for an archaeological report before being able to continue with these items.
-

RESOLUTION MKC23-4.7

Moved: Chairperson L Rae

Seconded: Member T Hopping

1. That the Financial Business Advisor's report dated 13 June 2023 titled 'Maketu Community Board – Financial Report April 2023' be received.

CARRIED

9.5 INFRASTRUCTURE GROUP REPORT MAKETU COMMUNITY BOARD JUNE 2023

The Board considered a report dated 13 June 2023 from the Deputy Chief Executive/Group Manager Infrastructure. The report was taken as read, with the following points noted:

Maketu Cycleway:

- The Chairperson advised she had replied to the email she received from the Cycleways Manager and that the next step would be for this to be taken to the Trust for consideration to use their land.

WestLink Contracts:

The Senior Transportation Engineer advised the following:

- The WestLink contract was complicated. To receive full payment of their tendered Lump Sum at the end of every month, WestLink had to meet a series of Key Performance Measures (KPMs) and Operational Performance Measures (OPMs). Currently, WestLink was not meeting all OPMs and was therefore being financially penalised.
- The drainage OPMs did not require that drainage assets be 100% clear e.g., some culverts may be 50% blocked, but still meet the relevant OPMs.
- One of the issues for WestLink was sourcing Temporary Traffic Management (TTM) labour. In the Western Bay of Plenty, a large amount of TTM resource was dedicated to major capital work projects, meaning that resource was not always available for maintenance activities.
- Sourcing alternative contractors to undertake road maintenance activities was difficult because most local road contractors had a full workload at present.
- The overriding issue of OPM breaches by WestLink was currently being addressed by Council through the contract extension negotiation process.
- WestLink had done an excellent job keeping communities connected and road users safe during and after the extreme weather events experienced over the past twelve months.

The General Manager Strategy and Community advised the Chairperson that ratepayers could be informed that Council was aware of the WestLink issues around contracts not being fulfilled, and that this was a primary focus for them in their contract extension negotiation process.

Mowing Services:

The General Manager Strategy and Community advised the following:

- The district-wide issue of mowing had been discussed at the Community Committee meeting held on 4 May 2023 and at a subsequent workshop, where mowing contractors attended and presented on the issues that they were facing. The Audit, Risk and Finance Committee was organising a workshop to review Council's procurement policies, to look at where local and social procurement fitted in, and how to navigate the Health and Safety implications that would arise from this.

RESOLUTION MKC23-4.8

Moved: Chairperson L Rae

Seconded: Deputy R Corbett

That the Deputy Chief Executive/Group Manager Infrastructure's report dated 13 June 2023 titled 'Infrastructure Group Report Maketu Community Board June 2023' be received.

CARRIED

9.5.1 NEW RUBBISH BIN TAGS

- The Chairperson advised she had received multiple complaints from the community that the new tags had easily broken and become unusable, resulting in them losing money.
 - The General Manager advised that it had become apparent that something was not quite right with the new tags as the Customer Service team had also received complaints from people across the district. This needed to be investigated.
 - The Chairperson requested that another video demonstration be created to show people how to correctly use the new tags.
-

New Rubbish Bin Tags

That Staff investigate the issue with the new rubbish bin tags, which were breaking before being used, and that staff create another demonstration video for the community of how to correctly use the new tags.

9.5.2 ROCK REVETMENT**Rock Revetment**

- That staff merge the two Minute Action Sheets (pages 113 and 129) for this item into one single Minute Action Sheet.
-

9.5.3 FUNDING FOR THE INSTALLATION OF HANDRAILS AT THE CEMETERY**RESOLUTION MKC23-4.9**

Moved: Member T Hopping

Seconded: Deputy Mayor J Scrimgeour

That the Board approves expenditure of up to \$26,000, funded from the Boards Reserve account, for the purpose of installing handrails at the Maketu Cemetery (Wharekahu),

provided that a second quote is sought in a timely manner by Council staff, and the Board reserves the right to engage on the final design with the Urupa Task Force.

CARRIED

9.5.4 QUOTE FROM WESTLINK TO TRIM POHUTUKAWA TREES

RESOLUTION MKC23-4.10

Moved: Chairperson L Rae

Seconded: Cr R Crawford

That the quote from WestLink for the trimming of the Pohutukawa trees at the entrance to Maketu be cancelled.

CARRIED

9.5.5 WESTLINK ROADING CONTRACT

Westlink Roading Contract

That staff advise the Board the total spend from roading operational budgets within the Board boundaries for the financial year 2022/2023.

9.5.6 MAKETU ASSET LIST

Maketu Asset List

That Council's infrastructure staff provide a list of Council-owned buildings (above ground infrastructure) to the Maketu Community Board (excluding obvious assets such as playgrounds and BBQs).

9.5.7 WILSON ROAD NORTH

The Senior Transportation Engineer advised:

- Widening Wilson Road North would increase speed along the road. Speed was the number one killer on roads.
 - There would be a speed limit review in 2024. The process for setting speed limits now had to be set using Central Government guidelines.
 - Council was working on improving the quality of Wilson Road North, including finding solutions to the pooling of water that occurred as a result of heavy rainfall.
-

Site Visit To Wilson Road North

That staff organise a site visit to Wilson Road North with the Maketu Community Board.

9.6 MAKETU COMMUNITY BOARD OPERATIONAL REPORT

The Board considered a report dated 13 June 2023 from the Governance Support Administrator. The report was taken as read.

RESOLUTION MKC23-4.11

Moved: Member T Hopping

Seconded: Cr R Crawford

2. That the Governance Support Administrator's report dated 13 June 2023 titled 'Maketu Community Board Operational Report' be received.

CARRIED

The Chairperson closed the meeting with a karakia.

The Meeting closed at 8:39pm.

Confirmed as a true and correct record at the Maketu Community Board meeting held on 8 August 2023.

.....
Chairperson L Rae

CHAIRPERSON

10 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION

10.1 MINUTES OF THE COUNCIL MEETING HELD ON 16 MAY 2023

File Number: A5453328

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Council Meeting held on 16 May 2023 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

ATTACHMENTS

1. Minutes of the Council Meeting held on 16 May 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. CL23-8
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON TUESDAY, 16 MAY 2023 AT 9.30AM**

1 PRESENT

Mayor J Denyer (Chairperson), Deputy Mayor J Scrimgeour, Cr T Coxhead, Cr R Crawford, Cr G Dally, Cr M Grainger, Cr A Henry, Cr R Joyce, Cr M Murray-Benge, Cr D Thwaites and Cr A Wichers.

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy Chief Executive Officer/General Manager Infrastructure), R Davie (General Manager Strategy and Community), A Curtis (General Manager Regulatory Services), A Henderson (General Manager Corporate Services), A Watton (Strategic Policy and Planning Programme Director), A Ali (Chief Financial Officer), R Gallagher (Senior Policy Analyst), H Wi Repa (Governance Technical Support), and C Irvin (Senior Governance Advisor).

3 APOLOGIES

APOLOGY

RESOLUTION CL23-8.1

Moved: Cr M Grainger

Seconded: Cr D Thwaites

That the apology for lateness from Cr Henry and absence from Cr Sole be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 REPORTS

8.1 RECOMMENDATION FOR ADOPTION OF 2023-2024 DOG CONTROL AND HEALTH REGISTRATION FEES

The Committee considered a report dated 16 May 2023 from the General Manager Regulatory Services who provided an overview of the report and responded to questions as follows:

- There was a requirement for Council to make a resolution specifically around different types of working dogs. Staff were preparing this to come through to Council however, it would not be in time before the fees adopted today would go out. Staff were currently in direct talks with the truffle dog owner who had previously spoken to Council in Public Forum.
- Matakana Island paid half the dog fee price through a cost of service decision made by Council. This was based on the fact that they did not get full Council dog services on the island such as shelter facilities, patrolling or Council organised social dog events.
- There were just over 10,000 registered dogs in the Western Bay of Plenty District Council, with 98% registered at any given time (Council endeavoured to have a 100% registration rate). It was difficult to know how many unregistered/unknown dogs there were in the district as Council usually only found out about these through complaints and patrols.

RESOLUTION CL23-8.2

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

1. That the General Manager Regulatory Services' report dated 16 May 2023 titled 'Recommendation for Adoption of 2023-2024 Dog Control and Health Registration Fees' 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 Council adopts the 2023-2024 Dog Control and Health Registration Fees as included in the 2023-2024 draft Schedule of Fees and Charges.
4. That the dog control fees be publicly notified in accordance with the Dog Control Act 1996.

CARRIED

9 INFORMATION FOR RECEIPT

Nil

10 RESOLUTION TO EXCLUDE THE PUBLIC

Nil

The meeting closed at 9.37am

Confirmed as a true and correct record at the Council meeting held 29 June 2023.

.....

Mayor J Denyer

CHAIRPERSON / MAYOR

Unconfirmed

10.2 MINUTES OF THE PROJECTS AND MONITORING COMMITTEE MEETING HELD ON 16 MAY 2023

File Number: A5507051

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Projects and Monitoring Committee Meeting held on 16 May 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. Minutes of the Projects and Monitoring Committee Meeting held on 16 May 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
PROJECT AND MONITORING MEETING NO. PMC23-2
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON TUESDAY, 16 MAY 2023 AT ON THE CONCLUSION OF THE COUNCIL MEETING STARTING
AT 11.00AM**

1 PRESENT

Cr D Thwaites (Chairperson), Cr T Coxhead, Cr R Crawford, Cr G Dally, Mayor J Denyer, Cr M Grainger, Cr A Henry, Cr R Joyce, Cr M Murray-Benge, Deputy Mayor J Scrimgeour and Cr A Wichers

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), G Allis (Deputy CEO/General Manager Infrastructure Group), R Davie (General Manager General Manager Strategy and Community), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), E Watton (Strategic Policy and Planning Programme Director), N Rutland (Environmental Planning Manager), K Little (Operations Manager), G Benn (Research and Monitoring Analyst), J Paterson (Transportation Manager), P Watson (Reserves and Facilities Manager), B Hickman (BOP West Road maintenance Contract) P Atkins (BOP West road Maintenance Contract), H Wi Repa (Governance Systems Advisor) and C Irvin (Senior Governance Advisor).

VIA ZOOM

R Davie (General Manager General Manager Strategy and Community), I Kruis (Resource Recovery and Waste Team Leader), T Miller (Strategic Advisor Resource Management), K McGinty (Senior Policy Analyst), and T Wilson (Contract Manager Solid Waste).

OTHERS IN ATTENDANCE

P Barns (WestLink Maintenance Manager)

A Goes (WestLink Contract Manager)

KARAKIA

The Chairperson opened the meeting with a karakia.

3 APOLOGIES

APOLOGY

RESOLUTION PMC23-2.1

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Grainger

That the apology for absence from Cr Sole be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

A. Don Brash – Unaffordable Housing

- Houses, but in particular land, in the Tauranga and the Western Bay of Plenty district were unaffordable for many residents in the area and as such there could be no hope of these people ever owning a home at all. This could lead to critical consequences for some families.
- Elected Members connected to SmartGrowth should be strongly advocating for a change in their policy to free up affordable land.
- New Zealand was one of the most under populated countries in the world and as such he felt it was not right that people could not afford to buy land.

8 PRESENTATIONS

Nil

9 REPORTS

9.1 DEVELOPMENT TRENDS REPORT 2022 OVERVIEW

The Committee considered a report dated 16 May 2023 from the Research and Monitoring Analyst who took the report as read and responded to the following questions:

- It was likely to continue to be difficult to buy a home as a drop in prices was not foreseen.
-

- The market was continuing to influence what prices would look like and the Ministry of Housing and Urban Development (MHUD) provided these statistics, which included different housing typologies.
- The idea of having a change of typologies and/or introducing different typologies to the market would see opportunities for people to purchase homes that met their needs.

General Manager Strategy and Community:

- There was zoned industrial land within Te Puna. But there were also District Plan requirements in order for that zone to become operative in the context of what the District Plan envisaged.
- It was important to remember that this report was a snapshot in time, and that SmartGrowth was progressing an industrial needs study the results of which would be workshopped with Council on 25 May 2023 before it went to the SmartGrowth Leadership Group for ratification.
- The fundamental premise of the SmartGrowth partnership was an emphasis around our spatial planning and in particular a long term need to open up land for housing as a critical lever to improve housing affordability. In the short to medium term, led by Council's Chief Executive Officer and the work of Council's Community and Strategic Relationships Manager, along with other key stakeholders, a sub regional housing systems plan was being progressed, which provided a snapshot of the entire housing system, what was happening in the short to medium term and who was providing what in the market. There was a very concerted effort by SmartGrowth to look at what it could do to improve housing affordability in the short and long term.

RESOLUTION PMC23-2.2

Moved: Cr A Henry

Seconded: Cr R Joyce

1. That the Research and Monitoring Analyst's report dated 16 May 2023 titled 'Development Trends Report Overview 2022' 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 Projects and Monitoring Committee receives the Development Trends Report as set out in **Attachment 1** of the agenda report.

CARRIED

9.2 OPERATIONAL RISK AND SCORECARD REPORT QUARTERLY UPDATE ENDING MARCH 2023

The Committee considered a report dated 16 May 2023 from the Executive Assistant, Infrastructure Group.

The General Manager Infrastructure responded to the following questions:

- Two Mile Creek was less of an issue in heavy rainfall. As part of their normal responses, contractors checked hot points in terms of stormwater networks. Works on Two Mile Creek were expected to recommence pre-Christmas and be completed by the end of June 2024.
- Weather events had thwarted the capital programme this year in that delivery had not been able to be achieved in many parts of the upper North Island.
- The main factor taken into account when closing Te Puna Station Road would be the impact on traffic flows. There would be a community consultation process to receive the community's views on closing the road or reopening it as a single lane. Reopening it as two lanes would be extremely difficult and expensive.
- The treatment of banks where slippages had occurred included using hydro sealing grass seed and paper mulch to reduce further slippages.

RESOLUTION PMC23-2.3

Moved: Cr M Grainger

Seconded: Cr A Wichers

That the Executive Assistant, Infrastructure Group's report, dated 16 May 2023, titled 'Operational Risk and Scorecard Report Quarterly Update Ending March 2023' be received.

CARRIED

10 INFORMATION FOR RECEIPT

10.1 STORM DAMAGE ACROSS THE DISTRICT UPDATE

The Committee considered a report dated 16 May 2023 from the Executive Assistant, Infrastructure Group.

The Transportation Manager introduced Aram Goes (Westlink Contract Manager) and Phillip Barnes (Westlink Maintenance Manager) and responded to questions as follows:

- Getting the right resources to fix Williams Road flooding had taken a while due to those resources already being stretched.
 - Council was expecting a clarification letter this week from the Government regarding storm damage repair funding.
-

- Staff endeavoured to inform residents of road works using ad hoc letterbox drops to those directly affected by what was happening, through Facebook and the use of electronic warning signs also.
- It was agreed that Elected Members be emailed any social media (or other) messages so that they were kept informed and up to date of any developments.
- Over the years, rural culverts had been installed principally in water courses based on budget expectations and the catchment at the time. With climate change, more intense and high range events were occurring in the urban parts of the district. Currently, stormwater systems were designed to accommodate a 'ten year event'. During recent events, there had been under and over slips where the culverts had not had the capacity to deal with the amount of water flow.
- Any Government funding could only be applied for post construction work. The next application to Waka Kotahi would be to repair the physical works.
- Regarding the new bridge on No. 4 Road, a site meeting with Ward Councillors and Iwi representatives was being arranged. The question still to be resolved was who should represent the road. It was hoped that local knowledge would help form any decisions to be made.

RESOLUTION PMC23-2.4

Moved: Cr G Dally

Seconded: Cr A Henry

That the Transportation Manager's report, dated 16 May 2023, titled 'Storm Damage Across the District Update' be received.

CARRIED

10.2 SOLID WASTE UPDATE

The Committee considered a report dated 16 May 2023 from the Operations Manager who took the report as read.

The Operations Manager, Resource Recovery and Waste Team Leader and the Contract Manager Solid Waste spoke to a PowerPoint presentation summarising the following points:

Solid Waste Update:

- Increase in journey;
 - Additional Roads added to the service;
 - Mixed recycling contamination;
 - Recycling information;
 - Bin presentation rate;
-

- Kerbside tonnage;
- Performance and operational updates;
- Service delivery days;
- Kerbside bin checks;
- New PAYT tags;
- Community Lead Resource Recovery;
- Recycle centre statistics; and
- Patricia Place, Katikati.

The presenters responded to questions as follows:

- Under Ministry for the Environment regulations, any food waste processing plant that was near to a council had to be utilised. This meant that Council could continue to use the Hampton Downs facility, however, was open to looking at other facilities if it served Council's purpose better.
- The main types of contamination were dirty nappies, food rubbish and glass (which was also largely due to laziness).
- Marae had not been included in the blanket roll out of the Kerbside collection. If it was practical to service the road a marae was on, Council could provide household equivalent services only (not commercial services).
- Going forward, the liability of each recycling site would be reviewed. The Ministry for the Environment was standardising kerbside recycling and rolling out many recycling education programmes throughout the country.
- Envirowaste was owned by CK Industries and was probably one of their smallest businesses worldwide.

RESOLUTION PMC23-2.5

Moved: Cr R Joyce

Seconded: Cr T Coxhead

1. That the Operations Manager's presentation dated 16 May 2023 titled 'Solid Waste Update' be received and the information noted.

CARRIED

11 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION PMC23-2.6

Moved: Cr R Crawford

Seconded: Cr M Grainger

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
11.1 - Infrastructure Operational Risk Report May 2023 - Confidential	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
CARRIED		

The Meeting closed at 1.02pm.

Confirmed as a true and correct record by Council on 20 July 2023.

10.3 MINUTES OF THE STRATEGY AND POLICY COMMITTEE MEETING HELD ON 25 MAY 2023

File Number: A5507083

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Strategy and Policy Committee Meeting held on 25 May 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

ATTACHMENTS

1. **Minutes of the Strategy and Policy Committee Meeting held on 25 May 2023**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
STRATEGY AND POLICY COMMITTEE MEETING NO. SPC23-3
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, 1484 CAMERON ROAD, TAURANGA
ON THURSDAY, 25 MAY 2023 AT 9.30AM**

1 PRESENT

Mayor J Denyer (Chairperson), Cr R Crawford (Deputy Chairperson), Cr T Coxhead, Cr G Dally, Cr M Murray-Benge, Deputy Mayor J Scrimgeour, Cr A Sole, and Cr A Wichers

VIA ZOOM

Cr M Grainger, Cr A Henry, Cr R Joyce and Cr D Thwaites

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), R Davie (General Manager Strategy and Community), A Henderson (General Manager Corporate Services), G Golding (Governance Manager), M Leighton (Policy and Planning Manager), N Rutland (Environmental Planning Manager), K McGinity (Senior Policy Analyst), M Va'ai Matatai (Senior Environmental Planner), H Wi Repa (Governance Systems Advisor), and P Osborne (Senior Governance Advisor)

VIA ZOOM

G Allis (Deputy CEO/General Manager Infrastructure Group), A Ali (Chief Financial Officer), T Miller (Strategic Advisor Resource Management) and C Hughes (Systems Advisor Policy and Planning)

3 APOLOGIES

Nil

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 PRESENTATIONS

Nil

9 REPORTS

CHANGE TO ORDER OF BUSINESS

The Chairperson requested that the next item of business be '9.2 SmartGrowth Quarterly Report – May 2023' in order to release the Strategic Advisor Resource Management from the meeting.

RESOLUTION SPC23-3.1

Moved: Cr R Crawford

Seconded: Cr A Sole

That in accordance with Standing Orders the order of business be changed and that the item '9.2 SmartGrowth Quarterly Report – May 2023' be dealt with as the first item of business.

CARRIED

9.1 SMARTGROWTH QUARTERLY REPORT – MAY 2023

The Committee considered a report dated 25 May 2023 from the Strategic Advisor Resource Management. The report was taken as read with the below points noted:

- The quarterly report provided highlights of where Council was at in relation to the SmartGrowth Strategy.
- The 'Housing and Business Development Capacity' assessment had been completed, which input directly into the SmartGrowth Strategy, and Future Development Strategy.
- An update on our priority development areas had been provided, with the most notable being Ōmokoroa.

The below comments were made by Elected Members:

- There was concern that the cost of housing in Tauranga and Western Bay needed to be addressed.
-

- There were other areas that needed to be addressed if housing was to continue to increase in Ōmokoroa. Roading and traffic issues that communities out west were already experiencing would be exacerbated.
- If National were successful in the 2023 election, they had said they would review the current agreement relating to Medium Density Residential Standards (MDRS).
- SmartGrowth was established to provide integrated planning, noting that the housing problems we were facing were complex.
- It would be good to see more work undertaken in areas of concern. It seemed that legislation and regulations created barriers when it came to building additional housing.

RESOLUTION SPC23-3.2

Moved: Cr A Sole

Seconded: Deputy Mayor J Scrimgeour

1. That the Strategic Advisor Resource Management's report dated 25 May 2023, titled 'SmartGrowth Quarterly Report – May 2023', 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.

CARRIED

Cr Murrery-Benge voted against the motion and requested that her vote be recorded.

9.2 REVIEW OF THE SIGNIFICANCE AND ENGAGEMENT POLICY 2020

The Committee considered a report dated 25 May 2023 from the Policy Analyst. The report was taken as read with the below points noted:

- The paper presented the Significance and Engagement Policy, which was reviewed every three years.
- There was general agreement that this remained fit for purpose.
- There was a range of criteria that was used to consider the significance of an item, which was still relevant at this point in time.
- This policy may require further review depending on how the Affordable Waters Reform progressed.

Staff responded to questions as below:

- Council had the ability to override a staff recommendation in relation to the significance and engagement on an item. Council could also request for staff to carry out further engagement if it saw fit.
-

- The parameters outlined within the policy, in relation to the level of financial consequence of the proposal or decision, were unlike other matters for consideration. The other matters for consideration did not require the same level of parameters.
- The financial thresholds were one of the tools used to guide the decisions relating to the level of significance. There was a comment that these thresholds were too high, which could take away from the consultation that would be required if the thresholds were lower.
- It was clarified that when presented with reports, Council did have the ability to change the level of significance if they felt strongly that it needed to be.
- The \$8 Million specified in the financial thresholds referred to the capital expenditure where as the 5% referred to the rates impact.

RESOLUTION SPC23-3.3

Moved: Cr M Murray-Benge

Seconded: Cr T Coxhead

1. That the Policy Analyst's report dated 25 May 2023 titled 'Review of the Significance and Engagement Policy 2020' 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 Significance and Engagement Policy, included as **Attachment 1** to this report, be adopted.

CARRIED

9.3 SUBMISSION TO THE REVIEW OF THE RESOURCE MANAGEMENT ACT (INFRINGEMENT OFFENCES) REGULATIONS 1991

The Committee considered a report dated 25 May 2023 from the Policy Analyst. The report was taken as read.

RESOLUTION SPC23-3.4

Moved: Cr R Crawford

Seconded: Deputy Mayor J Scrimgeour

1. That the Policy Analyst's report dated 25 May 2023 titled 'Submission to the Review of the Resource Management Act (Infringement Offences) Regulations 1991' 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 of the Resource Management Act (Infringement Offences) Regulations, dated 31 March 2023.

CARRIED

9.4 SUBMISSION ON "CHARGING OUR FUTURE: A DRAFT LONG-TERM ELECTRIC VEHICLE CHARGING STRATEGY FOR AOTEAROA NEW ZEALAND."

The Committee considered a report from the Strategic Advisor: Legislative Reform and Special Projects dated 25 May 2023. The report was taken as read.

Staff responded to questions as below:

- It was confirmed that within the submission, Council would support Central Government funding and subsidies to provide for public charging stations and onsite home-based solutions. At this stage, this was a submission and not a firm proposal.
-

RESOLUTION SPC23-3.5

Moved: Cr M Murray-Benge

Seconded: Mayor J Denyer

1. That the Strategic Advisor: Legislative Reform and Special Projects report dated 25 May 2023 titled 'Submission on "Charging our Future: A Draft Long-Term Electric Vehicle Charging Strategy for Aotearoa New Zealand"' 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.

CARRIED

9.5 WESTERN BAY OF PLENTY DISTRICT COUNCIL SUBMISSION TO THE OCCUPATIONAL REGULATION REFORMS IN THE BUILDING AND CONSTRUCTION SECTOR

The Committee considered a report dated 25 May 2023 from the Senior Environmental Planner. The report was taken as read.

Staff responded to questions as below:

- It was never ok for Council staff to suffer abuse when out in the field. However, it was acknowledged that this was a natural consequence of being a consent authority within the regulatory environment.
- Council's responsibility under the Building Act 2004 was to administer the building code, which ensured that any building/structure built was safe for occupants.
- It was noted that all Council staff within this particular space were highly qualified, and required to maintain competency regularly. Tension was sometimes felt between Council and tradespeople, who did not necessarily understand how the building code changed and evolved. There was also quantitative evidence that suggested Council offered an incredibly good service within the building services space.
- It was noted that a Code of Conduct may not necessarily address the abusive behaviour issue raised through the submission.
- Within the submission, it was noted that Council agreed with the proposal that a supervision endorsement was needed for Licensed Building Practitioner's (LBPs), which would help provide a level of confidence in the supervision work being undertaken.
- Council had Health and Safety procedures in place for all regulatory services, particularly for those where staff were working out in the field. In the event of a conflict, which did not happen often, staff were trained to de-escalate the situation. Further detail relating to Health and Safety would come through the Audit, Risk and Finance Committee.
- Council had historically surveyed the building services sector however, the final customer was not necessarily the agent that Council dealt with. Council was looking at mechanisms (technology solutions) to collect 'just in time' feedback from their consultant community in the future. There was support from Elected Members in relation to this idea.
- The submission had been produced in close conjunction with the Building Services team.
- There was a comment in relation to the review of the Registered Architects Act 2005, and an observation that there was an existing Code of Ethics and Conduct for architects. The comments in the submission implied these were not being enforced.

RESOLUTION SPC23-3.6

Moved: Cr R Crawford

Seconded: Mayor J Denyer

1. That the Senior Environmental Planner’s report dated 25 May 2023, titled ‘Western Bay of Plenty District Council Submission to the Occupational Regulation Reforms in the Building and Construction Sector’ be received.
2. That the attached submission (**Attachment 1** of the agenda report) be received by the Strategy and Policy Committee and the information noted.

CARRIED

10 INFORMATION FOR RECEIPT

Nil

The Meeting closed at 10.18am.

Confirmed as a true and correct record by Council on 29 June 2023.

.....

Mayor J Denyer

CHAIRPERSON / MAYOR

10.4 MINUTES OF THE COUNCIL MEETING HELD ON 6 JUNE 2023

File Number: A5498100

Author: Carolyn Irvin, Senior Governance Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Council Meeting held on 6 June 2023 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

ATTACHMENTS

1. **Minutes of the Council Meeting held on 6 June 2023**

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
COUNCIL MEETING NO. CL23-9
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON TUESDAY, 6 JUNE 2023 AT 9.30AM**

1 PRESENT

Mayor J Denyer (Chairperson), Deputy Mayor J Scrimgeour, Cr T Coxhead, Cr R Crawford, Cr G Dally, Cr M Grainger, Cr A Henry, Cr R Joyce, Cr M Murray-Benge, Cr A Sole, Cr D Thwaites and Cr A Wichers

2 IN ATTENDANCE

J Holyoake (Chief Executive Officer), A Henderson (General Manager Corporate Services), G Golding (Governance Manager), S Bedford (Finance Manager), P Watson (Reserves and Facilities Manager), N Rutland (Environmental Planning Manager), B Wheeler (TECT All Terrain Park Manager Operations), H Wi Repa (Governance Systems Advisor) and C Irvin (Senior Governance Advisor).

VIA ZOOM

A Ali (Chief Financial Officer)

OTHERS IN ATTENDANCE

Ngati Te Wai

Riki Nelson

Blue Light Ventures

Rod Bell (CEO)

One member of the press

3 APOLOGIES

APOLOGY

RESOLUTION CL23-9.1

Moved: Cr M Murray-Benge

Seconded: Cr T Coxhead

That the apology for lateness from Cr Sole be accepted.

CARRIED

4 CONSIDERATION OF LATE ITEMS

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC EXCLUDED ITEMS

Nil

7 PUBLIC FORUM

Nil

8 COMMUNITY BOARD MINUTES FOR RECEIPT**8.1 MINUTES OF THE ŌMOKOROA COMMUNITY BOARD MEETING HELD ON 11 APRIL 2023**

RESOLUTION CL23-9.2

Moved: Cr D Thwaites

Seconded: Cr M Grainger

That the Minutes of the Ōmokoroa Community Board Meeting held on 11 April 2023 be received.

CARRIED

8.2 MINUTES OF THE TE PUKE COMMUNITY BOARD MEETING HELD ON 13 APRIL 2023

RESOLUTION CL23-9.3

Moved: Cr G Dally

Seconded: Cr A Wichers

1. That the Minutes of the Te Puke Community Board Meeting held on 13 April 2023 be received.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

8.3 MINUTES OF THE MAKETU COMMUNITY BOARD MEETING HELD ON 18 APRIL 2023

RESOLUTION CL23-9.4

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr R Crawford

1. That the Minutes of the Maketu Community Board Meeting held on 18 April 2023 be received.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

8.4 MINUTES OF THE WAIHĪ BEACH COMMUNITY BOARD MEETING HELD ON 24 APRIL 2023

RESOLUTION CL23-9.5

Moved: Cr A Henry

Seconded: Cr T Coxhead

1. That the Minutes of the Waihī Beach Community Board Meeting held on 24 April 2023 be received.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

9 COUNCIL AND COMMITTEE MINUTES FOR CONFIRMATION**9.1 MINUTES OF THE COUNCIL MEETING HELD ON 13 APRIL 2023**

RESOLUTION CL23-9.6

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

That the Minutes of the Council Meeting held on 13 April 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

9.2 MINUTES OF THE COUNCIL MEETING HELD ON 27 APRIL 2023

RESOLUTION CL23-9.7

Moved: Mayor J Denyer

Seconded: Deputy Mayor J Scrimgeour

1. That the Minutes and Minute Attachment of the Council meeting held on 27 April 2023 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

9.33am Cr Sole entered the meeting

9.3 MINUTES OF THE COMMUNITY COMMITTEE MEETING HELD ON 4 MAY 2023

RESOLUTION CL23-9.8

Moved: Cr M Murray-Benge

Seconded: Cr T Coxhead

1. That the Minutes of the Community Committee Meeting held on 4 May 2023 be confirmed as a true and correct record and the recommendations therein be adopted.
2. That the Chairperson's electronic signature be inserted into the confirmed minutes.

CARRIED

9.4 MINUTES OF THE ANNUAL PLAN AND LONG TERM PLAN COMMITTEE MEETING HELD ON 9 MAY 2023

RESOLUTION CL23-9.9

Moved: Deputy Mayor J Scrimgeour

Seconded: Cr M Murray-Benge

That the Minutes of the Annual Plan and Long Term Plan Committee Meeting held on 9 May 2023 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

10 COUNCIL AND COMMITTEE MINUTES FOR RECEIPT

10.1 MINUTES OF THE TE KĀHUI MANA WHENUA O TAURANGA MOANA MEETING HELD ON 3 MAY 2023

RESOLUTION CL23-9.10

Moved: Mayor J Denyer

Seconded: Cr A Henry

That the Minutes of the Te Kāhui Mana Whenua o Tauranga Moana Meeting held on 3 May 2023 be received.

CARRIED

11 REPORTS

11.1 PROPOSAL – LICENCE TO OCCUPY TAHAWAI RESERVE FOR A KAURI TREE NURSERY

- The Committee considered a report dated 6 June 2023 from the Reserves and Facilities Manager. The report was taken as read.
 - The Reserves and Facilities Manager responded to questions as follows:
 - There was no rental differential between leases and licenses, however, further investigation was needed to understand the commercial nature of the project.
 - It was acknowledged that the shape of the area to be occupied was unusual. There had been negotiations with Waka Kotahi regarding the State Highway 2 upgrades.
 - Should the proposal be adopted today, public consultation for a one month period (as required under the Reserves Act 1977) would go out within the next two weeks. Anyone who wished to make a submission could do so.
 - Council staff would act as an administrator of the site to ensure compliance with the Licence conditions, but would not be involved in the operations of the tree nursery.
 - 9.48am
 - Matua Riki Neilson (of Ngati Te Wai) entered the meeting and responded to questions as follows:
 - Ngati Te Wai were currently in discussion with Waka Kotahi seeking an agreement to utilise part of the State Highway land.
 - There were issues with kauri (and other native tree species) around pest management and Kauri Dieback disease, which had been discontinued last year, creating a major issue around protecting the kauri trees.
 - Ngati Te Wai had partnered with Project Parore which had many advantages, one of which was to perhaps get another nursery up and running to focus on other tree species.
-

- There was a draft concept plan for Tahawai Reserve. Council had now purchased 16 Tanners Point Road. Any access into the site would likely come up through the existing Tahawai Reserve driveway.
 - Ngati Te Wai was looking to employ people with expertise in the area of horticulture.
 - A Memorandum of Understanding had been signed with Bay of Plenty Regional Council about month and half ago. Its scope had been kept quite broad to allow the relationship to grow.
 - Ngati Te Wai was working together with the Tanners Point Residents and Ratepayers Association whose aspirations very closely aligned with what Ngati Te Wai was trying to achieve.
 - The Reserves and Facilities Manager advised he would provide Elected Members with a copy of Council's standard Licence to Occupy template if they wished to view it.
-

RESOLUTION CL23-9.11

Moved: Cr A Sole

Seconded: Cr A Henry

1. That the Reserves and Facilities Manager's report dated 6 June 2023 titled 'Proposal – Licence to Occupy Tahawai Reserve for a Kauri Tree Nursery' 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 Council approves in principle the request by Ngati Te Wai or a nominated entity, to enter into a licence to occupy with Council for an area of approximately 2119m² on part of Tahawai Reserve, being Allotment 1860 SO 56580, to locate and operate a Native Tree Nursery.
4. That, if approval in principle is given, staff be directed to publicly notify the proposal in terms of Section 119 of the Reserves Act 1977.

CARRIED

11.2 LICENCE TO OCCUPY

Licence to occupy

That the Reserves and Facilities Manager provide Elected Members with a copy of Council's standard Licence to Occupy template.

11.3 TECT PARK – BLUE LIGHT VENTURES INCORPORATED LICENCE 2021–2036

- The Committee considered a report dated 6 June 2023 from the TECT All Terrain Park Manager Operations who took the report as read and introduced himself and Mr Rod Bell (CEO Blue Light Ventures Incorporated).
 - The Reserves and Facilities Manger and Mr Bell responded to questions as follows:
 - It was thought there would be no 'reverse sensitivity' issues in providing Blue Light Ventures Incorporated with a licence to set up a camp within TECT park. Mr Bell had provided the TECT Park User Group Forum with a presentation. There were some initial concerns around the shooting range amongst other things, however, it was recognised that this was a great opportunity for co-existing use of the park and that everyone had their own activity area.
 - The intention was for the existing mountain bike trails within the proposed camp site be a conduit out into the existing mountain bike tracks.
 - The site was not an active logging area at the moment, although it had been logged in the past.
 - Blue Light Ventures Incorporated was a charity that worked with police, providing mainly adventure based activities that a lot of young people would normally never get the opportunity to do. It had a Memorandum of Understanding with every school in New Zealand to enable them to deliver educational outcomes. The main focus group was usually intermediate to year ten. Western Bay of Plenty was the strongest Blue Light Venture area in New Zealand.
 - Ideally, Blue Light Venture Incorporated would like a longer lease which would help with funding, and they were confident that it would show a definite need for children in the community.
 - A licence was required as opposed to a lease because Blue Light Ventures Incorporated was a charitable organisation.
 - The importance of having full accessibility for everyone was recognised and seen as extremely important.
 - Blue Light Ventures Incorporated had built relationships with other users of the park through the TECT Park user group. It was thought that other organisations could use the camp site.
-

RESOLUTION CL23–9.12

Moved: Cr R Joyce

Seconded: Cr A Henry

1. That the TECT All Terrain Park Manager Operations' report, dated 6 June 2023 titled TECT Park – Blue Light Ventures Incorporated Licence 2021–2036 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. Western Bay of Plenty District Council is the registered proprietor of TECT All Terrain Park, jointly with Tauranga City Council and is authorised to be the acting Licensor and to sign all agreements and Licenses held within the Park.
4. That Council in its capacity as administrating body (behalf of itself and Tauranga City Council) of TECT All Terrain Park, being part of Part Section 2 Block XV Otanewainuku Survey District and Part Section 4 Block XV Otanewainuku Survey District, grants Blue Light Ventures Incorporated a licence of approximately 24.4 hectares² for the purpose of a residential youth development camp from 1 July 2023 to 30 June 2038 with a right of renewal for a further ten (10) years.

CARRIED

11.4 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONERS – JUNE 2023

- The Committee considered a report dated 6 June 2023 from the Environmental Planning Manager who took the report as read and outlined the main points.
 - The Environmental Planning Manager responded to questions as follows:
 - Staff were still awaiting an approval letter from Minister Parker for an extension of the timetable to make decisions under the Intensification Streamline Planning Process (ISPP) from 20 August 2023 to 1 March 2024.
 - A notice of requirement process had consultation and engagement up until the point when it was notified where all affected landowners were provided with the opportunity to make a submission.
 - The Infrastructure Team and a Planning Consultant were managing providing landowners with process explanations and timelines as set out in the Resource Management Act 1991.
 - Lisa Mein (of Urban Design and Planning Limited) was a qualified urban designer and planner working mainly in Auckland. It had been considered necessary to appoint someone with these qualifications due to the submissions received.
-

RESOLUTION CL23-9.13

Moved: Cr R Crawford

Seconded: Deputy Mayor J Scrimgeour

1. That the Environmental Planning Manager's report, dated 6 June 2023, titled 'Appointment of Independent Hearings Commissioners – June 2023' 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 Council establishes an Independent Hearings Panel and delegate the necessary functions to conduct a hearing and make recommendations to Council on Plan Change 92 Ōmokoroa and Te Puke Enabling Housing Supply and other supporting matters, and the Notice of Requirement for Active Reserve, Ōmokoroa.
4. That Council appoints the following accredited Commissioners to the Independent Hearings Panel to consider and make recommendations to Council on Plan Change 92 Ōmokoroa and Te Puke Enabling Housing Supply and other supporting matters, and the Notice of Requirement for Active Reserve, Ōmokoroa:
 - a. Commissioner Greg Carlyon, The Catalyst Group, as the Independent Hearings Panel Chair
 - b. Commissioner Alan Withy, Alandale Associates
 - c. Commissioner Lisa Mein, Mein Urban Design and Planning Ltd
 - d. Commissioner Pia Bennett

CARRIED

11.5 CHIEF EXECUTIVE OFFICER'S MEETING REPORT

The Committee considered a report dated 6 June 2023 from the Senior Executive Assistant Mayor/CEO. The report was taken as read.

RESOLUTION CL23-9.14

Moved: Mayor J Denyer

Seconded: Cr A Sole

That the Senior Executive Assistant Mayor/CEO's report dated 6 June 2023 titled 'Chief Executive Officer's meeting report' be received.

CARRIED

11.6 MAYOR'S REPORT TO COUNCIL - 06 JUNE 2023

The Committee considered a report dated 6 June 2023 from the Senior Executive Assistant Mayor/CEO. The report was taken as read.

Mayor Denyer responded to questions as follows:

- Mayor Denyer had been taken on a site tour by residents of Waihi Beach and shown areas where stormwater attention/work was needed. It had been useful to see this in person.
-

- The meeting 'Communities for Local Democracy' was attended by all the mayors who were members of this group as well as Christopher Luxon and Simon Watts. Mayor Denyer sought clarification on how the Three Waters model proposed by National would work and how financial sustainability would be achieved, in particular, how funding could be provided and councils still maintaining control.

RESOLUTION CL23-9.15

Moved: Cr M Grainger

Seconded: Cr A Henry

That the Senior Executive Assistant report dated 06 June 2023 titled 'Mayor's Report' be received.

CARRIED

12 INFORMATION FOR RECEIPT

Nil

13 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION CL23-9.16

Moved: Cr T Coxhead

Seconded: Cr A Sole

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
13.1 - Confidential Minutes of the Council Meeting held on 27 April 2023	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(b)(ii) - the withholding of the information is	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would

	<p>necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p> <p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>exist under section 6 or section 7</p>
<p>13.2 - Chief Executive Officer's Report - Request for Execution of Documents Under Seal of Council</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of</p>

	<p>that of deceased natural persons</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p>	<p>information for which good reason for withholding would exist under section 6 or section 7</p>
<p>13.3 - Application for Rates Remission</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
<p>CARRIED</p>		

The Meeting closed at 10:45.

Confirmed as a true and correct record at the Council meeting held 29 June 2023.

.....
Mayor J Denyer
CHAIRPERSON / MAYOR

Unconfirmed

11 COUNCIL AND COMMITTEE MINUTES FOR RECEIPT

11.1 MINUTES OF THE TE IHU O TE WAKA O TE ARAWA MEETING HELD ON 10 MAY 2023

File Number: A5462288

Author: Horowai Wi Repa, Governance Systems Advisor

Authoriser: Greer Golding, Governance Manager

RECOMMENDATION

1. That the Minutes of the Te Ihu o te Waka o Te Arawa Meeting held on 10 May 2023 be received.

ATTACHMENTS

1. Minutes of the Te Ihu o te Waka o Te Arawa Meeting held on 10 May 2023

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
TE IHU O TE WAKA O TE ARAWA MEETING NO. TA23-1
HELD IN THE TE PUKE MEMORIAL WAR HALL, JELICOE STREET, TE PUKE
ON WEDNESDAY, 10 MAY 2023 AT 10.00AM**

1 KARAKIA/MIHI

Member Geoff Rice opened the meeting with a karakia.

2 PRESENT

Mayor Denyer (Interim Chairperson), Cr R Crawford, Cr G Dally, Deputy Mayor J Scrimgeour, Cr A Wichers, Member Geoff Rice (Ngāti Marukukere)(Elected Chairperson), Member Petera Tapsell (Ngāti Whakaeue ki Maketu), Member Tania Turner (Ngati Whakahemo), Member Alfred Potiki (Ngāti Moko), Member Roland Kingi (Ngati Pikia), Member Darlene Dinsdale (Ngāti Moko) and Member Jacqueline Clarke (Waitaha), Member Mokoera Te Amo (Waitaha) and Member Andy Gowland-Douglas (Tapuika Iwi Authority).

3 IN ATTENDANCE

C Nepia (Strategic Kaupapa Māori Manager), C Gaunt (Kaimahere Matua), G Golding (Governance Manager), A King (Strategic Advisor: Legislative Reform and Special Projects), M Va'ai Matatia (Senior Environmental Planner), and C Irvin (Senior Governance Advisor).

PROCEDURAL MATTERS

Mayor Denyer opened the meeting and chaired proceedings until Member Geoff Rice was elected as the new Chairperson and chaired the workshop.

4 APOLOGIES

APOLOGY

RESOLUTION TA23-1.1

Moved: Member Roland Kingi

Seconded: Member Tania Turner

That the apology for lateness from Cr Wichers and absence from Member Maihi Wihapi, Member Manu Pene, Member Vance Skudder, Member Rawiri Biel and Member Helen Biel be accepted.

CARRIED

5 CONSIDERATION OF LATE ITEMS

CONSIDERATION OF A LATE ITEM

The Chairperson advised there was one late item for the Committee to consider for inclusion in the open of the agenda, being 'Te Puke Spatial Plan'.

The reason that this item was not included on the agenda was due to an oversight and it could not be delayed to the next scheduled Committee meeting because a community planning exercise was planned from May to June 2023.

RESOLUTION TA23-1.2

Moved: Cr R Crawford

Seconded: Member D Dinsdale

That, in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act, the following item be considered as a late item of open business:

- Te Puke Spatial Plan

CARRIED

6 PRESENTATIONS

Nil

7 MINUTES FOR CONFIRMATION

7.1 MINUTES OF THE TE IHU O TE WAKA O TE ARAWA MEETING HELD ON 11 MAY 2022

RESOLUTION TA23-1.3

Moved: Member Geoff Rice

Seconded: Member Petera Tapsell

That the Minutes of the Te Ihu o te Waka o Te Arawa Meeting held on 11 May 2022 be confirmed as a true and correct record and the recommendations therein be adopted.

CARRIED

8 REPORTS

8.1 TE IHU O TE WAKA O TE ARAWA - PROCEDURAL MATTERS

- The Committee considered a report from the Kaimahere Matua – Senior Kaupapa Māori Planner. The Strategic Kaupapa Māori Manager introduced the item in Te Reo, advising that the purpose of this item was to elect a chairperson for Te Ihu o te Waka o Te Arawa and noting the following:
 - The acknowledgment of former Chairperson Manu Wihapi (Ngāti Tuhourangi).
 - The understanding of the kōrero that had already taken place was that Member Geoff Rice would be put forward to be the next chairperson of Te Ihu o te Waka o Te Arawa.
 - From a tangata whenua perspective there would be benefit in having someone who could support Member Rice in this mahi about coordinating the needs and aspirations of the tangata whenua members around the table when Member Rice would not be able to do this.
-

RECOMMENDATION

1. That the Kaimahere Matua – Senior Kaupapa Māori Planner's report dated 10 May 2023 titled Te Ihu o te Waka o Te Arawa – Procedural Matters be received.
 2. That the Te Ihu o te Waka o Te Arawa Forum appoint Member Geoff Rice as the Chairperson of Te Ihu o te Waka o Te Arawa.
 3. That the Te Ihu o te Waka o Te Arawa Forum appoint Member Petere Tapsell as a stand in for Member Geoff Rice should he be absent .
-

SUSPENSION OF STANDING ORDERS

SUSPENSION OF STANDING ORDERS

The Committee resolved to suspend standing orders for the remainder of the meeting in order to move into a workshop. The following agenda items were addressed in the workshop:

1. Review of Te Ara Mua
 2. Long Term Plan Presentation
 3. Late Item: Te Puke Spatial Plan
-

RESOLUTION TA23-1.4

Moved: Deputy Mayor J Scrimgeour

Seconded: Member Geoff Rice

That Te Ihu o Te Waka o Te Arawa suspend standing orders for the remainder of the meeting in order to move into a workshop.

CARRIED

The Meeting closed at 10:20am

Confirmed as a true and correct record at the Te Ihu o te Waka o Te Arawa meeting held on 2 August 2023

Unconfirmed

12 REPORTS

12.1 ESTABLISHMENT OF CCTV WORKING PARTY AND DELEGATIONS FOR THE 2023-2024 YEAR

File Number: A5446047

Author: Kerrie Little, Operations Manager

Authoriser: Gary Allis, Deputy Chief Executive & General Manager Infrastructure Group

EXECUTIVE SUMMARY

The purpose of this report is to establish a Closed Circuit Television Camera (CCTV) Working Party for the 2023-2024 year, to review CCTV applications in terms of the CCTV Management Plan criteria and allocate annual funding.

RECOMMENDATION

1. That the Operations Manager's report dated 29 June 2023 titled 'Establishment of CCTV Working Party and Delegations for the 2023-2024 Year' 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 it be recommended to Council:
 - a. That a CCTV Working Party be established comprising of:
 - i. Katikati-Waihi Beach Ward 1 Councillor
 - ii. Kaimai Ward 1 Councillor
 - iii. Maketu-Te Puke Ward 1 Councillor
 - iv. Operations Manager 1 Staff Member
 - v. New Zealand Police 1 Representative
 - b. That the CCTV Working Party be delegated authority to:
 - i. Advertise for applications to install CCTV cameras;
 - ii. To evaluate the applications against the CCTV Management Plan Criteria; and
 - iii. To allocate the annual funding of \$50,000.
 - c. That the following Councillors be appointed to the CCTV Working Party for the 2022-2024 year:
 - i. Katikati-Waihi Beach - Cr Rodney Joyce
 - ii. Kaimai Ward - Cr Margaret Murray-Benge
 - iii. Maketu-Te Puke Ward - Cr Richard Crawford

BACKGROUND

Council has approved funding and a Management Plan for CCTV within the District as part of the Long Term Plan.

The proposal is to establish a CCTV Working Party, with decision-making responsibility for approval of funding and location for CCTV. The alternative is for the decision to be made by either the Projects and Monitoring Committee or Council, based on a Working Party recommendation.

The proposal for the CCTV Working Party to make the allocation decisions is consistent with the process established for the Community Matching Fund Working Party.

Council has to approve the purchase of CCTV by Community Boards when they fund the purchase costs and ongoing operational costs from their budget allocations.

It is therefore proposed that a Working Party, comprising of a Councillor from each Ward, the Operations Manager, and a member of New Zealand Police, be established, with final decision making delegated to the Working Party as they relate to funding and location of the CCTV's.

The implementation of the decisions will be managed by staff.

SIGNIFICANCE AND ENGAGEMENT

In terms of the Significance and Engagement Policy, the decision to appoint Councillors to a Working Party with decision-making powers is considered to be of low significance because CCTV has been specifically canvassed within the Long Term Plan (LTP) process and has received significant support from the public. The process is now to implement the agreed policy.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication	
Council	Towards the end of 2023, the Project and Monitoring Committee will receive a full report on the applications received for CCTV received and all decisions made.	Planned
General Public	The funding availability and application process will be advertised in the media through Council's usual communication channels. Both successful and unsuccessful applicants, through their nominated first contact person, will	

	<p>be advised of the outcomes in writing, within three weeks of the decisions being made.</p> <p>Community Board's will be advised of the outcomes in the next meeting round post decision making.</p>	
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STATUTORY COMPLIANCE

The recommendation(s) meets Council's:

- Current Management Plan for CCTV;
- Legislative requirements/legal requirements;
- Current council plans/policies/bylaws and
- Regional/national policies/plans.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
	<p>\$50,000 has been allocated for installation of CCTV for the 2023 financial year.</p> <p>In addition, Community Boards have the ability to allocate capital and operational expenditure for the installation of CCTV from their budgets, should they so choose.</p>

12.2 DISTRICT LICENSING COMMITTEE - PROCESS FOR THE APPOINTMENT OF COMMISSIONERS AND MEMBERS

File Number: A5254995

Author: Dougal Elvin, Compliance and Monitoring Manager

Authoriser: Alison Curtis, General Manager Regulatory Services

EXECUTIVE SUMMARY

1. The purpose of this report is to advise Council about the process to appoint commissioners and members to the District Licensing Committee (DLC) to enable appointees to undertake duties under the Sale and Supply of Alcohol Act 2012.

RECOMMENDATION

1. That the Compliance and Monitoring Manager's report dated 29 June 2023 titled 'District Licensing Committee – Process for the Appointment of Commissioners and Members' 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 Council will advertise for expressions of interest in membership for the District Licensing Committee.
4. That the Mayor will establish a panel consisting of staff, an elected member/s and tangata whenua representative, to review applications and make recommendations to Council for approval.

BACKGROUND

2. The Sale and Supply of Alcohol Act 2012 requires Councils to establish a list of members to serve on District Licensing Committees. The purpose of the District Licensing Committee is to apply the requirements of the Sale and Supply of Alcohol Act 2012 including:
 - To consider and determine applications for all licences and manager's certificates.
 - To consider and determine applications for temporary authorities to carry on the sale and supply of alcohol.
 - To consider and determine applications for special licences.
 - To conduct inquiries and to make reports as may be required of it by the licensing authority.
3. The District Licensing Committee, whilst a committee of Council, operates with the powers of a commission of enquiry. The District Licensing Committee can issue,

summons, and require production of documents as a board of enquiry. It is required to issue legal decisions. These decisions can be appealed to the Ministry of Justice Tribunals department through the Alcohol Regulatory Licensing Authority, and through to the High Court.

4. These powers are greater than other Council committees and particular care is required to ensure that the selection process is built on an understanding of the competencies under the Act.

CURRENT DISTRICT LICENSING COMMITTEE MEMBERSHIP

5. The current Committee is a combination of commissioners and members as follows:
 - Councillor Don Thwaites - Deputy Chair/Member;
 - Murray Clearwater - Commissioner/Member;
 - Arthur Wilkinson - Commissioner/Member
 - Beverly Edlin - Commissioner/Member;
 - James Davision – Member; and
 - Steve Williams – Member.
6. The Sale and Supply of Alcohol Act stipulates that members may be approved for a period of up to 5 years and can be reappointed for any 1 or more periods of up to 5 years. It is anticipated that a number of the current DLC will reapply for membership.
7. The current committee representative's contracts are for a period of 5 years and are due to expire in September 2023. Appointment and reappointment of the committee members and commissioners is required to be decision of the Territorial Authority.

COMMISSIONER APPOINTMENTS

8. Due to the weekly decision workload for the District Licensing Commissioner in relation to hearings and legal decision-writing, a list of commissioners is recommended. These commissioners are responsible for writing of all decisions for applications received, consideration of waivers by applicants and the preparation and writing of legal decisions from hearings, including keeping current and applying consideration of recent case law to their decisions. The workload will be shared across the commissioners.
9. The requirements for Commissioners (in conjunction with regulatory staff) under the Act are to ensure that the Committees operate with a high degree of legal rigour. Council's reputation rests on the collective legislative knowledge of the committee, and in particular, the Commissioner who is required to write the decisions.
10. Alcohol licensing hearings are often attended by legal counsel for those businesses appearing before the Committee. Legal arguments and case law are presented in support of their arguments. It is the Commissioner's role to ensure that the hearing is conducted fairly, and that the decision reflects all the information presented and considered in the decision. The Committee, via the Commissioner, can also issue

minutes, directions and undertake further enquiries through its commission of enquiry status prior to a final decision.

11. Experienced commissioners bring a wealth of knowledge and depth of understanding of the Sale and Supply of Alcohol Act 2012. As Commissioners are often required to chair meetings of the Committee, the commissioners need to ensure that Council decisions are well presented and legally robust.

MEMBER APPOINTMENTS

12. Members of the Committee can be community members or Elected Members of Council. Membership of the Committee by Elected Members ceases when that person no longer sits on Council.
13. Elected Members participation on the DLC and involvement in licensing hearing matters may present conflict of interest considerations for Elected Members on local alcohol matters.
14. Members need to have knowledge of alcohol licensing matters from a community perspective, have legislative experience, including knowledge of the Sale and Supply of Alcohol Act 2012.

COMMUNITY PARTICIPATION ON LICENSING MATTERS

15. Council community engagement through the Local Alcohol Policy (LAP) process raised a number of matters that were outside of the LAP, in particular how community representation and involvement in licensing decisions could be increased.
16. As part of the LAP engagement process, feedback was sought from Ngai Te Rangi Iwi Trust as a Māori health service provider in November 2021.
17. Ngai Te Rangi Iwi Trust submitted feedback with respect to the LAP, which also proposed that Iwi have a voice in the decision-making process, and subsequently requested to be included on the selection panel for the District Licensing Committee. It was emphasised that Iwi representation on the District Licensing Committee provides local input and insight and increases the Māori perspective in decision-making.
18. As part of the decision making in relation to the LAP, the following resolution was put and carried at the Policy Committee meeting on 22 March 2022:

Resolution PP22-2.19-Part 11:

- *That the non-regulatory actions, set out in paragraph 22 of the agenda report, also be progressed.*

Paragraph 22 (b) (*of the agenda report*) is significant to the DLC recruitment process as it states the following:

- *Council seeks a wide diversity of candidates for the District Licensing Committee and consider who is included on the appointment panel.*

19. To acknowledge and progress Resolution PP22-2.19-Part 11, it is important to consider how Council will recruit for the District Licensing Committee in order to capture a wide audience of diverse candidates, and to also consider who will be on the appointment panel.
20. Officers will be undertaking engagement as follows for the expressions of interest for members:
 - Advertising and promotion on Council's website for expressions of interest.
 - Direct communication with Community Boards and Council's partnership forum, for expressions of interest.
 - Advertising through Seek, and Trade Me for expressions of interest.
21. The appointment panel will consist of a staff member, Council's Compliance and Monitoring Manager and other appointees, including iwi representation, to be determined by the Mayor, in consultation with staff.

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 low significance because the Committee membership is not being determined at this time. This report is to advise on the process that is about to be commenced.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Process/Timeline

- A. June/July 2023 – Begin Advertising for Expressions of Interest:
 - Council will advertise for expressions of interest.
- B. June/July 2023 – Select Interview Panel:
 - An interview panel will be appointed consisting of the District Licensing Committee Secretary, Council's Compliance and Monitoring Manager and two other appointees.
- C. July 2023 – Interviews and Candidate Selection:
 - Selected candidates will be interviewed by the panel through a formal and rigorous process, scoring applicants on the criteria as set by LGNZ. The interview panel will then convene to select the candidates to be recommended for appointment.

- The candidates selected for interview will be chosen based on eligibility under the Act and their ability to meet the Local Government New Zealand (LGNZ) criteria 'Competency Guidance for DLC Members- Sale and Supply of Alcohol Act 2012 District Licensing Committee (DLC)' dated January 2015. (**Attachment 1**).

D. 31 August 2023 - Report to Council for Appointment of Commissioners and Members:

- Final report to Council with recommendations for the appointments of commissioners and members.

Interested/Affected Parties	Completed/Planned Consultation/Communication		
Name of interested parties/groups	Information will be supplied to interested parties such as the District Health Board, the Police, and other community organisations who may have suitably qualified interested persons.	Planned	Completed
Tangata Whenua	Engagement is proposed to be undertaken with Te Ihu o te Waka o Te Arawa and Te Kāhui Mana Whenua o Tauranga Moana around the potential to apply to be a member of the DLC.		
General Public	Public advertisements requesting registration of interest will be placed.		

ISSUES AND OPTIONS ASSESSMENT

Undertake expressions of interest process for selection (and re-appointment) of District Licensing Committee members	
<p>Reasons why no options are available.</p> <p>Territorial Authorities must appoint 1 or more District Licensing Committees, to deal with licensing matters in its District.</p> <p>Territorial Authorities must establish and maintain a list of Committee members, these members must have experience relevant to alcohol licensing matters.</p> <p>A person may be approved for inclusion for a period of up to 5 years. Following a 5-year term Council may approve for reappointment.</p>	<p>Legislative or other reference</p> <p>s.186 of the Sale and Supply of Alcohol Act 2012</p> <p>s.192(1) of the Sale and Supply of Alcohol Act 2012</p> <p>s.192(3) and (4) of the Sale and Supply of Alcohol Act 2012</p>

STATUTORY COMPLIANCE

25. The requirement for Territorial Authorities to appoint 1 or more District Licensing Committees is prescribed under the Sale and Supply of Alcohol Act 2012.
26. Local Government New Zealand publication, 'Sale and Supply of Alcohol Act 2012, District Licensing Committee (DLC), Competency Guidance for DLC members, is referenced in determining competency best practice re competency requirements for members.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
Liquor Licensing 50-02-06	District Licensing Committee member payments are determined by the Ministry of Justice through the cabinet fees framework. The District Licensing Committee is funded through the liquor licensing activity.

ATTACHMENTS

1. **DLC Competency Guidance**  

Sale and Supply of Alcohol Act 2012 District Licensing Committee (DLC) Competency Guidance for DLC Members



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We would like to acknowledge those involved in supporting Local Government New Zealand (LGNZ) in the preparation of this document including the Health Promotion Agency (HPA), Allen + Clarke Policy and Regulatory Specialists and InToto Projects. Thank you also for the input and support provided by the advisory group established for the purposes of this project as well as members of the LGNZ/HPA Alcohol Reference Group and the Ministry of Justice.

Section 1. Introduction

Guidance This document provides guidance to territorial authorities on the competencies needed by members of District Licensing Committees (DLC). The guidance is high-level and is intended to assist territorial authorities in:

- the selection and appointment of DLC members;
- establishing DLCs, regardless of the size of the organisation or the number of licensing applications; and
- tailoring the DLC selection process to fit local circumstances.

The Sale and Supply of Alcohol Act 2012 (the Act) provides that decisions on all licences and managers' certificates, whether opposed or unopposed, are made by DLCs established by territorial authorities.

While it is a committee of Council, a DLC operates with the powers of a commission of inquiry. DLCs function under the regulatory framework as a semi-judicial board of inquiry, making decisions that can be appealed.

The Act promotes a stricter regime than its predecessor and is aimed at reducing harm to the community.¹ It provides greater scope for DLCs and the Alcohol Regulatory and Licensing Authority (ARLA) to consider whether the granting of a licence is likely to increase alcohol-related harm, and whether it will negatively impact the community.

The object of the Act states that:

- (a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
 - (b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
-

¹ Dormer, Alan. 2013. *Brookers Sale and Supply of Alcohol Act 2012 Handbook*. Wellington

Section 2. Functions and Powers of a DLC

Functions and powers

A DLC has the function of considering all licence applications (new and renewed on-, off-, club and special licences) all managers' certificate applications (new and renewed), and temporary authorities. It considers all applications regardless of whether they are opposed or unopposed. DLCs also consider and determine applications for the variation of all licences and also the suspension, or cancellation of special licences.

A DLC may refer applications to the Alcohol Regulatory and Licensing Authority (ARLA) with the permission of the ARLA chair. A DLC may also be required to conduct inquiries and make reports as requested by ARLA. The role and functions of a DLC are set out in s.187 of the Act. A territorial authority must establish at least one DLC and may have more depending on its requirements.

When considering the functions of a DLC, territorial authorities must understand the powers of the DLC and the implications that these powers may have on establishing a DLC. Every DLC is a committee of its territorial authority² [s.200], but a DLC has the powers of a Commission of Inquiry under the Commission of Inquiry Act 1908 [section 201]. This means that a DLC can issue summonses³ requiring the attendance of witnesses before it or the production of documents.

It also has the power to rehear any matter that it has determined. These powers are greater than other Council committees and particular care is required to ensure that the membership selection process is built on a strong understanding of the competencies required. Table 3 sets out these competencies (see page 18 of this document).

² A DLC does not need to comply with Part 7 of the Local Government Official Information and Meetings Act 1987 which relates to meetings. It must follow the procedure requirements set out in of the Sale and Supply of Alcohol Act; however, it regulates its own proceedings by virtue of being a Commission of Inquiry.

³ See s7 of the Commission of Inquiry Act 1908 for witnesses' allowances.

Section 3. Roles and Functions of DLC Members

3.1 DLC Composition – The Chair

A DLC is made up of a chair and two members:

- the chair of a DLC can either be an elected member of the territorial authority;
- or a commissioner appointed by the chief executive, on the recommendation of the territorial authority;
- the territorial authority can decide which of these two options it prefers.

There is no requirement for an elected member of a territorial authority who is appointed as the chair of a DLC to have experience relevant to alcohol licensing matters and there is nothing to prevent an elected member with this type of experience being appointed as chair. If a commissioner is appointed as chair they should have specialist skills and expertise in conducting hearings and may, for example, have a background in resource management hearings.

A commissioner must have:

'Good standing in the community and the necessary knowledge, skill and experience relating to matters that are likely to come before the committee' [S193(2)].

A territorial authority may consider good standing in the community to include those who are respected in the community and hold positions such as a Justice of the Peace, a lawyer, school teacher or other professionally qualified person.

A commissioner must not be appointed if:

- there are grounds for exclusion including involvement, or appearance of involvement with the alcohol industry to the extent that there would be a bias or appearance of bias [s.193(a)]; or
- that the person is a constable, Medical Officer of Health, inspector, or employee of a territorial authority [193(b)].

A commissioner has all the functions, powers and duties of the chairperson [S193(1)]. The Act does not intend for a commissioner to replace a chair (or vice versa) on an ad hoc basis. This also excludes the possibility of a territorial authority delegating the power to appoint a commissioner to the DLC chairperson.

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Section 3. Roles and Functions of DLC Members, continued

3.1 The Chair, continued

The chair can only step aside from a meeting when the reasons outlined in s189(3) apply - principally illness or absence from New Zealand. In this situation a deputy chair, who must be an elected member of the territorial authority may be appointed. A commissioner may not deputise for the chair.

Territorial authorities should ensure that elected members of the DLC are aware that they hold a semi-judicial role and cannot allow electioneering or a political standpoint to influence their decisions. Decisions need to be made according to what is legally correct, and must not be influenced by concerns that the decision may be unpopular and affect the member's re-election prospects.

3.2 DLC composition - Members

Members of a DLC:

- are eligible people approved by the territorial authority selected from a list of potential DLC members with experience relevant to alcohol licensing matters, as described in s.192 of the Act;
- these can be community members or elected members of a territorial authority.

The list:

- Ensures that DLC membership is flexible and can accommodate changes in the availability of members.
- Must be established, maintained and published by the territorial authority and can be a combined list with one or more territorial authorities. A combined list will ensure a greater pool of skills and expertise for the territorial authority to select from when appointing DLC list members.
- Each territorial authority decides a process for determining which list members will sit on each DLC for each of its hearings and may adapt other mechanisms such as those used to select members for resource consent hearings.

In determining what is required for appointment of a DLC member, careful consideration must also be given to s192(5)(a), which prevents a person from being included on the DLC member list who is, or has the appearance of being, involved with the alcohol industry. This can include the person's relationship with another person.

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.2 Members, continued Under s192(5)(b) certain people cannot be included on the list, including constables, Medical Officers of Health, licensing inspectors and employees of the territorial authority.

Examples of who may or may not be included in the list are provided in Table 1 (see page 8 of this document). This is not exhaustive but is designed to provide territorial authorities with an idea of who to consider in establishing a DLC member list.

3.3 Term of office DLC members, and the chair (whether elected member or commissioner), are appointed for a period of up to five years (as decided by the territorial authority). They can be reappointed for one or more further periods of up to five years.

Any DLC member can resign at any time and can be removed for inability to perform functions, neglect, bankruptcy or misconduct [s194].

An elected member cannot continue as the chairperson of a DLC if they cease to be an elected member of the territorial authority. However a territorial authority can appoint an elected member as a commissioner if they have the required competencies. Advice from the Ministry of Justice is that:

“As a transitional measure around elections, an elected member who is a Chair can be appointed as a Commissioner either until a new elected member can take the position or he or she may remain as a Commissioner if the territorial authority considers that desirable.”

3.4 Meetings and quorum The quorum for a DLC meeting is three members [s.191] except when applications for new or renewed licences or manager’s certificates where no objection has been filed and no matters of opposition have been raised. In this situation, the chair can form a quorum of one and consider and decide to approve the application on his or her own. When the chair acts as a quorum of one, this is considered to be a meeting of the DLC.

No decision to decline an application may be made by the chair acting alone. All decisions on applications that are opposed, not likely to be approved, or are for a temporary authority must be heard by the full DLC. Decisions are decided by majority vote.

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

Table 1: Examples of inclusions and exclusions for DLC list members

Examples of who could be included on the DLC member list (if they meet the criteria of the Act)	Examples of who should be excluded from the DLC member list
<ul style="list-style-type: none"> • Former licensing inspector • Former Medical Officer of Health • Former council employees • Former licensee • Justice of the Peace • Retired district court judge • Former politicians • Former constable in the role of Alcohol Harm Reduction Officer • Former consultants in the alcohol industry • Trainer for licensing industry • Previous member of staff of Liquor Licensing Authority 	<ul style="list-style-type: none"> • Involvement or appearance of involvement with the alcohol industry s192(5)(a) (consider pecuniary interests) – e.g. <ul style="list-style-type: none"> ○ Owner/licensee/building owner of a restaurant, bar or café holding a licence ○ Shareholder or director in the above ○ Trustee on a charitable trust, e.g. Lions Foundation, Licensing Trust (can be a member of a charitable trust but not maintain a governance position by sitting on the board), due to funds obtained through gambling machines located in licensed premises. • Alcohol industry representatives (s192(5)(a)) • Lobbyist representatives (s192(5)(a)) • Holder of a managers certificate (s192(5)(a)) • Constable, Medical Officer of Health, an inspector or an employee of that territorial authority (s192(5)(b))

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Section 3. Roles and Functions of DLC Members, continued

3.5 Conflict of Interest and Bias

Those affected by the decisions are more likely to have trust and confidence in the process if they believe that the decision making process is impartial. This also reduces the risk of legal challenge. In considering the appointment of any member of a DLC, a territorial authority must carefully consider any actual or perceived conflicts of interest, as the decisions made by the member must have no bias or perception of bias.

Bias or predetermination is evident where a DLC member has a strong opinion, or is seen to be one-sided on an issue. This includes instances where a member has taken a public position on an issue they have been appointed to make a decision on, as well as instances where they have a 'known' position on an issue (due to previous involvement, interests, or statements). For example, any person who has a strong view either opposed to or in favour of increasing or decreasing licensed outlets should not be appointed to a DLC.

A conflict of interest will exist when a member's duties or responsibilities to the DLC could be affected by some other interest or duty that the member may have. Conflicts of interest can arise as a result of a number of reasons, including a DLC member having previously submitted on a licence application decision, or having been a part of a community organisation that has submitted on a decision. This conflict may arise due to a member's own financial affairs or those of persons close to them, existing relationships that could be affected by decisions of the DLC, previous roles, or even something that has been said or done to suggest a conflict.

It must also be made clear to potential DLC members that the role they are proposing to undertake is not one of advocacy. Any form of advocacy will be deemed a conflict of interest and places a decision in jeopardy.

The onus is on those applying to the territorial authority to be included on the DLC member list to disclose any conflict of interest, preferably at the time of application or at least prior to the time that the conflict arises. The territorial authority must assess conflicts of interest on a case-by-case basis.

Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.5 Conflict of Interest and Bias, continued

The questions in the following diagram can be used to alert or prompt potential DLC applicants to possible conflicts of interest. It may be kept in mind for recruitment purposes and for consideration of applications. Note that these are only prompts for discussion and not in themselves an indication of a potential DLC member actually having a conflict of interest



Continued on next page

Section 3. Roles and Functions of DLC Members, continued

3.6 Support and training for DLC members Support for DLCs in the form of technical guidance and training is important to ensure the ongoing capability of the DLC. Training for DLC members and support staff is a desirable pre-requisite for all DLC members.

The ongoing technical support for DLC members will depend on the capacity and capability of a territorial authority. Support may come from territorial authority staff such as the committee secretary or members of the legal team (where appropriate). Territorial authorities may wish to engage an external advisor to provide guidance on specific matters such hearing procedures, the use of evidence, and the writing of decisions.

Section 4. Competencies

Competency guide

The competencies described in table 2 (see pages 13-15 in this document) are intended to guide territorial authority staff in the development of job descriptions and the selection process of DLC members. The competencies are provided at a level that each territorial authority can interpret as appropriate to their local situation and to those who are likely to apply.

As discussed in section 2 of this document, the mandatory requirements of DLC members and chair are clearly set out in the Act. The territorial authority must be satisfied that, overall, the candidates meet the legal test applicable to each type of applicant. The competencies listed in table 2 might help the territorial authority reach an overall view on this point.

For example, the essential competencies include the skills, knowledge and attributes that are necessary for the role. Desirable competencies are those qualities that may be useful, but are not critical. Chairpersons and list members would demonstrate different levels of experience and expertise against the various competencies but collectively the ideal should be for all competencies to be covered.

It is important for territorial authorities to note that table 2 is for guidance only and not to be interpreted as a strict checklist. That is, candidates who do not meet every requirement before appointment can instead be actively supported in their role to develop a particular skillset.

The competencies are considered for the chair or a member.

NB:

- A chairperson is an elected member.
- A commissioner is not an elected member. S193(2) of the Act states: "The chief executive may only appoint a person as a commissioner if that person is of good standing in the community and has the necessary knowledge, skill, and experience relating to matters that are likely to come before the committee".
- However, a TA can appoint an elected member as a commissioner assuming they have the competencies necessary to fulfill their functions under the Sale and Supply of Alcohol Act 2012. Advice that MoJ has given before stated: "*As a transitional measure around elections, an elected member who is a Chair can be appointed as a Commissioner either until a new elected member can take the position or he or she may remain as a Commissioner if the TA considers that desirable.*"

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Section 4. Competencies, continued

Table 2: Competencies for DLC chairperson/Commissioner and DLC list members		
CHAIRPERSON/COMMISSIONER		
Competency descriptor	Essential	Desirable
1: Experience relevant to alcohol licensing matters – Demonstrates knowledge of alcohol licensing matters and demonstrates active interest and ability to build new knowledge in this area.		
Knowledge of alcohol licensing		✓
Demonstrate experience of legal and regulatory alcohol environment	✓	
Knowledge of the Sale and Supply of Alcohol Act 2012	✓	
2: Understanding of harm caused by the consumption of alcohol – Demonstrates knowledge of the Act and alcohol related harm.		
Knowledge of alcohol-related harm and its impact on communities		✓
3: Community knowledge - Demonstrates knowledge of the community for which DLC operates.		
Awareness and understanding of the local alcohol policy (if relevant)	✓	
Understanding of community expectations around licensing		✓
4: Quality decision making – Utilises analysis, wisdom, experience, and logical methods to make good decisions and solve difficult problems with effective solutions. Probes beyond stated situation to identify underlying issues.		
Considers information from a variety of sources in an objective, unbiased way to reach a conclusion	✓	
Ability to sort fact from fiction	✓	
Operates independently with little direction	✓	
Applies pragmatic decision-making	✓	
Chairperson experience	✓	
Balanced assertiveness	✓	
5: Hearing experience – Demonstrates knowledge of the purposes of the hearing process and demonstrates knowledge of applying the legislation.		
Understanding and application of the legislation	✓	
Understanding written decisions	✓	
Interpreting case law	✓	
Knowledge and understanding of hearings procedure	✓	
6. Strong communication – Demonstrates effective written and oral communication skills. Can write clearly and succinctly. Listens to others and asks questions to gain understanding. Facilitates good working relationships with other DLC members and offers constructive input.		
Strong oral and written communication skills	✓	
Knowledge of and ability to operate under rules of confidentiality	✓	
Skills in questioning- ability to drill down to the issue	✓	
Writes clear and well thought-out decisions	✓	
7. Professional integrity – Upholds professional integrity at all times.		
Demonstrates behaviours that are consistent with standards for professional and ethical conduct	✓	
Refrains from behaviour that fosters the appearance of conflict of interest	✓	
Applies rules and regulations in a consistent, non-biased manner	✓	

Section 4. Competencies, continued

Table 2, continued: Competencies for DLC chairperson/Commissioner and DLC list members		
DLC LIST MEMBERS		
Competency descriptor	Essential	Desirable
1: Experience relevant to alcohol licensing matters – Demonstrates knowledge of alcohol licensing matters and demonstrates active interest and ability to build new knowledge in this area.		
Knowledge of alcohol licensing	✓	
Demonstrate experience of legal and regulatory alcohol environment		✓
Knowledge of the Sale and Supply of Alcohol Act 2012		✓
2: Understanding of harm caused by the consumption of alcohol – Demonstrates knowledge of the Act and alcohol related harm.		
Knowledge of alcohol-related harm and its impact on communities	✓	
3: Community knowledge - Demonstrates knowledge of the community for which DLC operates.		
Awareness and understanding of the local alcohol policy (if relevant)	✓	
Understanding of community expectations around licensing	✓	
4: Quality decision making – Utilises analysis, wisdom, experience, and logical methods to make good decisions and solve difficult problems with effective solutions. Probes beyond stated situation to identify underlying issues.		
Considers information from a variety of sources in an objective, unbiased way to reach a conclusion	✓	
Ability to sort fact from fiction	✓	
Operates independently with little direction		✓
Applies pragmatic decision-making	✓	
Chairperson experience		✓
Balanced assertiveness		✓
5: Hearing experience – Demonstrates knowledge of the purposes of the hearing process and demonstrates knowledge of applying the legislation.		
Understanding and application of the legislation	✓	
Understanding written decisions	✓	
Interpreting case law		✓
Knowledge and understanding of hearings procedure		✓
6. Strong communication – Demonstrates effective written and oral communication skills. Can write clearly and succinctly. Listens to others and asks questions to gain understanding. Facilitates good working relationships with other DLC members and offers constructive input.		
Strong oral and written communication skills	✓	
Knowledge of and ability to operate under rules of confidentiality	✓	
Skills in questioning- ability to drill down to the issue	✓	
Writes clear and well thought-out decisions		✓
7. Professional integrity – Upholds professional integrity at all times.		
Demonstrates behaviours that are consistent with standards for professional and ethical conduct	✓	
Refrains from behaviour that fosters the appearance of conflict of interest	✓	
Applies rules and regulations in a consistent, non-biased manner	✓	

Section 4. Competencies, continued

Table 2, continued: Competencies for DLC chairperson/Commissioner and DLC list members		
SUMMARY FOR BOTH CHAIRPERSON/COMMISSIONER (C) & DLC LIST MEMBERS (DLC)		
Competency descriptor	Essential	Desirable
1: Experience relevant to alcohol licensing matters – Demonstrates knowledge of alcohol licensing matters and demonstrates active interest and ability to build new knowledge in this area.		
Knowledge of alcohol licensing	DLC	C
Demonstrate experience of legal and regulatory alcohol environment	C	DLC
Knowledge of the Sale and Supply of Alcohol Act 2012	C	DLC
2: Understanding of harm caused by the consumption of alcohol – Demonstrates knowledge of the Act and alcohol related harm.		
Knowledge of alcohol-related harm and its impact on communities	DLC	C
3: Community knowledge - Demonstrates knowledge of the community for which DLC operates.		
Awareness and understanding of the local alcohol policy (if relevant)	C / DLC	
Understanding of community expectations around licensing	DLC	C
4: Quality decision making – Utilises analysis, wisdom, experience, and logical methods to make good decisions and solve difficult problems with effective solutions. Probes beyond stated situation to identify underlying issues.		
Considers information from a variety of sources in an objective, unbiased way to reach a conclusion	C / DLC	
Ability to sort fact from fiction	C / DLC	
Operates independently with little direction	C	DLC
Applies pragmatic decision-making	C / DLC	
Chairperson experience	C	DLC
Balanced assertiveness	C	DLC
5: Hearing experience – Demonstrates knowledge of the purposes of the hearing process and demonstrates knowledge of applying the legislation.		
Understanding and application of the legislation	C / DLC	
Understanding written decisions	C / DLC	
Interpreting case law	C	DLC
Knowledge and understanding of hearings procedure	C	DLC
6. Strong communication – Demonstrates effective written and oral communication skills. Can write clearly and succinctly. Listens to others and asks questions to gain understanding. Facilitates good working relationships with other DLC members and offers constructive input.		
Strong oral and written communication skills	C / DLC	
Knowledge of and ability to operate under rules of confidentiality	C / DLC	
Skills in questioning- ability to drill down to the issue	C / DLC	
Writes clear and well thought-out decisions	C	DLC
7. Professional integrity – Upholds professional integrity at all times.		
Demonstrates behaviours that are consistent with standards for professional and ethical conduct	C / DLC	
Refrains from behaviour that fosters the appearance of conflict of interest	C / DLC	
Applies rules and regulations in a consistent, non-biased manner	C / DLC	

Section 5. Key Relationships

Key relationships

The key relationships that all DLC members must effectively maintain and manage include:

Internal Relationships

- Territorial authority staff members including democratic services, legal team
- DLC Secretary

External Relationships

- Police
 - Inspector
 - Medical Officer of Health
 - ARLA representatives.
-

Section 6. Resourcing Requirements

Applications Table 3 (on the following page) provides a suggested percentage split of the types of applications that a territorial authority may receive. This split will differ according to each territorial authority's situation and experience.

The table also provides indicative sitting times for the different types of applications. This information is provided by the Ministry of Justice and is based on figures provided by 15 representative councils. The following assumptions have been made for the calculation of the estimated sitting times:

Unopposed applications:

- It is expected that unopposed applications will generally be considered 'on the papers' (that is without a hearing) and, in many cases, will be approved by the chairperson of the DLC on their own. The Chair, acting as a quorum of one, may not decline an unopposed case but must refer it to for a full DLC hearing.
- Special licences are assumed to take as long as unopposed manager's certificates and be considered by the DLC chairperson alone.

Opposed applications:

- Considering opposed applications is more time-consuming than unopposed applications. Opposed applications must be considered by the full DLC and must be considered by way of a public hearing (unless the objector does not require a hearing, the objection is withdrawn, or it is considered vexatious or out of scope).
- Based on prior ARLA experience hearings for opposed licence applications typically take 3-6 hours and hearings of opposed manager's certificates typically take one hour.

Table 3 brings the assumptions together to create an indicative estimate of the direct costs of DLCs. This does not include the cost of additional council support staff to service the DLC. The fees for DLC members are set according to Cabinet fees framework. The DLC Chairperson is entitled to \$624 per day (\$78 per hour for part days) and other members will receive \$408 per day (\$51 per hour for part days).

Continued on next page

Section 6. Resourcing Requirements, continued

Table 3: Indicative estimate of the direct costs of DLCs.

Estimated percentage split by application type and estimated sitting time required for each			
Application	Considered by	Estimated % split of application type	Estimated DLC members' time (sitting hours only)
Unopposed manager's certificates	Chairperson or Commissioner DLC	95%	0.33
Opposed managers' certificates- hearing	Full DLC	5%	1.5
Temporary Authority	Full DLC	100%	0.5
Unopposed licences	Chairperson or Commissioner DLC	70%	0.5
Opposed licences – hearing	Full DLC	30%	5
Unopposed special licences	Chairperson or Commissioner DLC	99%	0.33
Opposed special licences	Full DLC	1%	2 (though will vary depending on circumstances)

12.3 SMARTGROWTH LEADERSHIP GROUP (JOINT COMMITTEE) MEMBERSHIP AND TERMS OF REFERENCE

File Number: A5476700

Author: Lizzie McEwan, Privacy and Official Information Advisor

Authoriser: Rachael Davie, General Manager Strategy and Community

EXECUTIVE SUMMARY

1. The purpose of this report is to approve the refreshed SmartGrowth arrangements as per the SmartGrowth Leadership Group resolutions from the meeting of 5 April 2023.

RECOMMENDATION

1. That the General Manager Strategy and Community's report dated 29 June 2023 titled 'SmartGrowth Leadership Group (Joint Committee) Membership and Terms of Reference' 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 Council approves the SmartGrowth Leadership Group (Joint Committee) Agreement 2023 and SmartGrowth Leadership Group Committee Terms of Reference (**Attachment 1** of this report).
4. That it is noted that the recruitment process for the Independent Chair position is underway.
5. That the process for appointing tangata whenua representatives be reviewed as part of the development of the SmartGrowth strategy.

BACKGROUND

2. The SmartGrowth Leadership Group considered a SmartGrowth Governance Refresh Proposal at their meeting on 5 April 2023 and the following resolutions were put and carried:

That the SmartGrowth Leadership Group:

- a) **Resolved** to proceed with the Refresh.
- b) **Resolved** to accept the draft SmartGrowth Leadership Group Agreement and associated Terms of Reference contained in Appendix Two of the report dated 5 April 2023 and clarifying the Terms of Reference that each partner Council appoints three representatives.

- c) **Noted** that resolutions 1 and 2 above will subsequently be recommended to the SmartGrowth partner agencies for adoption.
- d) **Noted** that any agreed changes to the membership of SLG and SGIG will be implemented after the 5 April SLG meeting, but further work will need to occur on the detailed changes to be made at the SGIG and Secretariat level prior to implementing them.
- e) **Resolved to** commence the recruitment process for the Independent Chair position following this meeting.
- f) **Note that** the Chief Executives have appointed Craig Batchelar as Interim Implementation Advisor while the recruitment process occurs.
3. The proposal key changes involve:
- Composition of SmartGrowth Leadership (SLG) membership.
 - Ministers and Chairs/Mayors (including the Combined Tangata Whenua Forum Chair) to meet outside of SLG.
 - Strengthening the implementation role of the current Chief Executives Advisor Group, to operate as the SmartGrowth Implementation Group (SGIG).
 - Positioning the SmartGrowth Secretariat to contribute to the regional spatial strategy under the RMA Reforms and to better support the SGIG and SLG with an enhanced role in programme management and co-ordination of community engagement.
4. The proposed arrangements are contained in:
- SLG resolved Terms of Reference (**Attachment 1**);
 - SLG resolved Agreement (**Attachment 1**); and
 - Summary of members, key responsibilities, and spatial planning relationships (**Attachment 2**).
5. Tangata whenua wish to review the SLG resolved Agreement (**Attachment 1**) to update the process for appointment of tangata whenua representatives to SLG noting that such appointments do not occur by way of Iwi nomination.

SIGNIFICANCE AND ENGAGEMENT

6. 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.

7. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
8. In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it serves to endorse the SmartGrowth Agreement and committee terms of reference which have been well socialised with committee members.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

9. Taking into consideration the above assessment that the decision is of low significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

NEXT STEPS

10. When all three Councils have passed resolutions to approve the refreshed arrangements the Agreement will be signed by all parties, and letters written to the new members of the SLG.

ATTACHMENTS

1. **SmartGrowth Partnership Agreement 2023 and SmartGrowth Leadership Group Committee Terms of Reference**  
2. **SmartGrowth Partnership Arrangements**  



SmartGrowth Leadership Group (Joint Committee) Agreement 2023

1. Purpose

This Agreement is made pursuant to Clause 30A, Schedule 7 of the Local Government Act 2002 (“LGA 2002”). The purpose is to provide for a Joint Committee of Tauranga City Council, Western Bay of Plenty District Council, the Bay of Plenty Regional Council, and tāngata whenua¹ to undertake and implement strategic spatial planning across the western Bay of Plenty sub-region² in accordance with the SmartGrowth Strategy and the outcomes from the Urban Form and Transport Initiative and the joint spatial plan as agreed between the Crown and the SmartGrowth partners. This joint committee is known as the ‘SmartGrowth Leadership Group’.

The Leadership Group has additional public body representation from Waka Kotahi (the New Zealand Transport Agency - NZTA) through its Director of Regional Relationships, and the Bay of Plenty District Health Board (DHB) Te Whatu Ora - Te Manawa Taki and Water Services Entity B. The Leadership Group also has representation from the Transport System Plan through its Independent Chair and from Priority One, the western Bay of Plenty sub-region's economic development organisation. The NZTA, and DHB Te Whatu Ora, Water Services Entity B, the Transport System Plan Chair and Priority One are non-voting members but have speaking rights.

The SmartGrowth Leadership Group has expanded membership for the Urban Growth Management Partnership and associated programmes to include Central Government.

This Agreement focuses on the Leadership Group, including its membership and delegations. Any additional Memoranda of Understanding that are completed will be in addition, and complementary to, this Agreement.

The joint SmartGrowth Leadership Group has been established to focus on strategic spatial planning, including how these connect with the four well-beings (social, economic, environmental, cultural), and growth management in the western Bay of Plenty sub-region. This will occur through developing and implementing plans and strategies and recommending these to the SmartGrowth partners, as well as monitoring and undertaking reviews in accordance with the delegations set out in section 4 and the principles set out in the Terms of Reference attached to this Agreement as Appendix 1.

The Leadership Group is a formal joint committee pursuant to the Local Government Act 2002 (Clause 30 and 30A, Schedule 7). The Leadership Group will not be discharged at the point of the next election period (in line with Clause 30(7) of Schedule 7, LGA 2002).

2. Membership

The SmartGrowth Leadership Group is to be comprised of three elected member representatives as appointed by each of the local authorities, for Tauranga City and Western Bay of Plenty District this includes including the Mayors and Regional Council Chairperson; and four tāngata whenua representatives to be nominated by Iwi or through any other agreed mechanism. The SmartGrowth Leadership Group may at its discretion appoint an additional tāngata whenua representative.

¹ This is a reference to western Bay of Plenty sub-region tāngata whenua.

² The ‘sub-region’ refers to the territorial areas of Tauranga City Council and Western Bay of Plenty District Council.



In addition, up to three Ministers of the Crown who will have voting capacity, are to be appointed by the Crown. Additional Ministers, if and when relevant and required, can be appointed by the SmartGrowth Leadership Group in a non-voting capacity.

An Independent Chairperson (non-elected member) is to be appointed by the SmartGrowth Leadership Group to chair the Committee. The Independent Chairperson has speaking rights and voting capacity. A Deputy Chairperson is also to be appointed by the SmartGrowth Leadership Group at the beginning of each triennium, from the existing voting membership.

The partners shall also appoint alternates. One nominated alternate shall be appointed by Tauranga City Council, one for Western Bay of Plenty District Council, one for the Bay of Plenty Regional Council, one for tāngata whenua and one for the Crown. These alternates will only attend and participate in Leadership Group meetings if the relevant Mayor, ~~Regional Council Chair~~, Councillor, tāngata whenua, or Ministerial representative is unavailable. The alternates can only speak or vote when deputising for the respective Mayor, ~~Regional Council Chair~~, Councillor, tāngata whenua or Ministerial representative.

The Waka Kotahi - NZTA is to be represented through its Director of Regional Relationships with speaking rights but in a non-voting capacity. The Te Whatu Ora – Te Manawa TakiDHB is also represented on the Leadership Group, by a nominated person to be nominated by the Board with speaking rights but in a non-voting capacity. Water Services Entity B is also represented on the Leadership Group, by a nominated person with speaking rights but in a non-voting capacity.

The Leadership Group has representation from the Transport System Plan through its Independent Chair, with speaking rights but in a non-voting capacity. Priority One is also represented by a nominated person with speaking rights but in a non-voting capacity.

The standing membership of the Leadership Group shall be limited to 22 members (including the Independent Chairperson), but with the power to co-opt up to a maximum of three additional non-voting members where required to ensure effective planning and implementation. In accordance with Clause 30A of Schedule 7 to the Local Government Act 2002, the quorum at a meeting of the Leadership Group shall be 11 voting members.

Other representatives of voting and non-voting organisations are permitted to attend meetings of the Leadership Group. Speaking rights of other representatives at Leadership Group meetings (whether in public session or not) shall only be granted with the prior approval of the Chairperson. In respect of SmartGrowth Leadership Group workshops, all members of partner governance groups can attend and participate.

3. Meeting Frequency

Quarterly, or as necessary and determined by the Independent Chairperson.

Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987 and will be undertaken by the agreed administration authority.

4. Delegations

The SmartGrowth Leadership Group is delegated the following functions in support of its overall purpose:



Co-ordinating Sub-regional Spatial Planning

- Providing sub-regional leadership on spatial planning, growth, infrastructure planning and development, focusing on how these relate to key issues including the four well-beings³ and the sustainable management of natural resources.
- Undertaking high-level spatial or strategic planning and dealing with cross boundary matters.
- ~~Determining as far as practicable consistency between the various Government National Policy Statements~~
- Overseeing and coordinating National Policy Statement on Urban Development implementation, including incorporating the future development strategy requirements into the SmartGrowth Strategy
- Reviewing and updating the SmartGrowth Strategy and the SmartGrowth Settlement Pattern, including adopting any drafts for public consultation.
- Overseeing infrastructure / facilities and the funding necessary to implement the Settlement Pattern.
- Setting overarching sub-regional policy, actions and approaches relevant to the SmartGrowth Strategy.
- Sharing the challenges of implementation and overcoming the barriers moving forward.

Urban Growth Partnership

- ~~Overseeing the development and implementation of a joint spatial plan for the western Bay of Plenty sub-region and associated work streams, including adopting any drafts for public consultation.~~
- Overseeing, including any reviews and monitoring, a joint urban growth or implementation programme.
- Ensuring organisation systems and resources support implementation of the joint spatial plan SmartGrowth Strategy and any associated urban growth programme.
- Addressing cross-boundary matters within the western Bay of Plenty sub-region, as well as with other neighbouring regions.
- Addressing housing affordability matters.
- Monitoring the implementation of the spatial plan SmartGrowth Strategy and the Urban Form and Transport Initiative, along with any associated work streams.
- Reviewing and recommending changes to the spatial plan Strategy if circumstances change.
- Ensuring alignment with existing council plans, strategies and policies, and with existing evidence.
- Ensuring alignment with initiatives existing programmes already underway such as the Urban Form and Transport Initiative.
- Facilitating consultation with the partners, key stakeholders and the wider community where relevant.

Future Thinking and Advocacy

- Having a united voice where issues require joint advocacy.
- Development and leadership of any agreed sub-regional advocacy programme
- Engagement on intra and inter-regional matters where there are impacts beyond the sub-

³ The four well-beings refer to cultural, economic, environmental and social matters.



region,
North Island or

Building our futures together

including matters of Upper
national importance.

- Facilitating community understanding and discussions/conversations.
- Facilitating as agreed, specific consultation with the community on SmartGrowth implementation matters.
- Establishing working groups / forums when considered appropriate.
- Communicating and engaging with key stakeholders where a sub-regional level view is required.
- Identifying and resolving any consultation inconsistencies between the SmartGrowth strategies and subsequent public consultation processes of the partner Councils.

SmartGrowth Strategy Development, Implementation and Alignment Monitoring

- Overseeing the development and implementation of the 2023 SmartGrowth Strategy (which incorporates the requirements of a future development strategy), in particular the strategy actions-Implementation Plan, including adopting any drafts for public consultation.
- Reviewing and recommending adjustments to the strategy if circumstances change.
- Undertaking any comprehensive reviews or updates to the Strategy.
- Ensuring organisation systems and resources support strategy implementation.
- Taking responsibility for progressing those actions specifically allocated to the SmartGrowth Leadership Group in the strategy implementation plan and making sure implementation does occur.
- Champion integration and implementation through partner strategies, programmes, plans and policy instruments (including the Regional Policy Statement, Regional and District Plans, Long Term Plans (LTPs), Annual Plans, transport plans and triennial agreements) and through partnerships with other sectors such as health, education and business.
- Approving submissions to Local Authorities, Central Government and other agencies on SmartGrowth related matters
- Monitoring of the strategic outcomes and ensuring a joined-up approach to strategy implementation, including monitoring and reporting implementation progress against key milestones
- Overseeing the management of the risks identified in implementation.
- Making specific recommendations to partners on the joined-up thinking needed for resolving issues

Committee Operations

- Selecting and appointing an Independent Chairperson and a Deputy Chairperson.
- Implementing any Memoranda of Agreement or Understanding, as adopted by the Leadership Group.
- Establish protocols and arrangements to ensure that implementation, where necessary, is consistent, collaborative and/or coordinated to achieve optimal outcomes.

The Standing Orders of the SmartGrowth Administration Authority will apply to the SmartGrowth Leadership Group.

Central Government's participation in the SmartGrowth Leadership Group does not constitute endorsement of initiatives in any way, and all financial, policy and other decisions still need to be approved by Central Government.



5. Variation of this Agreement

This agreement may be varied from time to time, but only with the agreement of each of the partners.



Execution

Bay of Plenty Regional Council by:

Cr. Jane Nees

Dated:

Tauranga City Council by:

Commissioner Anne Tolley
Chair (Acting)

Dated:

Western Bay of Plenty District Council by:

Mayor James Denyer

Dated:

Tangata Whenua Representatives by:

Name:

Dated:

Central Government by:

Hon. Dr Megan Woods

Dated:



Appendix 1: SmartGrowth Leadership Group Terms of Reference

SmartGrowth Leadership Group (SLG)

Purpose: The purpose of the Joint Committee (SmartGrowth Leadership Group) is to undertake and implement strategic spatial planning across the western Bay of Plenty sub-region⁴ in accordance with the SmartGrowth Strategy and the outcomes from the Urban Form and Transport Initiative and the joint spatial plan as agreed between the Crown and the SmartGrowth partners.

The SmartGrowth Leadership Group carries out its purpose in accordance with the delegations set out in the Agreement.

General Principles: The SmartGrowth Leadership Group operates under the following principles:

- ~~Supporting the aim of developing a thriving western Bay of Plenty sub-region that is prosperous, has high levels of sustainable economic growth, supports affordable housing along with a transport system that can support that growth.~~
- Supporting a ~~four well-being~~ an integrated approach to urban growth and strategic / spatial planning which incorporates cultural, economic, environmental and social well-being
- Building on the SmartGrowth 'live, learn, work and play' vision.
- Reinforcing an integrated planning approach incorporating land use, all infrastructure and funding.
- Building on existing SmartGrowth work, including the outcomes from Urban Form and Transport Initiative ("UFTI"), and the general SmartGrowth arrangements already in place.
- Adopting a shared evidence base so that all parties are using common data.
- Recognising and supporting the existing Urban Form and Transport Initiative ("UFTI") which will underpin the development of ~~one joint sub-regional spatial plan.~~ the 2023 SmartGrowth Strategy.
- Having an integrated SmartGrowth Strategy for the sub-region which includes the requirements for a future development strategy under the National Policy Statement on Urban Development
- Taking account of the Western Bay Transport System Plan and its priorities findings.
- Acknowledging the benefits of a collaborative approach to urban growth and spatial planning, and to share responsibility for such planning between

⁴ The 'sub-region' refers to the territorial areas of Tauranga City council and Western Bay of Plenty District Council.



the parties. ~~in consultation with key sector groups and the sub-regional community~~

- Supporting the values, and economic and social aspirations of tāngata whenua while protecting cultural identity.
- Sustaining and improving the natural environment.
- Responding to climate change at a strategic level.
- Promoting affordable housing.

Monitoring and Review:

The SmartGrowth Leadership Group has responsibility for:

- ~~Six monthly monitoring and reporting on implementation of the principles set out in this Terms of Reference.~~
- ~~Monitoring the implementation of any joint urban growth programme developed.~~
- ~~Monitoring and reporting on SmartGrowth implementation progress against key milestones.~~
- Monitoring and reporting on the implementation of the Urban Form and Transport Initiative, including the key performance indicators

Reviewing and recommending any changes to the SmartGrowth Strategy if circumstances change.

Membership:

That representation of the SmartGrowth Leadership Group be comprised of:

- Three elected member representatives each as appointed by the contributing local authorities, including the Mayors ~~and Regional Council Chairperson of Tauranga City and Western Bay of Plenty District~~ - voting
- Four representatives to be nominated by tāngata whenua - voting
- An Independent Chairperson, to be appointed by the Leadership Group, to chair the Group – voting
- Up to three Ministers of the Crown – voting
- Additional Ministers, if and when relevant and required – non-voting
- One ~~DHB~~ Te Whatu Ora - Te Manawa Takī representative – non-voting
- One NZTA representative – non-voting
- One Water Services Entity B representative – non voting
- One Transport System Plan representative – non voting
- One Priority One representative – non voting
- One alternate member per voting organisation

That the standing membership of the Leadership Group shall be limited to 22 members (including the Independent Chairperson), but the SmartGrowth Leadership Group has the power to co-opt up to a maximum of three additional non-voting members where required to ensure the effective implementation of any part or parts of the SmartGrowth Strategy ~~including the joint (Crown and local partners) spatial plan.~~

Meeting Frequency:

Quarterly, or as necessary and determined by the Independent Chairperson.

SMARTGROWTH ARRANGEMENTS



SmartGrowth Leadership Group

Key responsibilities:

- ✓ Oversight of Growth Management Partnership with the Crown
- ✓ Sub-regional spatial plan development
- ✓ Sub-regional Future Development Strategy development
- ✓ Tangata Whenua spatial plan development
- ✓ Determination of partnership project priorities e.g PDAs
- ✓ Determines key sub-regional inputs into spatial plan
- ✓ Ensure community engagement occurs
- ✓ Responds to legislative change
- ✓ Responds to regional spatial strategy initiatives and provides input & ensuring alignment between RSS & Spatial Plan
- ✓ Oversight of monitoring and ensuring collaboration and delivery against strategic measures - reporting by Implementation Group

Meets 3 monthly

SmartGrowth Implementation Group

Key responsibilities:

- ✓ Oversight of implementation, funding and delivery of approved plans & strategies- (Urban Form & Transport Initiative, Western Bay Transport System Plan, Housing Action Plan, Priority Development Areas, Emissions Reduction Plan etc.)
- ✓ Political and management buy-in
- ✓ Accountability for delivery by all parties
- ✓ Allocation of resources
- ✓ Develops and prioritises work programme
- ✓ Resolves implementation issues
- ✓ Reporting on implementation to governance - SLG

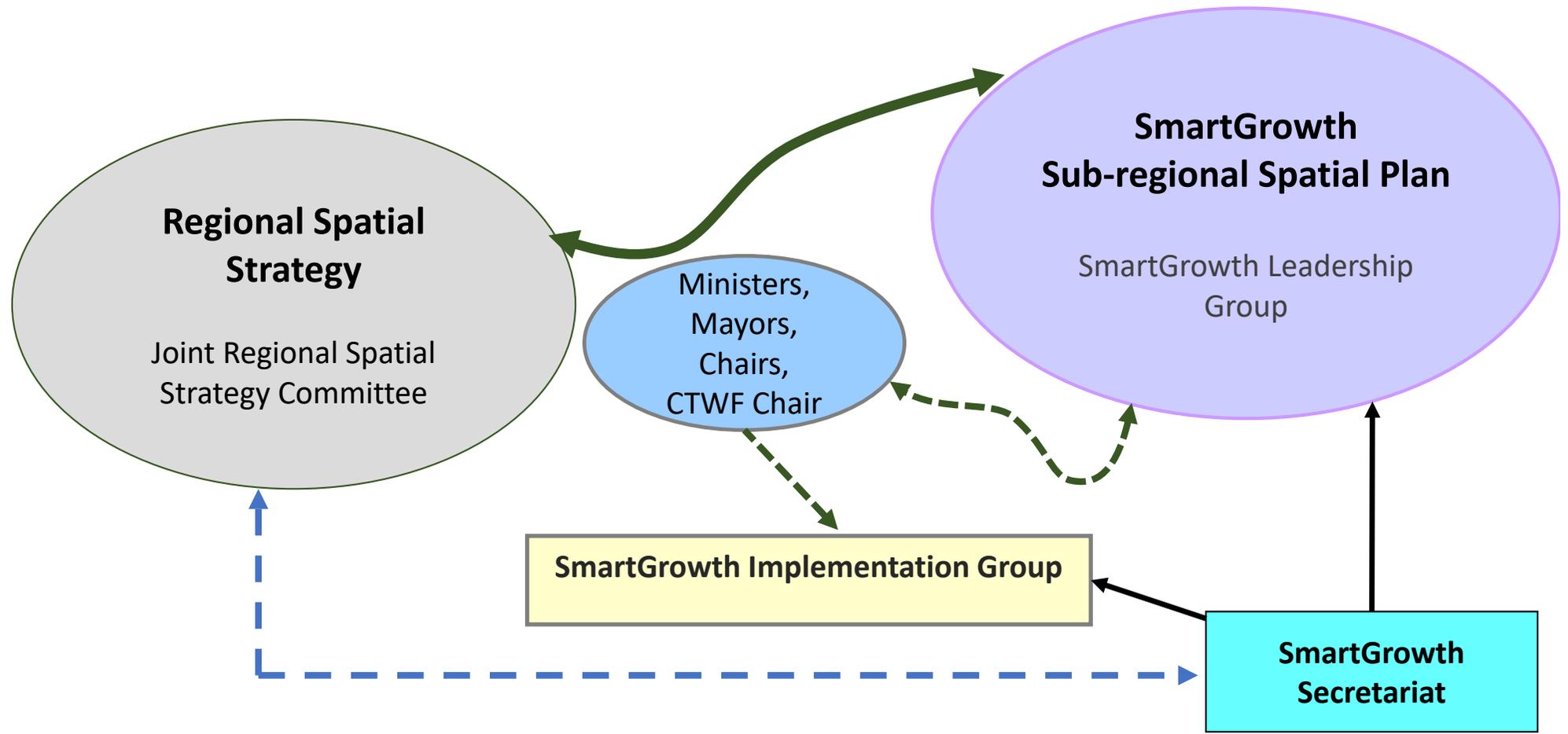
Meets 2 monthly

SmartGrowth Secretariat

Independent Advisor, Tū Pakari Advisors, SG Programme Manager, & others (term contracts, secondment)

Key responsibilities:

- Development of strategic documentation
- Programme management
- Monitors and reports on delivery
- Co-ordination of community engagement
- Advice/support to SLG members
- Managing governance meetings & administrative support (Administration Agency)



Spatial Planning Relationships

12.4 ANNUAL PLAN 2023/2024 UPDATE AND ADOPTION OF THE SCHEDULE OF FEES AND CHARGES 2023/2024

File Number: A5486006

Author: Rebecca Gallagher, Senior Policy Analyst

Authoriser: Rachael Davie, General Manager Strategy and Community

EXECUTIVE SUMMARY

1. This report seeks adoption of the Schedule of Fees and Charges 2023/2024 excluding the indicative financial contributions.

RECOMMENDATION

1. That the Senior Policy Analyst report dated 29 June 2023 titled 'Annual Plan 2023/2024 Update and Adoption of the Schedule of Fees and Charges 2023/2024' 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 Council adopt the Schedule of Fees and Charges 2023/2024 (excluding indicative financial contributions) as contained in **Attachment 1** of this report, and as recommended by the Annual Plan and Long Term Plan Committee resolutions contained in the minutes of APLTP23-4.19.
4. That Council commence the following projects contained in the draft Annual Plan 2023/2024 from 1 July 2023:
 - a) Dave Hume Pool liner, bulkhead, and roof projects.
5. That the Chief Executive Officer be delegated the authority to make such minor editorial changes to the Schedule of Fees and Charges 2023/2024 as may be required

BACKGROUND

2. Council consulted on the draft Schedule of Fees and Charges 2023/2024 between 30 March 2023 and 30 April 2023 alongside the draft Annual Plan 2023/2024. Three community drop-in sessions were held, in Te Puke, Te Puna and Waihi Beach. Further communications are planned once decisions are made and the Annual Plan 2023/2024 and the Schedule of Fees and Charges are both adopted by Council.
3. At the Annual Plan and Long Term Plan Committee Meeting on 14 June 2023 (APLTP23-4.19) the Committee recommended to Council the adoption of the Schedule of Fees and Charges 2023/2024 (excluding indicative financial contributions) subject to the following decisions:

Option 2:

- (a) That the Committee accepts the proposed fees and changes as contained in attachment C with the following amendments:
 - (i) Introduce a new fee for retrofitting insulation (request for exemption) at \$162.25.
4. Council is currently publicly consulting on the indicative financial contributions. The Schedule of Fees and Charges 2023/2024 is proposed to be adopted excluding the financial contributions. Financial Contributions will be considered by Council at a separate later meeting.
5. Due to the delayed adoption of the Annual Plan 2023/2024, consideration is required on any impact this delay may have on projects proposed in the draft Annual Plan 2023/2024. A Council resolution is required to commence those projects that were identified in the draft Annual Plan 2023/2024 but are not contained in the Long Term Plan 2021-2031. These projects also should not be impacted by the outcome of consultation on financial contributions and that Council need to commence work prior to the delayed adoption.
6. Given these considerations, a resolution is required for work to commence on the Dave Hume Pool projects for the bulkhead, liner and roof. This project is weather dependent, and work is required to commence as soon as possible to reduce the impact on pool users.

SIGNIFICANCE AND ENGAGEMENT

7. 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.
8. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
9. In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because the decision is likely to have some public interest with some financial impact for the community. Community Consultation on the matters has been undertaken and the feedback received considered by the Annual Plan and Long Term Plan Committee.

RESOLUTION APLTP23-4.19

10. As recommended by the Annual Plan and Long Term Plan Committee, **Attachment 1** contains the Schedule of Fees and Charges 2023/2024 with the

introduction of the new fee for retrofitting insulation. The Schedule of Fees and Charges excludes the indicative financial contributions which are currently open for public consultation.

11. Council is required to consider the recommendation and resolve accordingly. The following options are available to Council. The Council may resolve to:
 - (a) Adopt as recommended;
 - (b) To modify; and
 - (c) To decline (giving reasons) and refer back to the Annual Plan and Long Term Plan Committee.

STATUTORY COMPLIANCE

12. The recommendations of this report meet the requirements of:
 - (a) The Local Government Act 2002, including sections 82, 83, 95, 95A and 150; and
 - (b) The Local Government Rating Act 2002.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
Schedule of Fees and Charges development costs	All costs associated with the production of the Schedule of Fees and Charges are met within current planned budgets.

ATTACHMENTS

1. **Schedule of Fees and Charges 2023/2024 (Excluding Indicative Financial Contributions)**  



**Western
Bay of Plenty**
District Council



**Schedule of Fees
and charges and
indicative financial
contributions**

1 July 2023 - 30 June 2024

Rārangi upoko

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General

	Notes	2023/24 (\$)
Digital property files		
Digital Property File request - digital copy of property file records supplied as a downloadable file from the Council website	Download file only	60.00
An additional fee to provide the Digital Property File on a portable digital media (USB) for pick-up from any of Council's service centres	Additional charge per media device	5.00
An additional delivery charge of \$5.00 shall apply to any digital property file stored on USB and delivery via post/ courier is requested	Additional charge for delivery	5.00
A property file request is not a Land Information Memorandum (LIM) and as such is not covered by any statutory requirement		
Print and copy charges		
Black and white	A4	0.20
	A3	0.40
Colour	A4	1.00
	A3	2.00
GIS service fee and print charges		
Map creation, map data manipulation and printing - a quote will be supplied	Minimum charge \$80.00 plus GST	125.00 per hour
Map prints	A2	30.00
	A1	40.00
	A0	50.00
Official information requests - subject to legislative change		
Staff time - first hour		No charge
Staff time - per half hour		38.00
Work undertaken by external contractors and consultants charged at their normal hourly rate	Costs recovered from applicant	
Printing	Costs recovered from applicant at standard Council print charges	See above for printing costs

Publications and subscriptions

	Notes	2023/24 (\$)
Asset Management Plans (AMP)		
Transportation AMP		500.00
Water Supply AMP*		82.00
Wastewater AMP*		82.00
Stormwater AMP*		82.00
Solid Waste AMP*		82.00
Community Assets AMP*		82.00
*Excludes appendices - price on application		
District-wide walkway brochure (each)		5.00
District Plan operative text	future updates are included in the costs for the text and maps	120.00
District Plan maps	A4	160.00
Treasury Policy		15.00
Annual Reports		20.00
Civil Defence Plan - to non-distribution list agencies		No charge
Properties - copies of leases/licences		No charge
Management Plans (per plan)		20.00
New Services		
Council may implement new or additional services anytime through the financial year. Where new services are introduced that are not already included in fees and charges, a principle of 'actual and reasonable charges' will apply i.e. Council will only charge what is actual and reasonable to recover the costs of providing the service.		

Customer Services

	Notes	2023/24 (\$)
Libraries - fees		
Reserve fee (adult)		-
Replacement card		3.00
Holiday membership	\$45.00 refundable upon return of all items	55.00
Interloan request fee (Plus lending library's fee, if any)	per book	8.00
	per article	5.00
Top Shelf (2 weeks)		3.00
DVD (1 week)	single	3.00
Libraries - overdue charges		
DVDs and Top Shelf	per day	1.00
Administration fee		-
Lost or unreturned items - Replacement cost, administration fee, debt collection recovery		
Unpaid charges of \$50.00 and over - Amount owed, debt collection recovery		
Discount policy		
In addition to the regular 'free to borrow' collections, our libraries offer access to some 'pay to borrow' collections. These include a best seller collection named 'Top Shelf' plus DVDs.		
Our pay collections are promoted using eye catching display units for storage, in-house topical displays and offering customers loyalty cards. Our loyalty card system rewards customers by offering one free pay item following the rental of four 'Top Shelf' items.		
Charges for meeting rooms in Community Hub (The Centre Pātuki Manawa)		
	half day (4 hours)	15.00
Uretara Room (hot desk)	day (8 hours)	30.00
	half day (after 2 full days)	7.50
	day (after 2 full days)	15.00

Charges for meeting rooms in Community Hub (The Centre Pātuki Manawa) continued			
Community rates	2 hours	4 hours	8 hours
Tuapiro room	15.00	30.00	50.00
Tahawai room	15.00	30.00	50.00
Boyd room	20.00	40.00	60.00
McKinney	20.00	40.00	60.00
Commercial rates	2 hours	4 hours	8 hours
Tuapiro room	30.00	60.00	80.00
Tahawai room	30.00	60.00	80.00
Boyd room	40.00	80.00	120.00
McKinney	40.00	80.00	120.00
Charges for meeting rooms - Ōmokoroa Library and Service Centre			
Community rates	2 hours	4 hours	8 hours
Whakamarama Room	15.00	30.00	50.00
Pahoia Room	15.00	30.00	50.00
Matakana & Rangiwaea Room	15.00	30.00	50.00
Commercial rates	2 hours	4 hours	8 hours
Whakamarama Room	30.00	60.00	80.00
Pahoia Room	30.00	60.00	80.00
Matakana & Rangiwaea Room	30.00	60.00	80.00

Organisational charge out rates

	Notes	2023/24 (\$)
Various charge out rates		
Group Manager		280.00
Environmental Consents Manager, Building Services Manager, Compliance and Monitoring Manager, Senior Managers (engineering, property, reserves), Land Development Engineering Manager		250.00
Team Leader Inspections, Team Leader Processing		225.00
Senior Consents Planner, Senior Building Control Officer, Senior Land Development Engineer, Professional Engineer, Senior Engineers (includes site inspections)		220.00
Building Control Officer, Consents Planner, Environmental Health Officer, Compliance Officer, Land Development Engineer		205.00
Building Warrant of Fitness Officer, Compliance and Monitoring Officer		180.00
Building Administrators, Consents Officers, Compliance Administrator Officers, Legal Property Officers, Property Officers, Reserves Officers, Engineering Officers/Technicians		150.00
Vehicles	per km	0.83
Land Information Memoranda (LIM)		
Standard 10 day service (electronic)		300.00
4 day service* (electronic)		450.00
LIMs involving multiple titles		Price on application
*LIM provided as a printed, hard copy format	additional fee	15.00
*LIM provided as a portable digital media	additional fee	5.00
*An additional delivery charge of \$5.00 shall apply to any LIM where postal / courier delivery is requested.		
# The statutory target is 10 working days. Council does not accept liability for any losses arising from a failure to meet the 4 day service; however, a 100% money-back guarantee applies if the 4 day target is not met.		

Animal Control Services

Registration fees 2023/24

	Registration fee (if paid on or before 1 August 2024)	Registration fee Dangerous dog (if paid on or before 1 August 2024)	Penalty fee (if paid after 1 August 2024)	Penalty fee Dangerous dog (if paid after 1 August 2024)
All dogs unless otherwise categorised	100.00	150.00	150.00	225.00
Stock working dog (kept solely or principally for the purpose of herding or driving stock)	60.00	90.00	90.00	135.00
Spayed or neutered dog	80.00	120.00	120.00	180.00
Any dog(s) kept by: New Zealand Police Customs Department Ministry of Defence Ministry of Agriculture Ministry of Fisheries Department of Conservation (for carrying out the function of the Police or Department of State)	-	-	-	-
Security dog (kept by a security guard as defined in the Private Investigators and Security Guards Act 1974 – as a bona fide security dog)	-	-	-	-
Search and Rescue dog	-	-	-	-
Disability assist dog ²	-	-	-	-
Dogs domiciled on Matakana Island	50.00	75.00	75.00	112.00
Re-registration fee for each additional dog exceeding after five ¹	25.00	-	25.00	-

*See notes over page

Notes:

- ⁽¹⁾ Dog owners who have more than 5 dogs may be entitled to discounted dog registration fees for the sixth and subsequent registration, on the following basis:
- All dogs must be registered by 30 June to qualify.
 - All dogs must be microchipped.
 - All dogs must permanently reside at the registered owners address. Registration discount does not apply to dogs that may reside at a separate address when not being used for breeding purposes (e.g. under an agreement or contract).
 - No verified complaints have been received by Council in the previous registrations year for welfare or nuisance complaints (e.g. barking, roaming). Please note: No refund for deceased dogs will be paid to owners of more than five dogs where dogs were registered at a discounted rate.
 - New registrations during the year will be at normal registration fees (prorated) the discounted fee only applies at re-registration.
- ⁽²⁾ Disability assist dog has the same meaning as specified in the Dog Control Act 1996. The dog must be certified as a disability dog.

	Notes	2023/24 (\$)
Dog adoption fee		
A dog adopted from a Western Bay of Plenty District Council pound (including registration until the end of the current year microchip, de-sexing and vaccination)	male	270.00
	female	300.00
Dog pound fees (impounding)		
First impounding	unregistered	130.00
	registered	90.00
Second impounding (for same dog within 24 months)	unregistered	220.00
	registered	160.00
Third and subsequent impounding (for same dog within 24 months)	unregistered	220.00
	registered	220.00
After hours pick-up fee	unregistered	50.00
	registered	50.00
Dog pound fees (various)		
Sustenance	per day	17.50
Seizure fees:		
· First seizure fee		120.00
· Second seizure fee		220.00
· Third seizure fee		220.00
Euthanasia fee		65.00
Micro-chipping fee		35.00
Micro-chipping for third and subsequent dogs		20.00
Stock pound fees		
For every sheep, lamb or goat		80.00
For all other animals		150.00
Repeated impounding		
Stock, not necessarily the same animal but owned by the same person, impounded on a second or subsequent occasion		
· For every sheep, lamb or goat (for same person within 24 months)		120.00
· For all animals (for same person within 24 months)		200.00
Sustenance		
Actual and Reasonable costs (minimum of \$4.00 per head of stock per day)		
Driving charges		
Actual and reasonable costs incurred in moving the stock to the pound or where it is delivered to the owner		
Advertising		
Where applicable, a notification fee of \$10.00 plus the actual cost of advertising impounded stock		

	Notes	2023/24 (\$)
Other fees		
Replacement tag	each	7.50
Trading items (collars, leads, muzzles) are available and will be priced based on their cost plus a mark-up		Price on application
Multiple dog owner application <ul style="list-style-type: none"> • Greater than 2 dogs urban • Greater than 5 dogs rural 	Applies to new dog owners to District and dog owners who increase their number of dogs to greater than: <ul style="list-style-type: none"> • 2 dogs urban • 5 dogs rural 	50.00
*additional charges of officer time may apply for revisit & assessment at hourly rate of \$150.00.		

Building Services

	Notes	2023/24 (\$)
Specialist services		
More complex and larger projects may require the Council to refer documentation to external specialists for checking for code compliance and to provide inspection services. Where specialist services are required, additional fees will be payable by the applicant based on actual cost. These may include: Engineering structure or land stability, fire planning and precautions, electrical design check, heating, ventilation and air conditioning, mechanical services.		
Miscellaneous charges		
Extension of time for consents		110.00
Application to amend building consents (plus building consent fee and additional levies, if any, as a result of change in project value)	Plus actual processing time:	214.50
Building inspection - on-site minor variation		88.00
Application for modification or waiver of New Zealand Building Code		132.00
Code Compliance Certificate review of historical residential Building Consents (over 5 years old) - charges are per building consent and additional hourly charges are applicable (fee applicable to residential only)	minimum fee ¹	550.00
Code Compliance Certificate review of historical commercial Building Consents (over 5 years old) - charges are per building consent and additional hourly charges are applicable	minimum fee ¹	1,000.00
Document Filing Fee		110.00
Inspections for residential building consents (charged per inspection type at the rate current on the inspection date)		220.00
Inspections for commercial building consents (charged per inspection type at the rate current on the inspection date)		280.00
Late cancellation of booked inspection. (Charged where cancellation not received at least 1 working day prior to booking date.)		165.00
Title endorsements under s73 Building Act (includes Land Registrar fees) (Legal fee component may vary and is cost recoverable)	per lot	583.00
Title endorsements under s75 Building Act (includes Land Registrar fees) (Legal fee component may vary and is cost recoverable)	per lot	583.00
Application for Certificate of Public Use (S.363A BA 2004)	Includes one inspection. Additional inspections extra:	330.00 plus inspection fees
Notice to fix		385.00

	Notes	2023/24 (\$)
Compliance schedule and annual building warrant of fitness fees		
Compliance Schedule base fee	minimum fee ¹	154.00
Plus fee per feature identified in Schedule	minimum fee ¹	33.00
Amendment of Compliance Schedule	minimum fee ¹	110.00
Plus fee per feature (altered, added or removed)		33.00
Annual Building Warrant of Fitness	minimum fee ¹	154.00
Expired Building Warrant of Fitness		209.00
Building Warrant of Fitness Site Audit	minimum fee ¹	154.00
Compliance schedule review of historical building consents (over 5 years old) additional hourly charges are applicable		550.00
Fees, for non-routine inspections or services where fees have not otherwise been fixed, will be charged out at the Officer's hourly charge out rate plus incidental expenses		Price on application
Compliance schedule and annual building warrant of fitness inspections requiring particular expertise, e.g. lifts, electrical heating, ventilation and air conditioning, fire safety measures or similar non-routine requests for information or services.	Actual cost incurred of expert's report	
Applications for acceptance as independent qualified person (for Bay of Plenty/Waikato group)		Price on application
Notes:		
¹ Actual processing time and costs associated with approving certificates, building warrants of fitness and compliance schedules over and above the minimum fee will be charged directly to the applicant.		
Building consent approval information		
Provided as required by (s217 Building Act 2004) printed and forwarded monthly - email preferred	per month	27.50
	per annum	220.00
Building consent fee		
Pre lodgement fee		
This service is to assist applicants to assemble all necessary information to support their application. This fee is charged at the discretion of Council and only charged where the service is necessary. Time taken may be charged and included in consent processing charges. Refer to hourly charge out rate.		
Building consent fees and charges		
\$1 to \$5,000		661.70
\$5,001 to \$20,000	Inspection fees payable on issue of building consent based on estimated number of inspections needed for the project. Inspections will be invoiced at the Council's inspection rate at completion of the project.	1,245.50
\$20,001 to \$100,000		1,889.50
\$100,001 to \$400,000		2,713.00
\$400,001 to \$700,00		3,795.60
\$700,001 to \$1,000,000		4,266.50
1,000,001 upwards		4,949.00
National Multiple-Use approvals granted by MBIE.	The Council's building consent fees apply to this work.	-
Solid fuel heater and domestic fireplace (includes Project Information Memorandum (PIM).	Freestanding One inspection includes discounted inspection cost.	582.00
	Inbuilt Two inspections includes discounted inspection cost and includes Code Compliance certificate.	783.00

	Notes	Council lodgement fee 2023/24 (\$)
Application for Code of Compliance Certificate		
Value of project/type or work		
\$1 to \$5,000		158.00
\$5,001 to \$20,000		177.00
\$20,001 to \$100,000		392.00
\$100,001 to \$400,000		582.00
\$400,001 - \$700,000		727.00
700,001 to \$1,000,000		917.00
1,000,001 upwards		1,106.00
Building consent fees and charges Certificate of acceptance		
Value of project/type or work		
\$1 to \$5,000		1,174.25
\$5,001 to \$20,000	This is a minimum fee ¹ Note: this minimum fee includes one inspection. Where additional inspections are required they will be charged the prescribed inspection rate.	1,754.50
\$20,001 to \$100,000		2,458.50
\$100,001 to \$400,000		3,355.00
\$400,001 - \$700,000		4,172.00
\$700,001 to \$1,000,000		4,933.50
\$1,000,000 upwards		5,566.00
Request for exemption from building consent schedule 1 Building Act		
Value of project/type or work		
\$1 to \$5,000		343.75
\$5,001 to \$100,000		698.50
\$100,001 upwards		1,056.00
Retrofitting of wall insulation		162.25
National Multi-proof approvals granted by MBIE		2,636.50
Proprietary unlined sheds/garages		2,831.50
Compliance Inspection (3 yearly) for swimming pool fencing.	One inspection	198.00
Re-inspection for swimming pool fencing.		165.00
Desktop review of information to resolve failed swimming pool fencing inspection	Fixed fee	82.50
Also charged when consent is issued:		
Building levy (payable to MBIE ³) \$1.75 GST inclusive for every \$1,000 value project valued at \$20,444 and over.		
Levy for BRANZ (Building Research Authority) \$1.00 GST exempt for every \$1,000 value project valued at \$20,000 and over.		
Notes:		
¹ Actual processing time and costs associated with approving certificates, building warrants of fitness compliance schedules over and above the minimum fee will be charged directly to the applicant.		
² This fee is non-refundable once the consent has been approved if you decide not to complete your project. If you cancel prior to approval a pro rata charge will be made based on the processing undertaken. Actual processing time exceeding plan checking deposit will be invoiced.		
³ Statutory payments to BRANZ (Building Research Association NZ) and MBIE (Ministry of Business, Innovation and Employment) (previously DBH).		
Additional building services fees		
Assessment required for District Plan, engineering, environmental health and dangerous goods		
Assessments & site inspections charged at Officer's hourly charge-out rate or actual cost if external report required		

Premises and Bylaw licences

	Notes	2023/24 (\$)
**Food premises - Food Act 2014		
Food control plans		
Application for Registration of Food Control Plan (based on template or model)	application	245.00
	plus additional (additional fee per hour after the first hour)	195.00
Additional registration fee per site for multi site registration (deposit)	per site	110.00
Application for renewal of registration of Food Control Plan (based on template or model)	application	200.00
	plus additional (additional fee per hour after the first hour)	195.00
Additional re-registration fee per site for multi site registration (deposit)	per site	110.00
Application for registration of an amendment to a Food Control Plan (based on a template or model)	application	200.00
	plus additional (additional fee per hour after the first hour)	195.00
Verification, inspection and audit	deposit	562.50
	plus additional (additional fee per hour after the first 2 hours)	195.00
National programmes		
Application for assessment and registration of national programme business	application	245.00
	plus additional (additional fee per hour after the first hour)	195.00
Additional registration fee per site for multi site registration (deposit)	per site	110.00
Application for renewal of registration of national programme	application	200.00
	plus additional (additional fee per hour)	195.00
Additional re-registration fee per site for multi site registration (deposit)	per site	75.00
	deposit	500.00
Verification, inspection and audit	plus additional (additional fee per hour after the first 2 hours)	195.00

	Notes	2023/24 (\$)
**Non Food Premises (Health) Registration		
Hairdressers		*330.00
Mortuaries		*330.00
Camping grounds		*410.00
Change of ownership		*110.00
Issue of Notice to Rectify/Non Compliance		*390.00
Property Inspections and reporting (Health Act 1956)		*195.00
*Additional inspections and processing	per hour	195.00
**Bylaw licences		
Amusement devices - licence fees pursuant to Amusement Devices Regulations 1978		12.00
Trading in Public Places Licence (individual operator) - new licence fee		500.00
Trading in Public Places Licence (individual operator) - renewal fee	per annum	380.00
	per month (Application fee plus \$50.00 per month)	200.00
Trading in Public Places Event licence e.g. event - market, fair, festival	plus additional monitoring time at \$195.00 per hour	350.00
Public Places Licence (permission to occupy footpath)	per annum (Fee for placement of tables & chairs on Council footpath/road reserve as outdoor seating for premises)	380.00
**Note:		
Late penalty fee of 10% applies to all licence registration fees unpaid after 60 days from date of invoice.		
Fireworks permits		
Rural reserves		165.00
Urban reserves		85.00
Clubs, On/Off Licence Food Inspection		
Monitoring inspection - annual inspection of On, Off or Club Licence	per hour	170.00

Liquor licences

		Notes	2023/24 (\$)
Managers Certificates			
New or renewal			316.25
Special Licences			
Class 1	1 large event More than 2 medium events More than 12 small events	Large event 400+ people	575.00
Class 2	3 to 12 small events 1 to 3 medium events	Medium event	207.00
Class 3	1 or 2 small events	Small event Less than 100 people	63.25
Temporary Authority			296.70
Public notices - Sale and supply of Alcohol Act			150.00
On/Off/Club Licences			

Fees vary depending on the “cost/risk rating” of each premises and consist of:

- an application fee, which licensees will have to pay when they apply for a new, renewed, or variation to a licence; and
- an annual fee, which must be paid by licensees each year.

Determining a premises’ cost/risk rating

A premises’ cost/risk rating will be determined by a combination of factors. Table 2 shows how a premises’ cost/risk rating is determined. For example, a liquor store closing at 11:00 pm with two enforcements in the last 18 months would have an overall rating of 38.

Cost/risk rating of premises (direct from the regulations)

- (1) A territorial authority must assign a cost/risk rating to any premises for which an on-licence, off-licence, or club licence is held or sought.
- (2) The cost/risk rating of premises is the sum of the highest applicable weighting.
- (3) The weightings relating to the type of licensed premises are as follows:

Licence	Type of premises	Weighting
On Licence	Class 1 restaurant, night club, tavern, adult premises	15
	Class 2 restaurant, hotel, function centre	10
	Class 3 restaurant, other premises not otherwise specified	5
	BYO restaurants, theatres, cinemas, winery cellar doors	2
Off Licence	Supermarket, grocery store, bottle store	15
	Hotel, tavern	10
	Class 1, 2, or 3 club, remote sale premises, premises not otherwise specified	5
	Winery cellar doors	2
Club Licence	Class 1 club	10
	Class 2 club	5
	Class 3 club	2



Type of premises	Latest rading time allowed by licence (during 24 hour period from 6am to 6am)	Weighting
Premises for which an on-licence or club licence is held or sought	2am or earlier	0
	Between 2.01am and 3am	3
	Any time after 3am	5
Premises for which an off-licence is held or sought (other than remote sales premises)	10 pm or earlier	0
	Anytime after 10 pm	3
Remote sales premises	Not applicable	0



Number of enforcement holdings in last 18 months (applies to all types of premises)	Weighting
None	0
1	10
2 or more	20



Cost/Risk rating of premises	Fee category
0 - 2	Very low
3 - 5	Low
6 - 15	Medium
16 - 25	High
26 plus	Very High

	Cost/risk Category (\$)	Application Fee (\$)	Annual Fee (\$)
Application for On, Off or Club Licence, renewal of these licences, variation of condition of Licence.	Very Low	368.00	161.00
	Low	609.50	391.00
	Medium	816.50	632.50
	High	1,023.50	1,035.00
	Very High	1,207.50	1,437.50

Class 1 club	means a club that has or applies for a club licence and - (a) has at least 1000 members of purchase age; and (b) in the opinion of the territorial authority, operates any part of the premises in the nature of a tavern at any time.
Class 2 club	means a club that has or applies for a club licence and is not a class 1 or class 3 club.
Class 3 club	means a club that has or applies for a club licence and - (a) has fewer than 250 members of purchase age; and (b) in the opinion of the territorial authority, operates a bar for no more than 40 hours each week.
Class 1 restaurant	means a restaurant that has or applies for an on-licence and - (a) has, in the opinion of the territorial authority, a significant separate bar area; and (b) in the opinion of the territorial authority, operates that bar area, at least 1 night a week, in the manner of a tavern.
Class 2 restaurant	means a restaurant that has or applies for an on-licence and - (a) has, in the opinion of the territorial authority, a separate bar; and (b) in the opinion of the territorial authority, does not operate that bar area in the manner of a tavern at any time.
Class 3 restaurant	means a restaurant that has or applies for an on-licence and that, in the opinion of the territorial authority, only serves alcohol to the table and does not have a separate bar area.
BYO restaurant	means a restaurant for which an on-licence is or will be endorsed under section 37 of the Act.
Enforcement holding	means a holding as defined in section 288 of the Act, or an offence under the Sale of Liquor Act 1989 for which a holding could have been made if the conduct had occurred after 18 December 2013.
Remote sales premises	means premises for which an off-licence is or will be endorsed under section 40 of the Act.

¹ These fees are set by legislation. If there are legislation changes the fees will be updated accordingly.

Resource Consents

	Notes	2023/24 (\$)
Subdivision Consents (non-notified) (includes planning and engineering and deposits)		
Subdivision consents (non-notified applications)	minimum fee ^{1,6}	
· Controlled activity	minimum fee ¹	2,200.00
· Restricted discretionary activity	minimum fee ¹	3,500.00
· Discretionary activity	minimum fee ¹	3,500.00
· Non-complying activity	minimum fee ¹	4,500.00
Rights of way (s348 Local Government Act 1974)	minimum fee ¹	1,000.00
Certificates under s226 Resource Management Act 1991	minimum fee ¹	800.00
Lapsing of consent: extension of time (s125 Resource Management Act 1991)	minimum fee ¹	2,000.00
Change or cancellation of consent conditions (s127 Resource Management Act 1991)/variation of Consent Notice (s221(3) Resource Management Act 1991)	minimum fee ^{1,7}	4,000.00
s223 Certificate - payable at 223 stage Resource Management Act 1991	minimum fee ¹	1,000.00
s32(2)(a) Certificate - Unit Titles Act 2010	minimum fee ¹	1,000.00
s224(c) Certificate - payable at 224 stage Resource Management Act 1991	minimum fee ¹	1,500.00
s224(c) Certificate - Unit Titles Act 2010	minimum fee ¹	1,500.00
s357 Resource Management Act 1991 Objection	minimum fee ¹	No fee
Road/street naming	minimum fee ¹	1,000.00
Engineering fee - payable only if engineering conditions apply (s.244 (c) Resource Management Act 1991 process only)	minimum fee ¹ (Includes external costs)	1,000.00
Sundry applications; s221, s241, s243 RMA 1991 certifications, Authority and Instruction and other miscellaneous subdivision certificates		1,000.00
Subdivision consents that proceed to hearing ⁵		Actual and reasonable cost
Application for esplanade reserve reduction or waiver		3,000.00
Notified resource consent applications, designations, heritage orders and plan changes		
Public notification	minimum fee	10,000.00
Limited notification	minimum fee ^{1,5,6}	7,500.00

	Notes	2023/24 (\$)
Land Use (non-notified) consent applications except subdivisions		
Deemed permitted boundary activity/deemed marginal activity	minimum fee ¹	600.00
Non notified applications:		
• Controlled activity/fast track	minimum fee ¹	2,200.00
• Restricted discretionary activity	minimum fee ¹	3,500.00
• Discretionary activity	minimum fee ¹	3,500.00
• Non complying activity	minimum fee ¹	4,500.00
• Temporary additional dwelling	minimum fee ¹	1,500.00
Buildings in coastal erosion area - primary risk zone ^{3,4,6} .	minimum fee ¹	4,500.00
Change or cancellation of consent conditions (s127 Resource Management Act 1991)	minimum fee ¹	4,000.00
s357 Resource Management Act 1991 Objection		No fee
Lapsing of consent/extension of time (s125 Resource Management Act 1991)	minimum fee ¹	2,000.00
Consents that proceed to hearing ^{6,5}		Actual and reasonable costs
National Environmental Standard Assessment (soils/forestry/telecommunications)	minimum fee ¹	1,000.00

Notes:

General - These fees do not include Financial Contributions that may be imposed as conditions of consent. Council requires payment of all fees and charges prior to release of a decision document and 223 and 224 Resource Management Act 1991 Certificates.

- ¹ This is a minimum fee. All costs associated with processing the application over and above the minimum fee will be directly charged to the applicant. This may include costs incurred by external parties on Council's behalf.
- ² These fees are indicative only of the activity and are not payable by the applicant.
- ³ This fee includes the legal costs of preparing and registering a covenant on the title that will refer to the resource consent conditions. If the resource consent application is withdrawn or the consent is issued without a condition to require a covenant, then a fee refund of \$1100.00 (GST inclusive) will be payable.
- ⁴ This fee includes the cost of monitoring visit the issued consent at \$390.00. Additional costs will apply for additional inspections and officer time.
- ⁵ Council's funding policy requires that application (not subject to exemption) that proceed to Hearing will be charged 25% of the Elected Member's costs. Note: Exempted applications include any objection and any applications made by staff or Elected Members' that would not normally proceed to a Hearing but are required, for transparency purposes, to be heard.
- ⁶ The application will attract an additional charge of \$60 where a referral has been made under the Resource Consents Consultation protocol.

These fees do not include monitoring costs following granting of the resource consent. Council requires payment of the initial monitoring fee upon issue of the consent. Additional costs will apply for additional monitoring and compliance.

Planning advice

The Council would like to encourage good development outcomes. We believe that this can be achieved by engaging with developers during the early stages of the Planning Process. Council staff will arrange a meeting on request where the developer can discuss a development proposal with key staff members.

A request for a meeting can be made through the Duty Planner on phone 0800 926 732

For pre-application meetings, time and costs for staff time will be recovered.
Note: Duty Planner advice is free of charge.

Requests for information or other services not subject to specific fee

Any requests for services or information that are not specifically related to District Plan applications or of a non-routine nature will be charged at Officer's hourly charge out rate

As per hourly charge out rates

	Notes	2023/24 (\$)
Miscellaneous charges		
Outline plan waiver		600.00
Outline plan approval		1,500.00
Overseas Investment Office certificate	minimum fee ¹	600.00
Certificate of Compliance (s139 Resource Management Act 1991 (except subdivisions) and Certificate of Existing Use Rights (s139A Resource Management Act 1991)	minimum fee ¹	1,500.00
Compliance Certificate (Sale and Supply of Alcohol Act)	minimum fee ¹	600.00
Peer reviews	minimum fee ¹	Actual cost
Designations/notice of requirement (non notified)	minimum fee ¹	3,500.00
Surrender of Consent (s138 Resource Management Act)	minimum fee ¹	500.00
Monitoring and compliance		
Initial inspection (minimum charge).	per site visit	390.00
Re-inspection charge (minimum charge).	plus additional	280.00
Desk top audit (no inspection required)		175.00
Noise: Return of property seized under an excessive noise direction or abatement notice		300.00
Hydrant flow testing		
Hydrant ¹		56.00
Hydrants		77.00
Hydrant modelling for new connection purposes		153.00
¹ This is a minimum fee. All costs associated with processing the application and monitoring the issued consent over and above the minimum fee will be directly charged to the applicant. For discretionary or non-complying applications, Council may not be able to grant consent. In these cases all application fees are still payable.		
Engineering design approval		
Assessment of detailed engineering design for landform, infrastructure and servicing of developments.	minimum fee ¹	The minimum Engineering fee is \$800.00 or 1.75% of the estimated value of the works at current market rates, whichever is the higher.
Uncompleted works bonds		
Administration process fee - Uncompleted works bonds are calculated in accordance with our Development Code.	minimum fee ¹	500.00
Maintenance bonds		
Administration process fee - Maintenance bonds are calculated in accordance with our Development Code	minimum fee ¹	500.00
Non-compliance		
Inspections, testing attendance miscertification charges and reinspection of previously non-complying works (Refer to hourly charge out (page 8) rates. Travel charged at 83c/km)		500.00 per hour
Notes: This is a minimum fee. All costs associated with processing the application over and above the minimum fee will be directly charged to the applicant at the hourly rates set out on page 7. This may include costs incurred by external parties on Council's behalf.		

Infrastructure Services

	Notes	2023/24 (\$)
Properties/reserves - processing fee		
Right of way easements subject to negotiation and valuation (excludes disbursements and consultation fees)		550.00
Easements (stormwater, water, etc.) subject to negotiation and valuation	per half hour	338.00
Exchange of land subject to negotiation and valuation (Refer to hourly charge out rates plus 83c/km disbursements and consultants fees)		83.00
Licence to occupy legal unformed road to enable the carrying out of trade or business or for any other purpose (Refer to hourly charge out rates plus 83c/km disbursements and consultants fees)		165.00
Lease (excluding community groups) (excludes legal fees and disbursements) (Refer to hourly charge out rates plus 83c/km disbursements and consultants fees)		242.00
Variation of lease (excluding community groups) (excludes legal fees and disbursements) (Refer to hourly charge out rates plus 83c/km disbursements and consultants fees)		242.00
Renewal of lease (excluding community groups) (excludes legal fees and disbursements) (Refer to hourly charge out rates plus 83c/km disbursements and consultants fees)		165.00
Transfer of lease or subletting of lease (excluding community groups) (excludes legal fees and disbursements) (Refer to hourly charge out rates plus 83c/km disbursements and consultants fees)		165.00
Purchase of land (Refer to hourly charge out rates plus 83c/km disbursements and consultants fees)		242.00
Partial/full release Memorandum of Encumbrance		165.00
Esplanade strip instrument (excludes disbursement and consultant fees)		550.00
Sundry applications (Refer to hourly charge out rates plus 83c/km disbursements and consultants fees)	per half hour	82.50
Purchase of land (Refer to hourly charge out rates plus 83c/km disbursements and consultants fees)		242.00
Partial/full release Memorandum of Encumbrance		165.00
Esplanade strip instrument (excludes disbursement and consultant fees)		550.00
Sundry applications (Refer to hourly charge out rates plus 83c/km disbursements and consultants fees)	per half hour	82.50
Site inspections		
Subdivision, reserves	per half hour	187.00
Lease/Licence application and consents		
These fees and charges relate to the third party cost associated with lease/licences and consents.		
(1) Department of Conservation (DOC) fees at approximately \$50.00 per hour; and		
(2) Legal costs from Council's solicitors; and		
(3) Survey costs where applicable.		

	Notes	2023/24 (\$)
Elder housing		
Single unit per week	all tenants	198.00
Double unit per week	all tenants	258.00
Cemeteries		
Adult plot purchase		1,596.00
Children's row plot purchase		589.00
Ashes plot purchase		433.00
Ashes wall purchase		433.00
Katikati Remembrance Wall purchase		170.00
Burial of ashes in new or existing plot		297.00
Burial fee (adult and child casket)		1,320.00
Extra depth		110.00
Out of hours burial fees:		
· Additional charge for burials one hour later than scheduled		235.00
· Additional charge for ashes later than scheduled		132.00
· Additional charge for burials on weekends or after 5pm Monday to Friday		307.00
· Additional charge for ashes scheduled on weekends or after 5pm Monday to Friday		132.00
Re-opening fee (breaking of concrete)		163.00
Disinterment and reinterment		Actual cost

Reserves

	Notes	2023/24 (\$)
Sports fields and courts		
Ground charges:		
During the 2012-22 Long Term Plan process Council resolved to remove user charges for sports fields and courts. However, it is a requirement for Sports Clubs and casual users to still book fields/courts so Council can monitor usage, avoid booking conflicts and collect data for future demand analysis. Council also needs to programme maintenance e.g. mowing, turf renovation around users.		
Bonds:		
Bonds may be required to ensure any potential damage or excessive wear and tear can be reinstated. Bonds are to be paid prior to confirmation of the booking and will range in value from \$150.00 up to \$2,000.00. Bonds are returned if premises are left clean, tidy and in good condition.		
Seasons are defined as:		
Winter - 1 April to 30 September		
Summer - 1 October to 31 March		
Sporting codes may overlap the seasons but only if fields/courts are available.		
Centennial Park ablution block (booked users only)	hot showers	22.00 per day
Centennial Park changing rooms		
casual use	per booking	57.20
seasonal use		By agreement
training lights		By agreement
storage		By agreement
Centennial Park Note:		
1. Clubs and schools are still required to book sports fields/courts for casual/seasonal use.		
2. Under the Reserves Act 1977 public shows, fairs with stalls, etc. - public liability insurance for \$250,000 is required. Evidence of this must be presented to Council staff two weeks prior to the event.		
3. Amusement devices such as merry-go-rounds and magic carpet rides must be registered by the owner with the Department of Occupational Health & Safety. Once registered a permit for use is available from Council.		
Jubilee Park Cultural Courtyard Stage Hire	Community use per day	55.00
	Commercial Use per day	275.00
	plus bond	550.00
Moore Park		
Training lights	Based on	By agreement
Cricket - water usage	actual consumption	By agreement

	Notes	2023/24 (\$)
Ground rentals for sport and recreation club buildings on Council land - as per Council's policy		
Annual lease/licence fee for buildings on Council land. Excludes TECT Park and halls.	Subject to individual lease conditions. The policy allows for fee waiver for certain organisations	250.00
Annual administration fee:		
· Exclusive ground rental for buildings		0.80/m²
· Exclusive land rental		0.10/m²
· Commercial	As agreed with lessee	Market rates
Miscellaneous - Reserves use charge		
Motorhome rallies/organised events (By agreement/ concession/or fee set by authorised staff member)	per vehicle, per night	5.50
TECT Park arrival centre and event space		
User group bookings		
\$50.00 key bond is required No hire bond required.	per day	33.00
General public bookings		
Hire bond may be required. \$50.00 key bond is required. (Note: a cleaning fee will be invoiced if facility is left in an unacceptable condition.)	per half day	55.00
	per full day	82.50
	events space	By negotiation / agreement
Call out charge for non-approved activities	per hour	165.00
Rental of Council buildings and facilities not listed		
Fee varies depending on building or facility, actual fee in accordance with Council policy or by agreement.		
KiwiCamp charges		
Purchase of digital key		5.00
Showers - 5 minutes		2.00
Laundry - 1 load (wash and dryer)		4.00
Dishwashing - 3 minutes (manual)		0.50c
Power - 1 hour		1.00

Roading

	Notes	2023/24 (\$)
Vehicle crossing applications		
Administration, review and inspections	The application forms for both urban and rural vehicle crossings can be viewed and downloaded via Council's website	825.00
Re-inspection fee (if failed)		330.00
Road services		
Stock crossing Permit (No fee for a renewal)	One off payment	115.50
Unpermitted Stock Crossing - Inspection Fee (where no permit or permit application exists)	Per inspection	115.50
Licence to occupy legal unformed road to enable the carrying out of trade or business or for any other purpose		165.00
Road stock crossing cost recovery		
To be applied when:		
Crossing is not permitted and stock have left effluent and debris on the road	Costs incurred by Council's contracted road maintenance provider.	Actual and reasonable costs
Permitted crossing where permit conditions to clean the road surface have not been complied with		Actual and reasonable costs
Stock permit inspection and re-inspection fee where there is non-compliance with stock crossing permit conditions	Per inspection. Plus staff time at charge out rates.	115.50
Road opening notices/Corridor access requests		
Consent to work on or below the road includes:		
• Inspection and re-inspection where CAR (Corridor Access Request) or TMP (Traffic Management Plan) is not approved or complied with	per hour plus disbursements	242.00
• Emergency works		56.00
• Minor works (connections and excavation less than 20 metres, on site)		56.00
• Major works		135.00
• Project work (work to exceed 28 days)		282.00
Roading other		
Applications for road closures and road use (including sporting, recreational or other events on the road)		135.30
Assessment of Structures & Pavements	per m ²	220.00
Road stopping applications - processing fee (excluding appeal to Court)		825.00
Application to discharge stormwater to road		135.00
Decorative street lighting (see District Plan rule 12.4.4.6)		Calculable

Schedule of fees and charges and indicative financial contributions 2023-2024 27

	Notes	2023/24 (\$)
Roading other continued		
Overweight and over dimension permits		135.00
Overweight permits requiring bridge analysis	per application	282.00
	plus per bridge	220.00
Approval of a construction zone		282.00
Capacity consumption calculations for discretionary activities pavement widening rate	per m ²	275.00
Inspection, complaint monitoring, re-inspection when property owners fail to maintain structures or obtain permission for works on roads. Include cost of remedial work undertaken by Council to remedy. Inspection kilometres.	per hour	240.00
	per km	0.83c
Rentals for encroachments on Council land		
Including but not limited to unformed road and esplanade reserves		
Where Council land is used by a private entity for commercial gain, Council may charge a market rate to that entity for use of that land in accordance with its Policy on Rentals for Encroachments on Council land. The rental is based on the use of the land. Where the assessed rental charge is less than \$250.00 per annum, Council will not charge the annual rental.		
Rates are subject to individual assessment of each lease agreement and will be determined on the factors set in the Policy.		
Licence application fee		
Licence to occupy legal unformed road to enable the carrying out of trade or business or for any other purpose		165.00
Usage		
Forestry (as determined at time of agreement)	up to per Ha	110.00
Dairy (as determined at time of agreement)	up to per Ha	1,650.00
Grazing (as determined at time of agreement)	up to per Ha	715.00
Horticulture (as determined at time of agreement)	up to per Ha	3,850.00
	Katikati up to per m ²	220.00
Retail/Commercial (as determined at time of agreement)	Te Puke up to per m ²	220.00
	Industrial up to per m ²	72.00
Kiwifruit - gold (*5% of undeveloped adjoining land value)	up to per Ha	-
Kiwifruit - green (*5% of undeveloped adjoining land value)	up to per Ha	-
Avocado (*5% of undeveloped adjoining land value)	up to per Ha	-
Community information boards		
Business advertising signage		
Supply and install signage		440.00
Replace damaged / missing signage		440.00
As-built data - engineering records		
Receiving accurate/completed electronic as-built records for transfer to Council's Geographic Information System (GIS) and RAMM	per subdivision	110.00
Correction of inaccurate or incomplete as-built records	per hour	187.00
Conversion to electronic format		
• Electronic conversion from paper as-built records	per hour	187.00
• Transfer of electronic as-built records to Council's GIS system	per hour	187.00
• Transfer of electronic as-built records to RAMM	per hour	187.00

Utilities

	Notes	2023/24 (\$)
Charges for services rendered to the public in excess of 10 minutes (15 minutes at discretion)	10 mins	27.50
Services rendered for re-inspection of previously non-compliant works, plus internal fees (Hourly rate plus mileage at 83c/km)	per hour	242.00
To observe & certify water pressure test on new water reticulation. Staff costs \$150.00 per hour plus mileage at 83c/km	minimum charge 2 hours.	330.00
To observe, test & certify residual chlorine test results on water reticulation. Staff costs \$150.00 per hour plus mileage at 83c/km	minimum charge 2 hours.	330.00
Filling of water cart from Council supply		
Annual Licence for contractor to take water from approved locations	annual fee	385.00
Water costs for water taken	per cubic metre	6.30
Water connection		
Administration fee		165.00
The physical connection to the water network will be undertaken by an approved contractor.		Actual cost
Woodland Road Extension - new connection (Includes capital contribution as required by Council's Rural Water Supply Extension Policy 2014)		4,962.00
The connection fee for properties that have not previously paid a financial contribution or availability charge shall be set at the discretion of Council. This will be set with consideration to the relevant financial contributions and other associated connection costs.		
Final water meter reading		
Final water meter reading requesting for up to 48 hour notice period (Priority fee \$40 plus hourly rate and mileage at 83c/km)		165.00
Final water meter reading requesting for up to five day notice period (Hourly rate and mileage at 83c/km)		82.50
Stormwater connection		
Administration fee		115.50
Inspection fee (Hourly rate and mileage at 83c/km)	per hour	165.00

	Notes	2023/24 (\$)	
Sewerage connection			
Administration fee		115.50	
Inspection fee (Hourly rate and mileage at 83c/km)	per hour	165.00	
The connection fee for properties that have not previously paid a financial contribution or availability charge shall be set at the discretion of Council. This will be set with consideration to the relevant financial contributions and other associated connection costs.			
Ongare Point/Te Puna West/Maketu wastewater connection charge		Actual cost by nominated contractor	
Ongare Point STEP tank Engineering design review, construction monitoring. The fee applies to all works proposed to be vested in Council or private works that may require engineering design and construction as a condition of consent		\$600.00 or 1.75% of the estimated value of the works at current market rates, whichever is higher.	
Ōmokoroa Pipeline Connection Fee			
For any property outside of the Ōmokoroa Peninsula connecting into the Ōmokoroa transfer pipeline. Connection of any property requires approval by Council. Price is per household equivalent (HHE). For any non-residential property an assessment on expected wastewater flows and HHEs should be made and the charge multiplied by HHEs.		4,614.00	
Sewerage inspection - miscellaneous inspections, manhole raise re-inspection for failed works. Inspection of new infrastructure Hourly rate and mileage at 83c/km	minimum fee	165.00	
Stormwater inspection - miscellaneous inspections, manhole raise re-inspection for failed works. Inspection of new infrastructure Hourly rate and mileage at 83c/km	minimum fee	165.00	
Obtain quotes from any registered drainlayer. If the stormwater or wastewater connection is undertaken by Council's Network Maintenance Contractor, at a cost to the applicant, no inspection fee will be charged.			
Tradewaste bylaw changes			
Initial application fee		170.50	
Connection fee (where applicable)		401.50	
Disconnection fee		401.50	
Re-inspection fee		314.00	
Compliance monitoring (lab testing)		Actual cost	
Temporary discharge application fee		157.00	
Special rates for loan charges		Actual cost	
Annual tradewaste charges			
Annual management fee for discharge to cover the wastewater authority's costs. Based on classification of tradewaste as specified below:			
A	Permitted (not required) (Additional costs based on hourly rate)	hourly rate \$160 plus mileage at 83c/km	N/A
B1	Conditional Low Risk (min 3 hours) (Additional costs based on hourly rate)	hourly rate minimum 3 hours for 1 annual visit plus mileage at 83c/km	528.00
B2	Conditional Medium Risk (min 6 hours) (Additional costs based on hourly rate)	hourly rate minimum 6 hours for 2 annual visit plus mileage at 83c/km	1,056.00
B3	Conditional High Risk (min 12 hours) (Additional costs based on hourly rate)	hourly rate minimum 12 hours for 4 annual visit plus mileage at 83c/km	2,112.00
C	Prohibited (not consentable)	not applicable	N/A

	Notes	2023/24 (\$)
Tradewaste reticulation and treatment charges		
Based on calculated cost of reticulation and wastewater treatment plant costs. Calculations will be provided as part of the invoicing process.		
Greenwaste drop-off charges (minimum charge applies)		
Bagged greenwaste per bag		
Minimum charge per bag - less than or equal to 50 litres		5.00
Black gardening bag - less than or equal to 250 litres		7.00
Woolbag - less than or equal to 500 litres		15.00
Loose greenwaste		
All vehicles charged	per m ³	28.00
Notes:		
Operator will measure vehicle loads and advise customer cost of disposal. Final charge will always be determined by the site operator.		
Kerbside collection		
Additional glass crate collection service	per annum	50.00
Cost of the crate is additional		
Education fee for tag non-compliance		200.00
Supply and delivery of replacement or additional kerbside bins (refuse, recycling). Bin delivery will be once a month.		75.00
Unsubstantiated investigation fee.		50.00
Kerbside collection - replacement bins (damaged bins)		
Refuse 140 litres		39.00
Mixed recycling 240 litres		43.00
Glass recycling 45 litres		11.50
Food 23 litres		10.00
Kerbside collection - pro-rata rate for new service connections		
Full service 12 month period - fee will be calculated on pro-rata basis		166.00
Partial service 12 month period - fee will be calculated on a pro-rata basis		106.00
Kerbside refuse collection		
Pay as you throw tag for 140 litre bin	fees apply when purchased from Council. Fee may vary when purchased from other outlets.	4.30
Put back service		
Waihi Beach (including Athenree and Bowentown)	per annum	200.00
Waste licensing fee		
Licence to collect waste from private land (including one waste collection vehicle)		413.00
Fee per additional vehicle		60.00
Licence for kerbside waste collection (including one waste collection vehicle)		413.00
Additional waste collection vehicle (per vehicle)		60.00
Worm composting workshop		
Worm composting workshop		50.00
Education		
Promotional items (signs, worm farms, worms, bags, promotional reuse items (i.e. coffee cups, compost bins). Price varies depending on availability at time of promotion		



**Western
Bay of Plenty**
District Council

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

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13 INFORMATION FOR RECEIPT**14 RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
14.1 - Confidential Minutes of the Projects and Monitoring Committee Meeting held on 16 May 2023	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
14.2 - Confidential Minutes of the Council Meeting held on 6 June 2023	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
14.3 - Chief Executive 2023/2024 Key Performance Indicators (KPIs)	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7